



Sargent School District

REGULAR MEETING AGENDA

April 25, 2022, 6:00 p.m.

BOARD OF EDUCATION

High School Auditorium

Sargent School District

7090 N. CR 2 E.

Monte Vista, Colorado

1. 6:00 p.m. Executive Session, Discussion of Personnel Superintendent Informal Evaluation [C.R.S.24-6-402-(4)(f)]
2. 6:30 p.m. Regular Meeting -Preliminary
 - 2.01 Call to Order
 - 2.02 Roll Call
 - 2.03 Pledge of Allegiance
 - 2.04 Approval of Agenda
3. Consent Agenda
 - 3.01 Approval of Minutes
 - 3.02 Financial Reports
 - 3.03 Requisitions
4. Community Input – to sign up for Community input please email srklecker@sargent.k12.co.us prior to meeting
 - 4.01 Items from the Community
5. Leadership Reports
 - 5.01 Student Reports, Goals and Needs
 - 5.02 Staff Reports, Goals and Needs
 - 5.03 Principals Reports, Goals and Needs
 - 5.04 Assessment
 - 5.05 Board of Education
 - 5.06 Superintendent
6. Action Item -Consideration of:
 - 6.01 Board Policy Revision List- 2nd Reading
 - AD- School District Mission/Vision/Goals, BEAA- Electronic Participation in School Board Meetings, & GBGM-Staff Extended Leaves of Absence

6.02 Board Policy Revision List 1st Reading

BEC- Executive Sessions, JJIH-R- Drug Testing for Students Involved in Extracurricular Activities, JJIH- Drug Testing for Students Involved in Extracurricular Activities, JLCD- Administering Medications to Students, JICDE- Bullying Prevention and Education, JICDE-E-1- Bullying Report Form, JICDE-E-2- Bullying Investigation Form, DJB- Federal Procurement, GBI- Criminal History Record Information, AC- Nondiscrimination/ Equal Opportunity, and repeal BEDA-E- Notice of Virtual School Board Meetings

6.03 Employment

6.03.1 2022-23 Teacher Contracts

6.03.2 2022-23 Memos of Reasonable Assurance

6.03.3 Substitute Position

6.03.4 Extra Duty Pay Agreements

6.03.5 Resignations

6.03.6 Leave of Absence Request

6.03.7 Hiring a Kindergarten Teacher

6.04 Approve Colorado Education Coalition as Health Insurance Provider

6.05 Investigation Reports

6.06 District Accountability Membership

6.07 Work Study Agreement

7. Discussion Items

7.01 Leadership Program

7.02 Debrief Meeting and May agenda items

8. Adjournment

April 25, 2022 Board Policy Revision List

Board Policy Revision List- 2nd Reading

- AD- School District Mission/Vision/Goals
- BEAA- Electronic Participation in School Board Meetings
- GBGM- Staff Extended Leaves of Absence

Board Policy Revision List- 1st Reading

- BEC- Executive Sessions- Our policy needs to be correct to comply with the Open Meetings Law
- JJH-R Drug Testing for Students Involved in Extracurricular Activities- Need to include 6th graders
- JJH- Drug Testing for Students Involved in Extracurricular Activities-Need to include 6th graders
- JLCD- Administering Medicines to Students- Need to decide if the District should keep the optional language to include a stock supply of opiate antagonists (i.e., Narcan)

Board Policy Revision List- 1st Reading CASB Special Policy Update

Bullying Report and Investigation Forms

School boards and BOCES that operate a public school are required by law to adopt a policy concerning bullying prevention and education. C.R.S. 22-32-109.1(2)(a)(I)(K). As a result, CASB developed sample policy JICDE*, Bullying Prevention and Education, which has been revised over the years.

[Senate Bill 18-115](#) required the Colorado Department of Education (CDE) to develop a model bullying prevention and education policy by July 1, 2019, and be updated every three years afterward, and [House Bill 21-1221](#) requires school district and BOCES bullying prevention and education policies to incorporate the approaches, policies, and practices outlined in CDE's [Bullying Prevention and Education Best Practices and Model Policy](#), as updated and published on February 21, 2022. CASB's legal counsel worked closely with CDE staff to both develop and update CDE's Bullying Prevention and Education Best Practices and Model Policy.

As a result, CASB's sample bullying prevention and education policy—JICDE*, Bullying Prevention and Education—and accompanying report and investigation forms—JICDE*-E-1 and JICDE*-E-2—have been updated to align with and incorporate CDE's Bullying Prevention and Education Best Practices and Model Policy.

Code	Topic	Description of Updates	Suggested Adoption Date
JICDE*	Bullying Prevention and Education	Substantive updates to align with CDE's Bullying Prevention and Education Best Practices and Model Policy.	By the beginning of the 2022-2023 school year.

JICDE *-E-1	Bullying Report Form --- Exhibit	Substantive updates to align with CDE’s Bullying Prevention and Education Best Practices and Model Policy and minor formatting changes.	By the beginning of the 2022-2023 school year.
JICDE *-E-2	Bullying Investigation Form --- Exhibit	Substantive updates to align with CDE’s Bullying Prevention and Education Best Practices and Model Policy and minor formatting changes.	By the beginning of the 2022-2023 school year.

USDA Federal Procurement Updates

In November 2020, the USDA made changes to the micro-purchase procurement regulations in 2 CFR 200.32(a)(1)(i)-(v) and in December 2021 released corrected guidance to make state agencies and program operators aware of regulatory changes made by the Office of Management and Budget (OMB) which they may utilize at their discretion. These changes may be helpful to program operators as they navigate supply chain disruptions and are summarized below.

1. Micro-Purchase Distribution: previous regulations required, to the extent practicable, that sponsors distribute micro-purchases equitably among qualified supplies. This language has been changed to make this a best practice but not a requirement.
2. Micro-Purchase Awarded without Competition: previous regulation stated that micro-purchases may be awarded without soliciting competitive quotations if the sponsor considers the price to be reasonable. This language has been updated to state that micro-purchases may be awarded without soliciting competitive price or rate quotations, if the State agency or Program operator “considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly.”
3. Micro-Purchase Thresholds: while the federal micro-purchase threshold will remain at \$10,000 (although your district policies may have a lower threshold); sponsors will be able to self-certify a micro-purchase threshold up to \$50,000. If your district chooses to update your micro-purchase threshold, make sure your district procurement policies are also updated to maintain compliance. This self-certification must be done annually, and include a justification, clear indication of the new threshold, and supporting documentation of any of the following:
 1. A qualification as a low-risk auditee, in accordance with the criteria in 2 CFR 200.520;

2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
3. For public institutions, a higher threshold consistent with State law (not applicable at this time).

As a result, CASB sample policy DJB*, Federal Procurement, has been updated to reflect these changes.

Code	Topic	Description of Updates	Suggested Adoption Date
DJB*	Federal Procurement	Substantive updates to micro-purchases paragraph, added new informational note on threshold options, and updated note referencing threshold table.	As soon as practicable.

Note on Criminal History Record Information Policy

The Colorado Bureau of Investigation (CBI) is legally required to periodically audit noncriminal justice agencies (NCJAs) who request state and federal fingerprint-based criminal history record information (CHRI) background checks for the purpose of employment determination and/or volunteer placement to ensure compliance with the use, maintenance, dissemination, confidentiality, and security of this information.

In September 2020, CASB created a new policy, GBI*, to align with the Criminal Justice Information Services security requirements. CASB sample policy GBI addresses and meets the majority of the requirements for handling CHRI, but districts must ensure that they have written, district-specific procedures in place regarding: (1) the retention of CHRI and (2) the district’s specific incident response plan. These two topics are not addressed in CASB sample policy GBI because they reflect administrative-level decisions that are not best met in board-level policy. A note explaining these requirements has been added to the sample policy; additional information is provided in [CASB’s Criminal History Record Information FAQ](#).

Code	Topic	Description of Updates	Suggested Adoption Date
GBI*	Criminal History Record Information	Added note explaining that districts must ensure they have district-specific procedures in place regarding CHRI retention and the district's specific incident response plan.	N/A - this note is informational only.

Correction to Discrimination and Harassment Reporting Language

It was brought to our attention that the reporting language in sample policy AC, Nondiscrimination/Equal Opportunity, erroneously required students, applicants for district employment, and members of the public to report unlawful discrimination and harassment.

These individuals have no legal duty to report discrimination and harassment and the policy language has been updated to reflect that these individuals are encouraged to report such discrimination and harassment while clarifying that district employees who believe they have been a target of unlawful discrimination or harassment are encouraged to immediately file a complaint with either an immediate supervisor or the district's compliance officer, but any employee who has witnessed such unlawful discrimination or harassment must immediately file a complaint with either an immediate supervisor or the district's compliance officer.

Code	Topic	Description of Updates	Suggested Adoption Date
AC	Nondiscrimination/Equal Opportunity	Correction and clarification on requirements for reporting unlawful discrimination and harassment.	As soon as practicable.

