



Sargent School District

REGULAR MEETING AGENDA BOARD OF EDUCATION

September 26, 2022, 6:30 p.m.

High School Library
Sargent School District
7090 N. CR 2 E.
Monte Vista, Colorado

1. **6:30 p.m. Regular Meeting, Preliminary**
 - 1.01 Call to Order
 - 1.02 Roll Call
 - 1.03 Pledge of Allegiance
 - 1.04 Approval of Agenda
2. **Consent Agenda**
 - 2.01 Approval of Minutes
 - 2.02 Financial Reports
 - 2.03 Requisitions
3. **Community Input- to sign up for Community input please email srklecker@sargent.k12.co.us prior to meeting**
 - 3.01 Items from the Community
4. **Leadership Reports**
 - 4.01 Student Reports, Goals and Needs
 - 4.02 Staff Reports, Goals and Needs
 - 4.03 Principals Reports, Goals and Needs
 - 4.04 Assessment
 - 4.05 Board of Education
 - 4.06 Superintendent
5. **Action Item -Consideration of:**
 - 5.01 Employment List
 - 5.02 Extra Duty Pay Agreements
 - 5.03 DAC Membership List
 - 5.04 Family Medical Leave Insurance
 - 5.05 Lunch Price Increase

5.06 Policy Revision List- 1st Reading

BEC-Executive Sessions, GBAB- Workplace Health and Safety Protections, GBEA- Staff Ethics/Conflict of Interest, GBJ- Personnel Records and Files, IC/ICA- School Year/School Calendar/Instruction Time, Board Resolution Addressing Temporary Remote Learning, IHEDA- Concurrent Enrollment, JFAB- Continuing Enrollment of Students Who Become Nonresidents, JFABA- Nonresident Tuition Changes, JFABE-R- Students in Foster Care, JFBB-Inter-District Choice/Open Enrollment, LBD-R- Relations with District Charter Schools, and ADA- School District Goals and Objectives

6. Discussion Items

6.01 Policy Review- BCB- Board Member Conflict of Interest, BDA-Board Organizational Meeting, BDB-Board Officers, BDF-Advisory Committees, AE-R- District Accountability Committee By-laws, BDFA-District Personnel Performance Evaluation Council, BDG-School Attorney, BEDB-Agenda

6.02 Debrief Meeting- October Agenda Items

7. Adjournment

Policy Update 1st Reading

- BEC-Executive Sessions
- GBAB- Workplace Health and Safety Protections
- GBEA- Staff Ethics/Conflict of Interest
- GBJ- Personnel Records and Files
- IC/ICA- School Year/School Calendar/Instruction Time
- Board Resolution Addressing Temporary Remote Learning
- IHEDA- Concurrent Enrollment
- JFAB- Continuing Enrollment of Students Who Become Nonresidents
- JFABA- Nonresident Tuition Changes
- JFABE-R- Students in Foster Care
- JFBB-Inter-District Choice/Open Enrollment
- LBD-R- Relations with District Charter Schools
- ADA- School District Goals and Objectives

Discussion Items Policy Review

- BCB- Board Member Conflict of Interest
- BDA-Board Organizational Meeting
- BDB-Board Officers
- BDF-Advisory Committees
- AE-R-District Accountability Committee By-laws
- BDFA-District Personnel Performance Evaluation Council
- BDG-School Attorney
- BEDB-Agenda

ECEA Rule Changes Impacting Open/Choice Enrollment

In April 2022, the State Board of Education adopted changes to the Rules governing Colorado's Exceptional Children's Educational Act (ECEA), including establishing new admission and enrollment procedures for public school choice options. Specifically, when a student applies for admission or a transfer through public school choice options, administrative units (AUs) may no longer inquire about a student's Individualized Education Program (IEP) or disability status until **after** the student has been admitted. AUs must also inform the public that a student's IEP or disability status will not be used as part of the choice admission or transfer process.

Receiving AUs may, after the student has been admitted to the school of choice, convene the student's IEP team to determine if a free and appropriate public education (FAPE) may be provided at the student's school of choice. If the IEP team determines that the student's IEP cannot be appropriately implemented at the school of choice, the AU may assign the student to another campus or building where the student's IEP can be implemented as developed by the IEP team. If an AU assigns the student to another building, it must provide parents with meaningful participation and consider the impact of the location on the student's total educational program.

If the IEP team determines that the parents' school of choice is not an appropriate educational placement, it must include a specific explanation of its determination in either the IEP or a separate prior written notice that meets the requirements under IDEA.

Accordingly, CASB has updated sample policies JFBA, Intra-District Choice/Open Enrollment and JFBB, Inter-District Choice/Open Enrollment to reflect that an IEP will not be used as part of the admissions process. Applications may need to be updated to remove questions regarding a student's IEP or disability status.

In light of these changes, districts may wish to review their choice/open enrollment application deadline(s) and consider whether a single-day deadline, application window, or multiple admission rounds, as permitted, may be appropriate. Districts should also review any relevant or accompanying documents to distinguish enrollment, registration, and admission; districts will need to consult with their legal counsel in making these determinations.

Code	Topic	Description of Updates	Suggested Adoption Date
JFBA	Intra-District Choice/Open Enrollment	Substantive edits to the special education paragraph; technical edits throughout; added legal reference; and added informational note describing the ECEA Rule change.	As soon as practicable.
JFBB	Inter-District Choice/Open Enrollment	Substantive edits to the special education paragraph; technical edits throughout; added legal reference; and added informational note describing the ECEA Rule change.	As soon as practicable.

Charter Application Deadlines

In May 2022, the State Board of Education ruled in favor of a charter school applicant who appealed the local board's refusal to review the charter application before August 1.

The local board, which followed CASB's sample regulation **LBD-R, Relations with District Charter Schools**, had established its local charter application deadline as August 1, but the charter applicant requested to apply early on February 7. Despite the local board declining this request, the charter applicant applied early anyway and argued that the district was required to follow the required 90-day timeline and review the application before the board's stated August 1 deadline, bringing us to the State Board's decision.

In its decision, the State Board ruled that "a local board *can*, by board policy, prohibit early applications and thereby stop the 90 days from running until the beginning of the district's application "window.""

As a result, CASB sample regulation **LBD-R, Relations with District Charter Schools**, has been updated to reflect two options for the timeline submission of a charter application—a single-day application deadline and a rolling application window.

Code	Topic	Description of Updates	Suggested Adoption Date
LBD-R	Relations with District Charter Schools	Substantive edits to the charter application timeline for submission of an application (boards should review and choose which option they prefer); substantive updates to application submission procedures, based on which timeline option is selected.	As soon as practicable.

Temporary Remote Instruction for 2022-23

The Colorado Department of Education (CDE) has issued an update on remote learning flexibilities for the 2022-23 school year:

- CDE will **continue** to offer flexibility for districts to provide **temporary remote learning** options as a result of COVID-19 health concerns.
- CDE will **discontinue** flexibilities for districts to provide **100% remote learning options** to students enrolled in brick-and-mortar schools due to COVID-19.

"Temporary remote learning" flexibility means that there may be local needs for brick and mortar schools to temporarily suspend in-person learning due to COVID in the 2022-23 school year. This may include the need to temporarily move a classroom, a grade level, or the school to remote learning. It may also result from workforce shortages due to a COVID-19 outbreak. A school or district may need to temporarily move to remote learning in these instances for a short period of time (i.e. the rest of the week/two weeks).

CDE will not continue offering flexibility to provide a 100% remote learning option due to COVID-19 health concerns for brick-and-mortar students in 2022-23. As an alternative, schools and districts may use existing online structures to continue to offer a fully-remote option for students. Thus, beginning in 2022-23, students who wish to pursue a fully remote learning option will need to be enrolled in either an online school or program.

Accordingly, boards will need to either review and update their policy or adopt an updated resolution addressing the implementation of temporary remote learning during the upcoming school year. CASB has updated sample board policy **IC/ICA, School Year/School Calendar/Instruction Time** and has drafted a [Resolution Addressing Remote Learning During the 2022-2023 School Year](#) for boards that wish to offer a temporary remote learning option.

Code	Topic	Description of Updates	Suggested Adoption Date
IC/ICA	School Year/School Calendar/Instruction Time	Updated dates; added informational note explaining CDE's continued and discontinued flexibilities.	As soon as practicable.
CASB Sample Board Resolution on Remote Learning for 2022-23			As soon as practicable.

New Executive Session Topic

[HB22-1110](#) allows boards of education to convene in executive session to discuss negotiations concerning the terms of an employment contract with one or more superintendent finalists if (1) the board has named more than one candidate as a finalist and (2) the board holds an open public forum to conduct interviews with each of the finalists. The bill also allows a board to, in addition to interviewing finalists in a public forum, interview finalists in executive session.

Additionally, the bill authorizes boards to instruct personnel and representatives to begin contract negotiations with one or more candidates in executive session, including the necessary process to prioritize, for the purposes of negotiation, one or more finalists after public forums have been completed. Prioritizing among the finalists and beginning negotiations with one or more of the finalists does not constitute formal action or adoption by the board; such formal action only occurs when the board votes during a public session and no formal adoption is deemed to have taken place until a public vote has occurred.

Accordingly, CASB has updated sample policy **BEC, Executive Sessions** and other resources to reflect this additional purpose for entering executive session.

Code	Topic	Description of Updates	Suggested Adoption Date
BEC	Executive Sessions	Added new permissible topic to discuss in executive session.	As soon as practicable.

Concurrent Enrollment & Nonresident Tuition

Select provisions in [HB22-1390](#) repealed the requirement for local education providers to require tuition repayment from students who either did not complete concurrent enrollment courses or who earned a failing grade and reiterated that non-district resident parents are not required to pay tuition if they are a Colorado resident.

Accordingly, we have updated sample policy IHCD, Concurrent Enrollment to reflect a district's obligations for paying the tuition for postsecondary/concurrent courses. Additionally, while state law and sample policies JFAB, Continuing Enrollment of Students Who Become Nonresidents and JFABA, Nonresident Tuition Charges already provided that parents are not required to pay tuition if they are a Colorado resident, both of these sample policies were updated to include the new legal reference.

Code	Topic	Description of Updates	Suggested Adoption Date
IHCDA	Concurrent Enrollment	Added and deleted language reflecting concurrent enrollment tuition payment and repayment; added an informational note.	As soon as practicable.
JFAB	Continuing Enrollment of Students Who Become Nonresidents	Added legal reference.	At the board's discretion.
JFABA	Nonresident Tuition Charges	Added legal reference.	At the board's discretion.

Workplace Health & Safety Protection

In 2020 the Colorado legislature passed [HB20-1415](#), which addressed workplace health and safety in light of COVID-19 and led to the creation of sample policy **GBAB, Workplace Health and Safety Protection**.

[SB22-097](#) expands protections for workers who raise a reasonable concern about any health and safety concerns, regardless of whether there is a declared public health emergency.

Accordingly, CASB has updated sample policy **GBAB, Workplace Health and Safety Protection** to reflect this change.

