



Sargent School District

REGULAR MEETING AGENDA BOARD OF EDUCATION

November 27, 2023, 6:30 p.m.

High School Library

Sargent School District

7090 N. CR 2 E.

Monte Vista, Colorado

1. **6:30 p.m. Regular Meeting - Preliminary**
 - 1.01 Call to Order
 - 1.02 Roll Call
 - 1.03 Pledge of Allegiance
 - 1.04 Approval of Agenda
2. **Consent Agenda**
 - 2.01 Approval of Minutes
 - 2.02 Financial Reports
 - 2.03 Requisitions
3. **Community Input - to sign up for Community input please email srklecker@sargent.k12.co.us prior to meeting**
 - 3.01 Items from the Community
4. **Leadership Reports**
 - 4.01 Student Reports, Goals and Needs
 - 4.02 Staff Reports, Goals and Needs
 - 4.03 Principals Reports, Goals and Needs
 - 4.04 Assessment
 - 4.05 Board of Education
 - 4.06 Superintendent
5. **Action Item - Consideration of:**
 - 5.01 Resolution Declaring Board Vacancy
 - 5.02 Board Appointment to Committees
 - 5.02.1 District Accountability Committee
 - 5.02.2 BOCES Board
 - 5.02.3 Facilities and Technology Committees
 - 5.02.4 Sargent Educational Foundation

5.02.5 CASB Legislative Representative and Policy

5.02.6 Wellness Committee

5.03 CASB Policy Overhaul Board Policy Section A- -Second Reading

5.04 CASB Policy Overhaul Board Policy Section B- First Reading

5.05 Approval to Purchase a Plow Truck

5.06 Staff Bonuses

5.07 Employment

5.07.1 Resignation

5.07.2 Substitute Custodian

5.07.3 Substitute Food Service

5.07.4 Substitute Teacher

5.07.5 Extra Duty Agreement

6. Discussion Items

6.01 Date for December Meeting/ Mill Levy Certification

6.02 Debrief Meeting- December Agenda Items

7. 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 ~~N~~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)].~~ Jeffrey Fuller, Superintendent, 7090 N Rd 2 E. Monte Vista CO 81144, 719-852-4023, jfuller@sargent.k12.co.us

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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).

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

Notice and Training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. 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)

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C.R.S. 22-32-109(1)(11)(Board duty to adopt written policies prohibiting discrimination)

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C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)
C.R.S. 24-34-301(7)(definition of sexual orientation, which includes transgender)
C.R.S. 24-34-301 et seq (Colorado Civil Rights Division)
C.R.S. 24-34-301 (3.3) (definition of gender expression)
C.R.S. 24-34-301 (3.5) (definition of gender identity)
C.R.S. 24-34-301 (7) (definition of sexual orientation)

C.R.S. 24-34-402 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~~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:

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 ~~the~~ 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.

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:

- a. statements by any witness to the alleged incident;
- b. evidence about the relative credibility of the parties involved;

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- 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 **five** calendar days following the compliance officer's receipt of the complaint or **five** calendar days following the termination of the informal resolution process.

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.

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

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 (general inquiries), 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

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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

- 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 11/26/07](#)

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| [Sargent School District RE 33J, Monte Vista, Colorado](#)

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School District Mission

The Sargent School District RE-33J 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.

Current practice codified 1983

Adopted: date of manual adoption

Revised: 07/24/00, 09/24/12, 11/28/16, 07/27/20, 09/25/23

LEGAL REF.: C.R.S. 22-32-109.1 (1.5) (requirement that mission statement reflect safety for students and staff as a priority)

CROSS REF.: ADA, School District Educational Objectives

School District Mission / Vision / Goals

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

The Mission

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

The Vision

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

GOALS

Goal #1 Promote a Positive Climate & Culture

1. Implement S-CAP

Goal #2 Improve Student Achievement

1. Implement Data Driven Instruction

2. Implement S-CAP

Goal #3 Data Driven Decision Making

1. Implement S-CAP

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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, 09/25/23~~