Repeal of Notice of Virtual School Board Meetings Exhibit

In March 2020, CASB created a new exhibit, BEDA-E, Notice of Virtual School Board Meetings, to provide sample meeting notice language referencing then-existing executive and public health orders.

As boards have adapted and updated or created their own communications regarding virtual meetings and the orders referenced in BEDA-E are no longer in effect, CASB has repealed this exhibit as it is no longer effective or necessary.

Repealed

Code	Topic	Reason for Repeal	Suggested Repeal Date
BEDA-E	Notice of Virtual School Board Meetings	Repealing due to obsolescence.	As soon as practicable.

School District Mission / Vision / Goals

The Board adopts the following mission, vision and goals to guide the educational and managerial direction of the school district.

The Mission

Inspire students to ~~care more~~, engage more, learn more, and experience more in a safe and engaging learning environment.

The Vision

Dig deeper by placing students first while creating experiences that lead to lifelong learning and success.

GOALS

Students:

- ❖ Attain high levels of achievement while developing a love of learning through exploration of curriculum that addresses social, emotional, academic, and physical needs of the student.

Staff:

- ❖ To Utilize best practices in education to develop as educators who effectively engage with students and relate learning across the curriculum to students lives at school and beyond.

Administration:

- ❖ Create beneficial partnerships with staff, students, and community members to address district problems and develop Farmer culture that will inspire students to explore various avenues of learning and engage with their community.

Parents:

v Actively engage in the school community by volunteering in the classroom, participating in school programs, attending extracurricular activities, participating in conferences, helping with school fundraisers, and supporting the needs of your student.

Board:

v Effectively lead through participation in school events, the development of policy, and management of funds that is supportive of district needs and that sets high standards for accountability and achievement.

Current practice codified 1983

Adopted: date of manual adoption

Revised: 07/24/00, 09/24/12, 11/28/16, 07/27/20

LEGAL REF.: C. R.S. 22-32-109.1 (requirement that mission statement reflect safety as a priority)

Sargent School District RE 33-J, Monte Vista, Colorado

Electronic Participation in School Board Meetings

Board members may attend and participate by electronic means in regular or special meetings of the Board in accordance with this policy and state law. For purposes of this policy, “electronic means” shall be defined as attendance via telephone, video or audio conferencing, or other electronic device.

Board members may attend and participate by electronic means in a regular or special Board meeting only when extenuating circumstances prevent the Board member from physically attending the meeting. For purposes of this policy, “extenuating circumstances” means the Board member’s job or military service requires the member to be outside of the district at the time of the meeting, health issues, travel or inclement weather and/or unsafe driving conditions prevent the Board member from physically attending the meeting.

A meeting at which one or more Board members attend and participate by electronic means shall be open to the public, except for periods in which the Board is in executive session. A quorum of the Board shall be physically present at the meeting for a Board member to attend and participate by electronic means.

The electronic means used shall allow the public to hear the comments made by the Board member(s) participating by electronic means and allow the Board member(s) to hear the comments made by the public. A Board member participating by electronic means will be included in the recording of the Board meeting.

NOTE: State law requires the Board to have a procedure in place to ensure that a Board member who attends the meeting electronically has real-time access to any materials that are presented and available to members who are physically present at the meeting. C.R.S. 22-32-108(7)(b)(VI). Boards should consider how to share these materials, such as using video or scanning and sending such materials, as applicable, to a Board member who is participating in a meeting by electronic means.

A Board member who attends and participates by electronic means in a Board meeting shall have access to any materials that are presented and available to members who are physically present at the meeting.

A Board member who seeks to attend and participate by electronic means in a Board meeting shall notify the Board president and superintendent at least three business days prior to the meeting and shall explain the extenuating circumstances that prevent the Board member from physically attending the meeting. If such notification is not possible, the Board member shall notify the Board president and superintendent as soon as is reasonably possible of the request to attend by electronic means.

If the request is approved, a Board member who attends and participates by electronic means shall identify the location from which he or she is participating, those present, and the extenuating circumstances that prevented the Board member

from physically attending the meeting. If the Board convenes in executive session, the Board member attending and participating by electronic means shall ensure confidentiality during that portion of the meeting.

A Board member may attend and participate by electronic means in a maximum of two Board meetings per calendar year. Unless otherwise approved by the Board, additional requests to attend and participate by electronic means will be denied. In accordance with state law, the Board shall declare a vacancy if a Board member fails to attend three consecutive regular Board meetings, unless the Board member's absence is otherwise excused by the Board.

A Board member's failure to comply with this policy may result in the Board's refusal to allow the member to participate by electronic means in Board meetings.

Adoption date: 3/23/20 temporary; 4/27/20 formal adoption

LEGAL REFS.: C.R.S. 22-31-129 (*board vacancies*)
C.R.S. 22-32-108 (7)(a) (*board may adopt policy allowing board members to attend and participate electronically in regular or special board meetings*)
C.R.S. 22-32-108 (7)(b) (*policy requirements if electronic participation is permitted*)
C.R.S. 24-6-401 *et seq.* (*open meetings law*)

CROSS REF.: BE, School Board Meetings

Sargent School District RE-33J, Monte Vista, Colorado

Staff Extended Leaves of Absence

After three years of employment in the district, employees may apply for an extended leave of absence without pay upon recommendation of the principal or supervisor and the superintendent. The Board will give final approval. In such cases, fringe benefits may be continued by the employee at his/her own expense. Requests for such leave may be for travel, study, illness, and pregnancy. No more than (2) persons will be granted leave of absence in any one school year according to receiving the request.

Application for such leave of absence must be made in writing, stating the reasons for the request, before March 1. Leaves of absence shall be granted for the duration of one year except when unusual circumstances are presented. An unusual circumstance might include an extended illness or the need for further study. If a teacher requests an extended leave of absence they shall not participate directly, or indirectly, in any capacity of teaching with other valley school districts unless authorized by the discretion of the Board.

A teacher on leave of absence who wishes to return to teaching will receive the first vacancy for which he/she is eligible and is qualified, provided that a written application for return to service has been made to the Superintendent's office by March 1st, prior to the March Board meeting of the year in which they wish to return.

Upon returning to duty, employees shall receive the same salary or be placed on the same salary schedule step as they would have been on prior to the extended leave of absence. Employees shall not receive any additional salary increase or salary step increments during the extended leave of absence.

Adoption date: 4/25/22

Executive Sessions

All meetings of the Board shall be open to the public except that at any regular or special meeting the Board may proceed into executive session upon affirmative vote of two-thirds of the quorum present.

The Board shall not make final policy decisions nor shall any resolution, policy or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session

Prior to convening in executive session, the Board shall announce the topic of the executive session which shall be reflected in the minutes. The Board shall include the specific citation to statute authorizing it to meet in executive session when it announces the session and identifying the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

The Board may hold an executive session for the sole purpose of considering any of the following matters:

1. Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. C.R.S. 24-6-402-(4)(c).
2. Conferences with an attorney for the local public body for the purpose of receiving legal advice on specific legal questions. C.R.S. 24-6-402(4)(b). The Mere presence or participation of an attorney at an executive session of the local public body is not shall be sufficient to satisfy this requirement.
3. Matters required to be kept confidential by federal or state law or regulations. C.R.S. 24-6-402(4)(c). An announcement will be made indicating the specific citation to state or federal law which is the reason the matter must remain confidential.
4. Specialized details of security arrangements or investigations. C.R.S. 24-6-402(4)(d).
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators, including strategy for negotiations relating to collective bargaining or employment contracts. Discussion of negotiations relating to collective bargaining or employment contracts shall occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. 24060402(4)(e).
6. Personnel matters except if an employee who is the subject of an executive session requests an open meeting. C.R.S. 24-6-402(4)(f) If the personnel matter involves more than one employee, all of the employees must request an open

meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered personnel matters.

The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings. (It provides that a dismissal hearing shall be open unless either the administration or employee requests the hearing be closed.)

Discussion concerning a member of the Board, any elected official of the appointment of a Board member are not considered personnel matters.

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. (C.R.S.24-6-402(4)(g).
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. 24-6-402(4)(h).

Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

The Board shall cause an electronic recording to be made of the executive session in accordance with applicable law Such record shall be retained by the Board for 90 days following the session

Adopted: 02/25/85

Revised: 01/22/01, 09/24/01, 09/26/05, 9/24/07, 11/17/14, 08/24/15, 02/24/20

LEGAL REFS.: C.R.S. 22-32-108 (5)
C.R.S. 22-32-108 (5)(d) executive session minutes
C.R.S. 22-32-109.4(4) (board meeting "at which a collective bargaining agreement is discussed" must be open to the public
C.R.S. 24-6-402

CROSS REF.: BEDG, Minutes
KDB, Public's Right to Know/Freedom of Information

NOTE 1

School Districts must make an "electronic recording" of any executive session, which shall include the specific statutory citation to the executive session law that allows the Board to meet in executive session. However, if the executive session is held to discuss and individual student matter, the Board is not required to make an electronic or written record of the executive session. If the executive session is held to receive legal advice from an attorney on a particular matter, an electronic record must be made of the statutory citation to the executive session law that allows the Board to meet in executive session to receive legal advice, but the Board is not required to make an electronic or written record of the discussion that occurs in the executive session, on the basis that it constitutes privileged attorney-client communication. If no electronic recording is made because the discussion constitutes a privileged attorney-client communication, the attorney representing the board must provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication. The board should put a procedure in place to assure that the record of any executive session is routinely destroyed once the 90-day deadline expires.