Code	Topic	Description of Updates	Suggested Adoption Date
GBAB	Workplace Health and Safety Protection	Removed 'Public health emergency' definition; updated to reflect protections apply to any reasonable concern; updated bill reference in informational note.	As soon as practicable.

Privacy Protections for Personnel

[SB22-171](#) added teachers, principals, administrators, special services providers, and education support professionals (educators) to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family (protection against doxing) and amended the Colorado Open Record Act's definition of "personnel file" to include the specific date of an educator's absence from work.

Accordingly, CASB sample policy **GBJ, Personnel Records and Files** and other resources have been updated to reflect the amended definition of "personnel file."

Code	Topic	Description of Updates	Suggested Adoption Date
GBJ	Personnel Records and Files	Updated definition of "personnel file."	As soon as practicable.

Educational Support for Foster Youth

[SB22-008](#) requires all Colorado public institutions of higher education to provide financial assistance to Colorado students who have been in foster care or qualifying students who were placed in non certified kinship care.

Additionally, school district child welfare education liaisons are required to provide students in out-of-home placements with information and assistance about the tuition waiver for qualifying students.

Accordingly, we have added an informational note CASB sample regulation **JFABE-R, Students in Foster Care**, regarding district child welfare education liaisons' requirement to provide tuition waiver information and assistance.

Code	Topic	Description of Updates	Suggested Adoption Date
JFABE-R	Students in Foster Care	Added an informational note on the requirement for district child welfare education liaisons to provide tuition waiver information and assistance.	N/A - the note is information for the board.

Aligning the Definition of “Immediate Family”

It was brought to our attention that the definition of “immediate family” provided in sample policy **GBEA, Staff Ethics/Conflict of Interest’s** optional language allowed under Colorado’s nepotism laws was out of alignment with both the statutory and other sample board policy definitions.

Accordingly, we have corrected the definition and added the relevant statutory citation. Please note that this correction of the state definition of “immediate family” does not impact the definition of “immediate family” for federal funding purposes under the Uniform Grant Guidance (UGG), as outlined in the policy.

Code	Topic	Description of Updates	Suggested Adoption Date
GBEA	Staff Ethics/Conflict of Interest	Corrected the state definition of “immediate family”; added legal reference.	As soon as practicable.

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). Mere presence or participation of an attorney at an executive session of the local public body is not 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).
9. Negotiations concerning the terms of an employment contract with one or more superintendent finalists if the Board has named more than one candidate as a finalist and has held a forum open to the public to conduct interviews with each of the finalists. C.R.S. 24-6-402 (4)(i)(I).

In addition to interviewing finalists in a public forum, the Board may interview finalists in executive session. C.R.S. 24-6-402 (4)(i)(II).

The Board may also instruct personnel and representatives to begin contract negotiations with one or more superintendent candidates in executive session, including the necessary process to prioritize, for the purposes of negotiation, one or more finalists after public forums have been completed. C.R.S. 24-6-402 (4)(i)(III).

Prioritizing among the finalists and beginning negotiations with one or more of the finalists shall not constitute formal action or adoption by the board or governing body. Such formal action occurs only when the board or governing body comes into public session and casts votes on their preferred next chief executive officer. No formal adoption is deemed to have taken place until a public vote has occurred.

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,
5/23/22

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)

Workplace Health and Safety Protection

The Board is committed to providing a safe work environment for all employees. When district employees know or have any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety ~~related to a public health emergency~~, they should report such concerns following the district's concerns, complaints, or grievances procedure.

~~Public health emergency~~

~~For the purposes of this policy, a public health emergency means a public health order issued by a state or local public health agency or a disaster emergency declared by the governor based on a public health concern.~~

Nondiscrimination

The Board, the superintendent, other administrators, and district employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who, in good faith, raises any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety ~~related to a public health emergency~~ if the district controls the workplace conditions giving rise to the threat or violation. Discrimination against an employee who opposes any practice they reasonably believe is unlawful or who participates in an investigation, proceeding, or hearing on such matter is also prohibited.

The Board, the superintendent, other administrators and district employees will also not unlawfully discriminate, take adverse action, or retaliate against any employee who voluntarily wears their own personal protective equipment, such as a mask, faceguard, or gloves, if the personal protective equipment:

1. provides a higher level of protection than the equipment provided by the district;
2. is recommended by a federal, state, or local public health agency with jurisdiction over the district; and
3. does not render the employee incapable of performing their job or fulfilling their job duties.

Notice

To reduce unlawful discrimination and ensure a safe workplace environment, the administration is responsible for providing notice of this policy to all district employees. This policy will be referenced in employee handbooks and otherwise available to all staff through electronic or hard-copy distribution.

Adopted: 08/10/20

LEGAL REFS.: C.R.S. 8-14.4-101 (*definition of public health emergency*)
C.R.S. 8-14.4-102 (*prohibition against discrimination based on claims related to a public health emergency*)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunities
GBK, Staff Concerns/Complaints/Grievances
GBK-R, Staff Concerns/Complaints/Grievances – Regulation

NOTE: H.B.20-1415 prohibits employers from discriminating, retaliating, or taking adverse action against any worker who, in good faith, raises any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency, if the employer controls the workplace conditions giving rise to the threat or violation. It also prohibits employers from discriminating against employees who voluntarily wear their own personal protective equipment, if certain conditions are met, and requires employers to post notice of a worker's rights under this provision. It further allows an employee to bring a civil action against an employer after exhausting administrative remedies.

Staff Ethics/Conflict of Interest

No district employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's duties and responsibilities in the school system. Employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by state law and district policies and regulations.

It shall be understood that all confidential information an employee is privy to as a result of district employment shall be kept strictly confidential. In addition, employees shall not utilize information solely available to them through school sources to engage in any type of work outside of the school district. This includes information concerning potential customers, clients or employers.

An employee shall not sell any books, instructional supplies, musical instruments, equipment or other school supplies to any student or to the parents/guardians of a student who attends the school served by the employee unless prior approval has been obtained from the Board.

Moreover, to avoid a conflict of interest, the district prohibits an employee from exercising supervisory, appointment, dismissal authority, or disciplinary action over a member of the employee's immediate family. For purposes of this policy, an employee's "immediate family" means a person who is related by blood, marriage, civil union, or adoption. includes his or her spouse, children and parents. In addition, an employee may not audit, verify, receive or be entrusted with moneys received or handled by a member of the employee's immediate family. An employee shall not have access to the employer's confidential information including payroll and personnel records.

Conflicts of interest - federally funded transactions

Separate from state law and the Board's policies concerning district employees' standards of conduct and conflict of interest, federal law imposes restrictions on the conduct of district employees whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG).

Under the UGG, a district employee shall not participate in the selection, award or administration of a contract supported by a federal award if the employee has a conflict of interest as defined by the UGG.

A conflict of interest arises under the UGG when the employee, any member of his or her immediate family, his or her business partner, or an organization which employs or is about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a contract.

In addition, the UGG prohibits district employees from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts that are federally funded, unless the gift is an unsolicited item of nominal value.

For purposes of this policy section only, “immediate family” means the employee’s spouse, partner in a civil union, children and parents. In determining whether a financial or other interest is “substantial,” or whether anything solicited or accepted for private benefit is of “nominal value,” district employees shall follow the standards of conduct and corresponding definitions applicable to local government employees under state law.

These minimum federal requirements are not waivable in connection with any transaction or contract to which they apply.

An employee who violates the standards of conduct set forth in this policy’s section may be subject to disciplinary action, in accordance with applicable law and Board policy.

Adopted: Date of manual adoption
Revised: 08/29/89, 05/21/01, 07/22/02, 08/26/02, 5/19/08, 9/14 Legal Ref , 5/22/17

LEGAL REFS.: 2 C.F.R.200.318(c) (Uniform Grant Guidance—written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds)
Constitution of Colorado, Article X, Section 13 (felony to make a profit on public funds)
[C.R.S. 2-4-401 \(definition of immediate family\)](#)
C.R.S. 14-15-101 et seq. (Colorado Civil Union Act)
C.R.S. 22-63- 204 (teachers receiving money for items sold to parents/students without written consent from Board)
C.R.S. 24-18-109 (government rules of conduct)
C.R.S. 24-18-110 (voluntary disclosure)
C.R.S. 24-18-201 (standards of conduct—interests in contracts)
C.R.S. 24-18-202 (standards of conduct—interests in sales)
C.R.S. 24-34-402(1)
C.R.S. 24-34-402(1)(h)

CROSS REF.: DKC, Expense Authorization/Reimbursement (Mileage and Travel)
GBCB, Staff Conduct
GCE/GCF, Professional Staff Recruiting/Hiring
GCQF, Discipline, Suspension & Dismissal of Professional Staff (and Contract Nonrenewal)
GDE/GDF, Support Staff Recruiting/Hiring
GDQD, Discipline, Suspension and Dismissal of Support Staff

Personnel Records and Files

The superintendent is authorized and directed to develop and implement a comprehensive and efficient system of personnel records under the following guidelines:

1. A personnel folder for each employee, certificated and classified, shall be accurately maintained in the district administrative office. Personnel records shall include home addresses and telephone numbers, financial information, and other information maintained because of the employer-employee relationship. Personnel records also include the specific date of an educator's absence from work.
2. All personnel records of individual employees shall be considered confidential except for the information listed below. They shall not be open for public inspection. The superintendent and his designees shall take the necessary steps to safeguard against unauthorized access or use of all confidential material.
3. Each employee shall have the right, upon request, to review the contents of his own personnel file, with the exception of references and recommendations provided to the district on a confidential basis by universities, colleges or persons not connected with the district.
4. The following information in personnel records and files shall be available for public inspection:
 - a. Applications of past or current employees
 - b. Employment agreements
 - c. Any amount paid or benefit provided incident to termination of employment
 - d. Performance ratings except for evaluations of licensed personnel as noted below
 - e. Any compensation including expense allowances and benefits
5. The evaluation report of licensed personnel and all public records used in preparing the evaluation report shall be confidential and available only to those permitted access under state law. Portions of the superintendent's evaluation shall be open to public inspection, in accordance with state law.
6. District employee's home address and telephone numbers shall not be released for general public or commercial use.
7. District employees' medical records shall be kept in separate files and shall be kept confidential in accordance with applicable law and district policy.

Adopted: 10/25/93,
Revised: 5/19/08, 11/17/14

LEGAL REFS.:

C.R.S. 22-32-109.1(9) (*immunity provisions in safe schools law*)
C.R.S. 24-19-108 (1)(c)(exceptions to public records)

CROSS REFS.:

CBB, Recruitment of Superintendent
CBIA*, Public inspection of Superintendent's Evaluation
GCE/GCF, Professional Staff Recruiting/Hiring
KDB, Public's Right to Know/Freedom of Information

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

School Year/School Calendar/Instruction Time

Prior to the end of the school year, the Board must determine the length of time during which district schools must be in session during the next school year. The number of hours/days of planned teacher-student instruction and of teacher-student contact must be consistent with the Board's definition of "actively engaged in the educational process," must meet or exceed the requirements of state law, and must include a sufficient number of days to allow the superintendent flexibility in preparing a calendar that supports the district's educational objectives.

