



# Sargent School District

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## SPECIAL MEETING AGENDA BOARD OF EDUCATION

October 25, 2023, 6:00 p.m.

High School Library

Sargent School District

7090 N. CR 2 E.

Monte Vista, Colorado

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1. **6:00 p.m. Special Meeting- Preliminary**
  - 1.01 Call to Order
  - 1.02 Roll Call
  - 1.03 Pledge of Allegiance
  - 1.04 Approval of Agenda
2. **Executive Session.** The Board will vote to convene into executive session pursuant to C.R.S § 24-6-402(4)(f) for the purpose of discussing personnel matters, specifically the informal evaluation of Superintendent, Jeffrey Fuller.
3. **Consent Agenda**
  - 3.01 Approval of Minutes
  - 3.02 Financial Reports
  - 3.03 Requisitions
4. **Community Input- to sign up for Community input please email [srklecker@sargent.k12.co.us](mailto:srklecker@sargent.k12.co.us) prior to meeting**
  - 4.01 Items from the Community
5. **Leadership Reports**
  - 5.01 Student Reports, Goals and Needs
  - 5.02 Staff Reports, Goals and Needs
  - 5.03 Principals Reports, Goals and Needs
  - 5.04 Assessment
  - 5.05 Board of Education
  - 5.06 Superintendent
6. **Action Item -Consideration of:**
  - 6.01 CASB Policy Overhaul Board Policy Section A- First Reading
  - 6.02 Declare Surplus- Transportation
  - 6.03 Employment

6.03.1 Extra Duty Pay Agreements

6.03.2 Leave of Absence

**7. Discussion Items**

7.01 Board Policy Review- DAB- Financial Administration, DAB-E Financial Administration (Online Posting of Financial Information), DAC- Federal Fiscal Compliance, DB-Annual Budget, DBD- Determination of Budget Priorities, DBE- DBF- Communication of Budget Recommendation/Budget Hearings and Reviews, DBG- Budget Adoption Process, DBG-E Deadlines in Budgeting Process Set by Statue, DBGA- Budget Referenda, DBH- Fiscal Emergencies

7.02 BC-1 Code of Ethics

7.03 Review Pupil Count

7.04 Debrief Meeting- November Agenda Items

**8. Adjournment**

**Nondiscrimination/Equal Opportunity**  
**NONDISCRIMINATION/EQUAL OPPORTUNITY**

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

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

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

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

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

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

#### **Annual Notice**

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

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

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

**Harassment is Prohibited**

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

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

**Reporting Unlawful Discrimination and Harassment**

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

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

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

a complaint with either an immediate supervisor or the district's compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, an alternate compliance officer will be designated to investigate the matter in accordance with this policy's accompanying regulation.

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

### **District Action**

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

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

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

Upon determining by a preponderance of the evidence that incidents of unlawful discrimination or harassment are occurring in particular district settings or activities, the district will implement measures designed to remedy the problem in those areas or activities.

Any student or employee who engages in unlawful discrimination or harassment will be disciplined according to applicable Board policies and the district will take reasonable action to restore lost educational or employment opportunities to the target(s).

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

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**Notice and Training**

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

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

- awareness of groups protected under state and federal law and/or targeted groups;
- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

Adopted: February 25, 1985

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

**LEGAL REFS:**

- 20 U.S.C. 1681 (VII, Education Amendments of 1972)
- 20 U.S.C. 1701-1758 (Equal Employment Opportunity act of 1972)
- 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act of 1967)
- 29 U.S.C. 701 et seq. (Section 504 of the Rehabilitation Act of 1973)
- 42 U.S.C. 12101 et seq (Title II of the Americans with Disabilities Act)
- 42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964, as amended in 1972)
- 42 U.S.C. 2000e (title VII of the Civil Rights Act of 1964)
- 42 U.S.C. 2000ff et seq. (Genetic information Nondiscrimination Act of 2008)

34 C.F.R. Part 100 through Part 110 (civil rights regulations)

34 C.F.R. Part 100

- C.R.S. 2-4-401 (3.4) (definition of gender expression)
- C.R.S. 2-4-401 (3.5) (definition of gender identity)
- C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
- C.R.S. 18-9-121 (bias-motivated crimes)

C.R.S. 22-1-143 (definition of harassment or discrimination)

- C.R.S. 22-32-109(1)(11)(Board duty to adopt written policies prohibiting discrimination)
- C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)

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C.R.S. 24-34-301(7)(definition of sexual orientation, which includes transgender)  
C.R.S. 24-34-301 et seq (Colorado Civil Rights Division)  
C.R.S. 24-34-301 (3.3) (definition of gender expression)  
C.R.S. 24-34-301 (3.5) (definition of gender identity)  
C.R.S. 24-34-301 (7) (definition of sexual orientation)

*C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)*

*C.R.S. 24-34-402(1.3)(a) (definition of "harass" or "harassment")*

~~C.R.S. 24-34-401 et seq (discriminatory or unfair employment)~~  
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions: notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees)  
C.R.S 24-34-601 (unlawful discrimination in places of public accommodation)  
C.R.S. 24-34-602- (penalty and civil liability for unlawful discrimination)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity  
GBAA, Sexual Harassment  
JB, Equal Educational Opportunities  
JBB, Sexual Harassment

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



## Nondiscrimination/Equal Opportunity

(Sample Notice)

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law, the Sargent School District does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment, or members of the public on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth, is also prohibited in accordance with state and/or federal law.

Complaint procedures have been established for students, parents, employees, and members of the public. The following person has been identified as the compliance officer ~~and Title IX Coordinator~~ for the district.

~~-Jeffrey Fuller~~Brian Crowther, Superintendent of Schools

Sargent School District RE-33J

7090 North Road 2 East

Monte Vista, Colorado 81144

(719) 852-4023

[jfuller@sargent.k12.co.us](mailto:jfuller@sargent.k12.co.us)~~berowther@sargent.k12.co.us~~

### Outside Agencies

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex, gender, ~~which includes transgender~~), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U. S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

Adopted: 11/26/07

Revised: -03/11, 8/27/12, 11/28/16, 10/17, 08/10/20, 11/219/21, date of manual revision

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*~~NOTE: This notice must appear on a continuing basis in all district media containing general information, including: teachers' guides, school publications, district's website, recruitment materials, application forms, vacancy announcements, student and employee handbooks, school program notices, summer program newsletters, and annual letters to parents.~~*

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

**Nondiscrimination/Equal Opportunity  
(Complaint Form)**

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Date: \_\_\_\_\_

Name of complainant: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Please check here for allegations of sex-based discrimination and/or sexual harassment. (Note: Investigator will use investigation procedures consistent with allegations of sex-based discrimination and/or sexual harassment).

Summary of alleged unlawful discrimination or harassment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of individual(s) allegedly engaging in prohibited conduct:

\_\_\_\_\_  
\_\_\_\_\_

Date(s) alleged prohibited conduct occurred:

\_\_\_\_\_

Name(s) of witness(es) to alleged prohibited conduct:

\_\_\_\_\_  
\_\_\_\_\_

File: AC-E-2

If others are affected by the possible unlawful discrimination or harassment, please give their names:

\_\_\_\_\_

Your suggestions regarding resolving the complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe any corrective action you wish to see taken with regard to the alleged unlawful discrimination or harassment. You may also provide other information relevant to this complaint.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person receiving complaint

\_\_\_\_\_  
Date

Date of issue:

Revised: manual date of revision

File: AC-E-2

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

## **Nondiscrimination/Equal Opportunity** (Complaint and Compliance Process)

The district is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The district must promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint will be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

### **Definitions**

1. **“Compliance officer”** means the superintendent, who is responsible for receiving and investigating complaints of alleged unlawful discrimination and harassment in accordance with this regulation.
2. **“Aggrieved individual”** means a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, or an employee of the district, or a member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.

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### **Compliance officer’s duties**

The compliance officer is responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment. The compliance officer’s duties include: providing notice to students, parents/guardians of students, and employees, and the general public concerning the compliance process; providing training for district staff regarding the prohibition of discrimination/-harassment in all district programs, activities, and employment practices; disseminating information concerning the forms and procedures for the filing of complaints; ensuring the prompt investigation of all complaints; coordinating hearing procedures; and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

## Complaint procedure

An aggrieved individual is encouraged to promptly report the incident as provided in ~~b~~Board policy and this regulation. All reports received by teachers, counselors, principals, or other district employees must be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint must be forwarded to the Board president. The Board will then appoint another person to serve as the compliance officer.

Any aggrieved individual may file ~~with the compliance officer~~, a complaint with the compliance officer, charging the district, another student, or any district employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint are encouraged to use the district's complaint form.

All complaints must include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint must be made as soon as possible after the incident.

The compliance officer must confer with the aggrieved individual and/or the alleged target of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than three calendar days ~~school days~~ following the district's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within five ~~days school~~calendar days following the initial meeting with the aggrieved individual and/or alleged target, the compliance officer must attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. Such person(s) must be informed of all allegations that, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meeting~~(s)~~, the compliance officer must explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the target and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer must also explain that whether or not the individual files a written complaint or otherwise requests action, the district is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, ~~or~~ harassment or retaliation against anyone who makes a report or participates in an investigation. The compliance officer must also explain that any request for confidentiality will be honored so long

as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

### **Informal Action**

If the aggrieved individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the compliance officer believes that the matter is suitable to such resolution, the compliance officer may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party may be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution may not be used to process complaints against a district employee and may not be used between students where the underlying offense involves sexual assault or other acts of violence.

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### **Formal Action**

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer must promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The compliance officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

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- a. statements by any witness to the alleged incident;
- b. evidence about the relative credibility of the parties involved;
- c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;
- d. evidence of the aggrieved individual and/or alleged target's reaction or change in behavior following the alleged prohibited conduct;
- e. evidence about whether the alleged target and/or aggrieved individual took action to protest the conduct;
- f. evidence and witness statements or testimony presented by the parties involved;
- g. other contemporaneous evidence; and/or



- h. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances must be considered by the compliance officer, including:

- a. the degree to which the conduct affected one or more students' education or one or more employee's work environment;
- b. the type, frequency and duration of the conduct;
- c. the identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged target;
- d. the number of individuals alleged to have engaged in the prohibited conduct and number of targets of the prohibited conduct;
- e. the ages of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged target;
- f. the size of the school, location of the incident and context in which it occurred; and
- g. other incidents at the school.

The compliance officer must prepare a written report containing findings and recommendations for disciplinary or other action, as appropriate, and submit the report to the Board of Education within [insert number] calendar days following the compliance officer's receipt of the complaint or [insert number] calendar days following the termination of the informal resolution process.

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~~Within five days after the hearing, the compliance officer must prepare a written decision with specific factual findings and sanctions or other remedial action, including as appropriate recommendations to the Board for disciplinary or other action.~~

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be notified in writing ~~by the superintendent~~ of the final outcome of the investigation and all steps taken by the district within ten calendar days following the ~~superintendent's Board's~~ determination.

### Hearing Procedure

For allegations under Section 504 and as otherwise required by law, the aggrieved individual may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences, which are instead governed by the Board's discipline policies and procedures.

The district must retain a person to serve as the impartial hearing officer, who must be knowledgeable about Section 504 and/or the ADA, if applicable.

The hearing must be informal and must be recorded. Formal rules of evidence do not apply. A student is entitled to be represented by their parent or by an attorney. A district employee is entitled to be represented by an attorney or other representative of their choice. The complainant may appear at the hearing and is entitled to present testimony and other evidence. A district representative is likewise entitled to present testimony and other evidence. The hearing must be closed to the public.

Within five **calendar** days after the hearing, the hearing officer must issue a written decision based upon evidence presented at the administrative hearing, including any remedial or corrective action deemed appropriate. Remedial actions include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

After the hearing officer has issued the decision, the recording of the hearing, all physical and documentary evidence, and all other items comprising the record of the hearing must be returned to the district.

Either party may seek review of the hearing officer's decision in **a** court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

Nothing contained herein may be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation, or agreement expressly conferring such right. This process applies, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation, or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement will govern.

### **Outside Agencies**

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

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File: AC-R-1

Denver Office for Civil Rights (OCR), U.S. Department of Education, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582. Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Federal Office of Equal Employment Opportunity Commission (EEOC), 303 E. 17th Avenue, Suite 410, Denver, CO 80203. Telephone: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. ASL Video Phone: 844-234-5122. Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD), 1560 Broadway, Suite 825, Denver, CO 80202. Telephone: 303-894-2997 or 800-886-7675. Fax: 303-894-7830. Email: [DORA\\_CCRD@state.co.us](mailto:DORA_CCRD@state.co.us) (general inquiries), [DORA\\_CCRDIntake@state.co.us](mailto:DORA_CCRDIntake@state.co.us) (intake unit)

Approval date: 11/26/07

Revised: 10/27/08, 8/27/12, 08/10/20, [date of manual revision](#)

File: AC-R-1

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

## **Sexual Harassment Investigation Procedures** (Title IX)

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including sexual harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sex-based discrimination or harassment or participates in a harassment investigation.

### **Definitions**

For purposes of this regulation, these terms have the following meanings:

- **“Complainant”** means an individual who is alleged to be the target of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Decision Maker”** means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged sexual harassment. The decision maker may not be the Title IX Coordinator or the investigator. The district’s decision maker is the Board of Education.
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control over both the complainant and respondent and the context in which the sexual harassment occurs.
- **“Investigator”** means an individual trained to objectively evaluate the credibility of parties and witnesses, synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each situation. The investigator may be the Title IX Coordinator, but cannot be the decision maker.
- **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Sexual Harassment”** means conduct on the basis of sex that satisfies one or more of the following:
  1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or

3. Sexual assault, dating violence, domestic violence, or stalking.

- **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.

- **“Title IX Coordinator”** means the employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities. The district's Title IX Coordinator is ~~Jeffrey Fuller~~Brian Crowther, 7090 N. Cty Rd 2 E., Monte Vista, CO 81144, email [jfuller@sargent.k12.co.us](mailto:jfuller@sargent.k12.co.us)

- [bcrowther@sargent.k12.co.us](mailto:bcrowther@sargent.k12.co.us), phone 719-852-4028.

### Filing a complaint

A complainant, or a parent or guardian with the legal right to act on the complainant's behalf, may file a complaint. Complaints must be filed in writing and signed by the complainant. Forms for this purpose are available on the district website, <https://www.sargent.k12.co.us/sargent-schools-board-of-education/board-of-education-policy-book#93-a-foundations-basic-commitments>. Completed forms must be filed with the Title IX Coordinator. If a complaint form is given to a district employee, the district employee will promptly forward the complaint to the Title IX Coordinator. An alternate will be designated in the event it is claimed that the respondent is the one who committed the alleged discrimination or some other conflict of interest exists. Complaints must be filed within 180 days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence. The complainant will receive assistance as needed in filing a complaint.