Note 2: Each school board member is required to sign an affidavit stating the board member is aware of and will comply with the confidentiality requirements and restrictions applicable to executive session of the board, as described in C.R.S. 24-6-402. The affidavit shall be signed at the board's organizational meeting called pursuant to C.R.S.22-32-104(1). The affidavits shall be kept with the minutes of the board meeting. C.R.S. 22-32-108(5)(a)

Note 3: State law requires the minutes of any Board meeting at which the Board convenes in executive session to be posted on the Board's website not later than 10 business days following the meeting at which the minutes are approved by the Board. C.R.S. 22-32-108(5)(d). If the Board does not maintain a website, the minutes "must be published in the same manner as the Board regularly provides public notice" Id. The law doesn't specify the length of time that the minutes must remain "posted" or "published." At a minimum, CASB suggests keeping the minutes posted/published for at least 90 days following the meeting at which the executive session occurred. This way, the timeline for posting/publishing is the same as the statutory timeline for the retention of electronic recordings of executive sessions. See C.R.S. 22-32-1089(5)(d); 24-6-402(2)(d.5)(II)(E).

NOTE 4: Beginning September 1, 2019, state law permits School Boards to convene in executive session "for the purpose of developing the strategy of the school district for negotiations relating to collective bargaining or employment contracts." C.R.S. 24-6-402 (4)(e)(III). Proposition 104, which was passed by voters in November 2014, continues to prohibit school Boards from "discussing" negotiations relating to collective bargaining or employment contracts in executive session under the negotiations provision. C.R.S. 24-6-402 (4)(e)(II). Thus, a distinction between the "development of strategy" and "discussion" must be made by the Board. School Boards are still allowed to convene in executive session under the "negotiations" provision if such discussion relates to "negotiations for an individual's employment contract." C.R.S. 24-6-402 (4)(e)(II)(B)

Drug Testing For Students Involved in Extracurricular Activities (at Sargent Junior/ Senior High School)

In accordance with the accompanying policy, the following procedures are established to implement the district's drug testing policy for those students who volunteer to participate in extracurricular activities.

Random Testing

Students who have signed the consent form for the district's drug testing program will be placed in a random pool while their extracurricular activity is active.

1. Students' corresponding ID numbers will be used.
2. A student will be removed from the random pool once their activity ends.
3. No advance notice to students will be given prior to the random testing.
4. A random number of students will be randomly tested each time.
5. Testing will be performed at random times before and throughout the duration of the activity.

Reasonable Suspicion Testing

A sponsor of an extracurricular activity, a teacher, a coach or a district administrator may require a student be selected for testing due to a reasonable suspicion of drug usage.

Testing Protocol

Urinalysis testing will be used for all initial tests. Testing will be administered in the high school building by one or more of the following:

1. Trained Individual
2. Secondary Principal
3. Activities Director
4. Head Coach and/ or Sponsor in charge of extracurricular activity
5. School Nurse

Initial testing will be paid by the district. All re-testing will be paid by the student or their parents/guardians.

Refusal to take a test will count as a positive test result and could lead to forfeiture of eligibility to participate in any extracurricular activity. Test results which are flagged as containing adulterants will count as a positive test result.

Positive Test Results

Positive results are cumulative for Grades ~~6-7~~-12.

1. The student's parents/guardians will be notified of the positive test result.
2. The student and/or the student's parents/guardians may request a retest of a positive

test result. Such retest shall be at the student's or parent/guardian's expense.

a. Retest must be done by a certified facility within two (2) days of notice of positive test result.

b. A negative result, of an initial positive test result, will cancel the initial positive test.

3. The head coach and /or sponsor in charge of the activity will be notified of the student's ineligibility to continue to participate in the extracurricular activity.

a) No student shall be penalized academically for a positive test.

b) No information will be given or released to law enforcement unless the district is legally required to do so.

c) Positive testing results will be kept on file for the length of time the student is enrolled in the district.

d) Positive testing results will not become part of the student's permanent record.

e) Upon graduation or withdrawal from the Sargent School District the testing results will be destroyed after one (1) year.

Consequences

Students are subject to disciplinary action up to and including suspension and /or expulsion from school for any single violation in accordance with applicable Board policy.

1. First Positive Test

The privilege to participate in extracurricular activities will be suspended for ten (10) student school days. The student will not be allowed to directly participate in any contests, activities or practices. The student shall not be allowed to dress in the activity's uniform(s) during the period of suspension.

The number of days will carry over to the next activity to which the student wants to participate in if ten (10) student school days are not left in the activity for which the student was suspended.

A negative test result will have to be achieved before the student is allowed to return to any extracurricular activity. All re-testing shall be at the parents/ guardians expense. The student and the student's parents/guardians must meet with the principal to determine if further drug counseling is needed. Any such counseling shall be at the expense of the student's parent/guardian.

2. Second Positive Test

The privilege to participate in extracurricular activities will be suspended for thirty (30) student school days. The student will not be allowed to directly participate in any contests, activities or practices. The student shall not be allowed to dress in the activity's uniform(s) during the period of suspension.

The number of days will carry over to the next activity to which the student wants to

participate in if thirty (30) student school days are not left in the activity for which the student was suspended.

A negative test result will have to be achieved before the student is allowed to return to any extracurricular activity. All re-testing shall be at the parents/ guardians expense. The student and the student's parents/guardians must meet with the principal to determine if further drug counseling is needed. Any such counseling shall be at the expense of the student's parent/guardian.

3. Third Positive Test

The student will not be allowed to participate in any extracurricular activity for one (1) student year. The student and the student's parents/guardians must meet with the principal to determine if further drug counseling is needed. Any such counseling shall be at the expense of the student's parent/guardian.

Following the one (1) year suspension, the student and the student's parents/guardians must meet with the principal and /or superintendent to determine if the student will be allowed to participate in any future extracurricular activities.

1. The student will have to show a record of negative drug test results for at least the prior three (3) months period.
2. Provide proof that the student was enrolled in some type of drug counseling program.
3. Understand that, if given the opportunity to once again participate in extracurricular activities, any future positive test result will result in the student not being allowed to participate in any extracurricular activities for the remainder of their academic year/s in the district.

Approved: 11/17/14

Revised: 07/15, 05/23/22

Drug Testing For Students Involved in Extracurricular Activities
(at Sargent Junior/ Senior High School)

This policy is an extension of the Drug and Alcohol Involvement by Students policy (JICH and JICH-R). The purpose of this policy is to provide a safe drug/alcohol free school environment for all students. It is a belief in the Sargent School District that a student's ability to participate in any district-sponsored extracurricular activity is a privilege, not a right. Those district students who volunteer to participate in extracurricular activities serve as role models to other students, represent the school district through their behavior and actions and are expected to assume the responsibilities granted to them by this privilege. These students as well as their parents/guardians must also recognize that because of their decision to participate in these extracurricular activities, they have less expectation of privacy than do other students. In light of these principles and in accordance with applicable law, the district shall implement a mandatory drug testing program for those students who participate in district-sponsored extracurricular activity.

A student in grades 6 ~~7~~ through 12 who chooses to participate in a district extracurricular activity shall be subject to random and reasonable suspicion drug testing. Students and their parent/guardians shall sign the district's drug testing consent form. Refusal to sign the consent form shall prevent the student from participating in any district extracurricular activity.

For purposes of this policy, "extracurricular activity" means any extracurricular or interscholastic activity including but not limited to any academic, artistic, athletic, recreational or other related activity sponsored by the district. The term "drugs" and "controlled substances" are interchangeable and have the same meaning and refer to marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines), performance enhancing drugs and any another controlled substances as defined in law, or any prescription or nonprescription drug, medication, vitamin or other chemical substances not taken in accordance with the Board policy.

The protocol for the district's drug testing program and the disciplinary sanctions for student violations of the district's drug testing program shall be in accordance with this policy's accompanying regulation.

Nothing in this policy or accompanying regulation shall be deemed to limit the Board's and its designees' authority to suspend and/or expel a student in accordance with applicable Board policy.

Adopted: 11/17/14
Revised: 05/23/22

LEGAL REFS.: 20 U.S.C. 7101 *et seq.* (Safe & Drug-Free Schools and Communities Act of 1994)
21 U.S.C. 812 (definition of "controlled substance")

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco
JICH, Drug and Alcohol Involvement by Students
JK*-2, Discipline of Students with Disabilities
JKD/JKE, Suspension/Expulsion of Students

Sargent School District RE-33J, Monte Vista, Colorado

NONDISCRIMINATION/EQUAL OPPORTUNITY

The Board is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student or employee, applicant for employment, or member of the public may be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

For purposes of this policy, and other policies including a nondiscrimination statement, these terms have the following meanings:

- “Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.
- “Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps.
- “Sexual Orientation” means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- “Gender Expression” means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress, and behavior.
- “Gender Identity” means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth.