The Board defines "actively engaged in the educational process" as time when students are working toward achieving educational objectives under the supervision of a licensed teacher, including:

- classroom instruction time
- individual student work time while at school, including study hall and library research
- school-related field trips
- independent study insofar as such study is allowed under district policy
- assemblies

For the ~~2021-2022~~ 2022-2023 school year, the definition of "actively engaged in the educational process" includes all of the above and temporary remote learning as a result of COVID-19 health concerns for students provided under the supervision of a certificated or licensed teacher. "Supervision of a certificated or licensed teacher" means a certificated or licensed educator, including teachers, counselors, paraprofessionals, or other certificated or licensed staff as assigned. Synchronous and asynchronous teacher-pupil instruction and contact time may occur during remote learning and may include the use of: [existing district online school or program, services provided with Colorado Digital Learning Solutions, assigned and prepared work packets, video conferencing, pre-recorded classes, or other method(s) utilized by the district]. Teacher-pupil instruction and contact time may be tracked and counted for attendance purposes occur in the following ways:

NOTE: Local boards must provide an explanation of the ways in which teacher-pupil instruction and contact time will occur outside the classroom during remote learning days. The list below includes some examples of ways in which CDE and Colorado districts have identified how contact time may occur and attendance count. Each local board should carefully evaluate the below that will be utilized by the district and delete or add to the list based on the local district's needs.

Local boards have the option to differentiate this list based on the grade level of the students. (e.g., the educational process for preschool may be different from that for K-12 or there may be distinctions between elementary and secondary students).

1. Presence during in-person instruction;
2. Assignments completed at home;
3. Logging into the online learning platform;
4. Signing an online form attesting to work completed at home;
5. Student demonstration of learning;

6. Responding to teacher emails or communication; or

Attendance will be recorded at least once daily for days when instructional hours are provided, meaning a student is “actively engaged in the educational process.”

"Actively engaged in the educational process" does not include:

- lunch
- time students spend before school waiting for classes to begin and time after the last class of the day, including waiting for the bus
- recess time
- teacher preparation time

Note: For everything except lunch, the Board has discretion when determining what it means to be actively engaged in the educational process.” For example, the time between two classes or between a class and lunch period known as “passing time” may be included in the definition when the school calendar is developed. If the Board intends to include passing time, then it should include that bulleted point under the definition of “actively engaged in the educational process” in the first set of bullets above and delete it from those activities that are not included in the definition

The time students spend between two classes or between a class and a lunch period, known as “passing time”, will be included in the computation of time students are “actively engaged in the educational process” when the school calendar is developed.

Supervision by a licensed teacher must not require that the teacher be in the student’s physical presence at all times, but that the teacher is exercising direction and control over the nature of the student’s activities.

The district will ensure that all students who are participating in remote learning will receive equitable instruction and services. Further, the district will ensure that within the constraints of COVID-19, equitable and appropriate instruction will continue to be offered to those students requiring accommodations.

The district calendar for the next school year must be developed with input from the District Accountability Committee and staff prior to presentation by the superintendent to the Board for approval in the spring of each year. The superintendent must consult with other districts in the area when preparing the calendar.

The calendar must include the dates for all staff ~~in-service~~ ~~inservice~~ programs scheduled for the coming school year. The administration shall allow public input from parents and teachers prior to scheduling the dates for staff ~~in-service~~ ~~inservice~~ programs.

A copy of the calendar must be provided to all parents/guardians of students enrolled in district schools. Any change in the calendar except for emergency closings or other unforeseen circumstances must be preceded by adequate and timely notice of no less than 30 days.

Adopted: date of manual adoption

Revised: 08/26/85/ 08/25/86, 08/28/89, 10/25/93, 01/22/01, 10/28/02, 9/24/07, 11/16/09, 02/28/11, 06/26/17, 08/10/20, 08/23/21

LEGAL REFS.: C.R.S. 22-1-112 (*school year and national holidays*)
C.R.S. 22-32-109 (1)(n) (*duty to determine school year and instruction hours*)
C.R.S. 22-33-102 (1) (*definition of academic year*)
C.R.S. 22-33-104 (1) (*compulsory attendance law*)
C.R.S. 22-44-115.5 (*fiscal emergency*)
1 CCR 301-39, Rules 2254-R-2.06 (*school year and instruction hours; definition of contact/instruction time*)

CROSS REFS.: EBCE, School Closings and Cancellations
JH, Student Absences and Excuses

NOTE: State law establishes the school year as outlined below. The actual hours of teacher-student instruction may be reduced for parent/teacher conferences, staff in-service programs, and closings due to student health, safety, or welfare concerns to 1056 hours for secondary students and 968 hours for elementary students other than kindergartners, 870 hours for full-day kindergarten students, and 435 for half-day kindergarten students. In no case may a school schedule fewer than 160 days without specific prior approval of the commissioner of education. [C.R.S. 22-32-109 (1)(n)].

Teacher-Pupil Instruction Minimum Hours/Days

½ Day Kindg.	450 Hours	(can be reduced* to 435 hours)	160 Days
Full Day Kindg.	900 Hours	(can be reduced* to 870 hours)	160 Days
Elementary (besides kindergarten)	990 hours	(can be reduced* to 968 hours)	160 days
Secondary	1,080 hours	(can be reduced* to 1,056 hours)	160 days

Not more than 24 hours per school year may be used for parent/teacher conference and staff in-service programs.

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

Note: Local boards must utilize a governance document (e.g., board policy or resolution) if the board wishes to use a form of remote learning for the 2022-23 academic year, as a result of the public health and safety measures. Local boards do not need to adopt multiple governance documents and should be cognizant of the way in which they authorize changes for the 2022-2023 school year, as the changes outlined by the Colorado Department of Education are only applicable for the upcoming school year. If a local board decides to amend board policies for the 2022-2023 school year, the board will need to update board policy again prior to the start of the 2023-2024 school year to remove the language specific to the 2022-2023 school year.

Resolution Addressing Temporary Remote Learning During the 2022-2023 School Year

Whereas, on March 11, 2020, the World Health Organization (“WHO”) characterized COVID-19 as a pandemic, meaning the WHO identified the worldwide spread of a new disease; and

Whereas, on March 10, 2020, Governor Jared Polis declared a state of emergency and issued Executive Order D 2020 003 on March 11, 2020, as a safeguard against the further spread of COVID-19; and

Whereas, on July 19, 2022, Governor Jared Polis issued COVID-19 Disaster Recovery Executive Order D 2022 035, which amended and extended Executive Orders relating to refocusing the State’s efforts on recovery from the COVID-19 pandemic emergency; and

Whereas under Colo. Const. art. 9, § 15, the local Board of Education has control of instruction in its public schools; and

Whereas, as required by 1 CCR 301-39, the Board of Education defines "educational process," in Board Policy IC/ICA, School Year/School Calendar/Instruction Time [or other applicable local board policy]; and

Whereas the Board of Education finds that ongoing COVID-19 health concerns may create the need for schools to temporarily suspend in-person learning during the 2022-2023 school year, which may include the need to temporarily move a classroom, a grade level, or a school to remote learning for a short period of time; and

Whereas the Colorado Department of Education provided updated guidance specific for the 2022-2023 school year, stating that local boards that wish to utilize a temporary remote learning option must: include “remote learning as a result of the COVID-19 pandemic” in its definition of “actively engaged in the educational process;” describe acceptable ways in

which synchronous and asynchronous teacher-pupil instruction and contact time may occur during remote learning; and acceptable ways in which attendance/participation should be documented during remote learning.

NOW THEREFORE, BE IT RESOLVED that the Sargent Board of Education authorizes the following for the 2022-2023 school year:

1. Expansion of the definition of “actively engaged in the educational process” addressed in Board Policy IC/ICA, School Year/School Calendar/Instruction Time to include remote learning as a result of the COVID-19 pandemic for students provided under the supervision of a certificated or licensed teacher.
2. *(Optional)* Defining “supervision of a certificated or licensed teacher” as meaning a certificated or licensed educator, including teachers, counselors, paraprofessionals, or other certificated or licensed staff as assigned.
3. Attendance will be recorded at least once daily for days when instructional hours are provided, meaning a student is “actively engaged in the educational process.”
4. Student contact days may include remote learning days implemented as a result of public health and safety measures. Teacher-pupil instruction and contact time may occur in the following ways:

***Note:** Local boards must provide an explanation of the ways in which teacher-pupil instruction and contact time will occur outside the classroom during remote learning days. The list below includes some examples of ways in which CDE and Colorado districts have identified how contact time may occur and attendance count. Each local board should carefully evaluate the options below that will be utilized by the district and delete or add to the list based on the local district’s needs.*

Local boards have the option to differentiate this list based on the grade level of the students (e.g., the educational process for preschool may be different from that for K-12 or there may be distinctions between elementary and secondary students).

- a. Presence during in-person instruction;
- b. Assignments completed at home;
- c. Logging into the online learning platform;
- d. Signing an online form attesting to work completed at home;
- e. Student demonstration of learning;
- f. Responding to teacher emails or communication; or

CASB Sample Resolution

g. [Insert documentation the district will provide to evidence a student was in attendance during periods of asynchronous learning].

NOW THEREFORE, BE IT FURTHER RESOLVED that the district will ensure that all students who are participating in remote learning will receive equitable instruction and services. Further, the district will ensure that, within the constraints of COVID-19, equitable and appropriate instruction will continue to be offered to those students requiring accommodations.

NOW, BE IT FURTHER RESOLVED that the Superintendent is directed to keep the Board of Education informed of actions taken under this Resolution.

NOW, BE IT FURTHER RESOLVED this Resolution is in effect for the duration of the 2022-2023 school year, unless otherwise rescinded or extended by the Board upon a two-thirds majority vote.

NOW, BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Board's approval of this action and of the authority granted herein.

Adopted and approved this ____ day of _____, 2022.

President, on behalf of

Date

the _____ Board of Education

Concurrent Enrollment

The Board believes that students who wish to pursue postsecondary level work while in high school should be permitted to do so. In accordance with this policy and accompanying regulation, high school students may receive course credit toward the fulfillment of high school graduation requirements for successful completion of approved postsecondary courses offered by institutions of higher education.

This policy and accompanying regulation do not apply to students seeking to enroll in postsecondary courses pursuant to the Accelerating Students through Concurrent Enrollment (ASCENT) program or a “dropout recovery program” pursuant to the Concurrent Enrollment Programs Act (the Act). Students seeking to enroll in the ASCENT program or a dropout recovery program will work with district administrators and meet the Act’s applicable requirements.

Definitions

For purposes of this policy and accompanying regulation, the following definitions will apply.

"Concurrent enrollment" means the pre-approved simultaneous (during the school year) enrollment of a qualified student in a district high school and in one or more postsecondary courses at an institution of higher education. Concurrent enrollment does not include a student’s simultaneous enrollment in: a district high school and in one or more secondary career and technical education courses, advanced placement courses, or international baccalaureate courses; an early college course and a postsecondary course; a p-tech school and a postsecondary course; or a district high school and a postsecondary course that does not fall within the definition of concurrent enrollment.