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation, is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

### Investigation

Once a complaint is received, the Title IX Coordinator or investigator (“investigator”) will first determine if the alleged conduct occurred in the district's education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.

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Following this determination, the investigator will begin the investigation in a reasonably prompt manner and adhere to the following:

- The investigator must apply the “presumption of innocence” standard during the course of the investigation.
- The investigator must adhere to all timeframes. If a timeframe cannot be met, the investigator will notify the complainant, respondent, and decision maker.
- The investigator will protect the complainant from inappropriate questions and evidence about the complainant’s prior sexual history.
- The investigator must provide written notice of the allegations to the parties involved.
- The investigation may also include, but is not limited to, the following:
  - Implementation of supportive measures for both the complainant and the respondent;
  - A request for the complainant to provide a written statement regarding the nature of the complaint;
  - A request for respondent to provide a written statement;
  - A request for witnesses identified during the course of the investigation to provide a written statement;
  - Interviews of the complainant, respondent, or witnesses; and
  - Review and collection of documentation or information deemed relevant to the investigation.
- Within a reasonably prompt timeframe, the investigator must issue a report to the decision maker. After finalizing the report, the investigator will provide a copy to the complainant and respondent and will wait ten days prior to providing the report to the decision. The investigator’s report must be advisory and must not bind the decision maker to any particular course of action or remedial measure.

*NOTE 1: The procedures reference “reasonably prompt” time frames when issuing an investigation report. In the 2011 Dear Colleague Letter, the Office for Civil Rights recommended up to a 60 calendar day time frame based on OCR’s experience that “a typical investigation takes approximately 60 calendar days following receipt of the complaint.” This guidance has since been withdrawn, but may still represent a reasonable time frame depending on the circumstances associated with a specific situation.*

~~NOTE 2: The amended 2020 Title IX rules add provisions for a “live hearing with cross-examination” requirement for postsecondary institutions. The rules clarify that hearings are optional for K12 school districts. The district should consult with legal counsel to determine if a live hearing is appropriate for the district.~~

~~NOTE 3: Districts may use either the preponderance of the evidence standard or the clear and convincing evidence standard. The preponderance of the evidence standard may only be used if the district uses that standard for code of conduct violations that do not involve sexual harassment but carry the same maximum sanction.~~

### Decision

The decision maker will apply the preponderance of the evidence standard when making a decision and must notify the complainant and respondent of the decision. The decision must include a written determination regarding responsibility, explain how and why the decision maker reached the conclusions outlined in the report, and detail any disciplinary measures taken in response to the conduct. The decision of the decision maker in no way prejudices either the complainant or the respondent from seeking redress through state or federal agencies, as provided in law.

### Appeal

The investigation is closed after the decision maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the decision maker detailing why the decision should be reconsidered.

### Notice and training

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

All students and district employees will receive periodic training related to recognizing and preventing sexual harassment. District employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district’s website.

Adopted: 08/10/20

Reviewed: date of manual revision

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## School District Mission / Vision / Goals

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The Sargent School District RE 33-J shall strive to provide a safe environment for all students and staff and meaningful opportunities and innovative educational programs for all students so that they reach their learning potential, including the attainment of the district's academic standards, through partnerships between home, school and the community.

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

### The Mission

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

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### The Vision

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

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### GOALS

#### **Students:**

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

#### **Staff:**

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

#### **Administration:**

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

**Parents:**

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

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**Board:**

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

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Current practice codified 1983

Adopted: date of manual adoption

Revised: 07/24/00, 09/24/12, 11/28/16, 07/27/20, 4/25/22, date of manual revision

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

CROSS REF.: ADA, School District Educational Objectives

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

## School District ~~Goals and~~ Educational Objectives

In keeping with its belief that all students can learn and achieve academic success, the Board of Education adopts the following objectives:

1. Students shall demonstrate the skills and attitudes of critical thinking, problem solving, decision making, intellectual curiosity and artistic expression which form the foundation for lifelong learning.

2. Students shall acquire the skills and knowledge required to lead successful lives and be productive citizens.

3. Students shall demonstrate proficiency in core academic areas by meeting or exceeding the district's academic standards or completing the requirements and goals as listed on a student's Individualized Education Program (IEP) which may include modified standards.

4. Students shall demonstrate readiness for postsecondary and/or workforce success.

5. Students shall be able to make effective life choices based on commonly held values of honesty, respect for self and others, civic and personal responsibility and integrity.

~~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, 10/24/22, date of manual revision

CROSS REFS.: AD, School District Mission

IHBK\*, Preparation for Postsecondary and Workforce Success

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

~~CROSS Ref.: GA, Personnel Goals~~

~~IA, Instructional Goals~~

~~JA, Student Policies Goals~~

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

## Tobacco-Free Schools

To promote the general health, welfare, and well-being of students and staff, smoking, chewing, or any other use of any tobacco product by staff, students, and members of the public is prohibited on all school property.

Possession of any tobacco product by students is also prohibited on school property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented, or otherwise used by a school, including but not limited to the following:
  - a. All interior portions of any building or other structure used for students or children under the age of 21 for instruction, administration, support services, maintenance or storage. The term does not apply to buildings used primarily as residences, i.e., teacherages.
  - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking areas.
  - c. All vehicles used by the district for transporting students, staff, visitors, or other persons.
  - d. At a school-sanctioned activity or event.
2. "Tobacco product" means:
  - a. any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or liquid nicotine/e-liquids; and
  - b. any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.
  - c. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.

3. ~~-"Use" means lighting, chewing, smoking, ingesting, inhaling, vaping, or application of any tobacco product, "Use" means lighting, chewing, inhaling or smoking, ingesting, inhaling, vaping or application of any tobacco product.~~

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Signs will be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and district policy. This policy will be published in all employee and student handbooks, posted on bulletin boards, and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges, and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

Adopted: —06/27/94

Revised: —07/24/00, 10/26/09, 8/27/12, 12/15 legal ref, 2/18 legal ref, 08/10/20, date of manual revision

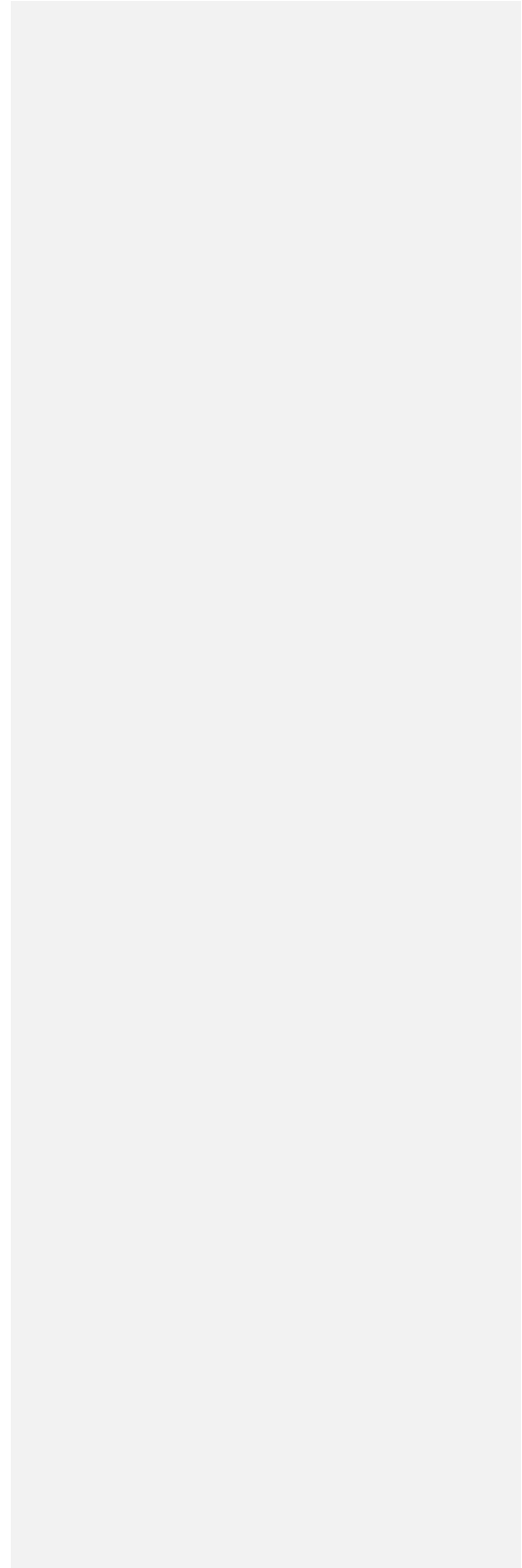
LEGAL REFS.: 20 U.S.C. 7971 (*prohibits smoking in any indoor facility used to provide educational services to children.*)  
C.R.S. 18-13-121(furnishing tobacco products to persons under 21 years old  
C.R.S. 22-32-109(1)(bb) (policy required prohibiting use of tobacco products on school grounds)  
C.R.S. 22-32-109.1 (2)(a)(VII) (*policy required as part of safe schools plan*)  
C.R.S. 25-14-103.5 (tobacco use prohibited on school property)  
C.R.S. 25-14-301 (Teen Tobacco Use Prevention Act)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
KFA, Public Conduct on School Property



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

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## Safe Schools

The Board of Education recognizes that effective learning and teaching takes place in a safe, secure and welcoming environment and that safe schools contribute to improved attendance, increased student achievement and community support. Safe schools are a priority of the district and the district is committed to providing a safe environment in school, on school vehicles and at school-sponsored activities. To that end, the Board directs the superintendent to develop and maintain a safe schools plan that includes:

1. Procedures that address the supervision and security of school buildings and grounds.
2. Procedures that address the safety and supervision of students during school hours and school-sponsored activities.
3. Procedures that address persons visiting school buildings and attending school-sponsored activities.
4. Training programs for staff and students in crisis prevention and management.
5. Training programs for staff and students in emergency response procedures that include practice drills.
6. Training programs for staff and students in how to recognize and respond to behavior or other information that may indicate impending violence or other safety problems.
7. Training and support for students that aims to relieve the fear, embarrassment and peer pressure associated with reporting behavior that may indicate impending violence or other safety problems.
8. Procedures for safe, confidential reporting of security and safety concerns at each school building.
9. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security needs of each school building and to provide recommendations for improvements if necessary.
10. Procedures for regular assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate at each district building.

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11. Procedures to provide for regular communications between district officials, law enforcement officers, fire department officials, city and county officials and local medical personnel to discuss crisis prevention and management strategies, including involvement by these parties in the development and revision of crisis prevention and management plans.
12. Training programs for staff and students in safety precautions and procedures related to fire prevention, natural disaster response, accident prevention, public health, traffic, bicycle and pedestrian safety, environmental hazards, civil defense, classroom and occupational safety, and special hazards associated with athletics and other extracurricular activities.
13. Procedures for the reporting of criminal activity to law enforcement.
14. A child sexual abuse and assault prevention plan, including comprehensive, age-appropriate curricula regarding child sexual abuse and assault awareness and prevention and professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault.
15. Procedures for notifying parents of an employee's criminal charges when such notification is required by state law ~~in addition to any information deemed necessary by the Department of Education.~~

Each building principal shall be responsible for the supervision and implementation of the safe school program at his or her school. The principal shall submit annually, in the manner and by the date specified by the State Board of Education, a written report to the Board of Education concerning the learning environment in the school during the school year. The report shall contain, at a minimum, the information required by law in addition to any information deemed necessary by the Department of Education.

The annual safety reports from every school in the district shall be compiled and submitted to the state department of education in a format specified by the State Board of Education. The report shall be made available to the public.

Adopted: 08/28/00

Revised: 09/26/05, 09/28/09, 07/25/11, 09/24/12, 03/02/15, 2/16 legal ref/note,  
06/26/17, 10/22/18, 04/24/23, date of manual revision

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LEGAL REFS.: C.R.S. 9-1-101 through 9-1-106 (*construction requirements, fire escapes, etc.*)

C.R.S. 22-1-130 (6) (*safe school plan must include parent notification of employee criminal charges*)

C.R.S. 22-3-101 through 22-3-104 (*eye protective devices*)

C.R.S. 22-32-109.1 (1)(b.5) (definition of “community partners” that board may wish to consult with in developing and implementing its safe school plan)

C.R.S. 22-32-109.2 (*safe schools plan*)

C.R.S. 22-32-109.1(2)(b) (*detailing information required in annual principal reports on the learning environment*)

C.R.S. 22-32-109.1(2.5) (*districts are “encouraged” to adopt a child sexual abuse and assault prevention plan as part of a safe school plan*)

C.R.S. 22-32-110 (1) (k) (board authority to adopt policies related to employee safety and official conduct)

C.R.S. 22-32-124 (2), (3) (*building inspections*)

C.R.S. 24-10-106.5 (*duty of care*)

CROSS REFS.: ECA/ECAB, Security/Access to Buildings

KDE, Crisis Management

KDBA\*, Parent Notification of Employee Criminal Charges

KI, Visitors to School

~~NOTE 1: Boards are strongly encouraged to consult with their legal counsel when adopting or revising the district's safe school plan and/or applicable board policies, given that the district may be liable for incidents of school violence. C.R.S. 24-10-106.3.~~

~~NOTE 2: Many specific policies are required as part of the district's safe school plan (see CASB's list of legally required policies); In developing the district's safe school plan, state law requires the district to consult with “the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large.” C.R.S. 22-32-109.1 (2). Local boards may also consult with victims advocacy organizations, school psychologists, local law enforcement agencies and “community partners” in adopting and implementing its safe school plan. State law defines “community partners” as collectively, local fire departments, state and local law enforcement agencies, local 911 agencies, interoperable communications providers, the Safe2Tell Program, local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel and school resource officers. C.R.S. 22-32-109.1 (1)(b.5).~~

*NOTE 3: State law also requires a general safe schools policy and this policy (ADD) serves that purpose. The only specific legal requirement is that the policy require the annual inspection of schools to remove hazards, vandalism and other barriers to safety and supervision. C.R.S. 22-32-109.1 (5). That requirement is reflected in paragraphs one and nine of this policy. The remaining provisions of this policy are suggested best practices for the superintendent and board to consider when creating a general safe schools policy. Although state law "encourages" a school district to adopt a child sexual abuse and assault prevention plan as part of its safe school plan, paragraph 14 is highly recommended, given that the district may be liable for incidents of school violence. C.R.S. 22-32-109.1 (2.5), C.R.S. 24-10-106.3. State law defines "incidents of school violence" to include a "felony sexual assault" that occurs at a school or school-sponsored activity. C.R.S. 24-10-106.3 (2)(b)(III), (c). —*