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

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

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

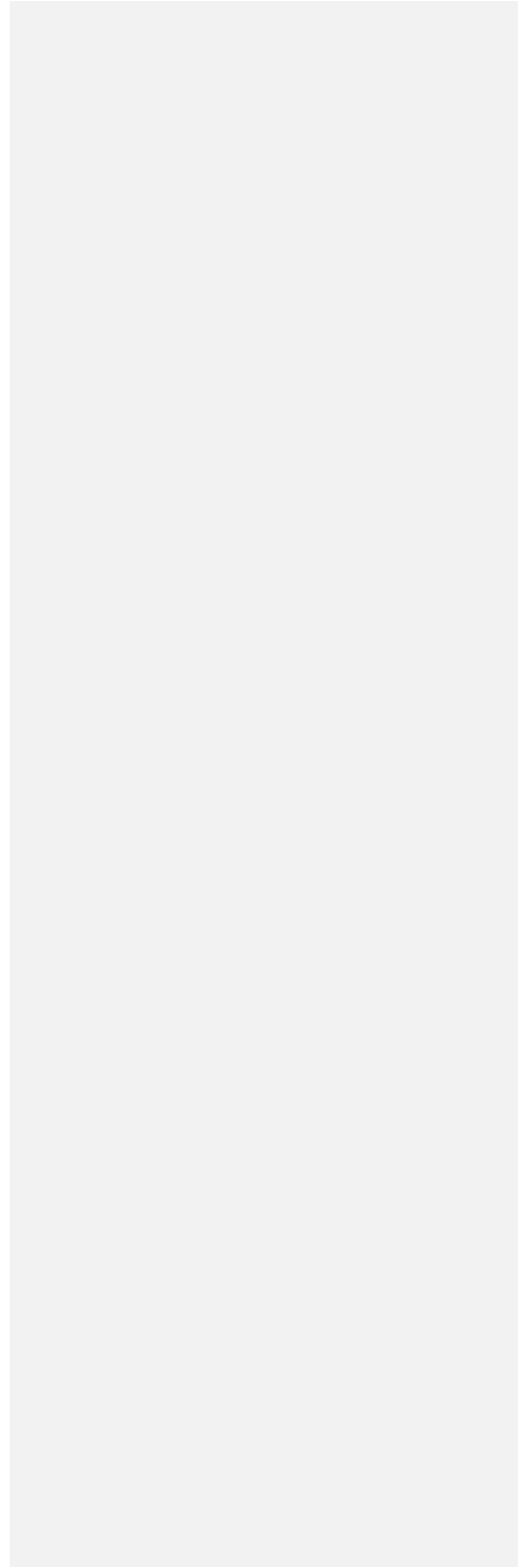
Revised: 07/24/00, 10/26/09, 8/27/12, 12/15 legal ref, 2/18 legal ref, 08/10/20, date of manual revision

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~~

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~~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(c)(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 (N) 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. N**
- **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 JLJ, Physical Activity.*

[Objectives might include:

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

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- 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:

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 "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 1 year. The committee shall select a parent representative to serve as chair or co-chair, who shall serve terms of 1 year. 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

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LEGAL REFS.:

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

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~~

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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 Promote a Positive Climate & Culture

1. Implement S-CAP

Goal #2 Improve Student Achievement

1. Implement Data Driven Instruction
2. Implement S-CAP

Goal #3 Data Driven Decision Making

1. Implement S-CAP

Date Approved: 09/25/23

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.

SCHOOL-School BOARD-Board POWERS-Powers and AND DUTIES-Duties

Powers and mandatory duties of the Board are defined in state statutes.