"Qualified student" means a person who is less than 21 years of age and is enrolled in the 9th grade or higher grade level

NOTE: The Act provides that students are eligible to enroll in postsecondary courses beginning in ninth grade. C.R.S. 22-35-103(15). State law requires that, beginning with the 2020-21 school year, districts that enroll students in grades nine through twelve must provide qualified students in all grades nine through twelve the opportunity to concurrently enroll in postsecondary courses as provided in the Act. C.R.S. 22-35-104 (1)(a)(I)-(III).

“Postsecondary course” means a course offered by an institution of higher education and includes coursework resulting in the acquisition of a certificate; an associate degree of applied sciences, general studies, arts, or science; and all baccalaureate degree programs.

"Institution of higher education" means:

- a. A state university or college, community college, junior college, or area vocational school as described in Title 23, C.R.S.

- b. A postsecondary career and technical education program that offers postsecondary courses and is approved by the state board for community colleges and occupational education pursuant to applicable state law; and
- c. An educational institution operating in Colorado that meets the Act's specified criteria.

Eligibility

Qualified students seeking to enroll in postsecondary courses at the district's expense and receive high school credit for such courses must follow the procedure accompanying this policy, including but not limited to timely submitting an application and establishing an academic plan of study. Qualified students must meet the minimum prerequisites and academic readiness for the postsecondary courses in which they seek to enroll.

The Board determines the manner in which it provides opportunities for concurrent enrollment. However, the district may not unreasonably deny approval for concurrent enrollment or limit the number of postsecondary courses in which a qualified student may enroll unless the district is unable to provide access due to technological capacity.

NOTE: The Act provides that students are eligible to enroll in postsecondary courses beginning in ninth grade. C.R.S. 22-35-103 (15). State law requires that, beginning with the 2020-21 school year, districts that enroll students in grades nine through twelve must provide qualified students in all grades nine through twelve the opportunity to concurrently enroll in postsecondary courses as provided in the Act. State law also specifically states that while school Boards "may determine the manner in which concurrent enrollment opportunities are provided," the district and school administrators "shall not unreasonably deny a qualified student approval to concurrently enroll in a postsecondary course." Additionally, the school Board "shall not limit the number of postsecondary courses...a qualified student may concurrently enroll during the ninth, tenth, eleventh, and twelfth grade, except to the degree that the local education provider is unable to provide access to the postsecondary courses due to technological capacity." C.R.S. 22-35-104(1)(a)(I)-(III). While "technological capacity" is not explicitly defined in law or rule, it is understood to refer to broadband limitations.

Academic credit

Academic credit granted for postsecondary courses successfully completed by a qualified student will shall count as high school credit toward the Board's graduation requirements, unless such credit is denied. College credit hours of 3 or more will equal .5 semester credit at the high school level. (Examples: college course credit hour of 2 is equal to .33 high school credits; college course credit hours of 5 will be equal to .83 high school credits.)

High school credit will be denied if a qualified student does not receive a passing grade for the postsecondary course. High school credit will be denied for postsecondary courses that do not meet or exceed the district's academic standards. High school credit shall also be denied for a postsecondary course substantially similar to a course offered by the district, unless the qualified student's enrollment in the postsecondary course is approved due to a scheduling conflict or other reason deemed legitimate by the district. Concurrent enrollment is not available for summer school.

All grades earned will be entered and calculated into the student's high school GPA as per policy IKC. Students who fail a concurrent class will receive a failing grade on their transcripts and it will be included in their GPA calculation. If the same student retakes the same class, the new grade will be included in the transcripts and GPA calculation but the new grade will not replace the initial failing grade.

Agreement with institution of higher education

When a qualified student seeks to enroll in postsecondary courses at an institution of higher education and receive high school credit for such courses, the district and the participating institution will enter into a written cooperative agreement in accordance with the Act.

NOTE: The Act created a Concurrent Enrollment Advisory Board. C.R.S. 22-35-107. This Board's responsibilities include advising and assisting school districts, BOCES, and institutions of higher education in preparing cooperative agreements. The Concurrent Enrollment Advisory Board has approved model cooperative agreements between districts and institutions of higher education and has developed model applications, forms, and checklists, which are available on the Colorado Department of Education's website.

Payment of tuition and additional costs

The district will pay the tuition for postsecondary courses in accordance with the Act and the district's cooperative agreement with the institution of higher education. ~~successfully completed by a qualified student and for which the qualified student receives high school credit.~~

NOTE: Prior to SB19-176, state law allowed the Board to determine the total number of postsecondary credit hours for which the district will pay. State law now requires that, beginning with the 2020-21 school year, districts that enroll students in grades nine through twelve must provide and pay tuition for qualified students in all grades nine through twelve the opportunity to concurrently enroll in postsecondary courses as provided in the Act. The district cannot unreasonably deny approval for concurrent enrollment or limit the number of postsecondary courses in which a qualified student may enroll, unless the district is unable to provide access due to technological capacity. C.R.S. 22-35-104 (1)(a)(I)-(III). The Act, however, does limit the number of postsecondary credit hours in which a qualified student who is not a participant in the ASCENT program and has not satisfied the Board's minimum graduation requirements by the end of the student's twelfth grade year (i.e., a fifth year student) may enroll through concurrent enrollment. The statutory limit is a maximum of nine credit hours. C.R.S. 22-35-104 (1)(d).

~~The tuition paid by the district for the qualified student's successful completion of an approved postsecondary course will be in accordance with the Act and the district's cooperative agreement with the institution of higher education.~~

NOTE: SB19-176 repealed the provision at C.R.S. 22-35-105 (3)(b), which allowed an institution of higher education to charge additional tuition and/or associated fees to the qualified student and the qualified student's parent/guardian in addition to the tuition paid by the district. That is now prohibited. Concurrent enrollment courses are to be at no tuition cost to the qualified student and the student's parent/guardian, no matter the format or the location in which the course is delivered. The qualified student and the student's parent/guardian may be responsible for the cost of textbooks and fees.

Sargent School District will pay the concurrent tuition at the "in-state" (resident) community college rate, up to a maximum of 6 college credit hours per semester per student. Students who wish to enroll at an institution of higher education outside the community college system will be responsible for the difference in tuition rate.

~~Prior to paying the tuition for any qualified student, the district will require the student and student's parent/guardian to sign an agreement stating if the student fails or otherwise does not complete the postsecondary course for any reason without consent of the principal of the high school in which the student is enrolled, the student and/or the student's parent/guardian must repay the amount of tuition paid by the district on the student's behalf.~~

The qualified student and the student's parent/guardian will be responsible for the cost of textbooks and fees for postsecondary courses.

NOTE: State law allows districts and institutes of higher education to have qualified students and the student's parents/guardians be responsible for the cost of any textbooks and fees for postsecondary courses. The sample language states that the qualified student and the student's parent/guardian "will be" responsible for such additional costs. The Board should review this language and may wish to consider alternative language depending on local circumstances and needs. For example, "will be" can be changed to "may be." This change would give the district discretion to determine what costs may be assessed to the qualified student and the student's parent/guardian. Districts may use other sources of funds, such as gifts, grants, and donations, to assist with textbooks and fees.

Transportation

The district will not provide or pay for the qualified student's transportation to the institution of higher education.

Notice

Information about concurrent enrollment options will be made available to high school students and their parents/guardians on an annual basis. In addition, at least six weeks prior to the beginning of the enrollment period for postsecondary concurrent enrollment courses, written notice (which may be sent electronically) will be provided to high school students and their parents/guardians of the postsecondary courses offered at no tuition cost to qualified students at the district and at an institution of higher education, any anticipated costs of textbooks and fees to the qualified student for those courses, and the number and transferability of course credits that a qualified student may earn by enrolling in and successfully completing a concurrent enrollment course.

NOTE: State law specifies the requirements for the required notices to high school students and their parents/guardians. See C.R.S. 22-35-104 (b)(I)-(V).

NOTE: State law requires schools to ensure that, in developing and maintaining each student's "individualized career and academic plan" (ICAP), the counselor or teacher explains to students and their parents/guardians the requirements for and benefits of enrolling in postsecondary courses pursuant to the Act. The explanation to students' parents/guardians shall be by electronic mail or other written form. C.R.S. 22-32-109 (1)(nn).

Information about concurrent enrollment options and the benefits of participating in concurrent enrollment during high school will be provided to middle school students and their parents/guardians electronically at least once during the school year and at least once during the summer.

NOTE: State law requires the community college system, in collaboration with districts, to develop and provide informational materials to the parents of 6th-8th graders explaining the benefits of participating in concurrent enrollment programs in high school. At a minimum, the community college system must provide these

materials electronically at least once during the school year and once during the summer months, and may also provide the information through other appropriate means. C.R.S. 23-60-202.7.

Adopted: 10/25/93

Revised: 10/22/01,08/22/05, 7/26/10, 3/28/11, 11/17/14, 03/30/15, 09/28/15 ,
08/23/21

LEGAL REFS.: C.R.S. 22-32-109(1)(nn) (discussion of the requirements for and benefits of concurrent enrollment must be a part of ICAP process)
C.R.S. 22-35-101 *et seq.* (*Concurrent Enrollment Programs Act*)
C.R.S. 23-60-202.7 (*requirement to provide information concerning concurrent enrollment to parents of middle school students*)
1 CCR 301-86 (*State Board of Education rules regarding the Administration of the Concurrent Enrollment Program*)

CROSS REFS.: IHBK* Preparation for Postsecondary and Workforce Success
IJNDAB*, Instruction through Online Courses
IKF, Graduation Requirements
JFC, Student Withdrawal from School/Dropouts

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

Continuing Enrollment of Students Who Become Nonresidents

Resident elementary students who become nonresidents

Students enrolled in either elementary or secondary school who become nonresidents during or between school years may remain enrolled in or re-enroll in the applicable school subject to the following requirements:

1. The student was included in the district's most recent pupil enrollment count and has been enrolled continuously in school since the count was taken.
2. The parent/guardian has submitted a written request to the principal asking for the student to remain enrolled or to re-enroll in the school.
3. The request has been approved by the principal after a determination that space exists in the school to accommodate the student.

Once the student's request is approved, the student may enroll or reenroll in the requested school. As long as he or she enrolls prior to the pupil enrollment count date. The district shall enter into a written agreement with the student's district residence. However, this agreement will not contain any requirement that the district of residence or the parent/guardian pay tuition nor shall either district be required to provide transportation.

Resident secondary students who become nonresidents

Secondary students who become nonresidents during the school year may remain enrolled through the semester at the student's current school. Students enrolled in the 12th grade may finish the school year at the current school.

Adopted: 11/25/02
Revised: 05/20/13

LEGAL REFS.: C.R.S. 22-32-115 (tuition to another district)
C.R.S. 22-32-116 (students who become nonresidents)
C.R.S. 22-33-103 (parent not required to pay tuition if resident of Colorado)
C.R.S. 22-36-101 (2)(a) (parent not required to pay tuition if resident of Colorado)

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

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

Nonresident Tuition Charges

The parents/guardians of Colorado students who are not residents of this school district shall not be charged tuition. Enrollment of these students shall be decided in accordance with the policy on inter-district choice/open enrollment.