*NOTE 4: State law "encourages" school districts to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the Internet, as part of the board's safe school plan. C.R.S. 22-32-109.1(2)(c). Districts are encouraged to incorporate the Internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. If the district develops a comprehensive curriculum or other approach to teach safety in use of the Internet, then appropriate language could be added to this policy. —*

*Note 5: State law now requires the Department of Education to standardize the reporting method that school districts use to collect and report data concerning suspensions and expulsions, arrests and referrals, chronic absenteeism, incidents of violence, and harassment and bullying, and the safe school reporting requirements set forth in Section 22-32-109.1. The Department is required to standardize the reporting method on or before August 31, 2023. School districts are required to follow the standardized processes when provided by the Department of Education.*

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## Safe Schools

Pursuant to C.R.S. 22-32-109.1(2)(b), the following information shall be included in the annual safe schools report from the principal to the Board of Education for the preceding school year:

1. total enrollment for the school
2. average daily attendance rate at the school
3. dropout rates for grades seven through twelve, if such grades are taught at the school
4. average class size for each public elementary, middle school or junior high school, and senior high school calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school

5. the school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying programs

6. number of conduct and discipline code violations, which shall be reported only in the most serious category applicable to each violation, including but not limited to specific information identifying the number of and the action taken with respect to each of the following types of violations:

~~5-7. number of conduct and discipline code violations, which shall be reported only in the most serious category applicable to each violation, including but not limited to specific information identifying the number of and the action taken with respect to each of the following types of violations:~~

a. possessing a dangerous weapon on school grounds, in a school vehicles, or at a school ~~activity or sanctioned school events~~ without the authorization of the school or the school district

~~b. use or possession of alcohol on school grounds, in a school vehicles, or at a school activity or a sanctioned event-~~

~~b. use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event~~

c. ~~in school vehicles, or at school activity or sanctioned event~~

~~d. unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event~~

~~d. e. use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event~~

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- e. f. being willfully disobedient, openly and persistently defiant, or repeatedly interfering with the school's ability to provide educational opportunities to and a safe environment for other students
- f. i. in addition to including the information on the incident, the report shall include additional information deemed necessary by the department of education, including, but not limited to, the school and district code; location of incidents; description of behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has Section 504 accommodations or an IEP
- g. g. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that if committed by an adult would be considered first or second degree assault or vehicular assault
- h. h. behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or school personnel, including but not limited to incidents of bullying, and other behavior that creates a threat of physical or emotional harm to the student or to other students
- i. i. willful destruction or defacement of school property
- j. j. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault or disorderly conduct
- k. k. commission of an act on school grounds, in a school vehicle or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery
- l. l. the number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event
- ~~d. use or possession of tobacco products on school grounds, in school vehicles, or at a school activity or sanctioned event~~
- ~~e. unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event~~
- ~~f. being willfully disobedient, openly and persistently defiant, or repeatedly interfering with the school's ability to provide educational opportunities to and a safe environment for other students.~~
  - ~~i. in addition to including the information on the incident, the report shall include additional information deemed necessary by the department of education, including, but not limited to, the school and district code; location of incidents; description of behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident;; and descriptive information of the student or students involved in the incidents, including, but not~~



~~limited to, gender, grade level, ethnicity, race, and whether the student has Section 504 accommodations or an IEP~~

- ~~g. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that if committed by an adult would be considered first or second degree assault or vehicular assault~~
- ~~h. behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or school personnel, including but not limited to incidents of bullying, and other behavior that creates a threat of physical or emotional harm to the student or to other students~~
- ~~i. willful destruction or defacement of school property~~
- ~~j. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault or disorderly conduct~~
- ~~k. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery~~
- ~~l. the number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event [NOTE: any information provided as a part of this subparagraph must be reported as aggregate data and must not include any personally identifying information. Sexual violence is defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.]~~
- m. m. other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record
- n. i. in addition to including the information on the incident, the report shall include additional information deemed necessary by the department of education, including, but not limited to, the school and district code; location of incidents; description of behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident, and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has Section 504 accommodations or an IEP
- ~~m. other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record~~
  - ~~i. in addition to including the information on the incident, the report shall include additional information deemed necessary by the department of education, including, but not limited to, the school and district code; location of incidents; description of behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident; and descriptive information of the student or students involved in the incidents, including but not limited~~

~~to, gender, grade level, ethnicity, race, and whether the student has Section 504 accommodations or an IEP~~

For purposes of the report, "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:

- in-school suspension
- out-of-school suspension
- classroom removal in accordance with board policy
- expulsion
- referral to law enforcement (including any law enforcement agency, law enforcement officer or school resource officer.)
- any other form of discipline, which shall be officially identified as part of board policy.

~~The report shall specifically identify each conduct and discipline code violation and each action taken with respect to the violation by a student with a disability.~~

~~Definitions: First degree assault: The intent to cause serious bodily injury with a weapon or the intent to disfigure another person. Second degree assault: The intent to cause bodily injury to another person. Third degree assault: Knowingly or recklessly causing bodily injury to another person with criminal negligence.~~

Revised: 09/24/07, 07/25/11, 09/24/12, 2/22/16, 04/24/23, date of manual revision

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Sargent School District RE 33 J, Monte Vista, Colorado



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**SUGGESTED NEW POLICY - It is up to the district whether to adopt this policy. It is not required by law. If adopted, policy will be redlined for your review.**

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

## **Innovation in Education**

The Board commits to focus its attention and energy on the quality of education provided in the school district. The Board also believes in and supports student learning through a menu of educational options that meet the needs of all students. These two priorities set the context for the Board's comprehensive plan to improve student achievement for all district students.

One way the Board may improve student achievement and also provide a broader range of educational options is by encouraging its schools to seek designation as an "innovation school" or "innovation school zone." In accordance with state law, the Board may delegate to its schools a high degree of autonomy in implementing curriculum, making personnel decisions, organizing the school day, determining the most effective use of resources, and generally organizing the delivery of high-quality educational services. That autonomy is reflected in the Board's designation of a school as an "innovation school." A group of schools within the district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary or secondary education, may jointly submit a plan to the Board to create an "innovation school zone."

Pursuant to the Board's constitutional authority to control instruction in its schools, as well as the Board's duty to determine the educational programs to be carried on in its schools, the decision to approve or deny a request to become an innovation school or innovation school zone lies exclusively with the Board. The Board shall continue to govern all approved innovation schools or schools in an innovation school zone in accordance with the Board's constitutional and statutory role.

The Board may initiate and collaborate with one or more district schools to create an innovation school or innovation school zone. When initiating an innovation school or innovation school zone, the Board shall ensure that each public school that would be affected has an opportunity to participate in the creation of the plan. The Board may also approve or create an innovation school zone that includes all of the district's schools.

To seek designation as an innovation school or innovation school zone, the applicant shall follow the procedures prescribed in the regulation accompanying this policy. These procedures require the applicant to provide, among other information, evidence that a majority of the administrators and teachers employed at each school consent to designation as an innovation school or school zone, as well as evidence that a majority of the school accountability committee at each affected school consent to designation as an innovation school or school zone. The applicant must

also provide a statement of the level of support for designation as an innovation school or school zone, including input from school employees other than teachers and administrators; students and parents of students enrolled in the school(s); and the community surrounding the school(s).

*NOTE: The following paragraph may be revised and included at the Board's discretion. It is included here to enable the Board to define its desired focus areas for innovation schools. These focus areas should be based upon the district's needs.*

### **Focus areas**

The Board encourages the development of an innovation school or innovation school zone that will: *[Insert here the Board's desired focus areas for innovation schools or innovation school zones. The following are samples.]*

- serve the needs of students at risk of educational failure, as evidenced by student performance on state assessments and other evidence used by the district.
- improve student achievement.
- provide an educational program with student performance standards and curriculum that meets or exceeds the district's academic standards.
- provide diverse approaches to learning and education to best meet its student population.
- better allocate resources for the benefit of students served.

*NOTE: The following paragraph may be revised and included at the Board's discretion. It is included here to enable the Board to define any limitations upon innovation school applications.*

### **Limitations**

The Board shall not approve an application for an innovation school or school zone that will: *[Insert here the Board's limitations concerning innovation schools or innovation school zones. The following are sample limitations.]*

- exclusively serve high-performing students, as evidenced by student performance on state assessments and other evidence used by the district.
- provide an educational program with student performance standards and curriculum that fails to meet or exceed the district's academic standards.
- fail to meet the needs of the students served.

An innovation school or innovation school zone shall start at the beginning of the school year following the date the application is approved, unless another starting time is agreed upon by the Board and the applicant school(s). The period for which a new innovation school or innovation school zone may be approved is \_\_\_\_\_ academic year(s). In accordance with state law, the Board shall review any approved innovation school or innovation school zone's performance at least every

three years. Renewal of an innovation school or innovation school zone shall be for specified periods of time.

Once the Board approves an application to become an innovation school or innovation school zone, the Board may seek designation as a district of innovation from the State Board of Education. This step may be necessary to obtain the waivers of state law or regulation identified in the plan or to waive selected provisions of a collective bargaining agreement as provided in state law.

(Adoption date)

LEGAL REFS.: Colo. Const. Art. IX, Sect. 15 (*Board has control of instruction within the district*)  
C.R.S. 22-11-101 *et seq.* (*Education Accountability Act of 2009*)  
C.R.S. 22-32-109 (1)(f)(l) (*Board may delegate duty to employ personnel to innovation school*)  
C.R.S. 22-32-109 (1)(t) (*Board duty to determine educational program and prescribe textbooks*)  
C.R.S. 22-32-110 (1)(h) (*Board may delegate authority to terminate personnel to innovation school*)  
C.R.S. 22-32.5-101 *et seq.* (*Innovation Schools Act of 2008*)

CROSS REF.: AEE\*, Waiver of State Law and Regulation

*NOTE 1: The "Innovation Schools Act of 2008", C.R.S. 22-32.5-101 et seq. (the Act) "strongly encourages" Boards to delegate to its schools a high degree of autonomy in implementing curriculum, making personnel decisions, organizing the school day, determining the most effective use of resources, and generally organizing the delivery of high-quality educational services, thereby empowering schools to tailor services to effectively and efficiently meet the needs of the population of students served. Although the Act is specific about the details that must be considered when a school or schools apply for designation as an innovative school or school zone, the process itself and the decision whether to approve or disapprove an application rests solely with the Board. For this reason, the adoption of a policy (such as this sample) that sets forth the parameters for approval is extremely important.*

*NOTE 2: The Act authorizes the Board to delegate to an innovation school or innovation school zone the duty to employ and terminate personnel. See C.R.S. 22-32-109(1)(f), 22-32-110(1)(h). We encourage Boards to consult with their own legal counsel regarding the limitations and implications of such delegation.*

*NOTE 3: The Act authorizes an innovation school to operate as a "community school," which is a school that meets certain criteria, including a community school coordinator, a strategic plan that includes the creation of problem-solving teams and an "annual asset and needs assessment of and by both the school and the community that engages at least seventy-five percent of families, students, and educators in the community." C.R.S. 22-32.5-103 (1.5).*

**[Revised November 2019]**

COLORADO SAMPLE POLICY 2008©

**SUGGESTED NEW POLICY - It is up to the district whether to adopt this policy. It is not required by law. If adopted, policy will be redlined for your review.**

*NOTE: This exhibit does not need to be filed in the Board's policy manual. It is provided as informational only and if applicable, may be kept by the district in another location.*

## Innovation in Education

The Innovation Schools Act of 2008 “strongly encourages” local Boards of Education to consider innovations in the following areas:

1. Curriculum and academic standards and assessments.
2. Accountability measures, including but not limited to expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted by an innovation school or an innovation school zone may include, but need not be limited to:
  - a. use of graduation or exit examinations;
  - b. use of end-of-course examinations;
  - c. use of student portfolio reviews;
  - d. use of national and international accountability measures such as the national assessment of educational progress and the program for international student assessment;
  - e. measuring the percentage of students continuing into higher education; and
  - f. measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate.
3. Provision of services, including but not limited to special education services; services for gifted students; services for English language learners; educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the department of human services or county social services agencies.
4. Teacher recruitment, training, preparation and professional development.
5. Teacher employment.
6. Performance expectations and evaluation procedures for teachers and principals.
7. Compensation for teachers, principals and other school building personnel, including but not limited to performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits.
8. School governance and the roles, responsibilities and expectations of principals in innovation schools or schools within an innovation school zone.



9. Preparation and counseling of students for transition into higher education or the work force.

(Issue date)

**SUGGESTED NEW POLICY - It is up to the district whether to adopt this policy. It is not required by law. If adopted, policy will be redlined for your review.**

*NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, the content in this sample reflects the legal requirements school districts must follow. The district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Innovation in Education**

(Procedures for Establishment and Review of  
Innovation Schools and Innovation School Zones)

### **A. Review by school accountability committee**

Prior to submission of an application to the Board of Education, the innovation school applicant shall submit the application to the school accountability committee for review and comment. If the application is to become an innovation school zone, the applicant shall submit the application to each school accountability committee within the proposed zone for review and comment. The school accountability committee(s) shall have \_\_\_\_\_ days to review the proposal.

*NOTE: This step is optional. However, state law requires applicants to provide evidence that a majority of any school accountability committee(s) support the application to become an innovation school or innovation school zone (see paragraph C.6.b. below.)*

### **B. Date for submission of application**

Applications will be accepted prior to \_\_\_\_\_ for school(s) beginning the following academic year. However, the Board and the applicant may mutually waive this deadline. Applications are to be submitted to \_\_\_\_\_.

*NOTE: The Board may establish its own deadline. The Board may wish to establish a deadline similar to that for charter school applicants, which state law prescribes as any time between August 1 and October 1.*

### **C. Contents of the application**

In accordance with state law, the application to become an innovation school or innovation school zone shall include:

#### **1. Mission**

Provide a statement of the school's mission and why designation as an innovation school or innovation school zone would enhance the school's ability to achieve its mission.

## 2. Innovations

Describe the innovations the school or school zone would implement. If the application is to become an innovation school, indicate whether the school will operate as a community school, in accordance with the requirements of state law.

*NOTE: The innovations that the Innovation Schools Act of 2008 (the "Act") "strongly encourages" Boards to consider are listed in CASB sample exhibit ADE-E.*

## 3. Affected programs, policies and operational documents

List the programs, policies and operational documents within the school or school zone that would be affected by the identified innovations and the manner in which they would be affected. These may include, but not be limited to, the following:

- a. the research-based educational program the school or school zone would implement;
- b. the length of school day and school year at the school or school zone;
- c. the student promotion and graduation policies to be implemented at the school or school zone;
- d. the assessment plan for the school or school zone;
- e. the proposed budget for the school or school zone; and
- f. the proposed staffing plan for the school or school zone.

## 4. Academic performance

Identify the improvements in academic performance the school or school zone expects to achieve in implementing its identified innovations.