This Board considers that its most important functions fall into the following categories:

1. **Legislative or policymaking.** The Board is responsible for the development of policy and for the employment of a superintendent who will carry out its policy through the development and implementation of regulations.
2. **Educational planning and appraisal.** The Board is responsible for acquiring reliable information from responsible sources which will enable it to make the best possible decisions about the scope and nature of the educational program. The Board is responsible for requiring appraisal of the results of the educational program.
3. **Staffing and appraisal.** The Board is responsible for employing the staff necessary for carrying out the instructional program and establishing salaries and salary schedules and other terms and conditions of employment, as well as for personnel policies district-wide in application. The Board is responsible for appraising the effectiveness of its staff by providing for regular evaluation.
4. **Financial resources.** The Board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment which will enable the district to carry out the educational program. The Board is responsible for exercising control over the finances of the district to ensure proper use of, and accounting for, all district funds.
5. **School facilities.** The Board is responsible for determining school housing needs, for communicating these needs to the community, for purchasing sites, and for approving building plans that will support and enhance the educational program.
6. **Communication with the public.** The Board is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself informed about the wishes of the public.
7. **Judicial.** The Board is responsible for acting as a court of appeal for school staff members, students and the public when issues involve Board policies and their fair implementation.

The Board may exercise the above powers and duties only when convened in a legally constituted meeting.

All powers of the Board lie in its action as a group. Individual Board members exercise authority only as they vote at a legal meeting of the Board and when the Board has lawfully delegated authority to them.

The Board shall retain full legislative and judicial authority over the schools in accordance with the school code and the expressed will of the electorate but shall designate all executive, supervisory and instructional authority to its employees. Legislative service under the law implies the power and obligation to contract for service and materials, the power to inspect, the power to pass judgment upon employees and their work and the power to veto acts of any or all employees when such acts are deemed contrary to the legal rights or obligations of the district or are inconsistent with established Board policies.

The Board shall possess all duties and powers delegated to it or the district by law and shall perform all duties and exercise such powers as required by law including, but not necessarily limited to the following:

1. Legislative or Policymaking. The Board shall adopt written policies and regulations that relate to study, discipline, conduct, safety and the welfare of all students enrolled in the public schools of the district as well as to the efficiency, in-service training, professional growth, safety, official conduct and the welfare of all employees of the district.

2. Educational Planning and Appraisal. The Board shall determine and provide for the educational program to be carried on in the district and prescribe the textbooks for any course of instruction or study. The Board shall provide materials, land and equipment to carry on the educational program. The Board shall also establish a school calendar for the next year before the end of the ensuing school year.

3. Staffing and Appraisal. The Board shall employ all personnel required to maintain and carry out the educational program of the district without respect to religious belief, marital status or racial or ethnic background. The Board shall fix and pay employee compensation and shall have the power to discharge or otherwise terminate the employment of all personnel. The Board is responsible for appraising the effectiveness of its staff by providing for their regular evaluation.

4. Financial Resources. The Board shall account for all moneys or financial transactions of the district and cause such records to be kept for six years. The Board shall also provide the necessary insurance to cover the assets of the district.

5. Judicial. The Board shall arrange for the election of its officers and cause written notices and minutes of Board meetings to be kept as determined necessary. The Board shall cause to be prepared and filed any report required by law or regulation.

Adopted: February 25, 1985

Revised: date of manual revision

LEGAL REFS.: C.R.S. 22- 9-101 et seq. *(licensed personnel evaluations)*
~~1973~~ C.R.S. 22-~~32~~-109 *(specific duties of boards)*
~~1973~~ C.R.S. 22-~~32~~-110 *(specific powers of boards)*

~~Sargent School District RE 333, Monte Vista, Colorado~~

Board Member Qualifications

A candidate for the office of school director shall be:

- a resident of the school district and a registered voter, as shown on the books of the county clerk and recorder, for at least 12 consecutive months prior to the election
- 18 years or older by the date of the election
- a citizen of the United States

If the school district has a director district plan of representation or a combined director district and at-large plan of representation, the candidate must be a resident of the director district in which he or she is a candidate.

No candidate may run representing a political party.