However, the district may enter into a written agreement with any student's district of residence under which the district of residence agrees to pay tuition to allow the student to attend school within the district as long as the student is not a continuing enrolled student pursuant to policy JFAB.

When a nonresident student with a disability applies to enroll in a school in this district, the district shall provide notice to the student's district of residence and if applicable, the student's administrative unit of residence. The student's district and, if applicable, administrative unit of residence shall be responsible for paying the tuition charge for educating the student in accordance with state laws and regulations. The amount of the tuition shall be determined pursuant to the rules developed by the Colorado Department of Education.

Out-of-state students who wish to attend school in this district shall be charged tuition in accordance with the rates adopted by the Board on an annual basis.

The superintendent shall present to the Board for its consideration any request from parents/guardians for exceptions to this policy. The Board shall determine whether to consider the request and if it deems consideration appropriate, it shall make a determination on the merits of the request.

Adopted: 06/27/94

Revised: 12/17/01, 10/28/02, 09/27/04, 9/24/07, 8/27/12

LEGAL REFS.: C.R.S. 15-14-104 (delegation of custodial power)
C.R.S. 22-1-102 (2) (defines "resident")
C.R.S. 22-20-106 (designation of general and special education responsibilities for students with disabilities)
C.R.S. 22-20-107.5 (defining district of residence for students with disabilities)
C.R.S. 22-20-109 (tuition provisions for special education students)
C.R.S. 22-23-105 (residence of migrant children)
C.R.S. 22-32-113 (1)(b),(c) (transportation of students)
C.R.S. 22-32-115 (tuition to another district)
C.R.S. 22-33-103 (parent not required to pay tuition if resident of Colorado)
C.R.S. 22-33-106 (3) (grounds for denial of admission)
[C.R.S. 22-36-101 \(2\)\(a\)\(parent not required to pay tuition if resident of Colorado\)](#)

1 CCR 301-8, Rules 2.02 and 3.01 (obligating school districts to be of sufficient size and capacity to operate their own special education programs or to join an administrative unit that does so)

CROSS REFS.: JFAB, Admission of Nonresident Students
JFABD, Homeless Students
JFBB, Inter-District Choice/Open Enrollment

NOTE: Colorado Department of Education must negotiate reciprocal agreements with neighboring states to allow out-of-state students to attend without paying tuition when the geographic conditions or distances are such that it would be impractical for the child to attend the schools of his or her own state. See C.R.S. 22-2-128.

Students in Foster Care

Child welfare education liaison

At least one district staff member shall be designated to serve as the child welfare education liaison. In lieu of designating a district employee, the district may contract with an individual or request that the district's Board of Cooperative Services (BOCES) designate a BOCES employee to serve as the district's child welfare education liaison. By August 15 of each year, the district shall report the name and contact information of the district's child welfare education liaison to the Colorado Department of Education.

The child welfare education liaison shall be responsible for working with child placement agencies, county departments of human services, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care.

The district's child welfare education liaison is also designated to receive notice of a student who is transitioning to public school from a state-licensed day treatment facility, facility school or hospital providing inpatient acute care or psychiatric services and who has been determined by that facility, facility school, hospital, or a court to be a risk to himself or herself or the community within the 12 months prior to the proposed transfer to a public school. Under certain circumstances, the child welfare education liaison may receive an invitation to participate in the development of a transition plan for such student.

Enrollment determinations

In making enrollment determinations, the child welfare education liaison shall assist appropriate county department of human services representatives in making "best interest of the child" education decisions, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of origin or to enroll in a new school.

Transfer of education records

If a student in foster care transfers to another school, the sending district shall transfer the student's education information and records to the receiving school as soon as possible but not to exceed five school days after receiving a transfer request.

The sending district may release the student's education information and records to an employee of the county department of human services for the sole purpose of transferring the education information and records to the student's new school. Such release shall be in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act.

If the request for a records transfer involves a student who is receiving special education services pursuant to an individualized education plan, the sending district shall notify its special education director of the records request.

The sending district shall not delay the transfer of education information and records of a student in foster care for any reason, including but not limited to the existence of any unpaid fines or fees.

Enrollment in a new school

If it is determined that it is not in the student's best interests to remain in his/her school of origin and unless otherwise permitted by state law to deny enrollment, the district or new school shall immediately enroll a student in foster care in the new school, regardless of whether:

- the district or school has received the student's education records or certificate of immunization;
- the student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or
- the student can comply with any other pre-enrollment restrictions or requirements imposed by the district or new school.

If the district or new school enrolls a student in foster care without receiving the student's certificate of immunization, the district or school shall notify the applicable county department of human services that, unless the district or school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the student in foster care shall be suspended until such time as the district or school receives the certificate of immunization or authorization.

Transfer of credits

When a student in foster care transfers from one school to another school, the sending school shall certify to the receiving school or district the coursework that the student fully or partially completed while enrolled. The receiving school or district shall accept the student's certified coursework as if it had been completed at the receiving school.

The receiving school or district shall apply all of the student's certified coursework toward completion of the student's requirements for grade level promotion at the receiving school or for graduation from the receiving school if the student is enrolled in 12th grade. The receiving school or district may award elective credit for any portion of the student's certified coursework that is not aligned with the curriculum of the receiving school or district.

Transportation

When the district is notified that a student in foster care needs, or may need, transportation to a district school, the child welfare education liaison will take steps to establish an individualized plan that addresses how transportation to maintain the student in his/her school of origin will be arranged, provided and funded for the duration of time that the student in foster care is attending his/her school of origin.

In establishing such a plan, the child welfare education liaison and other district staff shall follow any existing transportation procedures, systems-level plan or agreement that the district, acting in collaboration with one or more relevant departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student.

Adoption date: 03/26/18

NOTE: SB22-008 requires school district child welfare education liaisons to provide students in out-of-home placements with information and assistance about tuition waivers for Colorado public institutions of higher education for qualifying students.

Revised: 05/20/19

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

Inter-District Choice/Open Enrollment

The Board recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries.

Nonresident students from other school districts within the state who are accepted pursuant to the regulations approved by the Board may enroll in particular programs or schools within this district on a space available basis without payment of tuition, except as otherwise provided by law.

In providing for the open enrollment of nonresident students, the school district will not be required to:

1. Make alterations in the structure of the requested school or to the arrangement or function of rooms within a requested school to accommodate the enrollment request.
2. Establish and offer any particular program in a school if such program is not currently offered in such school.
3. Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.
4. Enroll any nonresident student in any program or school after the pupil enrollment count day.

Before considering requests for open enrollment from nonresidents, priority will be given to resident students who apply under the district's open enrollment/transfer plan.

Any student enrolled pursuant to this policy will be allowed to remain enrolled in the school or program through the end of the school year unless overcrowding or other undesirable conditions develop, as described in the accompanying regulation.

Students granted permission to ~~attend-enroll in~~ a school pursuant to this policy will have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association, and the district's eligibility requirements.

Transportation

Transportation for students ~~who granted permission to~~ enroll pursuant to this policy must be furnished by their parents/guardians to a designated vehicle stop within the district if arrangements can be made to have the student ride on a district bus without disruption of regular routes and loading areas (not including special education buses and routes).

Homeless students, students in foster care, and students with disabilities will be transported, as necessary, in accordance with state and federal law. Buses from this district may enter the student's district of residence to pick up or deliver the student only with specific permission of the Board of Education of the district of residence.

Nondiscrimination

The Board, the superintendent, other administrators and district employees will not unlawfully discriminate based on a student's disability, race, creed, color, sex, sexual

orientation, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy.

Special education

~~Requests from the parents/guardians of special education students for open enrollment will be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) will be used to determine if the requested school or program can meet the student's needs. Once the student is enrolled, the district will conduct a staffing to update the IEP.~~

The district shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. Thereafter, the district shall consider the request for open enrollment, in accordance with applicable state and federal laws.

Adopted: 06/27/94
Revised: 08/22/94, 12/17/01, 10/28/02, 11/26/07, 12/10/08, 01/23/12, 07/22/13, 03/31/14, 3/26/18, 08/10/20

LEGAL REFS.: C.R.S. 15-14-105 (delegation of custodial power)
C.R.S. 19-1-115.5 (child in foster care placement is considered resident of school district in which foster home is located)
C.R.S. 22-1-102 (2) (definition of resident of district)
C.R.S. 22-20-106 (designation of general and special education responsibilities for students with disabilities)
C.R.S. 22-20-107.5 (defining district of residence for students with disabilities)
C.R.S. 22-20-109 (tuition for special ed services)
C.R.S. 22-32-109(1)(II)(Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner)
C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)
C.R.S. 22-32-113 (1)(c) (transportation of students residing in another district)
C.R.S. 22-32-115 (district may pay tuition for student to attend in another district not to exceed 120% of per pupil general fund cost)
C.R.S. 22-32-115 (2) (b) (subject to 22-36-101 district must permit any student whose parents are residents of Colorado to attend w/o payment of tuition)
C.R.S. 22-32-115 (4) (a) (district is not liable for tuition except pursuant to written agreement)
C.R.S. 22-32-116 (if become non-resident may finish semester, if in 12th grade or may finish year, special rules for elementary students)
C.R.S. 22-33-103 (any resident may attend district school w/o payment of tuition, tuition can be paid by district of resident pursuant to written agreement, parents may pay tuition if non-Colorado resident)
C.R.S. 22-33-106 (3) (grounds to deny admission)
C.R.S. 22-36-101 et seq. (open enrollment policy must have time line and reasons to deny enrollment)
C.R.S. 22-54-103 (10.5) (definition of pupil enrollment as of count day)
1 CCR 301-1, Rule 3.02 (I)(j) (opportunities and options for choice
1 CCR 301-8. Rules 4.03 and 8.07 (prohibiting administrative units from inquiring about a transferring child's IEP or disability status until after the child has been admitted)

CROSS REFS: JFAB/JFABA, Admission of Nonresident Students/Tuition Charges
JFABD, Admission of Homeless Students
JFABE*, Students in Foster Care
JFBA, Intra-District Choice/Open Enrollment
JJJ, Extracurricular Activity Eligibility

NOTE: School districts are encouraged by C.R.S. 22-36-101 (2)(a) to give enrollment priority to a student with a proficiency rating of unsatisfactory in one or more academic areas who attends a public school that is required to implement a turnaround plan or that is subject to restructuring.

NOTE 2: 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).*

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

Relations with District Charter Schools

(Procedures for Establishment, Review, Renewal, Revocation and Closure)

A. Application requirements

Prerequisite for filing application

A district charter school applicant must demonstrate that a majority of the proposed district charter school's pupils will reside in the chartering school district or in contiguous school districts in order to apply for or be granted a charter.