This policy and supporting regulation (s) will be used to address all concerns regarding unlawful discrimination and harassment. Alleged conduct regarding sex-based discrimination and sexual harassment will follow the complaint and investigation procedures specific to this conduct.

In keeping with these statements, the following are objectives of this school district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation, and applicable judicial interpretations.
2. To encourage positive experiences in human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial, and ethnic groups.
3. To carefully consider, in all decisions made which affect the schools, the potential benefits or adverse consequences that those consequences that those decisions might have on the human relations aspect of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which they live.
5. To initiate a process of reviewing all policies and practices of this school district in order to achieve to the greatest extent possible the objectives of this policy.
6. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of district policy.

Annual Notice

The district will issue a written notice prior to the beginning of each school year that advises students, parents, employees, and the general public that the educational programs, activities, and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the district will also issue written notice that it does not discriminate on the basis of age, genetic information, or conditions related to pregnancy or childbirth. The announcement will also include the name/title, address, email address, and telephone number of the person(s) designated to coordinate Title II, Title IX, Section 504, and ADA compliance activities.

The notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made available to persons who are visually or hearing impaired.

The notice will appear on a continuing basis in all district media containing general information including teacher's guides, school publications, the district's website, recruitment materials, application forms, vacancy announcements, student handbooks, school program notices, summer program, newsletters and annual letters to parents.

Harassment is Prohibited

Harassment based on a person's disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry or need for special education services, is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn and employees can work, and members of the public can access and receive the benefit of district facilities and programs. All such harassment, by district employees, students, and third parties is strictly prohibited.

All district employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any district curricular or non-curricular activity or event.

Reporting Unlawful Discrimination and Harassment

Any student who believes they have been a target of unlawful discrimination or harassment, as defined in Board policy, and supporting regulations, or who has witnessed such unlawful discrimination or harassment, is encouraged to must immediately report it to an administrator, counselor, teacher, or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any ~~employee~~, applicant for employment, or member of the public who believes they have been a target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, is encouraged to must immediately file a complaint with ~~either an immediate supervisor or~~ the district's compliance officer.

Any employee who believes they have been a target of unlawful discrimination or harassment is encouraged to immediately file a complaint with either an immediate supervisor or the district compliance officer, and any employee who has witnessed such unlawful discrimination or harassment must immediately file a complaint with either an immediate supervisor or the district compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint will be made to the superintendent who shall designate an alternate compliance officer to investigate the matter.

District Action

All district employees who witness unlawful discrimination or harassment must take prompt and effective action to stop it, as prescribed by the district.

The district will take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take interim measures during the investigation to protect against further unlawful discrimination, harassment, or retaliation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation may be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee or member of the public may be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

In cases involving potential criminal conduct, the district will determine whether appropriate law enforcement officials should be notified.

Notice and Training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process must be prominently posted on the district's website, referenced in student and employee handbooks and made otherwise available to all students, staff, and members of the public through electronic or hard copy distribution. Training materials regarding sex-based discrimination and sexual harassment are available to the public on the district's website.

Students and district employees will receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees must receive additional training related to handling reports of unlawful discrimination and harassment. The training will include but not be limited to:

- awareness of groups protected under state and federal law and or targeted groups;

- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

Adopted: February 25, 1985

Revised: 4/22/91, 11/26/07, 10/27/08, 3/28/11, 8/27/12, 11/28/16, 08/10/20, 11/29/21, 5/23/22

LEGAL REFS:

20 U.S.C. 1681 (VII, Education Amendments of 1972)
20 U.S.C. 1701-1758 (Equal Employment Opportunity act of 1972)
29 U.S.C. 621 et seq. (Age Discrimination in Employment Act of 1967)
29 U.S.C. 701 et seq. (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. 12101 et seq (Title II of the Americans with Disabilities Act)
42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964, as amended in 1972)
42 U.S.C. 2000e (title VII of the Civil Rights Act of 1964)
42 U.S.C. 2000ff et seq. (Genetic information Nondiscrimination Act of 2008)
34 C.F.R. Part 100
C.R.S. 2-4-401 (3.4) (definition of gender expression)
C.R.S. 2-4-401 (3.5) (definition of gender identity)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
C.R.S. 18-9-121 (bias-motivated crimes)
C.R.S. 22-32-109(1)(11)(Board duty to adopt written policies prohibiting discrimination)
C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)
C.R.S. 24-34-301(7)(definition of sexual orientation, which includes transgender)
C.R.S. 24-34-301 et seq (Colorado Civil Rights Division)
C.R.S. 24-34-301 (3.3) (definition of gender expression)
C.R.S. 24-34-301 (3.5) (definition of gender identity)
C.R.S. 24-34-301 (7) (definition of sexual orientation)
C.R.S. 24-34-401 et seq (discriminatory or unfair employment)
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions: notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees)
C.R.S 24-34-601 (unlawful discrimination in places of public accommodation)
C.R.S. 24-34-602- (penalty and civil liability for unlawful discrimination)

CROSS REFS.:

GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
JB, Equal Educational Opportunities
JBB, Sexual Harassment

SARGENT SCHOOL DISTRICT RE-33J, MONTE VISTA, COLORADO

Federal Procurement

This policy and its accompanying regulation applies to the purchase of services, supplies, equipment, or other property with federal funds that are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department General Administration Regulations (EDGAR), and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy or its accompanying regulation conflict or are otherwise inconsistent with mandatory provisions of the UGG, EDGAR, or other applicable federal law, the mandatory provisions of such laws control.

District employees must follow Board policy concerning employee purchasing authority when making any purchase with federal funds and must obtain prior Board approval in those instances when it is required by Board policy. District employees must also follow applicable state law and Board policy concerning competitive bidding, to the extent state law and/or Board policy establish additional requirements or procedures—including conducting criminal background checks for any person providing direct services to students pursuant to a written contract—that do not conflict with this policy and its accompanying regulation.

Federal micro-purchases (less than \$10,000)

NOTE: While the federal micro-purchase threshold will remain at \$10,000, districts may have a lower threshold or may self-certify a micro-purchase threshold up to \$50,000. This self-certification must be done annually and include a justification, clear indication of the new threshold, and supporting documentation of any of the following: (1) a qualification as a low-risk auditee in accordance with the criterion in 2 CFR 200.520 or (2) an annual internal institutional risk assessment to identify, mitigate, and manage financial risk.

A “micro-purchase” is a purchase of supplies or services using simplified acquisition procedures, that aggregate amount of which does not exceed the micro-purchase threshold.

Micro-purchases may be made or awarded without soliciting competitive price or rate quotations if, to the extent district staff considers the price to be reasonable based on research, experience, purchase history, or other information and documents its files accordingly, determine that the cost of the purchase is reasonable. For purposes of this policy, “reasonable” means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the district may will distribute micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices, and other terms.

Federal simplified acquisition threshold (\$10,000 to under \$50,000)

“Simplified acquisition threshold” means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold.

For small purchases, price or rate quotes must be obtained in advance from a reasonable number of qualified sources, as detailed in this policy’s accompanying regulation, unless:

1. a valid basis exists under the federal Uniform Grant Guidance for relying on procurement by a noncompetitive proposal (i.e., “single source” procurement); or
2. the district elects to use a more formal competitive bid or request for proposal process.

Competitive bidding threshold (\$250,000 or more)

The district must conduct a cost or price analysis for purchases that, exceed the simplified acquisition threshold. At a minimum, this must include making an independent estimate before receiving bids or proposals (including noncompetitive proposals). A cost analysis means evaluating the separate cost elements that make up the price. A price analysis means evaluating the total price, without looking at the individual cost elements.

Whenever appropriate and relevant to the specific transaction, the cost analysis may include life-cycle cost estimates which must then be incorporated into any solicitations of bids or proposals.

Unnecessary or duplicative items

The district must avoid the acquisition of unnecessary or duplicative items.

Consideration must also be given to consolidating or breaking out purchases to obtain a more economical purchase.

Recordkeeping

The district must maintain records sufficient to detail the history of procurements made with federal funds. These records may include, but not necessarily be limited to, the following: rationale for the method of procurement, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Retention of such procurement records must be in accordance with applicable law and Board policy.