## 5. Cost savings and efficiencies

Provide an estimate of the cost savings and increased efficiencies, if any, the school or school zone expects to achieve in implementing its identified innovations.

## 6. Support

- a. Provide evidence that a majority of the administrators and teachers employed at each school consent to designation as an innovation school or school zone.
- b. Provide evidence that a majority of the school accountability committee at each school consent to designation as an innovation school or innovation school zone.
- c. Provide a statement of the level of support for designation as an innovation school or innovation school zone, including input from school employees other than teachers and administrators; students and parents of students enrolled in the school(s); and the community surrounding the school(s).

- d. If the application is to become an innovation school zone, the statement of support shall include specific input regarding the selection of schools included in the innovation school zone and input regarding the strategies and procedures that would be used to implement and integrate the innovations within the schools.

## 7. Waivers

- a. Provide a description of any statutory sections or any regulatory or district policy requirements that would need to be waived for the school or school zone to implement its identified innovations.

*NOTE: To obtain a waiver from state law, the district must first obtain designation as a "district of innovation" from the State Board of Education. If approved as a district of innovation, the State Board shall waive statutes or rules specified in the district's innovation plan, except for those statutes or rules that cannot be waived under the Act, if the State Board determines that the waivers would enhance educational opportunity, standards and quality, and are fiscally feasible.*

- b. Provide a description of any provision of the collective bargaining agreement(s) in effect for the personnel at the school or school zone that would need to be waived for the school or school zone to implement its identified innovations.

*NOTE: To obtain a waiver from any provision of the collective bargaining agreement(s) in effect, the district must first obtain designation as a "district of innovation" from the State Board of Education. If approved as a district of innovation and before any provision of the collective bargaining agreement is waived, sixty percent (60%) of the members of the collective bargaining unit employed at the innovation school or schools must approve the waiver(s) by means of a secret ballot.*

## 8. Additional information

Provide any additional information that supports the request to become an innovation school or innovation school zone. A plan for creating an innovation school zone shall also include:

- a. A description of how innovations in the schools would be integrated to achieve results that would be less likely to be accomplished in each school working alone.
- b. An estimate of the economies of scale that would be achieved by innovations implemented jointly by the schools within the innovation school zone.

*NOTE: The Act permits the Board to add specific application requirements in addition to those listed above.*

## D. 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.

### **E. Incomplete application**

If the application is incomplete, the Board will request additional information from the applicant and give the applicant a reasonable opportunity to provide additional information to the Board for review. The parties may mutually agree to waive any deadlines during the application process, including extending the deadline for Board consideration of the application.

### **F. Decision on the application**

The Board shall make a decision, by resolution, on the application to become an innovation school or innovation school zone in a regular or special meeting. The Board's decision shall be made within 60 days after receipt of the official application, unless the parties have mutually agreed in writing to extend this deadline.

If the Board denies the plan, it shall provide a written explanation of the basis for its denial.

A new innovation school or innovation school zone may be approved for a period of \_\_\_\_\_ academic year(s).

*NOTE: The Act does not prescribe a time period for approval, but does require the Board to review the performance of an innovation school or innovation school zone at least once every three years (see paragraph I. below.)*

### **G. Amending the application**

If the Board denies the application, the applicant shall have \_\_\_\_\_ days to amend the application and resubmit it to the Board. The Board will then have \_\_\_\_\_ days to make a decision on the amended application.

*NOTE: The Act requires the Board to make its initial decision within 60 days of receipt of the application, but does not prescribe any other timelines.*

If the application is denied again, the Board's decision shall be final and no further appeal or amendments may be submitted.

### **H. Negotiations**

All negotiations between the Board and an approved innovation school or innovation school zone shall be concluded by and all terms agreed upon no later than \_\_\_\_\_ days after the Board resolution approving the innovation school or innovation school zone.

### **I. Review**

The Board shall review the level of performance of the innovation school or innovation school zone within three years after the Board's approval of the plan and every three years thereafter. The Board's review shall include, but not be limited to,

a determination whether the innovation school or innovation school zone is achieving or making adequate progress toward achieving the academic performance results identified in its innovation plan.

If the Board determines the academic performance of students enrolled in the innovation school or innovation school zone is not improving at a sufficient rate, the Board may revoke the innovation status of the school or school zone or remove the underperforming school or schools from the innovation school zone.

The Board reserves the right to request information from an innovation school or innovation school zone and/or to review the performance of an innovation school or innovation school zone at any time. In addition, the Board reserves the right to revoke the innovation status or remove a school from an innovation school zone at any time and for any reason deemed sufficient by the Board.

#### **J. Revisions to innovation plan**

Once approved, the Board may revise the innovation plan in collaboration with the innovation school or innovation school zone. Revisions may include, but not be limited to, reviewing identified waivers of any collective bargaining agreement.

Any revision to the innovation plan shall require the consent of the majority of teachers and administrators employed at the innovation school or innovation school zone as well as the consent of a majority of each school accountability committee. Revision may also require the approval of members of the collective bargaining unit employed at the school(s), in accordance with state law.

(Approval date)

COLORADO SAMPLE REGULATION 2008©

## School Wellness

The Board promotes healthy schools by supporting student wellness, including good nutrition and regular physical activity as part of the total learning environment. Schools contribute to the basic health status of students by facilitating learning through the support and promotion of good nutrition and physical activity. Improved health optimizes student performance potential and educational success, as children who eat well-balanced meals and are physically active are more likely to be engaged and learn in the classroom and less likely to be absent.

### Goals

To further the Board's beliefs stated above, the Board adopts the following goals:

**Goal #1. The district will provide a comprehensive learning environment to promote the development and practice of lifelong wellness behaviors.**

The entire school environment, not just the classroom, will be aligned with healthy school goals to positively influence a student's understanding, beliefs and habits as they relate to comprehensive wellness, including good nutrition and regular physical activity. Such learning environments will teach students to use appropriate resources and tools to make informed and educated decisions about lifelong healthy eating habits and beneficial physical activity, in accordance with the district's academic standards for comprehensive health education and physical education.

**Goal #2. The district will implement and promote nutrition education and proper dietary habits contributing to students' health status and academic performance.**

Nutrition education will be in accordance with the district's academic standards for comprehensive health education. All foods and beverages sold or provided by the district to students on the school campus during the school day shall meet or exceed the district's nutrition standards. All schools participating in the National School Lunch and/or School Breakfast Programs shall comply with state and federal rules or regulations regarding school meals, competitive food service and the Smart Snacks in School nutrition standards.

**Goal #3. The district will promote healthy nutrition choices to create and encourage a healthy learning environment.**

In accordance with applicable federal law, schools participating in the National School Lunch and/or Breakfast Programs shall comply with the Smart Snacks in School nutrition standards in the marketing of any foods or beverages sold to students during the school day.

**Goal #4. The district will provide daily opportunities for students to engage in physical activity.**

Physical activity will be included in a school's daily education program from grades pre-kindergarten through 12. Physical activity includes regular instructional physical education, in accordance with the district's academic standards for physical



education, and opportunities throughout the school day, such as exercise programs, fitness breaks, recess, field trips that include physical activity and classroom activities that include physical activity.

### Implementation and review

To help ensure each school's compliance with and implementation of this policy's goals, the Board designates the superintendent as the district's school wellness policy coordinator(s).

*~~NOTE: Districts must assess participating schools' compliance with this policy at least once every three years and make the assessment results available to the public. 7 C.F.R. 210.30(e)(2). "Participating" schools are those schools that participate in the National School Lunch and/or Breakfast Programs. Districts must then make appropriate updates or modifications to this policy based on the triennial assessment. 7 C.F.R. 210.30(e)(3).~~*

*~~As mentioned in the headnote on page 1 of this sample policy, the required periodic review and updating must involve parents, students, representatives of the school food authority, school health professionals, teachers (at minimum, must include physical education teachers), board members, school administrators and the public. The district is also "encouraged" to include Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators. Further, the local wellness policy must describe how these individuals will be involved in the implementation and periodic review and update of the policy. 7 C.F.R. 201.12(e), 210.30(e)(5). The following paragraph creates a "wellness advisory council" to meet these requirements. This specific council is not legally required, however. Accordingly, the Board may instead choose to designate the district's accountability committee or other committee that meets the membership requirements listed above to implement, review and update this policy.~~*

The district will establish and maintain a district-wide wellness advisory council. The council's purposes will be to monitor the implementation of this policy, evaluate the district's progress on this policy's goals, serve as a resource to schools (i.e. provide lists of healthy incentives, snacks, etc.) and periodically review and update this policy in accordance with federal law. The council will meet on a quarterly basis.

At least once every three years, the council shall assess this policy and its implementation, which shall include an assessment of each participating school's compliance and progress with this policy's goals. The council may recommend policy revisions for the Board's consideration after conducting its triennial assessment and/or as the council deems appropriate or necessary.

*~~NOTE: The Colorado Healthy Schools Smart Source provides a helpful inventory to collect data on the district's implementation of its wellness policy and practices, available on The Colorado Education Initiative's website. To assess the district's wellness policy, WellSAT 2.0 or a similar tool may be used. WellSAT 2.0 is available on the USDA's website.~~*

### Reporting and recordkeeping

The results of the council's triennial assessments shall be made available to the public, along with a copy of this policy.

The district shall retain records to document compliance with this policy, including but not limited to documentation concerning the council's triennial assessments.

~~NOTE: The USDA recommends that districts keep the following records: (1) documentation demonstrating that the local school wellness policy has been made available to the public; (2) documentation of the district's efforts to review and update the local school wellness policy, including who is involved in the update and methods the district uses to make stakeholders aware of their ability to participate; (3) a copy of the district's most recent assessment on the implementation of the local school wellness policy; and (4) documentation demonstrating that the district's most recent assessment on the implementation of the local school wellness policy has been made available to the public.~~

Adoption Date: ~~\_\_\_\_\_~~ 5/22/06

Revised: ~~\_\_\_\_\_~~ 3/23/09 (Note) 7/27/09, 7/25/11 (Cross ref/note), 06/25/12, 4/13 (Note),  
12/14 (Note), 6/26/17

Reviewed: date of manual revision

LEGAL REFS.: Section 204 of P.L. 111-296 (*Healthy, Hunger-Free Kids Act of 2010*)  
7 C.F.R. Parts 201, 210 and 220 (*local school wellness policy requirements*)  
C.R.S. 22-32-134.5 (*healthy beverages requirement*)  
C.R.S. 22-32-136 (*policies to improve children's nutrition and wellness*)  
C.R.S. 22-32-136.3 (*trans fat ban*)  
C.R.S. 22-32-136.5(3)(a) and (b) (*physical activity requirement*)  
1 CCR 301-79 (*State Board of Education – healthy beverages rules*)

CROSS REFS.: EF, School Nutrition Program  
EFC, Free and Reduced-Price Food Services  
EFEA\*, Nutritious Food Choices  
IHAM and IHAM-R, Health and Family Life/Sex Education  
IHAMA, Teaching About Drugs, Alcohol and Tobacco  
JLJ\*, Physical Activity

~~NOTE: Boards of Education are "encouraged" to expand their local wellness policies to include goals for: (1) increasing the availability of physical education courses; (2) for those districts enrolling more than 1,500 students, ensuring all persons teaching physical education courses are licensed and endorsed to teach physical education; (3) increasing classes in health education; (4) providing health services; (5) providing nutrition services; (6) providing increased access to mental health counseling and services; (7) developing and maintaining a healthy school environment in the district's schools; and (8) increasing the level of family and community involvement in developing and maintaining an emphasis on healthy lifestyles and choices. C.R.S. 22-32-136 (5.5).~~

# New Sample Regulation

File: ADF-R

*NOTE: Federal law requires all school districts receiving federal funding for child nutrition programs to have adopted a policy on "school wellness." Although districts are not required by law to adopt an accompanying regulation on this subject, this sample contains possible objectives to implement the goals of the district's school wellness policy. In addition, some content in this sample reflects suggested language from state law. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## School Wellness (Implementing Objectives)

*NOTE: The objectives denoted with this symbol (↘) reflect suggested policy language from C.R.S. 22-32-136, which "encourages" Boards of Education to adopt policies to improve student health and nutrition.*

### Goal #1. The district will provide a comprehensive learning environment to promote the development and practice of lifelong wellness behaviors.

The goal of providing a comprehensive learning environment will be accomplished by: *[insert here a jointly developed set of objectives to implement this goal]*

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#### *[Objectives might include:*

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- *The provision of age-appropriate and culturally sensitive instruction to students that teaches them lifelong healthy eating habits and a healthy level of physical activity. ↘*
- *The participation of schools in USDA nutrition programs such as "Team Nutrition" and other nutrition education activities and promotions that involve students, parents and the community.*
- *Active promotion of healthy eating and physical activity to students, parents, school staff and the community at school registration, parent-teacher meetings, open houses, staff in-services, etc.*
- *Encouragement to teachers to integrate nutrition education into core curriculum areas such as math, science, social studies and language arts, as applicable.*
- *The availability of staff educational opportunities to inform them about nutrition and physical activity, including how to integrate these topics into their core instruction. These educational opportunities may include, but not be limited to, the distribution of educational and informational materials and the arrangement of presentations and workshops that focus on nutritional*

value and healthy lifestyles, health assessments, fitness activities and other appropriate nutrition and physical activity-related topics.

- The availability of parent educational opportunities to inform them about nutrition and physical activity, including information about healthful foods and beverages to provide to their child and to bring to school activities and events. These educational opportunities may include, but not be limited to, education provided in the form of handouts, postings on the district's website, articles and information provided in district or school newsletters, presentations that focus on nutritional value and healthy lifestyles and through any other appropriate means available for reaching parents.]

**Goal #2. The district will implement and promote nutrition education and proper dietary habits contributing to students' health status and academic performance.**

The goal of implementing and promoting nutrition education and proper dietary habits will be accomplished by: *[insert here a jointly developed set of objectives to implement this goal]*

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*NOTE: In adopting objectives to implement this goal, the district's wellness advisory council should consider existing Board policies, such as EFEA\*, Nutritious Food Choices.*

***[Objectives might include:***

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- The availability of nutrition education in the school cafeteria as well as the classroom, with coordination between the district's nutrition services staff and teachers, in accordance with the district's academic standards for comprehensive health education.
- A requirement that all students have access to fresh fruits and vegetables throughout the school day. ✓
- A requirement that all students have access to healthful food choices in appropriate portion sizes throughout the school day, including healthful meals in the school cafeteria with an adequate time to eat; healthful items in vending machines and healthful items for fundraisers, classroom parties and rewards in the schools. ✓
- A prohibition or restriction on using food as a discipline or reward for students.
- Accessible information to students and their parents/guardians concerning the nutritional content of foods and beverages sold by or available to students, as well as the nutritional content of competitive foods sold or available on school district property. ✓
- An assurance that the school cafeteria is as pleasant an eating environment as possible, including displays of student art, plants, natural light if possible, small tables and reduced noise, if possible.