Intent to apply

At least 30 days before submitting an application, applicants must file an intent to apply form (LBD*-E) with the district. *[Note: The district may establish a reasonable time period in which to require an "intent to apply" form before the deadline for submission of an application.]*

Timeline for submission of application

[Option 1: Single-day application deadline]

In accordance with this regulation, a district charter school applicant shall submit an application to the district only on *[date between August 1 and October 1]* between *[business hours]* or by *[time]* the first business day following *[deadline date]* of the year preceding the proposed opening of the district charter school. This allows time for district administrator(s) to review the application for completeness and a review by the district accountability committee before the application is officially submitted to the Board. However, the Board and the applicant may jointly waive this deadline.

[Option 2: Rolling application window]

In accordance with this regulation, a district charter school applicant shall submit an application to the district ~~by~~ from August 1 through October 1 between 7:35 – 4:00 or by 4:00 the first business day following October 1 of the year preceding the proposed opening of the district charter school. This allows time for district administrator(s) to review the application for completeness and a review by the district accountability committee before the application is officially submitted to the Board. However, the Board and the applicant may jointly waive this deadline.

[Note: The Board can establish a deadline date that falls any time between August 1 and October 1. C.R.S. 22-30.5-107 (1). If the date for submitting applications is changed, the Board must notify the Colorado Department of Education and each charter applicant of the change by certified letter.]

Contents of the application

In accordance with state law, the approved district charter school application will be the basis for negotiating a contract between the district and the district charter school. At a minimum, the application shall include the following:

1. Intent to apply form (exhibit LBD*-E)

2. Executive summary

Provide an executive summary that outlines the elements of the application and provides an overview of the proposed charter school.

3. Vision and mission

Provide a copy of the vision and mission statements of the district charter school and a description of the process used to develop the statements.

4. Goals, objectives and student performance standards

State the proposed four-year goals for the district charter school including timelines. Describe the process used to identify the goals. The goals shall address accreditation performance indicators and applicable goals and standards in federal law.

5. Purpose and evidence of support

State the purpose for the district charter school and a geographic description of the area of intended service.

Provide evidence that an adequate number of parents/guardians and students support the formation of the district charter school. Where possible, this evidence shall be shown in aggregate (by grade level and school), without disclosing personally identifiable student information.

6. Student achievement and curriculum

Describe the district charter school's educational program, student performance standards and curriculum that shall provide students with the educational experiences necessary to achieve the standards.

Detail the plan for academic accountability, including a description of measurable annual targets for the measures used to determine the levels of attainment of the accreditation performance indicators.

Describe the curriculum to be used in the district charter school, including a list of the objectives and means of measuring student performance for each subject and each grade level.

Describe the district charter school's procedures for taking corrective action in the event that student performance at the school falls below the

specified targets for the measures used to determine the levels of attainment of the accreditation performance indicators.

Describe the policies regarding student discipline, expulsion and suspension that are consistent with the intents and purposes of state and federal law.

Describe the plan for addressing the needs of students with special needs, including budget and staff requirements. The plan shall include identifying and meeting the learning needs of at-risk students, students with disabilities, gifted students and English language learners.

Describe the manner in which the district charter school will collect and use longitudinal assessment data in determining and improving the academic progress achieved by district charter school students.]

7. Criteria for enrollment decisions

Consistent with state and federal law, describe the enrollment policy and the criteria for enrollment decisions.

8. Governance and decisionmaking

Describe the governing body, including a detailed description of the relationship between the district charter school and the school district.

Consistent with state law, describe the types and extent of parental, professional educator and community involvement in the governance and operation of the district charter school. Provide information on how the district charter school will be accountable to the public.

Describe expectations and plans for ongoing parent and community involvement.

Provide draft bylaws for the district charter school.

9. Employment plan and practices

Describe the employment policies of the district charter school including a description of the qualifications for licensed and classified employees, employee compensation schedule(s), recruitment and selection procedures, plan(s) for resolving employee relation problems, and the relationship that will exist between the district charter school and its employees.

10. Financial data, facilities and transportation

Provide necessary evidence that the plan for the district charter school is economically sound.

Include a proposed budget for a term of at least five years and a description of the manner in which an independent annual audit of the financial statements is to be obtained, consistent with state and federal

law. The proposed budget shall include all information and data necessary for the district and Board to understand how the district charter school will fund all of its operations during the term of the charter. A student fee schedule should be included in addition to a proposed schedule of cash flow.

If the district charter school intends to seek grants or donations, the application shall include an explanation of the contingency plan if the school is unsuccessful in securing such funding.]

Detail the plan for fiscal accountability.

Describe the services the district charter school plans to purchase from the district.

Provide a detailed summary of all insurance coverage, which shall include workers' compensation, liability insurance, and insurance for the facility and its contents, and a proposal regarding the parties' respective legal liabilities.

Describe the facilities to be used, the reasonable costs of the facilities, and the way they will be obtained and maintained. Include any contracted services and the proposed contractor.

Describe the proposed student transportation system and food services program, including the contract if services will be provided by a second party. If transportation or food services are to be provided by the district charter school, include a plan for addressing the needs of low income students, complying with insurance and liability issues and complying with state and federal law.

Address whether the district charter school seeks authority to impose a transportation fee on enrolled students and if so, describe the circumstances and procedures by which the district charter school will impose such a transportation fee.

11. Dispute resolution

Describe the process consistent with state law that will be used to resolve disputes that may arise between the district and the district charter school.

12. Requested "automatic waivers" under state law

List the state laws and regulations included in the State Board of Education's list of "automatic waivers" that the district charter school requests.

13. Requested waivers that are not "automatic waivers" under state law

List the district policies for which waivers are requested. Include the reasons for each request.

List the state laws and regulations for which waivers are requested. Include the reasons for each request.

Include a statement saying how the district charter school plans to comply with the intent of the statutes, rules and policies that are waived.

14. Education management provider, if applicable

Include the following information if the district charter school intends to contract with an education management provider (EMP):

- a summary of the performance data for all current schools of the EMP, including documentation of academic achievement and school management success
- an explanation and evidence of EMP's capacity for successful expansion
- an explanation of existing or potential conflicts of interest between the governing board of the district charter school and the EMP
- a copy of the actual or proposed performance contract between the district charter school board and the EMP that specifies performance evaluation measures, methods of contract oversight and enforcement, compensation structure and fees, and conditions for contract renewal and termination.

15. Additional information

Provide any additional information that might be helpful in supporting the application to establish a district charter school.

Submission procedures

No application fee will be charged by the Board.

The applicant must provide two original copies of the completed application printed single-sided on white paper, not stapled, or an electronic copy of the application.

At least 30 days prior to submitting an application, the applicant shall complete the intent to apply form (exhibit LBD*-E) and provide the completed form to the district's designated administrator(s).

[Option 1: if using single-day application deadline]

Only on *[deadline date]* between *[business hours]* or by *[time]* on the first business day following *[deadline date]* of the year preceding the proposed opening of the district charter school, the applicant shall submit the application to the district's designated administrator(s). Within 15 days after receiving the application, the district administrator shall review the application to determine whether all components required by law and policy have been addressed and if the application is deemed incomplete, the district administrator will document the missing components in a written notice to the applicant within the 15 day period. Applicants shall be allowed 15 days from the date of receipt of such notification to provide the

missing information. Alternatively, the applicant may elect to withdraw the application or submit a complete application in a future year.

[Option 2: if using rolling application window]

On or before ~~August~~ October 1 of the year preceding the proposed opening of the district charter school, the applicant shall submit the application to the district's designated administrator(s). Within 15 days after receiving the application, the district administrator shall review the application to determine whether all components required by law and policy have been addressed and if the application is deemed incomplete, the district administrator will document the missing components in a written notice to the applicant within the 15 day period. Applicants shall be allowed 15 days from the date of receipt of such notification to provide the missing information.

[Note: The district may request additional information during the review period and provide reasonable time for the charter applicant to respond. The district may, but is not required to, accept any additional information the charter provides that the district does not request.] Alternatively, the applicant may elect to withdraw the application or submit a complete application in a future year.

If the application is deemed complete, the district administrator will indicate the date the applicant filed the initial application and forward the application to the district accountability committee.

Review by district accountability committee

The district accountability committee shall review an application before submission to the Board. The committee shall include one person, who need not reside in the district, with knowledge of district charter schools and one parent of a student in the district. The parent must be a district charter school parent if the district has a district charter school. The district accountability committee will have at least 15 days, if possible, to review the application prior to review by the Board. *[Note: The district may establish a reasonable period of time for the district accountability committee to review the application.]* Upon the committee's completion of its review, the designated district administrator(s) shall forward the application to the Board for review at the next regular Board meeting.

Review by the Board

The Board shall not accept or consider an incomplete application nor shall the Board take action on an application if the information deemed necessary by district administration to complete the application is not received within the 15 day period allowed by state law. Statutory timelines for Board action upon a complete district charter application shall commence when the district's designated administrator(s) receives the initial charter application from the charter applicant. The parties may mutually agree to waive any deadlines during the application process, including extending the deadline for Board consideration of the application.

Once a complete application has been accepted by the Board, the Board will interview the district charter applicant. Interviewing the applicant does not preclude the Board from requiring the applicant to submit additional information or documentation.

Public meetings

After giving reasonable notice, the Board shall schedule and hold community meetings in the affected areas or the entire district to obtain information to assist the Board to make a decision about the district charter school application.

Decision on the district charter application

The Board shall make a decision on a complete district charter school application by resolution in a regular or special Board meeting within 90 days after receiving the initial charter application from the charter applicant or such deadline as may be mutually agreed upon by the Board and the applicant. The Board may approve, approve with conditions, or deny the district charter application.

The Board may unilaterally impose conditions on a district charter school applicant only through adoption of a Board resolution. Such resolution shall, at a minimum, state the Board's reasons for imposing the conditions unilaterally.

If the application is approved with conditions, the applicant must satisfy all conditions before the Board may approve the application. An applicant's failure to satisfy all of the Board's conditions shall result in the Board's denial of the application.

If the application is approved, the district charter shall be granted for a period of at least four academic years.

If the application is denied or if the Board does not review the application, the Board will set forth in writing the grounds for denial or refusal to review. The Board shall notify the Colorado Department of Education of the denial and the reasons within 15 days after it makes this decision. If the application is approved, the Board will send a copy of the approved district charter to the Department of Education within 15 days after Board approval of the application.

Negotiations

All negotiations between the Board and an approved district charter school on the district charter agreement shall be concluded by and all terms agreed upon no later than 90 days after the Board resolution approving the district charter application.

B. Annual performance review of district charter

The district's administration shall create a process for and ensure an annual review of the district charter school's performance.

At a minimum, the review shall include the district charter school's progress toward meeting the objectives of its accreditation plan and the results of the district charter school's most recent annual financial audit.

If the district charter school is required to implement a turnaround plan for a second consecutive school year, it shall also present the turnaround plan, a summary of changes made to improve its performance, and evidence that it is making sufficient improvement to attain a higher accreditation category within two school years or sooner.

The district charter school shall receive written feedback from the annual review and a copy shall be given to the Board for consideration in any decision to renew, revoke, or renegotiate the district charter.