In addition, any person who has been convicted of, pled guilty or nolo contendere to, or received a deferred judgment or sentence for commission of a sexual offense against a child is ineligible for election to a school district board of education. Similarly, any board member who is convicted of, pleads guilty or nolo contendere to, or receives a deferred judgment for a sexual offense against a child while serving on a board shall become ineligible to serve and a vacancy shall be created. Any person who is the subject of a pending charge of commission of a sexual offense against a child at the time of election is ineligible for election to a school district board of education.

It is important that the candidate be sincerely and honestly interested in serving the whole school district for the best interests of all children. Board members shall be nonpartisan in dealing with school matters. The Board does not wish to subordinate the education of children and youth to any partisan principle, group interest or personal ambition.

Adopted: 10/22/01

Revised: date of manual revision

LEGAL REFS.: C.R.S. 22-31-107 (*qualifications and nomination of candidates for school director*)
C.R.S. 1-2-101,102 (*qualification and registration of elections*)
C.R.S. 1-4-803 (*petitions for nominating school directors*)

~~Revised Sample Policy~~

File: ~~BBBA~~

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

School Board Member Conduct

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards.

In carrying out his/~~her~~ fiduciary duties, a Board member shall not:

1. Disclose or use confidential information acquired in the course of ~~their~~ official duties to further substantially the member's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in ~~their~~ position to depart from the faithful and impartial discharge of the Board member's public duties or which the member knows or should know is primarily for the purpose of a reward for official action taken.
3. Engage in a substantial financial transaction for the~~ir~~ member's private business purposes with a person whom the member supervises in the course of ~~their~~ official duties.
4. Perform an official act which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the member has a substantial financial interest or is in which they are engaged as ~~a~~ counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for a Board member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

Adopted: 02/26/01

Revised: ~~7~~11/17/14, 12/15 note, 11/19 note, date of manual revision

LEGAL REFS.: C.R.S. 1-45-101 et seq. (Fair Campaign Practices Act)
C.R.S. 22-32-110 (1)(k) (specific powers of Boards)
C.R.S. 24-6-201 et seq. (Public Official Disclosure Law)
C.R.S. 24-18-104 (rules of conduct for all public officers, general assembly, local government officials and employees)

C.R.S. 24-18-109 (rules of conduct for local government officials and employees)

~~C.R.S. 1-45-108 (Campaign Reform Act; requires report of _____ campaign contributions and expenditures.)~~

~~_____ C.R.S. 24-6-203 (Public Official Disclosure Act)~~

~~_____ C.R.S. 24-18-104~~

~~_____ C.R.S. 24-18-109~~

~~NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the Board member's personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104 (2). However, state law permits a Board member to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the Board member does not receive any substantial benefit resulting from the Board member's status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).~~

~~NOTE 2: State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a Board member to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than \$65), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.~~

~~NOTE 3: The amount of the gift limit (\$65) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2023. Colo. Const. Art. XXIX, Section 3 (6).~~

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

School Board Member ~~Conduct~~Financial Disclosure

Board members are required by law to disclose certain items received in connection with serving on the Board. If Board members receive such items, they must file a report with the secretary of state on forms prescribed by the secretary of state. Such report must be filed on or before January 15, April 15, July 15 and October 15 of each year, and shall cover the period since the last report. The report must contain the name of the person from whom the reportable item was received, its value and the date of receipt. Board members who do not receive any items that must be reported are not required to file a report.

Items which must be reported include the following:

1. Any money received, including a loan, pledge, advance, guarantee of a loan or any forbearance or forgiveness of indebtedness from any person with a value greater than ~~\$65~~75.
2. Any gift ~~of~~ any item of real or personal property other than money with a value greater than ~~\$65~~75.
3. Any loan of real or personal property if the value of the loan is greater than ~~\$59~~75. "Value of the loan" means the cost saved or avoided by the Board member by not borrowing, leasing or purchasing comparable property from a source available to the general public.
4. Any payment for a speech, appearance or publication.
5. Tickets to a sporting, recreational, educational or cultural event with a value greater than ~~\$65~~75 for any single event.
6. Payment of or reimbursement for actual and necessary expenses for travel and lodging for attendance at a convention, ~~fact-~~finding mission or trip, or other meeting if the ~~board~~Board member is scheduled to deliver a speech, make a presentation, participate on a panel or represent the school district unless the payment for such expenditures is made from public funds or from the funds of any association of public officials or public entities such as the Colorado Association of School Boards (CASB).
7. Any gift of a meal to a fund-raising event of a political party.