- A requirement that only healthy food choice options be made available to students at any school function (parties, celebrations, receptions, festivals, sporting events, etc.)
- A requirement that schools offer lunch after recess to better support learning and healthy eating.
- A requirement that students be allowed at least 10 minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated.
- The encouragement of nonfood fundraisers, especially those promoting physical activity, such as walk-a-thons, jump rope for heart, fun runs, etc.
- A requirement that all students have access to a school facility with a sufficient number of functioning water fountains in accordance with local building codes, or other means to provide students with sufficient water. ✓

**Goal #3. The district will promote healthy nutrition choices to create and encourage a healthy learning environment.**

The goal of promoting healthy nutrition choices to create and encourage a health learning environment will be accomplished by: *[insert here a jointly developed set of objectives to implement this goal]*

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***[Objectives might include:***

- To the greatest extent feasible, the marketing of food and beverage products on the exterior of vending machines and through posters, menu boards and other equipment on the school campus shall meet the Smart Snacks in School nutrition standards.
- Marketing shall encourage participation in school meal programs.

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**Goal #4. The district will provide daily opportunities for students to engage in physical activity.**

The goal of providing daily opportunities for students to engage in physical activity will be accomplished by: *[insert here a jointly developed set of objectives to implement this goal]*

~~NOTE: In adopting objectives to implement this goal, the district's wellness advisory council should consider existing Board policies, such as JJJ\*, Physical Activity.~~

***[Objectives might include:***

- A requirement that periods of physical activity be provided for elementary students in accordance with policy JJJ\*, Physical Activity and consistent with requirements of state law.

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File: ADF-R

- A requirement or encouragement that periods of physical activity be at least 225 minutes per week for secondary students.
- A requirement that all students have access to age-appropriate daily physical activity. ✓
- Increased opportunities for physical activity through a range of after-school programs including intramurals, interscholastic athletics and physical activity clubs.
- Increased opportunities for physical activity during the school day through daily recess periods, elective physical education classes, walking programs and the integration of physical activity into the academic curriculum.
- An encouragement that schools follow the recommendations of the National Association of Sport and Physical Education (NASPE), which guide students through a process that enables them to achieve a high personal level of fitness.
- An encouragement that secondary schools administer a health-related fitness assessment to students to help students determine their own level of fitness and create their own fitness goals and plans.
- An encouragement that beginning at an early age, schools introduce developmentally appropriate components of a health-related fitness assessment to students.
- The promotion of walking or bicycling to and from school using programs such as Walking School Bus and Bike Train.
- The availability of health-promotion activities and incentives for students, parents and staff that encourage regular physical activity, such as speakers, recreational demonstrations, and walking clubs.]

(Approval date) Date of approval:

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

## Accountability/Commitment to Accomplishment

The Board accepts its ultimate responsibility for the academic accomplishments of district students. Consistent with this responsibility and as required by law, the Board shall adopt and maintain an accountability program to measure the adequacy and efficiency of the educational program.

Because the district has fewer than 1,000 enrolled students, the Board has determined that it is in the best interests of the district to have one committee serve the purposes of the district accountability committee and the school accountability committee. The Board shall appoint or create a process for the election of the committee. The committee shall have those powers and duties prescribed by state law. The Board and committee shall, at least annually, cooperatively determine the areas and issues, in addition to budget issues, that the committee shall study and the issues on which it may make recommendations to the Board.

All District Accountability Committee meetings shall be open to the public. Meeting notices shall be posted in the same place and manner as notices of Board meetings.

Adopted: 10/25/93

Revised: 08/28/00, 01/22/01, 09/24/01, 7/26/10, 11/29/10, 7/12 (legal ref.), 4/13 (legal ref.),  
\_\_\_\_\_ 2/22/16, date of manual revision

LEGAL REFS.: C.R.S. 22-2-117 (*waivers from State Board of Education*)  
C.R.S. 22-11-101 et seq. (*Educational Accreditation Act of 2009*)  
C.R.S. 22-11-301 and 302 (*school district accountability committee*)  
C.R.S. 22-11-401 and 402 (*school accountability committees*)  
C.R.S. 24-6-402 (*open meeting law*)  
1 CCR 301-1, Rules 2202-R-2.01 et seq. (*accreditation rules*)

CROSS REFS.: AEA, Standards Based Education  
AED, Accreditation  
AEE\* Waiver of State Law and Regulation  
DBD, Determination of Budget Priorities

~~*Note 1: The Board may consider applying to the State Board of Education for a waiver of certain provisions of law or state regulations which in the Board's discretion it believes necessary to accomplish the purposes of the accountability program. Such a waiver, if granted, shall continue indefinitely unless the Board requests revocation of the waiver or the State Board of Education revokes the waiver for good and just cause. CCR 301-35,2217-R-2.02. See policy AEE\* Waiver of State Law and Regulation.*~~

~~*Note 2: The Colorado Department of Education has created a District Accountability Handbook that provides an overview of accountability requirements for districts and schools.*~~

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



**SUGGESTED NEW POLICY - It is up to the district whether to adopt this policy. It is not required by law. If adopted, policy will be redlined for your review.**

*NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

*NOTE: This sample regulation is for districts with a student enrollment of 1,000 or more and for those "small rural" districts with less than 1,000 students that choose to have both a district accountability committee and school accountability committee(s).*

## **Accountability/Commitment to Accomplishment**

### **District accountability committee**

The district accountability committee (DAC) shall consist of at least:

- three parents of students enrolled in district schools
- one teacher employed by the district
- one school administrator employed by the district
- one person who is involved in business or industry in the community within the district's boundaries

A person may not serve in more than one of the required membership roles on the DAC. A person who is employed by the district or related to a district employee shall not be eligible to serve as a parent on the DAC. "Related" means the person's spouse, son, daughter, sister, brother, mother or father. If, however, the district makes a good faith effort and is unable to identify a sufficient number of parents that meet these criteria, a person may serve as a parent on the DAC and also be employed by the district or related to a district employee.

*NOTE 1: Members of the DAC may be appointed or elected as set forth in state law. If the members are appointed, the regulation should indicate by whom. If the members are elected, information about the election process should be specified. This sample regulation has the Board appointing members of the DAC and the Board delegating to each principal the authority to appoint members of the school accountability committee for his or her school.*

The Board shall appoint persons to the DAC. In making these appointments, it shall ensure, to the extent practicable, that:

- the parents appointed reflect the student populations significantly represented within the district;
- at least one of the parents is a parent of a student enrolled in a district charter school authorized by the Board, if one exists; and
- at least one of the persons appointed has a demonstrated knowledge of charter schools.

If the Board chooses to increase the number of persons on the DAC, it shall ensure that the number of parents appointed exceeds the number of representatives from the group with the next highest representation.

Members of the DAC will serve terms of \_\_\_\_\_ year(s). The DAC shall select a parent representative to serve as chair or co-chair, who shall serve terms of \_\_\_\_\_ year(s). The DAC shall also establish a schedule of meetings and adopt general rules for its operation.

### **School accountability committees**

Each school accountability committee (SAC) shall consist of at least:

- three parents of students enrolled in the school
- one teacher who provides instruction at the school
- the principal or the principal's designee
- one person who is involved in business or industry in the community
- one adult member of an organization of parents, teachers and students recognized by the school

A person may not serve more than one of the required membership roles on the SAC. If, after making good-faith efforts, a principal or an organization of parents, teachers and students is unable to find a sufficient number of persons who are willing to serve on the SAC, the principal, with advice from the organization of parents, teachers and students, may establish an alternate membership plan for the SAC. Such alternate plan shall reflect the required representation stated above as much as practicable.

Members of the SAC shall be appointed by the principal of each school. The principal shall ensure, to the extent practicable, that the persons appointed reflect the student populations significantly represented within the school.

If the principal chooses to increase the number of persons on any SAC, the principal shall ensure that the number of parents appointed exceeds the number of representatives from the group with the next highest representation.

Members of the SAC shall serve terms of \_\_\_\_\_ year(s). Vacancies shall be filled by majority action of the remaining members of the SAC. The SAC shall select a parent representative to serve as chair or co-chair, who shall serve a term of \_\_\_\_\_ year(s).

(Approval date)

*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 “small rural” districts where the student population is less than 1,000, 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. C.R.S. 22-11-401 (4)(c).*

*NOTE 4: Colorado’s open meetings law permits a “local public body” 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.*

COLORADO SAMPLE REGULATION 1999©

**SUGGESTED NEW POLICY - It is up to the district whether to adopt this policy. It is not required by law. If adopted, policy will be redlined for your review.**

*NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

*NOTE: This sample regulation is for "small rural" districts that enroll less than 1,000 students and choose to have the district accountability committee also serve as the school accountability committee. C.R.S. 22-11-401 (4)(c).*

## **Accountability/Commitment to Accomplishment** (District Accountability/School Accountability Committee)

The district accountability committee shall also serve as the school accountability committee and shall consist of at least:

- three parents of students enrolled in district schools
- one teacher employed by the district
- one school administrator employed by the district
- one person who is involved in business or industry in the community within the district's boundaries

A person may not serve in more than one of the required membership roles on the committee. A person who is employed by the district or related to a district employee shall not be eligible to serve as a parent on the committee. "Related" means the person's spouse, son, daughter, sister, brother, mother or father. If, however, the district makes a good faith effort and is unable to identify a sufficient number of parents that meet these criteria, a person may serve as a parent on the committee and also be employed by the district or related to a district employee.

*NOTE 1: Members of the committee may be appointed or elected as set forth in state law. If the members are appointed, the regulation should indicate by whom. If the members are elected, information about the election process should be specified. This sample regulation has the Board appointing members of the committee.*

Members of the committee shall be appointed by the Board. In making these appointments, it shall ensure, to the extent practicable, that:

- the parents appointed reflect the student populations significantly represented within the district;
- at least one of the parents is a parent of a student enrolled in a district charter school authorized by the Board, if one exists; and
- at least one of the persons appointed has a demonstrated knowledge of charter schools.

If the Board chooses to increase the number of persons on the committee, it shall ensure that the number of parents appointed exceeds the number of representatives from the group with the next highest representation.

Members of the committee will serve terms of \_\_\_\_\_ year(s). The committee shall select a parent representative to serve as chair or co-chair, who shall serve terms of \_\_\_\_\_ year(s). The committee shall also establish a schedule of meetings and adopt general rules for its operation.

(Approval date)

*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 with limited English proficiency, migrant children, students identified as having a disability and gifted children.*

*NOTE 3: In "small rural" districts where the student population is less than 1,000, 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. C.R.S. 22-11-401 (4)(c).*

*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 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.*

COLORADO SAMPLE REGULATION 2015©

## Standards Based Education

The Board supports a system of education that develops and teaches standards that enable students to achieve the highest level of knowledge and skills. Academic standards will clearly identify what students should know and be able to do at key points in their school careers.

In accordance with state law, the Board has adopted a standards-based education system which focuses on student learning of ~~content the district's academic~~ standards. It is the intent of the Board that the district's programs of instruction and assessments be aligned with ~~content the district's academic~~ standards. In standards-based education, courses and units of study are clearly defined, understood by teachers and students and communicated to staff members, families and the community. The district's standards-based education system will advance equity, promote student learning and reinforce accountability.

The superintendent shall be responsible for developing a plan to implement the district's academic standards that meet or exceed the model state academic standards and revise curriculum and programs of instruction to align them with the district's standards to provide students with the educational experiences necessary to achieve the standards. The plan shall also address the professional development of teachers and administrators to enable successful implementation of standards-based education. The plan shall ensure that the educational programs of the district actively address the needs of exceptional students, consciously avoid gender or cultural bias and address the different learning styles and needs of students of various backgrounds and abilities and eliminate barriers to equity. The plan shall conform with all timelines established by law.

The district shall work with educators, parents, students, business-persons, members of the community and the ~~d~~District ~~a~~Accountability ~~c~~Committee to review and revise ~~content the district's academic~~ standards as necessary to ensure maximum effectiveness and develop assessments that will adequately measure each student's progress. Parents shall be kept informed of student progress in achieving the district's academic standards and how such progress will be measured. This information shall also be provided to the district accountability committee [and school accountability committees]. [Note: Include "and school accountability committees" if applicable. Small rural districts are permitted to only have one accountability committee. C.R.S. 22-11-401 (4)(c).]  
~~Parents shall be kept informed of student progress in achieving content standards and how such progress will be measured.~~

Adopted: 11/27/00

Revised: 09/26/05 (legal ref.), 9/28/09, 2/22/16, date of manual revision

### LEGAL REFS.:

C.R.S. 22-1-104 (6)(a) (financial assistance to develop and promote programs that address state academic standards for civics)

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File: AEA

C.R.S. 22-7-1013 (1) (adoption of academic standards)

C.R.S. 22-11-101 et seq. (Education Accountability Act of 2009)

C.R.S. 22-32-109 (1)(r), (t) (duty to comply with state regulations and determine programs)

~~C.R.S. 22-32-109 (1) (r), (t)~~

~~C.R.S. 22-7-1013(1) (adoption of academic standards)~~

~~C.R.S. 22-1-104(6)(a)~~

~~C.R.S. 22-11-101 et seq. (Education Accountability Act of 2009)~~

~~C.R.S. 22-11-109(1)(r)(t) (duty to comply with state regulations and determine programs)~~

CROSS REFS.: AE, Accountability/Commitment to Accomplishment

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

## Accreditation

The Board of Education believes ~~that~~ its primary responsibility is to provide leadership in the area of student achievement. To foster greater accountability and enhance improvement in student achievement, the Board shall enter into an accreditation contract with the State Board of Education regarding district accreditation and shall accredit the schools within the district.

### District ~~A~~ccreditation

The accreditation contract shall bind the Board to manage the district and its schools to meet certain standards, goals and requirements over the term of the contract, in accordance with the Education Accountability Act of 2009 and applicable State Board of Education rules.

In conjunction with accreditation, the Board is committed to adopting academic standards for student learning, achievement performance levels, systems for measuring student achievement and methods for improving student achievement.

### School ~~A~~ccreditation

While the state accredits the district, the Board accredits the schools within the district, including district charter schools. The Board directs the superintendent to develop a school accreditation process for the Board's input and approval. Such process shall be developed in accordance with the Education Accountability Act of 2009.

~~While the state accredits the school district, the Board of Education accredits the schools within the district, including district charter schools. The Board directs the superintendent to develop a school accreditation process for the Board's input and approval. Such process shall be developed in accordance with the Education Accountability Act of 2009.~~

Pursuant to the Board's constitutional and statutory authority to control instruction in its schools and determine the allocation of district resources, the Board shall review and approve all school plans, regardless of whether the plan is a performance, improvement, priority improvement or turnaround plan. Each school plan shall be submitted to the Colorado Department of Education in accordance with the timelines prescribed by applicable State Board of Education rules.