C. Renewal of a district charter

Each district charter shall be provided a copy of these renewal procedures and timelines and receive a copy of any subsequent revisions to the procedures or timelines.

The governing body of a district charter school shall submit a renewal application to the Board no later than December 1 of the year prior to the year in which the district charter expires.

The renewal application shall contain a complete report on the progress of the school in achieving the goals, objectives, student performance standards, content standards, targets for the measures used to determine the levels of attainment of the accreditation performance indicators, and other terms of the district charter contract and the results achieved by the district charter school students on state assessments.

The renewal application shall also include a financial statement that discloses the costs of administration, instruction and other spending categories for the school; and any information or materials resulting from the district's annual review of the district charter school.

The Board shall rule by resolution on the renewal application no later than February 1 of the year in which the district charter expires or by a mutually agreed upon date.

D. Revocation of a district charter

A district charter may be revoked or not renewed by the Board if the Board determines that the district charter school did any of the following:

1. Committed a material violation of any of the conditions, standards or procedures in the contract;
2. Failed to meet or make adequate progress toward achievement of the goals, objectives, content standards, pupil performance standards, targets for the measures used to determine the levels of attainment of the student performance indicators, applicable federal requirements, or other terms identified in the contract;

3. Failed to make sufficient improvement to attain an accreditation category higher than turnaround status within two school years or if the district charter school is required to implement a turnaround plan for a third consecutive school year;
4. Failed to meet generally accepted standards of fiscal management; or
5. Violated any provision of law from which the district charter school is not specifically exempt.

The school district administration shall provide the Board and district charter school a written recommendation concerning whether to revoke or renew the district charter, including reasons supporting the recommendation. The recommendation shall be submitted at least 15 days prior to the date the Board will consider action to revoke or renew the district charter.

If the Board revokes or does not renew a district charter, the Board shall state its reasons for doing so in writing.

E. Closure of a district charter school

Following nonrenewal or revocation of a district charter school's charter, the school district shall, when practicable, allow the district charter school to continue to operate through the end of the school year. However, if the Board determines it is necessary to close the district charter school prior to the end of the school year, the school district shall work with the district charter school to determine an earlier closure date.

The school district shall work with the parents of students enrolled in the district charter school to ensure that students are enrolled in schools that meet their educational needs, whether such enrollment need happen mid-year or at the end of a school year.

The school district shall also work with the district charter school to ensure the district charter school meets its financial, legal and reporting obligations during the period of time that the district charter school is concluding its operations.

Adoption date: 04/22/02
Revised: 10/28/02, 12/15/03, 09/27/04, 09/26/05, 08/24/15

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

School District Goals and Objectives

In accordance with state law, the Board adopts high but achievable goals and objectives for the continued improvement of education in the district. In order to accomplish the philosophy of this district, we will provide educational experiences in the following areas:

Communicative Skills — writing, reading, listening, speaking,

Scientific Knowledge — biological, chemical, earth, physical

Math — computation, problem solving, spatial relationships

Life Skills — strong sense of ethics, health, humanities, self-image, interpersonal relationships, quality of life, physical education, arts, practical application of learned experiences.

Technology throughout the curriculum

Adopted: date of manual adoption

Revised: 08/28/89, 07/24/00

LEGAL REFS: C.R.S. 22-53-207

CROSS Ref.: GA, Personnel Goals

IA, Instructional Goals

JA, Student Policies Goals

Board Member Conflict of Interest

Public office is a trust created in the interest of the common good and for the benefit of the people. A conflict of interest can arise when a public officer is unable to devote himself with complete loyalty and singleness of purpose to the general public interest.

It is the intent of this policy to protect the public trust placed in directors of this school district. For purposes of this policy, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite and demonstrable and which is or may be in conflict with the public interest.

A Board member who has a personal or private interest in a matter proposed or pending before the Board shall disclose such interest to the Board, shall not vote on it and shall not attempt to influence the decision of other Board members in voting on the matter.

However, if a Board member has complied with statutory disclosure requirements by notifying the secretary of state of his interest in the matter, he may vote if his participation is necessary to obtain a quorum or otherwise enable the Board to act. If a member votes under these circumstances, he shall state for the record the fact and summary nature of the potential conflict of interest.

The written disclosure to the secretary of state shall list as applicable the amount of the member's financial interest, the purpose and duration of any services rendered, compensation received for services or such other information necessary to describe the interest.

The Board shall not enter into any contract with any of its members or with a firm or corporation in which a member has a financial interest unless one or more of the following apply:

1. The contract is awarded to the lowest responsible bidder based on competitive bidding procedures.
2. The merchandise is sold to the highest bidder at a public auction.
3. The transaction involves investing or depositing money in a financial institution which is in the business of loaning money or receiving money.
4. If, because of geographic restrictions, the district could not otherwise reasonably afford the contract because the additional cost to the district would be greater than 10 percent of the contract with the interested member or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services.

5. If the contract is one in which the Board member has disclosed a personal interest and is one on which he has not voted or has voted as allowed in state law following disclosure to the secretary of state and to the Board.

Except as described above, a Board member shall not be a purchaser at any sale or a vendor for any district purchase made with non-federal funds.

Conflict of interest – federally funded transactions

Separate from state law and the Board’s policies concerning the Board’s standards of conduct and conflict of interest, federal law imposes restrictions on the conduct of Board members whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG).

Under the UGG, a Board member shall not participate in the selection, award or administration of a contract supported by a federal award if the Board member has a conflict of interest as defined by the UGG.

A conflict of interest arises under the UGG when the Board member, any member of his or her immediate family, his or her business partner, or an organization which employs or is about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a contract.

In addition, the UGG prohibits Board members from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts that are federally funded, unless the gift is an unsolicited item of nominal value.

For purposes of this policy section only, “immediate family” means the Board member’s spouse, partner in a civil union, children and parents. In determining whether a financial or other interest is “substantial,” or whether anything solicited or accepted for private benefit is of “nominal value,” the Board shall follow the standards of conduct and corresponding definitions applicable to local public officials under state law.

These minimum federal requirements are not waivable in connection with any transaction or contract to which they apply.

A Board member who violates the standards of conduct set forth in this policy’s section may be subject to censure or other disciplinary action, in accordance with the Board’s authority and state law.

Adopted: 08/28/89
Revised: 01/22/01, 11/17/14, 5/22/17

LEGAL REFS.: 2 C.F.R. 200.318 (c) (*Uniform Grant Guidance – written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds*)
Colorado Constitution, Article X, Section 13
C.R.S. 22-32-109 (1)(y)

C.R.S. 24-17-109 through 24-17-111
C.R.S. 24-17-201
C.R.S. 24-17-202

CROSS REFS.: BC, School Board Member Conduct
BEDF, Voting Method
BID/BIE, School Board Member Compensation
Insurance/Expenses/Liability
DJE, Bidding Requirements and Procedures
DKE, Expense Authorization/Reimbursement (Mileage and
Travel)

Note: C.R.S. 22-32-109 (1)(y) which was enacted in 1984 provided that a board of education would be exempt from C.R.S. 18-8-301(1), the criminal law pertaining to failure to disclose a conflict of interest, if the board filed a copy of its conflict of interest policy with the Colorado Department of Education and received an acknowledgment of receipt of the policy. Although C.R.S. 22-32-109 (1)(y) was not repealed by H.B. 1209 in 1988, for all practical purposes it has been superseded by the new statutory provisions. However, CASB recommends that a board continue to file its conflict of interest policy with the department of education to be absolutely certain that the exemption from the criminal statute will continue.

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

Board Organizational Meeting

Within 15 days after the school district receives the official abstract of votes, the Board shall meet in an organizational session at a regular or special meeting for the purpose of selecting officers.

The incumbent president of the Board shall preside until a successor is elected, whereupon the successor will assume the chair.

Following the swearing in of the newly elected Board member or members, the following officers, in order, shall be elected or appointed: president, vice president, secretary, treasurer and policy adviser.

Nominations for president and vice president shall be made from the floor and voting shall be by roll call or secret ballot. Should no nominee receive a majority vote of Board members, the election shall be declared null and void, further nominations may be made and the roll call or secret ballot vote shall be retaken.

The president and vice president shall serve two-year terms and shall hold office until their successors are elected.

The Board shall then appoint a secretary, treasurer and policy adviser who may or may not be members of the Board. The secretary, treasurer and policy adviser shall hold their offices for terms at the pleasure of the Board.

Following election and appointment of the officers, the Board shall appoint the staff members who will fill the offices of secretary to the Board and assistant treasurer.

Then such other items of business shall be considered by the Board as are scheduled on the agenda.

Officer Resignation

Should one or more officers of the Board resign, the Board shall select another member or members to fill the vacant office or offices as provided by law, using the procedures described above. A newly selected officer shall assume his duties immediately upon selection. Inasmuch as the selection of a new officer on a four-office, five-member board frequently requires a shifting of officers it shall be permissible for a member to be nominated for another office without resigning his current office. Upon his acceptance of the nomination and election to the new office, his former office shall be declared vacant and another member elected to fill that position.

Adopted: 10/25/93

Revised: 01/22/01, 9/24/07, 9/14 legal ref

LEGAL REFS.: C.R.S. 1-10-201 *et seq.*
C.R.S. 22-31-104 (3)
C.R.S. 22-32-104 (1), (2), (3), (4)
C.R.S. 22-32-108(5) meetings of the board
C.R.S. 22-32-108 (6)

Note 1: The law permits the election of the president and vice president by secret ballot.

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 sessions 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).

Board Officers

President and Vice President

The president of the Board, in addition to the duties prescribed by law, shall exercise such powers as properly pertain to the office. In carrying out responsibilities, the president shall:

1. Preside at all meetings of the Board.
2. Serve as the main point of contact between the Board and the superintendent.
3. Consult with the superintendent in planning agendas.
4. Bring before the Board such matters as in his judgment may require the attention of the Board.
5. Be responsible for the orderly conduct of Board meetings.
6. Confer with the superintendent on crucial matters which may occur between Board meetings.
7. Call special meetings of the Board when necessary.
8. Appoint special committees, subject to the approval of the Board.
9. Sign any written contracts to which the school district may be party.
10. Sign all official reports of the district except as otherwise provided by law.
11. Appear in behalf of the Board in all actions brought by or against it, unless individually a party, in which case his duty shall be performed by the vice president.

In the absence of the president, the vice president shall have the powers of the president and perform his duties.

Secretary

The secretary of the Board shall perform the following duties:

1. Insure that a record is kept of all business transacted by the Board at either regular or special meetings.
2. Cause written notice to be given to each Board member of all special meetings of the Board.
3. Be custodian of the seal of the district.

4. Cause all notices of school elections to be published and posted and perform such other duties in the conduct of school elections as required by law.
5. Attest any written contract to which the district may be a party and affix the district seal thereto.
6. Perform such other duties as may be assigned by the Board.