To avoid misunderstandings about the value of an item, the donor must furnish the Board member with a written statement of the dollar value of the item when it is given. ~~Board members who do not receive any items which must be reported are not required to file a report.~~

Approved: 02/26/01

Revised: 10/22/12, 11/17/14, 2/22/16, 2/24/20, date of manual revision

LEGAL REFS.: C.R.S. 24-6-201 et seq. (Public Official Disclosure Law)

~~NOTE 1: The amount of the gift limit (\$65) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2023. Colo. Const. Art. XXIX, Section 3 (6).~~

~~NOTE 2: The gifts and items that do not require a disclosure report are listed in C.R.S. 24-6-203 (4). They include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than \$65), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.~~

Sargent School District RE-33J, 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: 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.

Code of Ethics for School Board Members

As a member of my local Board of Education, I will strive to improve public education and to that end I will:

- Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings.
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- Render all decisions based on the available facts and my independent judgment and refuse to surrender that judgment to individuals or special interest groups.
- Encourage the free expression of opinion by all Board members and seek systematic communications between the Board and students, staff and all elements of the community.
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the superintendent.
- Communicate to other Board members and the superintendent expressions of public reaction to Board policies and school programs.
- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations.
- Support the employment of those persons best qualified to serve as school staff and insist on a regular and impartial evaluation of all staff.
- Avoid being placed in a position of conflict of interest and refrain from using my Board position for personal or partisan gain.
- Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable laws.
- Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

(Issue date)

NOTE: This is the official code of ethics for Board members of the National School Boards Association.

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.

Board Member Code of Ethics

According to the Colorado Revised Statutes 24-18-105, the following ethical principles for school Board members "are intended as guides to conduct and do not constitute violations as such of the public trust of office..."

1. A Board member "should not acquire or hold an interest in any business or undertaking which that member has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which the member has substantive authority."
2. A Board member "should not, within six months following the termination of office..., obtain employment in which the member will take direct advantage, unavailable to others, of matters with which the member was directly involved during the term of [office]. These matters include rules, other than rules of general application, which the member actively helped to formulate and applications, claims or contested cases in the consideration of which the member was an active participant."
3. A Board member "should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the member has a substantial financial interest in a competing firm or undertaking."
4. A Board member is discouraged "from assisting or enabling members of [the Board member's] immediate family in obtaining employment, a gift of substantial value, or an economic benefit tantamount to a gift of substantial value from a person whom [the Board member] is in a position to reward with official action or has rewarded with official action in the past."

(Issue date)

[Revised July 2013]
COLORADO SAMPLE EXHIBIT 1988©

School Board Member Conflict of Interest

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

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

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

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

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

NOTE: The Colorado Supreme Court has held that a local board of education has the authority to adopt a conflict of interest policy prohibiting district employment while serving on the Board. Montrose County Sch. Dist. RE-1J v. Lambert, 826 P.2d 349 (Colo. 1992). Accordingly, the following paragraph is optional language which may be included at the Board's discretion.

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The Board considers it a conflict of interest for a Board member to also be employed by the district. Therefore, the Board shall not hire any of its members as an employee of the district nor shall the Board approve any compensation for a member for services rendered to the district as an employee except for services rendered to the Board as provided by law. [State law allows the Board to compensate certain officers of the Board for services rendered in the course of their official Board duties, including the Board secretary, assistant secretary, treasurer and assistant treasurer.] Therefore, an employee elected to the Board shall be required to relinquish employment with the district prior to taking office. Employees are encouraged to consider this prior to running for the Board.