Adopted: 10/22/01

Revised: 09/26/05, 9/24/07, 9/28/09, 11/29/10, 8/27/12, 03/30/15, 12/15 legal ref. date of manual revision

LEGAL REFS.: Colo. Const. Art. IX, Sect. 15 (Board has control of instruction within the district)

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C.R.S. 22-7-1013 (1) (adoption of academic standards)

C.R.S. 22-11-101 et seq. (Education Accountability Act of 2009)

C.R.S. 22-11-307 (Board accreditation of district schools)

C.R.S. 22-30-105 (school district organization planning process)

C.R.S. 22-30.5-104 (2)(b) (district charter schools subject to accreditation by local Board)

C.R.S. 22-32-109 (1)(t) (Board duty to determine educational program and prescribe textbooks)

C.R.S. 22-32-109 (1)(mm) (Board duty to adopt policy for accreditation of district schools)

C.R.S. 22-32-142 (2) (parent notice, public meeting and public hearing requirements for schools on priority improvement or turnaround status)

1 CCR 301-1 (State Board of Education rules for the Administration of the Accreditation of School Districts)

1 CCR 301-71 (State Board of Education rules for the Administration, Certification and Oversight of Colorado Online Programs)

Colo. Const. Art. IX, Sect. 15 (board has control of instruction within the district)

C.R.S. 22-7-1013(1) (adoption of content standards)

C.R.S. 22-11-101 et seq. (Educational Accreditation Act of 1998)

C.R.S. 22-11-307 (board accreditation of district schools)

C.R.S. 22-30-105 (school district organization planning process)

C.R.S. 22-30.5-104(2)(b) (district charter schools subject to accreditation by local board)

C.R.S. 22-32-109(1)(t) (board duty to determine educational program and prescribe textbooks)

C.R.S. 22-32-142(2) (parent notice and public meeting and public hearing requirements for schools on priority improvement or turnaround status)

C.R.S. 22-32-109(1)(mm) (Board duty to adopt policy for accreditation of district schools)

1 CCR 301-1, Rules 2202-R. 1.00 (accreditation rules)

CROSS REFS.: AE, Accountability/Commitment to Accomplishment

AE-R, Accountability/Commitment to Accomplishment (Complaint and Compliance Process) - Regulation

AEA, Standards Based Education

IHBK\*, Preparation for Postsecondary and Workforce Success

IK, Academic Achievement

IKA, Grading/Assessment Systems

KB, Parent and Family Engagement in Education

- AE, Accountability/Commitment to Accomplishment
- \_\_\_\_\_ AE-R, Accountability/Commitment to Accomplishment-Regulation
- \_\_\_\_\_ AEA, Standards Based Education
- \_\_\_\_\_ AEC, Accomplishment Reporting to the Public
- \_\_\_\_\_ IK, Academic Achievement
- \_\_\_\_\_ ILBB, State Program Assessments

*NOTE 1: State law requires the local board of education to adopt "policies" for the accreditation of the district's schools, including the use of school accreditation contracts and the use of accreditation categories comparable to those used for the district's accreditation. C.R.S. 22-11-307. Even though the law requires specific provisions to be included in "school accreditation policies," CASB believes the intent of the law can be met by addressing these requirements in each district school's performance, improvement, priority improvement or turnaround plan. Importantly, this sample policy requires the school accreditation process to be developed in accordance with the Education Accountability Act of 2009, C.R.S. 22-11-101 et seq. (the Accreditation Act) but also provides that the Board shall approve all school plans, regardless of type.*

*NOTE 2: A school district with 1000 students or fewer may submit a single plan to satisfy the school district and school plan requirements. School districts with between 1000 and 1200 students may request the Colorado Department of Education's permission to submit one plan. C.R.S. 22-11-210 (2)(b). Beginning with the 2014-15 school year, small, rural districts with less than 1200 students may choose to submit their district and school accreditation performance plans every other year rather than annually, as long as the district/school maintains the status of accredited or accredited with distinction. C.R.S. 22-11-303, -304. For more information on this flexibility, visit the Colorado Department of Education's (CDE's) webpage concerning unified improvement planning.*

*NOTE 3: State law requires that a public meeting and public hearing be held prior to the Board's adoption of a priority improvement or turnaround plan for a school. C.R.S. 22-32-142 (2). Among other issues, a school's priority improvement or turnaround plan must "incorporate strategies to increase parent engagement" in the school. C.R.S. 22-11-405 (4)(e.5), -406 (3)(e.5).*

*NOTE 4: In 2014, the state legislature amended the Accreditation Act to address the state's transition from the use of the Transitional Colorado Assessment Program (TCAP) assessments to the Colorado Measures of Academic Success (CMAS) assessments. For more information about school and district accreditation during this transition period, visit CDE's webpage concerning state accountability.*

File: AED

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

## Waiver of State Law and Regulation

The Board of Education believes that many state laws and regulations impede the district's progress toward achieving its mission. Therefore, the Board directs the superintendent to work with district legal counsel, the district accountability committee and school principals to:

1. Determine which state laws and regulations, if waived, would enhance educational opportunity and quality within the school district and reduce or eliminate costs that are significantly limiting educational opportunity within the district. This determination shall be made on a school-by-school basis and a district-wide basis.
2. Make recommendations to the Board regarding which state laws and regulations the Board should consider for waiver.

The Board must consider whether to apply for waivers in a public meeting that includes a public hearing. The Board shall consult with the district accountability committee concerning the intent to seek waivers at least 60 days prior to the scheduled public hearing.

In the Board meeting, which includes a public hearing, the Board shall adopt a resolution stating the Board's intent to apply for waivers and specifying the statutes or rules for which the Board will request waivers. In the waiver application, the Board shall state the manner in which the district will comply with the intent of the waived rule or statute and be accountable to the State Board of Education.

The Board shall post notice of the public meeting in three public places within the district not less than 30 days prior to the meeting. The notice shall include a description of the waivers to be considered. If there is a newspaper published in the county, the Board shall also publish notice once a week for four weeks prior to the meeting.

The district shall post on its website a list of the statutes for which it has received a waiver from the State Board, in accordance with state law. This list shall be updated within 30 days after a waiver is revoked or a new waiver is granted.

Adoption date: 8/27/18

Reviewed: date of manual revision

LEGAL REFS.: C.R.S. 22-2-117 (*state board power to grant waivers*)  
C.R.S. 22-44-305 (*district must post waivers of state law*)  
1 CCR 301-35, Rules 2217-R-1.00 *et seq.* (*waiver rules*)

CROSS REF.: AE, Accountability/Commitment to Accomplishment

~~NOTE 1: Districts that have a funded pupil count of 3,000 or more pupils must demonstrate that an application for waiver has the consent of a majority of the district accountability committee (or the school-level accountability committee if the waiver is sought for only one school), and a majority of the licensed administrators and teachers of the affected school or district. C.R.S. 22-2-117 (1)(d). However, these additional requirements do not apply to school districts with 3,000 or more students when the school district has been granted exclusive authority to charter schools within the geographic boundaries of the district, unless the district is asking for a waiver of certain laws pertaining to teachers. C.R.S. 22-2-117 (6).~~

~~NOTE 2: The State Board of Education cannot waive the following state laws:~~

- ~~• requirements pertaining to the data necessary for performance reports (22-11-501 et seq.)~~
- ~~• state assessments (22-7-1006.3)~~
- ~~• duties of board president and vice president (22-32-105)~~
- ~~• prohibition of tobacco products on school property (22-32-109 (1)(bb)(I))~~
- ~~• establishing program outside state boundaries (22-32-109 (2))~~
- ~~• attendance policy (22-33-104 (4))~~
- ~~• Public School Finance Act (22-54-101 et seq.)~~
- ~~• Exceptional Children's Educational Act (22-20-101 et seq.)~~
- ~~• provisions related to fingerprinting and criminal history record checks of personnel (22-32-109.7, 109.8, 109.9, 22-2-119)~~
- ~~• Children's Internet Protection Act (22-87-101 et seq.)~~
- ~~• student conduct and discipline code requirements (22-32-109.1 (2)(a))~~
- ~~• reporting requirements regarding school use of on-site peace officers as school resource officers (22-32-146)~~
- ~~• requirement to post the statutes for which waivers are granted (22-44-305)~~
- ~~• requirement to notify parents of alleged criminal conduct by district employees (22-1-130)~~

~~NOTE 3: Another process to seek waivers of state law and regulation is set out in the Innovation Schools Act of 2008, C.R.S. 22-32.5-108. A school district that has been designated as a district of innovation may seek waivers from the State Board in accordance with that law. A district of innovation may also seek a waiver from provisions of a collective bargaining agreement.~~

~~NOTE 4: Each district shall post, in a location and format that can be easily accessed and downloaded, for free public access on its website, a list of the statutes for which the district has received a waiver from the State Board. For each waiver, the district shall post a copy of the plan that explains the manner in which the district will meet the intent of the waived statute. In listing its waivers, the district shall include waivers granted to the district as a whole and waivers granted to one or more district schools, other than a charter school. The district shall list separately each waiver granted to an innovation school or to schools in an innovation school zone. C.R.S. 22-44-305.~~

## Legal Description

Real property owned by Sargent School District RE-33J in the County of Rio Grande, State of Colorado, is described as follows:

### Parcel 1

Ten acres of land in the Southwest corner of the Section Twenty-eight in Township Forty North, Range Eight East, N.M.P.M., Rio Grande County, Colorado, particularly described as follows:

Beginning at the Southwest corner of said Section, thence North 40 rods; thence East, parallel with the South side of said Section 40 rods; thence South to the south side of said Section 40 rods; thence West 40 rods to the place of beginning.

### Parcel 2

A tract of land located in the Southwest Quarter of Section Twenty-eight, Township Forty North, Range Eight East, N.M.P.M., Rio Grande County, Colorado, containing 1 .54 acres, more or less, which tract is more particularly described by metes and bounds as follows, to-wit:

Assuming the West line of said Section 28 bears North and South, then beginning at the Southwest corner of the tract herein described, a point 660 feet north and 270 feet East of the Southwest corner of said Section 28; thence North, 170 feet to the Northwest corner of the tract herein described; thence N. 89° 29' E., 391.61 feet to the Northeast corner of the tract herein described; thence 5. 0° 11' W., 172.05 feet to the Southeast corner of the tract herein described; thence S. 89° 47' W., 391.04 feet to the place of beginning.

### Parcel 3

All that part of the Southeast Quarter of Section Twenty-nine in Township Forty North, Range Eight East, N.M.P.M., Rio Grande County, Colorado, described as follows:

Commencing at the Southeast Corner of said Quarter Section as the place of beginning; thence Westerly along the South line of said Quarter Section, 20 1/2 rods; thence North, parallel to the east side of said Quarter Section 20 1/2 rods; thence East parallel to the south line of said Quarter Section 20 1 rods to the East line of said Quarter Section; thence South along the east line of said Quarter Section 20 1/2 rods to the place of beginning, containing three acres, more or less.



Parcel 4

A parcel of land located in the Southeast Quarter of the Southeast Quarter of Section Twenty-nine, Township Forty North, Range Eight East, N.M.P.M., Rio Grande County, Colorado, containing 0.38 acres, more or less, which parcel is more particularly described by metes and bounds as follows:

Assuming that the centerline of County Road 7 North along the South side of said Southeast Quarter, Section Twenty-nine bears East and West, to-wit: Beginning at the Southeast corner of the parcel herein described, identical with the Southwest corner of that tract of land described in Book 131 at Page 570 of the records of the Rio Grande County Clerk and Recorder, whence the Southeast corner of said Section Twenty-nine, as established by the point of intersection of said Highway centerline with the centerline of the County Road along the East side of said Southeast Quarter, Section Twenty-nine, bears East 338.25 feet distant; thence North 00 24' East, 338.25 feet along the West line of that tract of land described in said Book 131 at Page 570 to the Northwest corner thereof; thence East, 338.25 feet along the North line of that tract of land described in said Book 131 at Page 570 of the Northeast corner thereof; thence North 00 24' East, 22.60 feet along the East line of said Southeast Quarter Section Twenty-nine to the Northeast corner of the parcel herein described; thence West 363.20 feet along a fence to the Northwest corner of the parcel herein described; thence South 0° 24' West, 360.85 feet along a fence to the Southwest corner of the parcel herein described; thence East, 24.95 feet along the South line of said Southeast Quarter Section Twenty-nine, to the place of beginning.

INCLUDING permanent easements and rights-of-way granted for the construction, maintenance and operation of a drainage pipeline over, across, through, and under the lands described herein as described in Easement Deed recorded May 8, 1963 in Book 282 at Page 380 and Easement Deed recorded May 16, 1963 in Book 283 at Page 46 in the records in the office of the Rio Grande County Clerk and Recorder.

## SCHOOL DISTRICT LEGAL STATUS

The Constitution of Colorado requires the General Assembly to provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state and vests in a state board of education responsibility for their general supervision.

The constitution also requires that the General Assembly shall, by law, provide for the organization of school districts of convenient size, in each of which shall be established a board of education to have control of instruction in the public schools of the district.

As are all school districts in the state, Sargent School District RE—33J of Monte Vista, Colorado is a body corporate with perpetual existence, and in its name may hold property for any purpose authorized by law, sue and be sued, and be a party to contracts for any purpose authorized by law.

Statutory

LEGAL REFS.:       Constitution of Colorado, Article IX, Sections 1, 2, 15  
                          1973 C.R.S. 22-32-101  
                          1973 C.R.S. 22-32-102

CROSS REF.:       BB, School Board Legal Status

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

## **District Objectives (3-5 Years)**

**To be reviewed annually**

### **Goal #1 Students - To provide a safe, appropriate and stimulating learning environment**

#### A. Educational

1. Invest and improve on math curriculum
2. To focus on Project Based Learning
3. To continue to provide and expand online course options
4. To promote Dual Graduation pathways including:
  - a. College preparatory pathway
  - b. Workforce pathway (technical and vocational)
5. To expand STEM curricular options
6. To provide additional opportunities in the Arts
7. To implement and update health and wellness policies
8. To provide additional opportunities in Business Education

#### B. Social/Emotional:

1. To utilize Threat and Risk Assessment Tools
2. To provide a Bully Free atmosphere in our schools
3. To provide trauma informed care administrator and teacher training
4. To ensure administrative and counseling response to bullying referrals
5. To promote extra-curricular activities
6. To provide additional Counseling Services
7. To regularly schedule: Lockout/Lockdown/Fire drills

### **Goal #2 Staff - To retain and recruit qualified education professional**

1. To provide regionally competitive compensation for staff
2. To investigate compensation plans
3. To provide focused Professional Development
4. To investigate Administrator and Counselor salary schedules
5. To provide training for staff in the effective use of technology
6. Regular self-reflection through Leader In Me.