Adoption date: 5/22/17

Revised: 10/26/20, 5/23/22

- LEGAL REFS.:** 2 C.F.R. Part 200 Subpart D (*post-award requirements under the federal Uniform Grant Guidance*)
 2 C.F.R. 200.318 (*general standards for procurement supported by federal funds*)
 2 C.F.R. 200.319 (*written procurement standards required*)
 2 C.F.R. 200.320 (*methods of procurement to be followed*)
 2 C.F.R. 200.323 (*cost or price analysis*)
 2 C.F.R. 200.333 (*record retention requirements*)
 2 C.F.R. 200.336 (*access to records*)
 7 C.F.R. 226 (*USDA procurement thresholds*)
 7 C.F.R. 3016.36 (*USDA's procurement standards*)
 7 C.F.R. 3016.37 (*USDA's procurement requirements for subgrants*)
 34 C.F.R. Parts 75, 76 (*EDGAR - Education Department General Administrative Regulations*)
 48 C.F.R. Subpart 2.1 (*micro-purchase and competitive bidding thresholds*)
 C.R.S. 22-32-144 (4) (*background check provision required in service contracts*)
- CROSS REFS.:** BCB, School Board Member Conflict of Interest
 DAC*, Federal Fiscal Compliance
 DJ/DJA, Purchasing/Purchasing Authority
 DJE, Bidding Procedures
 DKC, Expense Authorization/Reimbursement (Mileage and Travel)
 EHB, Records Retention
 GBEA, Staff Ethics/Conflict of Interest

NOTE: The federal government periodically adjusts the threshold amounts for federal procurement. See [USDA Office of Management and Budget \(OMB\) Memo SP02CACFP03SFSP01-2022 18-18 \(December 15, 2021\)](#) June 20, 2018). This table lists the amounts effective as of [November 2020](#) ~~July 1, 2018~~:

Procurement Method	Amount
Micro Purchase Threshold	\$10,000 or less
Simplified Acquisition Threshold (for small purchases)	\$10,000 - \$250,000
Competitive Bidding Threshold	\$250,000 or more
*Districts may self-certify a micro-purchase threshold up to \$50,000	

Criminal History Record Information

The Board is committed to ensuring the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until the information is purged or destroyed in accordance with applicable record retention rules.

NOTE: Districts must ensure that they have written, district-specific procedures in place regarding the retention of criminal history record information. There is no legal requirement for the length of time that a district must or may retain criminal history record information and there is no retention schedule for criminal history record information listed in the Colorado School District Records Management Manual (as developed and maintained by the Colorado State Archives Department); this decision is left to the district's discretion.

CASB suggests that districts consider applying the retention schedule for personnel job records, as outlined in the Colorado School District Record Management Manual Schedule No. 15 - Personnel Records, as appropriate or as best meets the district's local needs and circumstances.

Accordingly, this policy applies to any electronic or physical media containing Federal Bureau of Investigation (FBI) or Colorado Bureau of Investigation (CBI) CJI while being stored, accessed, or physically moved from a secure location within the district. This policy also applies to any authorized person who accesses, stores, and/or transports electronic or physical media containing criminal history record information.

Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)

CJI refers to all of the FBI Criminal Justice Information Services (CJIS) provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

CHRI means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system. CHRI is a subset of CJI and for the purposes of this document is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use, and dissemination of CHRI.

Proper access, use, and dissemination of CHRI

CHRI must only be used for an authorized purpose consistent with the purpose for which it was accessed or requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. Dissemination to another agency is authorized if (a) the other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing noncriminal justice administrative functions on behalf of the authorized recipient and the outsourcing of said functions has been approved by Colorado Bureau of Investigation (CBI) officials with applicable agreements in place.

Personnel security screening

Access to CJI and/or CHRI is restricted to authorized personnel. Authorized personnel is defined as an individual, or group of individuals, who have completed security awareness training and have been granted access to CJI data.

Security awareness training

Basic security awareness training is required within six months of initial assignment, and biennially thereafter, for all personnel with access to said confidential information.

Physical security

All CJI and CHRI information must be securely stored. The district will maintain a current list of authorized personnel. Authorized personnel will take necessary steps to prevent and protect the district from physical, logical, and electronic breaches.

Media protection

Controls must be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. Electronic media includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. Physical media includes printed documents and imagery that contain CJI.

The district must securely store electronic and physical media within physically secure locations. The district restricts access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data must be encrypted. When no longer usable, information and related processing items must be properly disposed of to ensure confidentiality.

Media sanitization and disposal

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store, and/or transmit FBI or CBI CJI must be properly disposed of in accordance with measures established by the district.

Physical media (print-outs and other physical media) must be disposed of by one of the following methods:

1. shredding using district-issued shredders; or
2. placed in locked shredding bins for a private contractor to come on-site and shred, witnessed by district personnel throughout the entire process.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) must be disposed of by one of the following methods:

1. Overwriting (at least 3 times) - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
2. Degaussing - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
3. Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI or CBI CJI and/or sensitive and classified information must not be released from the district's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Account management

The district must manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The district must validate information systems accounts at least annually and must document the validation process.

All accounts must be reviewed at least annually by the designated CJIS point of contact or their designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain CJI. The CJIS point of contact may also conduct periodic reviews.

Reporting information security events

The district must promptly report incident information to appropriate authorities to include the CBI's Information Security Officer (ISO). Information security events and weaknesses associated with information systems must be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures must be in place. Wherever feasible, the district must employ automated mechanisms to assist in the reporting of security incidents.

All employees, contractors, and third party users must be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of district assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.

Policy violation/misuse notification

Violation of this policy or misuse of CHRI by any personnel can result in significant disciplinary action, up to and including loss of access privileges, civil and criminal prosecution, and/or termination.

Likewise, violation of this policy or misuse of CHRI by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

10/28/20, [5/28/22](#)

LEGAL REFS.: P.L. 92-544 (*authorizes the FBI to exchange CHRI with officials of state and local governmental agencies for licensing and employment purposes*)
28 C.F.R. 20.33 (b) (*limited dissemination of criminal history record information*)
28 C.F.R. 50.12 (b) (*notification requirements regarding fingerprints*)
C.R.S. 22-2-119.3 (6)(d) (*name-based criminal history record check – definition*)
C.R.S. 22-32-109.8 (*non-licensed personnel – submittal of fingerprints and name-based criminal history record check*)
C.R.S. 22-32-109.9 (*licensed personnel – submittal of fingerprints and name-based criminal history record check*)
C.R.S. 24-72-302 (*definition of criminal justice information*)

CROSS REFS.: GBEB, Staff Conduct (and Responsibilities)
GCE/GCF, Professional Staff Recruiting/Hiring
GDE/GDF, Support Staff Recruiting/Hiring

Sargent School District RE- 33J, Monte Vista, Colorado

NOTE: Colorado school districts are required by law to adopt a specific policy concerning bullying prevention and education (C.R.S. 22-32-109.1(2)(a)(I)(K)). Each school district must ensure that its policy, at a minimum, incorporates the approaches, policies, and practices outlined in the Colorado Bullying Prevention and Education Model Policy published by the Colorado Department of Education. This sample policy contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Bullying Prevention and Education

Statement of purpose

The Board of Education supports a secure and positive school climate, conducive to teaching and learning that is free from threat, harassment, and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying and other behaviors as defined below are prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school or any district curricular or non-curricular activity or event.

Prohibited behavior

- Bullying
- Retaliation against those reporting bullying and/or other behaviors prohibited by this policy
- Making knowingly false accusations of bullying behavior

Definitions

Bullying is the use of coercion or intimidation to obtain control over another person or to cause physical, mental, or emotional harm to another person. Bullying can occur through written, verbal, or electronically transmitted expressions (i.e., cyberbullying) or by means of a physical act or gesture. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of their academic performance or any basis protected by federal and state law, including disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or the need for special education services, whether such characteristic(s) is actual or perceived.

[Note: At the Board's discretion, the policy may state "or against whom federal and state laws prohibit discrimination upon the bases described in C.R.S. 22-32-

109(a)(II)(I) instead of listing the specific classes protected by federal and state discrimination laws.]

~~Bullying is prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school or any district curricular or non-curricular activity or event.~~

~~**Retaliation** is an act or communication intended as retribution against an individual who reports an act of bullying. Retaliation can also include knowingly making false accusations of bullying or acting to influence the investigation of, or the response to, a report of bullying.~~

~~**False accusations** of bullying are those made knowingly by an individual or group of individuals with the purpose of causing harm to another individual and which are false.~~

Prevention and intervention

~~The superintendent will develop a comprehensive program to address bullying at all school levels and will ensure that the program is consistently applied across all students and staff. The program will be aimed toward accomplishing the following goals:~~

- ~~1. To send a clear message to students, staff, parents, and community members that bullying and retaliation against a student who reports bullying will not be tolerated.~~
- ~~2. To train staff on an annual basis in taking proactive steps to prevent bullying from occurring, which includes but is not limited to, training on the bullying prevention and education policy, how to recognize and intervene in bullying situations, and positive school climate practices.~~
- ~~3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.~~
- ~~4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.~~
- ~~5. To foster a productive partnership with parents and community members in order to help maintain a bullying-free environment across settings.~~
- ~~6. To support targets of bullying through a layered continuum of supports that includes, but is not limited to, individual and peer counseling.~~

7. To help develop peer support networks, social skills, and confidence for all students.
8. To support positive school climate efforts that clearly define, teach, and reinforce prosocial behavior. This includes intentional efforts to promote positive relationships between staff and students as well as students with other students.
9. To designate a team of persons at each school who advise the school administration on the severity and frequency of bullying. The team of persons at the school may include, but need not be limited to, school resource officers, social workers, school psychologists, health professionals, mental health professionals, members of bullying prevention or youth resiliency community organizations, counselors, teachers, administrators, parents, and students.
10. To survey students' impressions of the severity and frequency of bullying behaviors in their school.
11. To include students in the development, creation, and delivery of bullying prevention efforts as developmentally appropriate.
12. To provide character building for students that includes, but is not limited to, age-appropriate, evidence-based social and emotional learning as well as information on the recognition and prevention of bullying behaviors.