Members may be reimbursed for authorized expenses in carrying out Board duties as provided by law.

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

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

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

Conflict of interest – federally funded transactions

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

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

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

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

For purposes of this policy section only, "immediate family" means the Board member's spouse, partner in a civil union, children and parents. In determining

whether a financial or other interest is “substantial,” or whether anything solicited or accepted for private benefit is of “nominal value,” the Board shall follow the standards of conduct and corresponding definitions applicable to local public officials under state law.

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

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

Adopted: 08/28/89
Revised: 01/22/01, 11/17/14, 5/22/17, date of manual revision

LEGAL REFS.: 2 C.F.R. 200.318 (c) (Uniform Grant Guidance - written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds)

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Colorado Constitution, Article X, Section 13

C.R.S. 22-32-109 (1)(y) (duty of board to adopt bylaws on conflicts of interest)

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C.R.S. 24-18-109 (government rules of conduct)

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C.R.S. 24-18-110 (voluntary disclosure)

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C.R.S. 24-18-201 (standards of conduct - interests in contracts)

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C.R.S. 24-18-202 (standards of conduct - interests in sales)

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~~2 C.F.R. 200.318 (c) (Uniform Grant Guidance – written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds)~~

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~~Colorado Constitution, Article X, Section 13~~

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~~C.R.S. 22-32-109 (1)(y)~~

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~~C.R.S. 24-17-109 through 24-17-111~~

~~C.R.S. 24-17-201~~

~~C.R.S. 24-17-202~~

CROSS REFS.: BC, School Board Member Conduct
BCA-E-1, Code of Ethics for School Board Member

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BEDF, Voting Method

BID/BIE, School Board Member Compensation

Insurance/Expenses/Liability

DJE, Bidding Requirements and Procedures

DKCE, Expense Authorization/Reimbursement (Mileage and Travel)

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

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

Board Organizational Meeting

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

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

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

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

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

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

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

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

Officer ~~Resignation~~ resignation

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

Adopted: 10/25/93

Revised: 01/22/01, 9/24/07, 9/14 legal ref, date of manual revision

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LEGAL REFS.: — C.R.S. 22-31-104, (3) (biennial school elections)
C.R.S. 22-32-104, (1),(2),(3),(4) (organization of the board)
C.R.S. 22-32-108, (5) (meetings of the board)
C.R.S. 22-32-108, (6) (meetings of the board - voting procedure)
C.R.S. 1-10-201 et seq.
C.R.S. 22-31-104 (3)
C.R.S. 22-32-104 (1), (2), (3), (4)
C.R.S. 22-32-108(5) meetings of the board
C.R.S. 22-32-108 (6)

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

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

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

Board Officers

President and ~~Vice-vice President~~ president

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

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

In the absence of the president, the vice president shall have and perform all the powers and duties of the president ~~and perform his/her duties~~.

Secretary

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The secretary of the Board shall perform the following duties:

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

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

Treasurer

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

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

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Policy Adviser

~~The Board Policy Adviser shall perform the following duties:~~

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

Adopted: January 25, 1983

Revised: September 25, 2000, 02/27/12, date of manual revision

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

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

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

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

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| ~~Sargent School District No. RE-33, Monte Vista, Colorado~~

Advisory Committees

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

1. Board-appointed advisory committees, both district-wide and at the school level, shall function within organizational frameworks approved by the Board. A staff member or members will be assigned to each group to help it develop an appropriate constitution and/or by-laws, carry out its functions and coordinate its work with other advisory and staff groups. Only the Board shall have the authority to dissolve committees it has created.

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2. School and district-level advisory committees that are required under federal and state programs shall be formed and shall function in accordance with the requirements pertaining to each specific federal or state program. The Board shall grant to those bodies the advisory responsibilities relevant to the planning, implementation and evaluation of such program or project as required by law in accordance with applicable law.