### **Goal # 3 District**

1. To maintain a balanced district budget
2. To pursue additional funding sources
3. To effectively use instructional and administrative technology

4. To increase student daily attendance
5. To increase student punctuality
6. To insure and maximize daily student “time on task”
7. To maintain a student activity fund
8. To expand our safe school environment
9. To improve communications with parents and community
10. To promote the district with the community and media outlets
11. To create an Alumni Association to raise money

#### **Goal # 4 Parents**

1. To encourage and promote good attendance and punctuality
2. To encourage reading at home
3. To encourage parents to support students in completing their homework
4. To encourage parent involvement in schools, including attendance at parent/teacher conferences
5. To provide a list of areas that parents and family are able to volunteer their support to.

Date Approved: 07/26/21

## **Nondiscrimination on the Basis of Sex**

(Compliance with Title IX)

### **1. Designation of responsible employee**

The Board of Education designates the superintendent of schools as the responsible employee to coordinate school district compliance with Title IX and its administrative regulations.

The superintendent shall formulate procedures for carrying out the policies in this statement and shall be responsible for continuing surveillance of district educational programs and activities with regard to compliance with Title IX and its administrative regulations.

The superintendent shall, upon adoption of this policy and once each academic year thereafter, notify all students and employees of the district of the name, office, address and telephone number of the designee. Notification shall be by posting and/or other means sufficient to reasonably advise all students and employees.

### **2. Grievance procedure**

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the district. Grievance procedures are set forth in regulations GBAA-R for employees and JBB\*-R for students.

### **3. Dissemination of policy**

The superintendent of schools shall notify applicants for admission, students, parents/guardians of elementary and secondary school students, sources of referral of applicants for admission, employees and applicants for employment that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX and its administrative regulations not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

Current practice codified 1983

Adopted: Date of manual adoption

Revised: 04/22/91, 10/30/00

LEGAL REFS.: 20 U.S.C. §1681, 1682  
34 C.F.R. Part 106

## **NON-DISCRIMINATION ON THE BASIS OF SEX**

(Compliance with Title IX)

### Grievance Procedure

It is the policy of the Board of Education that any student or employee shall have a ready means of resolving any claim of discrimination on the basis of sex in the educational programs or activities of the district. To this end the following policies are adopted.

In the event a student or employee believes there has been a violation of Title IX or its administrative regulation, he shall mail or deliver to the employee designated as Title IX compliance officer, the Superintendent, a written statement setting out the alleged violation in specific terms, describing the incident or activity involved, the individuals involved and the dates, times and locations involved.

The superintendent shall provide the individual filing the written statement an opportunity to discuss the matter personally, if requested.

The Superintendent shall make such additional investigation as is necessary to determine the complete facts involved and shall put in writing his findings and recommendations regarding resolution of the matter. At the next succeeding regular meeting of the Board of Education the matter shall be reported to the Board for its review and action if it deems further action necessary.

If the student or employee submitting the written statement of an alleged violation is not satisfied with the handling of the matter by the superintendent, he may appear before the Board of Education and present the matter directly to the Board.

Legal Ref.: Title IX of Ed. Amendments of 1972

45 CFR Part 86 (Fed. Register, June 4, 1975)

Approved: February 25, 1985

## Sargent School District Goals and Objectives

### Goal:

Be ranked in the top 10 % in the state in performing schools while providing each and every student the opportunity to reach their full potential.

### Objectives:

- 1) Invest in Staff.
  - A) Improve Salaries Schedules to be more competitive.
  - B) Design performance based pay system for top performing teachers.
  - C) Use state evaluation model as a basis which holds teachers accountable.
  - C) Provide exceptional professional development.
  
- 2) Maximize technology usage :
  - A) Make learning more engaging for the students and more effective for the teachers.
  - B) Provide technical training for teachers on our current technologies.
  - C) Review curriculum to make sure it works with technology, our systems and state standards.
  - D) Focus attention on STEAM classes. ( Science, Technology, Engineering, Arts and Math)
  
- 3) Develop a meaningful double pathway for Graduation.
  - A) College Ready
  - B) Workforce Ready
  - C) Hold students and parents accountable.
  
- 4) Use Assessment Data:
  - A) Become a school “Accredited with Distinction” on our Unified Improvement Plan.
  - B) Raise our test scores to above the state average on PARCC & CMAS. (Proficient or Advanced)
  - C) Provide individualized learning opportunities to improve student achievement across all levels and grades.
  - D) Provide incentives for student achievement and participation on assessments.
  
- 5) Differentiate our school.
  - A) Properly fund our school. (Mill levy)
  - B) Provide new and innovative ways to educate students based on project and competency learning techniques.
  - C) Set ourselves apart rather than being like everyone else.
  - D) Promote our achievements and accomplishments.
  - E) Increase enrollment.



F) Expand our safe school environment.

### **Staff Extended Leaves of Absence**

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

Application for such leave of absence must be made in writing, stating the reasons for the request, before March 1. Leaves of absence shall be granted for the duration of one year except when unusual circumstances are presented. An unusual circumstance might include an extended illness or the need for further

study. If a teacher requests an extended leave of absence they shall not participate directly, or indirectly, in any capacity of teaching with other valley school districts unless authorized by the discretion of the Board.

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

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

Adoption date: 4/25/22

## **Financial Administration**

With respect to the actual, ongoing financial condition and activities of the district, the superintendent shall not cause or allow fiscal jeopardy or a material deviation from the annual budget or any budget policies adopted by the Board, or any fiscal condition that is inconsistent with achieving the district's objectives.

### **Expending district funds**

The superintendent shall take reasonable steps to ensure that only funds that have been received in the fiscal year to date are expended, unless authorized by Board resolution.

### **Reporting to Board and community**

#### **Audits**

All district funds and accounts shall be audited by an independent auditor annually in accordance with state law and Board policy DIE. Timely and appropriate corrective actions shall be taken in accordance with any audit findings.

The Board shall receive all audit reports and be informed of all corrective actions taken.

#### **Financial reports**

##### **Monthly reports**

The superintendent or designee shall prepare and submit to the Board a monthly cash receipts, disbursements and fiscal actions report of all district funds that contains the following:

- the actual amounts spent and received as of the date of the report from each of the funds budgeted by the district for the fiscal year, expressed as dollar amounts and as percentages of the annual budget
- the actual amounts spent and received for each fund for the same period in the preceding fiscal year, expressed as dollar amounts and as percentages of the annual budget
- the expected year-end fund balances, expressed as dollar amounts and as percentages of the annual budget
- a comparison of the expected year-end fund balances with the amount budgeted for that fiscal year

- Details on the district's major tax and revenue sources, with variance analysis that shows the factors that are affecting revenue inflow.

The format and basis for reporting shall be consistent with the adopted budget and the past year's generally accepted accounting procedures

### **Reconciliation report**

The superintendent or designee shall prepare for the Board an itemized reconciliation between the fiscal year-end fund balances based on the budgetary basis of accounting and the modified accrual basis of accounting. The reconciliation shall include, but is not limited to, the liability for accrued salaries and related benefits. The reconciliation shall be included with the final version of the amended budget and the annual audited financial statements.

The Board shall receive all financial reports in a timely manner and be informed of all corrective actions taken.

The superintendent or designee shall conduct monthly financial reviews with the Board using reports described above.

The Board may request other financial reports as needed.

The superintendent shall assure that immediate verbal notification be given to the Board regarding any potential financial problem or any matter that may affect the district's financial condition or ability to achieve its mission.

### **Available to public**

Financial and audit reports shall be made available to the public and shall be posted online as required and in accordance with the Public School Financial Transparency Act. See exhibit DAB-E.

### **Legally-required reports**

Reports and filings required by state and federal law and agencies shall be accurately and timely filed.

### **Record keeping**

Complete and accurate financial records shall be kept for all district funds and accounts.

### **Operating losses or deficits**

The superintendent, as well as all fund directors, program directors, department heads and school principals, shall take all reasonable steps to identify funds, programs, departments or schools that may end the fiscal year with an operating loss or deficit. A corrective action plan shall be developed and implemented within 30 days of such identification.

The superintendent, as well as all fund directors, program directors, department heads and school principals, shall develop and implement processes whereby variations or deviations in cash flow, revenues or other important financial indicators can be identified and dealt with in a timely manner.

### **Employee reporting**

The superintendent shall develop and implement procedures to encourage all district employees to report suspected financial problems or wrongdoing. No adverse employment decisions shall be taken in response to a good faith report by an employee.

### **Contingency planning**

The superintendent or designee shall continually be aware of the financial and political landscape both internally and externally and shall develop contingency plans against possible events.

Adopted: 10/27/03

Revised: 03/26/12, 12/14 (note/ref), 8/27/18

LEGAL REFS.: C.R.S. 22-2-113.8 (*annual report required regarding additional local property tax revenues received and the amount distributed directly to the district's schools*)

C.R.S. 22-44-105 (1.5)(b) (*itemized reconciliation*)

C.R.S. 22-44-3-01 *et seq.* (*Public School Financial Transparency Act*)

C.R.S. 22-45-102 (1)(b) (*quarterly financial reports*)

CROSS REF.: KD, Public Information and Communications

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

## **Financial Administration**

### (Online Posting of Financial Information)

The Public School Financial Transparency Act, C.R.S. 220440301 et seq. (the Act) requires the district to post financial information online, in a downloadable format, for free public access. Once posted, the Act requires the district to maintain the prior two budget years' financial information online until the end of the current budget year.

In accordance with the Act, the district shall post the following financial information and shall update the information within 60 days after the district's completion or receipt of the applicable report, statement or document:

- Annual budget
- Annual audited financial statements
- Salary schedules or policies pertaining to salaries
- A link to the district's federal form 990, 990-EZ or 990-PF and any associated schedules that the district files\*

### **The district shall post and update the following financial information, on an annual basis;**

- Actual expenditures, including salary and benefit expenditures reported by job category specified in the chart of accounts, at the district level and school-site level.

Small rural school districts that enroll less than 1,000 students are not required to report expenditures at the school-site level except for those school-site level expenditures that the district charge to a district charter school.

If the Board adopts a plan for distributing additional mill levy revenue pursuant to C.R.S. 22-32-108.5(4), the district shall post a copy of the plan and shall update it within 30 days after the Board adopts a new or updated plan.\*

If the Board does not adopt a plan for distributing additional mill levy revenue pursuant to C.R.S. 22-32-108.5(4), the district shall post the following information, and shall update it within 30 days after the end of each budget year:\*

- a statement of intent to distribute at least 95% of the additional mill levy revenue to the district's charter schools and innovation schools on a per-pupil basis
- a statement of the total amount of additional mill levy revenue collected by the district for each property tax year
- if applicable and as provided by Board policy,
  - the amount distributed to support students:
    - enrolled in alternative education campuses
    - who qualify for free or reduced-price meals
    - who are identified as English Language Learners
    - who have individualized education programs

- the total amount distributed for the above student populations and on a per-pupil basis to each charter school and innovation school, as a percentage and as a dollar amount

In addition to the information provided above, the district shall provide a link to the Colorado Department of Education's website, or the address for the website, where a member of the public may access information or reports that are submitted directly to the department.

### **Waivers**

The Act also requires that if the district has received a waiver of state law or regulation from the State Board of Education, the district shall post a list of waivers it has received. For each statutory waiver posted, the district shall post a copy of the plan that explains the manner in which the district will meet the intent of the waived statute. The district must then update its waiver list within 30 days after a waiver is revoked or a new waiver is granted.

*NOTE 1: All school districts must use a standard website template to display the legally required financial information on the district's website. C.R.S. 22-44-304 (4). This standard template is available on CDE's website.*

*NOTE 2: Information followed by an asterisk (\*) shall be posted beginning July 1, 2018. The information posted, however, is regarding the mill levy override distribution to charter schools and innovation schools beginning with the 2019-20 school year and each budget year thereafter. C.R.S. 22-32-108.5 (9), 22-44-304 (1)(f).*

Issue date: 02/27/12

Revised: 08/24/15, 2/22/16, 8/27/18

## **Federal Fiscal Compliance**

Federal funds received by the district shall be administered in accordance with this policy and applicable federal law, including but not limited to the federal Uniform Grant Guidance. The Board designates the business manager as the district contact for all federal programs and funding.

The superintendent or designee may develop and implement accompanying regulations to assist in the proper administration of federal funds and implementation of this policy, including but not limited to cash management procedures and allow ability of costs.

### **Subrecipient monitoring**

If the district awards subgrants, the district shall monitor grant subrecipients to ensure compliance with applicable law and Board policy.

### **Time and effort reporting**

District employees paid with federal funds shall document the time they expend in work performed in support of each federal program and/or such program's cost objective(s), in accordance with applicable federal law. Time and effort reporting requirements do not apply to contracted individuals.

### **Recordkeeping**

The district shall maintain proper federal fiscal records in accordance with Board policy and applicable law. Such records shall be retrievable and available for programmatic or financial audit.

Adoption date: 5/22/17

LEGAL REFS.: 2 C.F.R. Part 200 (*Uniform Grant Guidance*)  
34 C.F.R. Parts 75, 76 (*EDGAR - Education Department General Administrative Regulations*)

CROSS REFS.: BCB, School Board Member Conflict of Interest  
DJB\*, Federal Procurement  
EHB, Records Retention  
GBEA, Staff Ethics/Conflict of Interest

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



## **Annual Budget**

The annual budget is the financial plan for the operation of the school system. It provides the framework for both expenditures and revenues for the year and future years and translates into financial terms the educational programs and objectives of the district.

### **Budget process**

Public school budgeting is regulated and controlled by statutes and by requirements of the State Board of Education that prescribe the form of district budgets in order to ensure uniformity throughout the state.

The budget shall be presented in a summary format that is understandable by any layperson. The budget format shall itemize expenditures of the district by fund and by student. It shall describe the expenditure and show the amount budgeted for the current fiscal year and the amount budgeted for the ensuing fiscal year. When budgeting for any enterprise funds, the district shall use the full accrual basis of accounting. The budget shall summarize revenues by revenue source and expenditures by function, fund and object.

The budget shall include a uniform summary sheet for each fund administered by the district that details the beginning fund balance and anticipated ending fund balance for the budget year; the anticipated fund revenues for the budget year; the anticipated transfers and allocations that will occur to and from the fund during the budget year; the anticipated expenditures that will be made from the fund during the budget year; and the amount of reserves in the fund.

The budget also shall disclose planned compliance with spending limitations outlined in Article X, Section 20, of the Colorado constitution, including holding TABOR reserve funds in an unrestricted general fund or in cash funds.