NOTE: State law establishes a school bullying prevention and education grant program in the Department of Education. Under the program, a school or group of schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. C.R.S. 22-93-102.

Pursuant to the State Board of Education's rules for the grant program, districts that apply for the grant must adopt specific policies that include provisions for adequate due processes and safeguards for students accused of engaging in bullying behavior and other requirements that are already incorporated into this policy. 1 CCR 301-99, Rule 3.03.5.

For districts applying for a bullying prevention and education grant pursuant to the State Board rules, the following language is required. If the district does not intend to apply for this grant, the following policy language is optional.

[Required for the School Bullying Prevention and Education Grant Program; otherwise optional: The district's comprehensive program to address bullying will incorporate provisions for adequate due processes and safeguards for students

accused of bullying behaviors, in accordance with applicable law and Board policy.]

Reporting

Any student who believes they have been a victim of bullying and/or other behaviors prohibited by this policy, or who has witnessed such bullying and/or other prohibited behaviors, is strongly encouraged to immediately report it to a school administrator, counselor, or teacher.

Investigating and responding

As part of the superintendent's comprehensive program to address bullying, procedures will be developed with the goal of immediate intervention and investigation in response to reports of students engaged in bullying and/or other behaviors prohibited by this policy. Procedures will include, to the extent appropriate as determined by the investigator and designated administrator, and in accordance with applicable law and local school board policy and procedures, notification to parents/guardians of the results of bullying investigations and their right to appeal investigatory findings to the district.

Supports and referrals

As part of the superintendent's comprehensive program to address bullying, procedures will be developed with the aim toward accomplishing the following goals:

- Initiate efforts to change the behavior of students engaged in bullying behaviors.
- Support targets of bullying in ways that avoid increasing their likelihood of discipline.
- Support witnesses of bullying.

A student who engages in any act of bullying, retaliation, and/or other behaviors prohibited by this policy and/or a student who takes any retaliatory action against a student who reports in good faith an incident of bullying, is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities. The severity and pattern, if any, of the bullying behavior will be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment will be subject to investigation and discipline under related Board policies and procedures. Students targeted by bullying when such bullying behavior may constitute unlawful discrimination or harassment also have additional rights and protections under Board policies and procedures regarding unlawful discrimination and harassment.

The Superintendent will develop a comprehensive program to address bullying at all school levels. The program will be aimed toward accomplishing the following goals:

- ~~1. To send a clear message to students, staff, parents and, community members that bullying and retaliation against a student who reports bullying will not be tolerated.~~
- ~~2. To train staff and students in taking proactive steps to prevent bullying from occurring.~~
- ~~3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.~~
- ~~4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.~~
- ~~5. To foster a productive partnership with parents and community members in order to help maintain a bullying free environment.~~
- ~~6. To support targets of bullying by means of individual and peer counseling.~~
- ~~7. To help develop peer support networks, social skills, and confidence for all students~~
- ~~8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.~~

Adopted: 10/22/01

Revised: 11/26/07, 7/25/11, 7/12 legal ref/note, 11/28/16, 08/10/20, 11/29/21, 5/23/22

LEGAL REFS.: CRS. 22-32-109.1 (2)(a)(K) (policy required as part of safe schools plan)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
ACE, Nondiscrimination on the Basis of Disability
JB, Equal Educational Opportunities
JBA, Nondiscrimination on the Basis of Sex
JBB, Sexual Harassment
JICDA, Code of Conduct
JICDD*, Violent and Aggressive Behavior
JK, Student Discipline
JDK/JKE, Suspension, Expulsion of Students (and other Disciplinary Interventions)
JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)
JS, Acceptable Use Policy (Student Use of Technology Resources)

Note 1: State law establishes a school bullying prevention and education grant program in the Department of Education. Under the program, a school or group of schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. C.R.S. 22-93-102.

Pursuant to the State Board of Education's rules for the grant program, districts that apply for the grant must adopt specific policies that include: provisions for adequate due processes and safeguards for students accused of engaging in bullying behavior; provisions for the administration of surveys of students' impressions of the severity of bullying in their schools; and the designation of a team of persons at each district school who advise the school administration concerning the severity and frequency of bullying incidents. 1 CCR 301-99, Rule 3.03.5.

[NOTE: For districts applying for a bullying prevention and education grant pursuant to the State Board rules, the following language is required. If the district does not intend to apply for this grant, the Board may adopt all, some or none of the following policy language.]

The district's comprehensive program to address bullying will incorporate provisions for adequate due processes and safeguards for students accused of bullying behaviors, in accordance with applicable law and Board policy.

The district will administer surveys of students' impressions of the severity of bullying in their schools. Such surveys will be conducted in accordance with applicable law and Board policy. Students' survey responses will be confidential. Participation in the surveys will not be required and students may voluntarily "opt in" to participate in the survey.

Note 2: Each school district is encouraged to incorporate into policy provisions for biennial surveys of students' impressions of the severity of bullying in their schools, character building programming, and the designation of a team of persons at each school in the district to advise the administration concerning the severity and frequency of bullying incidents that occur in the school provided in C.R.S. 22-32-109.1(2)(a)(I)(K).

If the Board elects to adopt provisions regarding surveys, it must do so consistent with C.R.S. 22-1-123(5)(a), which requires districts to secure written consent prior to requiring students to complete surveys on "illegal, anti-social, self-incriminating or demeaning behavior."

For those districts that pursue funding under the grant program mentioned above, surveys and advisory teams are required to be included in the district's bullying prevention and education policy.

NOTE 3- For purposes of this policy, these terms have the following meanings:

- "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).
- "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id.
- ~~"Sexual Orientation" means a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof. C.R.S. 2-4-401 (13.5)-~~
- "Sexual Orientation" means an individual's identity, or another individual's perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5).
- "Gender Expression" means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4).
- "Gender Identity" means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth. C.R.S. 2-4-401 (3.5).

NOTE: While Colorado school districts are not required by law to adopt an exhibit on this subject, CASB believes this sample contains the content/language that reflects "best practices." However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Bullying Report Form

Instructions: Bullying is reportable in person or in writing to school staff. This form is to be completed by the bullying target, witness, or any person with information about an incident of bullying. Upon completion, this form should be turned in to an administrator, teacher, or any staff member with whom the complainant is comfortable. Reports may be made anonymously.

Date of report: _____

Name of person making the report (optional): _____

Check one: Student Parent/Guardian Staff
 Other (please specify): _____

If a student, specify school and grade (optional): _____

~~Contact information of person reporting (optional): If a parent/guardian or other, provide contact information:~~

~~Phone: _____ Email: _____~~

Check if you prefer to remain anonymous: Yes No

Are you the target of the alleged bullying? Yes No

Student(s) believed to be targets of alleged bullying (use reverse side if needed):

Name: _____	School: _____	Grade: _____
Name: _____	School: _____	Grade: _____
Name: _____	School: _____	Grade: _____

Person(s) believed to be engaged in alleged bullying conduct (use reverse side if needed):

Name: _____ [] Student [] Staff [] Other
Name: _____ [] Student [] Staff [] Other
Name: _____ [] Student [] Staff [] Other

Person(s) believed to have witnessed or have knowledge about the alleged bullying (use reverse side if needed):

Name: _____ [] Student [] Staff [] Other
Contact information:

Name: _____ [] Student [] Staff [] Other
Contact information:

Name: _____ [] Student [] Staff [] Other
Contact information:

Name: _____ [] Student [] Staff [] Other
Contact information:

Date(s), time(s), and locations(s) of the alleged bullying incident(s) (use reverse side and/or additional pages if needed): _____

Was there a real or perceived imbalance of power? [] Yes [] No

Details:

Description of the alleged bullying incident(s), including any incident-related evidence (use reverse side and/or additional pages if needed): _____

By completing and signing this form, I attest that the information provided, including any attached incident-related evidence, is true and accurate to the best of my knowledge.

Signature: _____ Date: _____

For Office Use Only

Received By: _____ Date: _____

Position/Title: _____

Date submitted to designated administrator for investigation: _____

Issue Date: 2/2020

Revised 5/23/22

Sargent School District RE-33J, Monte Vista, Colorado

File: JICDE*-E-1

NOTE: While Colorado school districts are not required by law to adopt an exhibit on this subject, CASB believes this sample contains the content/language that reflects "best practices." However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Bullying Investigation Form

Instructions: Attach all reports, documents, evidence, and written accounts of the alleged bullying incident(s) to this investigation form.