Treasurer

The treasurer shall perform or cause to be performed the following duties:

1. Account for all moneys belonging to the district.
2. Report to the Board as required for all moneys of the district.
3. Sign either by written signature or facsimile all warrants or orders drawn on the county treasurer or checks drawn on a district depository. The Board may require the counter-signature of another person.
4. Deposit to the credit of the district all moneys withdrawn from the custody of the county treasurer and all other moneys belonging to the district in one or more depositories designated by the Board.
5. Perform such other duties as may be assigned by the Board

Policy Adviser

The Board Policy Adviser shall perform the following duties:

1. Represent the Board at District Policy Council meetings.
2. Act as the liaison between school employees and the Board regarding policy matters.
3. Act as the liaison between citizens and the Board regarding policy matters.
4. Advise the board relative to policy matters.
5. Perform such other policy duties as may be assigned by the Board.

Adopted: January 25, 1983

Revised: September 25, 2000, 02/27/12

LEGAL REFS.: C.R.S. 22-32-104 (3); 22-32-105 (president and vice president)

C.R.S. 22-32-104 (4); 22-32-106 (secretary)

C.R.S. 22-32-104 (4); 22-32-107; 11-10.5-111 (treasurer)

Advisory Committees

The Board of Education of the Sargent School District encourages the participation of citizens of the district in decision making processes. However, the legal responsibility for decisionmaking in all matters of policy and operation rests with the Board.

1. **Board-appointed advisory committees**, both districtwide and at the school level, shall function within organization frameworks approved by the Board. A staff member or members will be assigned to each group to help it develop an appropriate constitution and/or by-laws, carry out its functions and coordinate its work with other advisory and staff groups. Only the Board shall have the authority to dissolve committees it has created.
2. **School-and district-level advisory committees that are required under federal and state programs** shall be formed and shall function in accordance with the requirements pertaining to each specific federal or state program. The Board shall grant to those bodies the advisory responsibilities relevant to the planning, implementation and evaluation of such program or project as required by law.
3. **Community groups** that are neither appointed by the Board nor formed as required under federal or state programs are encouraged to offer suggestions and advice to the Board in order to assist it in the decisionmaking process. The final responsibility for all decisions, however, rests with the Board of Education alone.

Appointments of citizens to advisory committees shall be approved by the Board. An advisory committee member shall be removed from office by the Board if that member does not attend three consecutive meetings unless the committee by resolution approves any additional absences or unless such absences are due to temporary disability or illness. In addition, the committee by majority vote may request the removal from office of any member. Such removal shall require subsequent Board approval.

If required by state law, advisory committee meetings shall be open to the public and meeting notices shall be posted. If notice of the meeting is legally required, such notice shall be posted in the same place and manner as notices of Board meetings.

Adopted: 08/28/00
Revised: 03/22/10 (legal ref), 02/27/12, 4/13 (note)

LEGAL REFS.: C.R.S. 22-9-107 (*performance evaluation councils*)
C.R.S. 22-11-301.401 (*accountability committees*)
C.R.S. 22-32-109.1 (2) (*community consultation on safe school plan, including conduct and discipline code*)
C.R.S. 24-6-402 (*open meeting law*)

CROSS REFS.: AE, Accountability/Commitment to Accomplishment
BDFA*, District Personnel Performance Advisory Council
BDFB*, Vocational Advisory Council (And Vocational Program Advisory
Committees)
BEDA, Notification of Board Meetings
CBI, Evaluation of Superintendent
CFB, Evaluation of Principals/Building Administrators
GCOA, Evaluation of Instructional Staff
GCOC, Evaluation of Administrative Staff
JIC, Student Conduct
JK, Student Discipline
KCB, Community Involvement in Decisionmaking

NOTE: Colorado's open meetings law (OML) permits "local public bodies" to elect its leadership by secret ballot. C.R.S. 24-6-402(2)(d)(IV). Therefore, any advisory committee that falls within the definition of "local public body" that is subject to the OML may elect its chair and co-chair by secret ballot. If the election of the chair and co-chair are by secret ballot, the outcome of the vote shall be recorded contemporaneously in the minutes. Id.

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

SARGENT SCHOOL DISTRICT
DISTRICT ACCOUNTABILITY COMMITTEE
BYLAWS

The Board of Education (Board) shall appoint a District Accountability Committee (DAC) which shall make recommendations to the Board relative to the improvement of education in the schools and district. The areas of study by the council shall be determined at least annually by the Board with recommendations from the DAC. The Board shall approve general organizational guidelines for the DAC to follow.

MEMBERSHIP-- Members of the District Accountability Committee will serve terms of one year and will be surveyed each spring as to their willingness to serve additional one-year terms. Replacements for vacancies will be approved by the Board. A year's term is defined to be one year from the first meeting of the school year. Members not attending a minimum of 3 of the 5 yearly meetings without extenuating circumstances, may be removed from the active, voting council.

The council's voting membership shall consist of no less than 6 and no more than 15 community members. Possible categories to include: parents of children residing in the district, parents of children residing out-of-district, non-parents residing in the district, and at-large members. The DAC shall strive to balance membership consistent with racial/ethnic proportions of school attendance.

Standing staff DAC members will be as follows: building principals, one teacher from the elementary and one teacher from the secondary. Standing staff members serve in an advisory capacity and are non-voting members.

The Board will appoint one member from the Board to serve a yearly term as a non-voting member and the superintendent shall also serve as a non-voting member.

OFFICERS-- Elected officers of the council will be selected from the voting membership and will be chairperson, vice chairperson and secretary. In the absence of the chairperson the vice chairperson will assume responsibility of the chairperson. Should a vacancy for one of the offices occur an election will be held. Officers are elected from the voting membership on a yearly basis at the first meeting of each year.

MEETINGS-- All meetings shall be open to the public with the exception of executive sessions called by the council. Meetings will be held bi-monthly or as approved by the council and the council will annually set the meeting dates. Minutes of the previous meeting and notification of the next meeting will be sent to all committee members by the Friday preceding the next regular meeting. Special meetings may be called by the chairperson. Persons or groups wishing an audience before the committee must contact the chairperson or superintendent 72 hours before the meeting in order to be placed on the agenda. This requirement may be waived at any meeting by a majority vote of the DAC members present.

VOTING-- A quorum of five voting members of the DAC is required for voting. All votes will be cast verbally unless the chairperson or a majority of the members requests a written ballot. No proxy votes will be accepted.

All rules and regulations are subject to Colorado State Statutes affecting this council and its function.

Adopted: 02/25/85
Revised: 03/27/89, 08/28/89, 02/25/91, 03/23/98, 01/22/01, 11/25/02, 4/26/04,
9/27/04, 11/29/10, 12/14 (note)

LEGAL REF.: C.R.S. 22-2-117
C.R.S. 22-7-104(1)
C.R.S. 22-53-207(1), (2)
1 CCR 301-1 Rules 2202-R-3.0 et.seq.

CROSS REFS.: AF, Commitment to Accomplishment (and District Accountability Program)
AFE, Evaluation of Instructional Program

NOTE 2: State law and State Board rules delineate specific categories of students to consider when selecting persons for accountability committees who reflect the "student populations significantly represented" in the school or district. These student populations may include, but not be limited to, students who are members of non-Caucasian races, those who are eligible for free or reduced-cost lunch, those who are English language learners, migrant children, students identified as having a disability and gifted children.

NOTE 3: In districts where the student population is 500 students or less, a Board member may serve on the SAC and the responsibilities for school district and school-level accountability may be assumed by the district accountability committee.

NOTE 4: Colorado's open meetings law permits "local public bodies" to elect its leadership by secret ballot. C.R.S. 24-6-402(2)(d)(IV). Therefore, the district accountability committee (DAC) and any school accountability committee (SAC) may elect its chair and co-chair by secret ballot. Id. If the election of the chair and co-chair are by secret ballot, the outcome of the vote shall be recorded contemporaneously in the minutes. Id.

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

District Personnel Performance Evaluation Council

The Board of Education shall appoint, pursuant to state law, an advisory school district personnel performance evaluation council. State law requires the council to include, at a minimum, one teacher, one administrator, one principal, one parent and one person who does not have a child in school. *[C.R.S. 22-9-107 (1)(a). A person employed by the district as both principal and administrator may serve on the council as both. C.R.S. 22-9-107 (1.5). The council may be composed of any other school district committee meeting these membership requirements (e.g. district accountability committee).]*

The council shall consult with the Board as to the fairness, effectiveness, credibility and professional quality of the licensed personnel performance evaluation system and its processes and procedures and shall conduct a continuous evaluation of the system.

Adoption date: 02/25/13, 2/22/16

LEGAL REF.: C.R.S. 22-9-107 (*performance evaluation councils*)

CROSS REFS.: CBI, Evaluation of Superintendent
GCO Evaluation of Licensed Personnel

School Attorney

The Board may at any time employ an attorney or secure professional services of any nature from professional individuals, companies or corporations as it feels is necessary for the best interest of the school district.

A decision to seek legal advice or assistance from such attorney shall originate from the Board, the superintendent or persons specifically authorized by the Board or superintendent. The superintendent shall inform the Board when requesting unusual types or amounts of legal services.

Adopted: 06/18/73

Revised: 01/25/83, 01/22/01

Agenda

The regular Board of Education meeting, scheduled for the 4th Monday of each month, shall contain the following standard agenda items:

To expedite the Board's proceedings and provide a framework for the orderly conduct of business, the superintendent in cooperation with the Board president shall prepare an agenda outlining the matters to be brought to Board attention at meetings.

The Board shall follow the order of business set by the agenda unless the order is altered or new items are added in accordance with this policy. The Board may add to or take action on matters not appearing on the posted agenda if the item is reasonably related to the subject matter on the posted agenda or if an exigency exists. Amending the agenda of a regular meeting requires a majority vote of Board members present. All board members must be present and cast a unanimous vote to amend the agenda of a special meeting.

Consent Grouping

A consent grouping on the agenda shall be used for those items which usually do not require discussion or explanation as to the reason for Board action. Any board member may request the withdrawal of any item under the consent grouping for independent consideration.

Agenda Format

1. Call to Order
2. Roll Call
3. Executive Session (if needed)
4. Pledge of Allegiance
5. Approve/Amend Agenda
6. Consent Agenda:
 - a. Minutes of Previous Meeting(s)
 - b. Financial Reports
 - c. Other Items as Needed
7. Community Input
8. Focus:
 - a. Student Reports, Goals and Needs
 - b. Staff Goals and Needs
 - c. Principals Goals and Needs
 - d. Superintendent
 - e. Board of Education
9. Action Items
10. Discussion Items
11. De-brief meeting, next meeting agenda
12. Adjournment

Adopted: 02/25/85

Revised: 01/22/01, 11/26/07, 8/27/12, 5/20/13, 11/17/14, 1/22/18

LEGAL REFS.: C.R.S. 22-32-108 (4) (board meetings)
C.R.S. 24-6-402 (2)(c) (*notice of meeting “shall include specific agenda information where possible”*)
C.R.S.22-32-108(7)(a) (*a board member who participates electronically in conformance with the board’s policy on electronic meeting participation is considered “present”*)

CROSS REFS.: BEAA, Electronic participation in School Board Meetings
BEDA, Notification of School Board Meetings
BEDH, Public Participation at School Board Meetings