The Board assigns to the superintendent overall responsibility for annual budget preparation, budget presentation and budget administration. As part of the superintendent's budget responsibility, the superintendent shall cause to be prepared a budget preparation calendar that shall ensure that all deadlines established by law for budget presentation, hearings and adoption and for certification of amounts to be raised by school tax levies are met by the school district. The budget calendar shall take into consideration the possible need to submit a request to raise additional local revenue to a vote by the district's electorate. The superintendent shall have authority to delegate portions of his or her budget responsibility to the business manager of the district.

The budget prepared and presented by the superintendent shall be consistent with the budget priorities of the Board as established in policy DBD.

### **Operating Reserve**

Maintaining a fiscal year-end fund balance as an operating reserve in the general fund is a beneficial and sound financial management practice. The Board of Education assigns to the superintendent or designee the responsibility of accumulating and maintaining a general fund balance amounting to the equivalent of 3 months operating revenue of the district's current fiscal year adopted budget as an operating reserve. This amount will be in excess of the emergency reserve required by Article X, Section 20 of the Colorado Constitution (TABOR).

Operating reserve is intended to serve as a "rainy day fund" and will be used only for an unexpected loss of revenue or an extraordinary expenditure. Expenditures from the year end fund balance shall be reported to the Board.

If any part of the operating reserve is used in any fiscal year to cover an unexpected loss of revenue or an extraordinary expenditure, funds will be reallocated to restore the year-end fund balance in the operating reserve before any other budget allocations in the subsequent fiscal year, unless the Board of Education approves otherwise.

Adopted: 01/24/83  
Revised: 08/28/89, 02/25/91, 10/25/93, 10/13/03, 10/22/07, 10/26/09, 2/27/12, 12/11/17

LEGAL REFS.: C.R.S. 22-11-302(1)(a) (district accountability committee budget recommendations)  
C.R.S. 22-11-402(1)(1) (school level accountability committee budget recommendations)  
C.R.S. 22-32-109 (1)(b)  
C.R.S. 22-44-101 through 117 (school district budget law, Board shall cause a proposed budget to be prepared and shall adopt a budget for each fiscal year)  
C.R.S. 22-44-106 (Board may provide for an operating reserve in the general fund which shall not exceed 15% of the amount budgeted for the current fiscal year)  
C.R.S. 22-45-103(1)(c) (authorized expenditures from capital reserve fund)  
C.R.S. 29-1-103 (3) (budget to reflect lease-purchase payment obligations)

CROSS REF.: DAB\* Financial Administration  
DB subcodes, (all relate to the budget)

*The CDE Financial Policies and Procedures Handbook must be used by all school districts in the development of the budget. [C.R.S. 22-44-204 (3)].*

*NOTE 2: The State Board of Education has implemented a statewide financial, student management and human resource electronic data communications and reporting system that is based on a redesigned standard chart of accounts, a standard information system and a standard personnel classification system. All school districts and boards of cooperative services must use the system to report and obtain necessary financial information. [C.R.S. 22-44-105 (4)].*

*Note 3: School districts may designate district-owned property as all or a portion of the district's required TABOR reserve, C.R.S. 22-44-105(1)(c5). A district must follow specific steps to do so, including securing a letter of credit from an investment-grade bank and filing notice with the state treasurer and the Colorado Department of Education.*

*Note 4: The Public School Financial Transparency Act, C.R.S. 22-44-301 et seq (the Act) requires districts to post financial information online, in a downloadable format, for free public access. The requirements for posting certain types of financial information are phased in over three years. See exhibit DAB-E. The Act requires the district to update any required information within sixty days of the district's completion or receipt of the applicable report, statement or document. Once posted, the Act requires the district to maintain the prior two budget years' financial information online, until the end of the district's current budget year. Districts must also provide a link to the Colorado Department of Education's (CDE) website or the location information for CDE's website to enable a member of the public to access information or reports submitted directly to CDE*

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

## Determination of Budget Priorities

All resources of the district shall be directed toward ensuring that all students reach their learning potential, including that they meet or exceed state and district content standards.

In order to fulfill its trustee obligation with regard to district resources, the Board must know how resources are currently allocated, whether such allocation is effective and what changes should be made to achieve the greatest educational returns. The superintendent shall develop a comprehensive and ongoing system to collect and analyze resource allocation information. The analysis of this information shall form the basis for the budget prepared by the superintendent for presentation to the Board. The system shall:

1. determine how resources are currently allocated by school, grade and program
2. link specific inputs with results for students and determine whether the current allocation of resources is effective in raising student achievement
3. identify ways to better use resources to achieve the district's educational objectives and improve teaching and learning

As part of the budget preparation process, the district accountability committee shall make recommendations to the Board relative to priorities for expenditures of district funds and provide a copy of the recommendations to the superintendent. The Board shall consider these priorities when it adopts the annual budget. The superintendent shall consider the district accountability committee recommendations when preparing the budget to be presented to the Board.

Accordingly, the budget prepared and presented by the superintendent shall:

1. be derived from a three-year plan [if the Board adopts optional language in policy DB]
2. include contingency plans in the event budget assumptions prove erroneous [be in a summary format understandable by all lay person]
3. itemize district expenditures by fund
4. include information regarding school-level expenditures
5. adequately describe proposed expenditures
6. show the amount budgeted for the current fiscal year and the amount budgeted for the ensuing fiscal year
7. comply with spending limitations in the state constitution [not applicable after voters approve a revenue change measure often referred to as "de-brucing"]
8. consider recommendations made by each school-level accountability committee relative to priorities for expenditures of district funds
9. contain enough information to enable credible projection of revenue and expenses
10. disclose budget planning assumptions
11. not excessively rely on nonrecurring revenues
12. not provide for expenditures, interfund transfers or reserves in excess of available revenues and beginning fund balances.
13. not include the use of beginning fund balance unless the Board has adopted a resolution as described in state law specifically authorizing

- such use
14. not reduce without approval of the Board, the current cash reserves at any time to less than the minimum amount require by the spending limitations set forth in the state constitution.
  15. provide adequate and reasonable budget support for Board development and other governance priorities, including the costs of fiscal audits, Board and committee meetings, Board memberships and district legal fees.
  16. take into consideration fiscal soundness in future years and plans for the building of organizational capabilities sufficient to achieve the Board's goals in future years.
  17. reflect anticipated changes in employee compensation including inflationary adjustments, step increases, performance increases and benefits.
  18. maintain a 2% unallocated general fund balance reserve
  19. comply with state and federal law
  20. provide sufficient resources to address the district's facility needs

Adopted: 03/26/01  
Revised: 10/13/03, 3/23/09 legal ref., 10/26/09

LEGAL REFS.: C.R.S. 22-11-302 *district accountability committee budget recommendations*  
C.R.S. 22-11-402(1)(a) (school-level accountability committee budget recommendations)  
C.R.S. 22-44-105 (1.5)(*budget parameters regarding expenses not exceeding revenue and use of beginning fund balance*)

CROSS REF.: AE, Accountability/Commitment to Accomplishment

## **Communication of Budget Recommendations/Budget Hearings & Reviews**

Within 10 days after submission of the proposed budget to the Board, a notice shall be published in a newspaper having general circulation within the school district that:

1. The proposed budget is available for inspection by the public at the central administrative office during business hours.
2. The Board will consider adoption of the proposed budget at a hearing to be held at the date, time and place specified in the notice.
3. Any interested taxpayer may inspect the proposed budget and file or register any objections thereto at any time prior to final adoption of the budget by the Board.

At the budget hearing specified in the notice, the Board will present and explain the proposed budget, inviting questions and discussion from the audience. If the budget is to be adopted at a future meeting, the date, time and place of such meeting shall be entered in the minutes of the hearing.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 02/26/01

LEGAL REFS.: C.R.S. 22-44-109  
C.R.S. 22-44-110

## Budget Adoption Process

Following consideration of the budget proposal presented by the administration, the Board shall approve a proposed budget.

Within 10 days of submission of proposed budget to the Board, a notice shall be published in a newspaper having general circulation within the school district that:

1. The proposed budget is available for inspection by the public at the central administrative office during business hours.
2. The Board will consider the adoption of the proposed budget at a hearing to be held at the date, time and place specified in the notice.
3. Any interested taxpayer may inspect the proposed budget and file or register any objections thereto at any time prior to final adoption of the budget by the Board.

At the budget hearing specified in the notice, the Board will present and explain the proposed budget, inviting questions and discussion from the audience. If the budget is to be adopted at a future meeting, the date, time and place of such meeting shall be entered in the minutes of the hearing.

The Board shall officially adopt the budget and an accompanying appropriations resolution prior to the end of the fiscal year.

After adoption of the budget, the Board may review and change the budget with respect to both revenues and expenditures at any time prior to January 31 of the fiscal year for which adopted. After January 31 the Board shall not review or change the budget except as otherwise authorized by state law including declaration of a fiscal emergency.

If money for a specific purpose other than ad valorem taxes becomes available to meet a contingency after January 31, the Board may adopt a supplemental budget for expenditures not to exceed that amount.

If the district is authorized to raise and expend additional local property tax revenues at an election, the Board may adopt a supplemental budget and appropriation resolution to cover the remainder of the fiscal year following the election based on the additional dollar amount authorized.

Adopted: 10/25/93

Revised: 02/26/01, 11/26/07 (note), 10/27/08

LEGAL REFS.: See citations on policy coded DBG-E  
C.R.S. 22-7-105  
C.R.S. 22-44-103  
C.R.S. 22-44-107 through 111  
C.R.S. 22-44-115  
C.R.S. 22-44-115.5

CROSS REFS.: DBGA, Budget Referenda  
DBK\*, Fiscal Emergencies

*NOTE: Beginning January 31, 2009, the local board must submit the annual budget report to the Colorado Department of Education. The budget report is to include data available to the local board as of December 31 of the preceding calendar year.*



## **Deadlines in Budgeting Process Set by Statute**

*Note: The Colorado Department of Education annually notifies each district of critical dates in accordance with statutory requirements below.*

By December 15	Board of Education must certify to Board of County Commissioners the separate amounts necessary to be raised by taxes for the school district's general, bond redemption, transportation, and special building funds [C.R.S. 22-40-102(1); C.R.S. 39-5-128]
By June 1	Proposed budget must be submitted to Board of Education for tentative approval [C.R.S. 22-44-108(1)]
Within 10 days of above	Notice of proposed budget must be published; budget must be made available for public inspection [C.R.S. 22-44-109(1)]
Before final adoption	Public hearings must be held [C.R.S. 22-44-110 (1)]
Before end of fiscal year (June 30)	Board must adopt official budget and appropriations resolution [C.R.S. 22-44-103(1), 22-44-107(1), 22-44-110(4)]
By January 31	Board may review and change the budget with respect to both revenues and expenditures [C.R.S. 22-44-110(5)]
By January 31 (beginning in 2009)	Local board submits its adopted annual budget to CDE. Budget shall include data available to local board as of December 31 of the preceding calendar year [C.R.S. 22-44-111]

*Additional deadlines if district seeks authorization to raise additional local revenues at an election:*

At least  
60 days prior to election

Ballot question must be delivered to county clerk and recorder [C.R.S. 1-1-110(3)]

First Tuesday in November in odd-numbered years; general election date in even-numbered years

District may request authorization to raise additional local revenues subject to limitations set forth in law [Colorado Constitution, Article X, Section 20; [C.R.S. 22-54-108]

Following election

If the district is authorized to raise and spend additional local revenues, Board may adopt a supplemental budget [C.R.S. 22-44-110 (6)]

Approved: 02/26/01  
Revised : 10/22/07, 10/27/08

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

## **Budget Referenda**

If the Board of Education is of the opinion that revenues in excess of those provided through equalization program funding are necessary to provide for the needs of the district, the Board may seek authorization at an election to raise additional local property tax revenues. The requested amount shall not exceed 20 percent of the district's equalization program funding for the budget year in which the limitation was reached or \$200,000 whichever is greater.

The Board shall call an election to raise additional local revenues if an initiative petition containing signatures of at least five percent of the registered electors in the district is properly submitted to the Board. An initiative petition shall be submitted at least 90 days prior to the election date in order to be valid.

Such elections shall be held on the first Tuesday in November in odd-numbered years in conjunction with the regular biennial school election or on general election day in even-numbered years.

If other jurisdictions that have overlapping boundaries or the same electors as the school district are conducting an election on the same day, the county clerk and recorder shall conduct the election as a coordinated election to allow voters to vote on all ballot issues at one polling place. The decision whether the election will be conducted as a polling place election or by mail ballot is one which shall be made by the county clerk.

The election shall be conducted pursuant to an intergovernmental agreement between the district and the county clerk and recorder for each county in which the district has territory. The agreement shall allocate responsibilities between the county clerk and the district for the preparation and conduct of the election and shall be signed no less than 60 days prior to the election. The Board shall designate a school election official to whom some election responsibilities may be delegated pursuant to the agreement.

As an alternative, the district may have the option of conducting the election by mail ballot in accordance with rules promulgated by the secretary of state when the county clerk is conducting a polling place election. The decision should be made after consultation with the county clerk. However, mail ballot elections may not be held for mill levy elections on the same day as elections held to elect members of Congress.

### **Transportation mill levies**

The Board of Education may submit the question of whether to impose a mill levy for the payment of excess transportation costs at an election held in conjunction with the regular biennial election in odd-numbered years or with the general election in even-numbered years.

Excess transportation costs are defined as the current operating expenditures for student transportation minus any state reimbursed entitlement based on amounts expended and received in a 12-month period as specified in state law.

If the measure passes, the district shall deposit the resulting revenue in the transportation fund.

**Election information**

Expenditures of any school district funds or in kind services to otherwise inform voters about election issues must be specifically authorized by the Board. The district may dispense a factual summary which includes arguments both for and against the proposal without any conclusion or opinions in favor of or against any particular issued addressed by the summary.

Adopted: 10/25/93

Revised: 02/26/01

LEGAL REFS.: Constitution of Colorado, Article X, Section 20  
C.R.S. 1-1-101 through 1-13-108 et seq. (Uniform Election Code of 1992)  
C.R.S. 1-45-116 (Campaign Reform Act)  
C.R.S. 22-54-108

CROSS REFS.: DBG, Budget Adoption

## **Fiscal Emergencies**

If the Board of Education determines during any budget year that the anticipated revenues and amounts appropriated for expenditure in the budget exceed actual revenue available to the district because of local circumstances or action of the legislature or governor, the Board may declare a fiscal emergency. Such action shall require the affirmative vote of two-thirds of the members of the Board.

Prior to taking such action, the Board shall hold at least one public hearing.

Adopted: 03/26/01

LEGAL REF.: C.R.S. 22-44-115.5

CROSS REFS.: GCBA, Instructional Staff Contracts/Compensation/Salary Schedules  
GCL, Professional Staff Schedules and Calendars  
GDBA, Support Staff Salary Schedules  
GCK, Support Staff Schedules and Calendars