Date of bullying report: _____

Designated administrator: _____

Date designated administrator received report: _____

Date investigation started: _____ Date investigation completed: _____

Investigator: _____ Position/Title: _____

I. Initial Review

Is the alleged bullying incident(s) within the school district's authority to investigate?
[] Yes [] No *If No, notify the Complainant and provide resources for support. If Yes, move to next question.*

Is the alleged bullying incident(s) within the scope of this exhibit's accompanying policy?

If No, the report should be promptly investigated pursuant to the applicable Board policy.

If Yes, promptly investigate the complaint pursuant to this exhibit's accompanying policy.

If possible criminal conduct is involved, was law enforcement notified?

[] Yes [] No [] N/A

Date: _____ Contact person: _____

Status, if known:

II. Bullying Report & Investigation Information

Name of Complainant: _____

Check one: Student Parent/Guardian Staff

Other (please specify): _____

If a student, specify school and grade (optional): _____

If a parent/guardian or other, provide contact information: _____

Is the Complainant the target of the alleged bullying being reported? Yes No

Does the Complainant wish to remain anonymous? Yes No

Student(s) reported as targets of alleged bullying (use reverse side if needed):

Name: _____ School: _____ Grade: _____
Name: _____ School: _____ Grade: _____
Name: _____ School: _____ Grade: _____

Person(s) reported as engaged in alleged bullying conduct (use reverse side if needed):

Name: _____ Student Staff Other
Name: _____ Student Staff Other
Name: _____ Student Staff Other

Person(s) reported as having witnessed or knowledge about the alleged bullying (use reverse side if needed):

Name: _____ Student Staff Other
Name: _____ Student Staff Other
Name: _____ Student Staff Other

Description of the alleged bullying incident(s), including date(s), times(s), **and** locations(s), **methods (e.g., physical, verbal, written, electronic/social media, psychological, social, images or items displayed or worn, etc.), how often the incident(s) occurred, whether an imbalance of power exists between the target and the perpetrator/, an and** the relationships of the involved individuals, **and whether the alleged bullying was based on any protected category under federal or state law or**

- Religion
- Age
- Physical disability
- Gender identity
- Sex
- Marital status
- Mental disability
- Creed ~~Gender-related identity~~
- Ancestry
- Military Status
- Sexual orientation
- Gender-related expression
- Association with a person or group with one or more of the above actual or perceived characteristics
- Other (please specify): _____

Evidence of alleged bullying provided to the school or in the school's possession (e.g., school or bus surveillance video, cell phone video, photographs, digital images, emails, letters, written statements, notes, police reports, etc.) (attach all evidence):

Have there been any prior incidents of bullying (alleged or substantiated) involving any or all of the involved individuals? _____

Additional school staff, if any, involved in investigation:

Name: _____ Position: _____
Role in Investigation: _____

Name: _____ Position: _____
Role in Investigation: _____

Name: _____ Position: _____
Role in Investigation: _____

III. Special Education Review

Do any of the students involved in the alleged bullying incident(s) receive special education services under an IEP or a Section 504 Plan, or are any of the students in the process of being referred or evaluated for special education services? **If Yes, refer to student's IEP or 504 Plan and contact special education director or Section 504 coordinator.**

Yes No

Name: _____ Date of contact: _____
 IEP 504 Plan Referral or Evaluation

Name: _____ Date of contact: _____
 IEP 504 Plan Referral or Evaluation

Name: _____ Date of contact: _____
 IEP 504 Plan Referral or Evaluation

IV. Interim Measures

Were any interim measures implemented for any of the involved students?

Yes No

Student Name: _____ School: _____ Grade: _____
Description of interim measure (e.g., safety plan, duration, etc.) (attach documentation):

Student Name: _____ School: _____ Grade: _____
Description of interim measure (e.g., safety plan, duration, etc.) (attach documentation):

Student Name: _____ School: _____ Grade: _____
Description of interim measure (e.g., safety plan, duration, etc.) (attach documentation):

of the outcome of the investigation and any other information deemed appropriate by the investigator and designated administrator. The information may be provided, based on school district policy, procedures, and practice, as well as taking into consideration the circumstances of the matter, in the form of a written report or meetings with each student and the student's parents/guardians, and may include an overview of the investigation process, the findings of the investigation, and the actions taken to address the reported incident of bullying. **Information shared with students and parents/guardians must be in accordance with applicable law and school Board policy.**

Student Name: _____ School: _____ Grade: _____
Parent/Guardian Contacted: _____
Staff Member (name and position/title): _____
Date(s) of Contact: _____
Type of Contact (phone, in person, email): _____
Summary of information provided, discussion, and next steps: _____

Student Name: _____ School: _____ Grade: _____
Parent/Guardian Contacted: _____
Staff Member (name and position/title): _____
Date(s) of Contact: _____
Type of Contact (phone, in person, email): _____
Summary of information provided, discussion, and next steps: _____

Student Name: _____ School: _____ Grade: _____
Parent/Guardian Contacted: _____
Staff Member (name and position/title): _____
Date(s) of Contact: _____
Type of Contact (phone, in person, email): _____
Summary of information provided, discussion, and next steps: _____

VI. Interventions

Interventions to address bullying may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, development of a safety plan, community-based services, and discipline. **The school district should refer to its code of conduct**

and discipline policies and procedures for next steps regarding any disciplinary actions that may result from a bullying incident.

Student Name: _____ School: _____ Grade: ____
Intervention: _____

Outcome: _____

Student Name: _____ School: _____ Grade: ____
Intervention: _____

Outcome: _____

Student Name: _____ School: _____ Grade: ____
Intervention: _____

Outcome: _____

VI. Recordkeeping

The bullying report, investigation checklist/documentation and evidence, written findings reports (if any), records of any responsive actions in accordance with applicable law, and any other records related to investigating the reported incident(s) of bullying and any responsive actions will/shall be maintained in accordance with applicable law and school Board policy.

Checklist and documentation submitted to): _____
Date: _____

Investigator Signature: _____ Date: _____

Issue date: 2/2020

Sargent School District RE-33J, Monte Vista, Colorado

Investigation Report for Allegations by Gina Mitchell against Sargent School District RE-33J

Investigation Conducted by Theresa Martinez; Completed on March 26, 2022

I. Allegations and Investigation

An investigation was requested by Sargent School District RE-33J in response to a complaint filed on January 27, 2022 by Gina Mitchell, a Board member and the Secretary of the Board of Education. The allegations claim race discrimination issues, freedom of expression, religion, and association within the district. The allegations listed also go on to contain concern regarding hostile work environment.

This investigator reviewed pertinent documents and interviewed five (5) individuals during the investigation. I interviewed the complainant, Mrs. Mitchell, on March 17, 2022. I interviewed Witness #1, _____ on March 16, 2022. I interviewed Witness #2, _____, on March 16, 2022. I interviewed Witness #3, _____ on March 17, 2022. I interviewed Witness #4, _____ on March 17, 2022. I additionally reviewed meeting recordings, reports provided related to prior complaints and allegations by Witness #1 regarding the complainant, and other documentation and input provided by the complainant and the Witnesses.

Evidentiary Standard: This investigator is not a lawyer. I do not pre-judge the outcome until all the evidence is collected and reviewed. My purpose is to seek and to gather all relevant information, in good faith, including testimony and evidence needed to determine if a preponderance of the evidence substantiates the allegations. While making this determination, I make decisions about the credibility of the evidence by weighing its consistency, context, the corroboration of witness testimony, the credibility and possible motivations of the interviewees, and the responses, explanations, denials, credibility, and possible motivations of the accused party. To the extent possible, I attempt to interview witnesses who are likely to be favorable to both the accused party and the complaining party, to ensure that information collected is not one-sided.

Findings of Fact:

1) Complaint regarding expression, religion, and association within the district: (hostile work environment.)

All parties have agreed that prayer has been part of the Sargent School district in the past. (One tradition was mentioned to be over 100 years old) However, the staff have received training regarding this and are learning that it is not allowed in school. They have made the effort to educate themselves regarding the law surrounding prayer in school and make changes in their traditions. Complainant goes on to state that the prayer has continued past her original grievance concerning freedom of religion and that there was a prayer at the graduation ceremony. Witness # 2 believed that since the student requested it, the Witness could not deny the student freedom of speech, or that would constitute a violation of law as well. However, after the Complainant filed the second grievance, Witness #2 did seek legal advice to determine how to proceed when a student requests prayer and will continue to do this in the future.

Complainant states several instances of religion creating a hostile work environment. Fact, Complainant is not an employee, therefore not a work environment. There are no records of complaints from employees other than the second grievance filed by Complainant # 2.

II. Conclusion:

I reviewed all evidence submitted to me by all parties involved, whether it was relevant. I do believe that it is not the intention for the staff to violate any freedom of religion, rather it has been a tradition in the local community since the foundation of the school. If there was violation in past grievances filed, I believe the behavior has been corrected to the best of their knowledge. I reviewed evidence regarding the training for staff that was done on Jan. 22 as well as touring the school. The behavior has been corrected and there is an ongoing effort to educate the administration and staff in this area. All Bible references have been removed. I did not see any evidence of religion in the school.

Findings of Fact:

2) Racism within the district: *(Bullets are based on each instance mentioned in the complaint.)*

- Regarding Black Lives Matter Mask, letter of reprimand, and resignation of African American employee.

The mask was asked to be removed because of complaints by his basketball team as per Witness #1.

Witness #1 states that the reprimand was performance based and the mask was never discussed in the meeting where the reprimand was reviewed. Witness # 1 states that the employee told her on Nov. 19, 2020, that the resignation was due to the employee moving out of the area after getting engaged and planning to be married. Witness #1 states that when the Black Lives Matter movement was active in 2020, the employee seemed to distance himself from other employees due to the way it affected him.

Complainant states that the employee showed her his rebuttal to the reprimand, however, Witness # 1 and Witness #2 never received the letter from the employee. Witness # 1 states that the employee came in the next day (after the reprimand) crying and apologizing. Witness # 1 did write the employee a letter of recommendation for job applications. And, states that she felt they were good friends still. The employee did not share any concerns of racism with Witness #1 or Witness #2. Nor are there any official complaints/grievances filed with the superintendent's office.

- Regarding November 2020 Parent Teacher meeting:
The letter was not written by the employee that the Complainant is accusing of writing the letter. Rather, Witness #1 states it was written collectively by several teachers and that the letter was not regarding the BLM mask, it was directed towards the complainants behavior towards the staff. I received and reviewed the letter written collectively by staff dated 4-26-2021 that

specifically addresses Complainant's behavior as a board member as perceived by staff that was reviewed by the SLV (Teacher Union Representation) and approved.

- Regarding Hispanic Teacher resignation spring 2021
Witness # 1 states this was a performance-based employment issue because the employee was caught manipulating her student reading data to avoid a poor evaluation. Witness # 1 found the employee to be combative when confronted. According to Witness #1, the referenced employee used the "N" word in her office. I reviewed the documentation of the employee and found that there were no complaints regarding discrimination. The documentation reviewed demonstrates poor performance including sending an email to families regarding her resignation that was deemed inappropriate by the administration of the school. In the email she does not mention anything about being discriminated against because she is Hispanic. Instead, the employee states in the email *"I want everyone to know that this came about {her resignation} due to the fact that I chose to inform parents about my professional decision concerning their children's reading scores...."*
- Regarding the hiring of a related teacher.
I reviewed the documentation of the hiring of the teacher. Witness #1 is related to the hired teacher and was not involved in the hiring decision. The position was opened internally, the interview process was followed through with 6 individuals on the committee. I have reviewed written statements from employees on the hiring committee that they only had one applicant, the applicant interviewed well and met all the requirements of the position. It was a unanimous decision by the committee to hire this person.
- Regarding pictures on social media
The pictures appear to not violate any off duty legal activity. There's no evidence the pictures are directed at any individual.

III. Conclusion:

I conducted a non-bias investigation of all claims submitted by the Complainant regarding racism and hostile work environment. Based on this investigation I have concluded that the complaint regarding a hostile work environment does not apply since the complainant is not an employee. I also reviewed and investigated all claims extensively regarding racism. I have concluded that I cannot find any evidence to prove racism other than the Complainant's description of conversations. I found no official complaints, documentation from individuals, nor any other witnesses that can corroborate the allegations. However, there is documentation regarding employee performance that was significant enough evidence to demonstrate poor performance in each case that the Complainant claims the employee left the district due to racism.

Investigation Report for Allegations by Joni Hemmerling against Gina Mitchell

Investigation Conducted by Theresa Martinez; Completed on March 26, 2022

I. Allegations and Investigation

An investigation was requested by Sargent School District RE-33J in response to a Grievance filed on February 16, 2022, by Joni Hemmerling, an elementary principal of the District, against Ms Gina Mitchell, a Board member and the Secretary of the Board of Education. The allegations are that Ms Mitchell abused her power as a board member and in so doing, created a hostile work environment, and that she, over time, has engaged in harassing behaviors, together which led the complainant to resign from her position as elementary principal.

This investigator reviewed pertinent documents and interviewed five (5) individuals in the course of the investigation. I interviewed the complainant, Ms Hemmerling, on March 16, 2022. I interviewed Witness #1, _____, on March 17, 2022. I interviewed Witness #2, _____, on March 16, 2022. I interviewed Witness #3, _____, on March 17, 2022. I interviewed Witness #4, _____, on March 17, 2022. I additionally reviewed meeting recordings, reports provided related to prior complaints and allegations by Witness #1 regarding the complainant, and other documentation and input provided by the complainant and the Witnesses.

Evidentiary Standard: This investigator is not a lawyer. I do not pre-judge the outcome until all of the evidence is collected and reviewed. My purpose is to seek and to gather all relevant information, in good faith, including testimony and evidence needed to determine if a preponderance of the evidence substantiates the allegations. In the course of making this determination, I make decisions about the credibility of the evidence by weighing its consistency, context, the corroboration of witness testimony, the credibility and possible motivations of the interviewees, and the responses, explanations, denials, credibility and possible motivations of the accused party. To the extent possible, I attempt to interview witnesses who are likely to be favorable to both the accused party and the complaining party, to ensure that information collected is not one-sided.

Findings of Fact:

1) Board meeting 3-23-2020 and letter of concern dated 3-28-2020

I reviewed the recording of the board meeting and the comments made by Witness #1. While they were not derogatory in nature, it was specifically mentioning eliminating the complainant's position. There were indirect comments regarding the performance of the school made by Witness # 1. However, it was not the intention to be directed towards the Complainant rather the comments were directed at the school as a whole. The dialogue at this meeting did not violate the rights of the complainant.

2) Abusing power as a board member.

Complainant submitted evidence related to the management of employees in a COVID related situation. The documentation as supported by Witness testimony supports a finding that Witness #1 did

act individually and outside of the board collectively rather than following protocol and procedures down the chain of command.

3)SYS coaches and basketball team

The allegations indicated that Witness #1 has acted in a manner that is disruptive of the educational environment. Witness #1 said she has not interrupted classes. Rather, per her testimony, she waits outside the classroom. Witness #1 states she was unaware the school administration requested for her to return the school key. However, a fair reading of the evidence attached regarding the COVID issue and the testimony of the other Witnesses compels a finding that Witness # 1 did act outside the confines of a board member's authority and should have followed proper protocol.

4)Nondiscrimination Investigation

This investigator read the reports and interviewed Witness #2 who performed the underlying nondiscrimination investigation. It was concluded that there were no violations. There were two outside agencies that also conducted investigations into the school's ability to administer ALP programming. Both agencies (BOCES and CDE) had the same conclusions. In short, all investigations have concluded that the school is in compliance with state laws regarding ALP and GT.

5) Collective teacher complaints and mediation.

This investigator read through the reports, interviewed the complainant and Witness # 1 as well as Witnesses # 3 and #4 in connection with efforts made to mediate teacher complaints about the behaviors and allegations made by Witness #1 in connection with school operations and the allegations that the school unconstitutionally endorsed religion. The mediation seemed necessary, conducted professionally, and the parties involved did reach an agreement. Complainant was uncomfortable with Witness # 1's husband being in the room. Due to the nature of the meeting and the desired outcome, the Complainant felt like Witness # 1 brought her husband to the meeting to harass/intimidate the Complainant.

6)Resignation due to hostile work environment and harassment.

This investigator reviewed the evidence submitted by the complainant as well as interviewed several witnesses. It is undeniable that conflict has been off and on for years between complainant, her staff, and Witness #1. Witness #1's primary point of contention has consistently been evidenced by a series of accusations and complaints regarding the religious views of Complainant and/or her staff. Accordingly, complainant resigned due to her feelings of harassment by Witness #1 and concerns that Witness #1 would continue to bring her views about religion into the school. Subsequently, with regret, complainant sought to rescind her resignation. According to Witness #1, Witness #1 has personally directed the Superintendent to reprimand employees and requested information regarding the employee's employment files. I find, after interviewing all the witnesses involved, that Witness # 1 does single out the complainant multiple times, oversteps the boundaries of a board member acting individually directing her supervisor to take action against her, focuses upon the religious views and/or associations of complainant and other staff, and inappropriately seeks, for personal purposes, confidential employment information in regard to performance and medical issues.

II. Conclusion:

Based on the investigation, several Complainants allegations were corroborated, namely, that the Witness # 1 could be viewed as abusing her power as a board member. Complainant is requesting that the hostility to stop and she feels like she works in a hostile work environment. The EEOC defines Hostile work environment as this: *unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.* This investigation has further concluded that due to the multiple incursions, and a pattern of unfounded complaints by Witness # 1 as well as, the vote of “no” to renew the complainant’s employment contract supports complainant’s allegation that she has been unfairly targeted and subjected to interactions that are not appropriate or becoming of a member of the school board.