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3. Community groups that are neither appointed by the Board nor formed as required under federal or state programs are encouraged to offer suggestions and advice to the Board in order to assist it in the decision making process. The final responsibility for all decisions, however, rests with the Board of Education alone.

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

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

Adopted: 08/28/00

Revised: 03/22/10 (legal ref), 02/27/12, 4/13 (note), date of manual revision

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

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CROSS REFS.: AE, Accountability/Commitment to Accomplishment
BDFA*, District Personnel Performance Advisory Council
BDFB*, Career and Technical Advisory Council (Career and Technical Program Advisory Committees)

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BDFB*, Vocational Advisory Council (And Vocational Program Advisory Committees)

BEDA, Notification of Board Meetings

CBI, Evaluation of Superintendent

GCO, Evaluation of Licensed Personnel

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CFB, Evaluation of Principals/Building Administrators

GCOA, Evaluation of Instructional Staff

GCOC, Evaluation of Administrative Staff

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JIC, Student Conduct

JK, Student Discipline

KCB, Community Involvement in Decisionmaking

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

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

District Personnel Performance Evaluation Council

In accordance with state law, the Board of Education shall appoint an advisory district licensed personnel performance evaluation council.

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

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

Adoption date: 02/25/13, 2/22/16, date of manual revision

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

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

District Personnel Performance Evaluation Council

The Board of Education shall appoint, pursuant to state law, an advisory school district personnel performance evaluation council which shall, as a minimum, consist of one teacher, one administrator, one principal, one parent and one person who does not have a child in school.

The council may be composed of the Academic Improvement Council or any other school district committee having membership as defined above.

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

Career and Technical Advisory Council

(Career and Technical Program Advisory Committees)

The Board of Education shall appoint a career and technical advisory council which shall assist the Board and administration in overall promotion, planning, coordination and evaluation of all district career and technical education programs. The council shall study issues, offer advice and make recommendations regarding:

1. Current job needs
2. Relevance of current training programs
3. Reduction, deletion or expansion of programs
4. Initiation of new programs
5. Financial and legislative support
6. Promotion of career and technical education in the schools and in the community

The advisory council shall provide for input from career and technical program advisory committees.

The council shall represent a cross-section of the community in terms of sex, race, age, occupation, socioeconomic status, geographical location and other appropriate factors. The district accountability committee may fulfill this function.

The Board also shall appoint an advisory committee for each career and technical education program provided by the district. Program advisory committees shall assist career and technical instructors and administrators in establishing, operating and evaluating programs to serve the needs of students, business and industry and shall provide expertise pertaining to technological change.

File: BDFB

Each program advisory committee shall be representative of the occupations in the community for which training is provided. The career and technical instructor shall serve as an ex officio member of the committee.

The Board shall approve written guidelines or operational procedures (bylaws) for the advisory council and each program committee which shall specify its composition, length of terms, responsibilities and rules for conducting business.

Adopted: 02/25/85

Revised: 01/22/01, date of manual revision

LEGAL REFS.: C.R.S. 23-8-103, (2)(c) (career and technical education program school grant eligibility)

C.R.S. 23-60-303, (occupational education)

C.R.S. 22-9-107

CROSS REF.: AE, Accountability/Commitment to Accomplishment

GCN 1 Evaluation of Professional Staff (Teachers)

GCN 2, Evaluation of Professional Staff (Administrators)

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Sargent School District RE 33J, 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 policy on this subject, this policy reflects legal requirements school districts must follow if they receive funding under the Colorado Preschool Program Act. This sample policy contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Preschool Council

The superintendent shall appoint an advisory council that provides assistance and makes recommendations in implementing and coordinating a preschool program funded through the Colorado Preschool Program Act.

Membership

At a minimum, membership on the advisory council will include the following:

1. The superintendent or designee
2. Two parents of children in the preschool program appointed by the superintendent
3. Two members of the business community appointed by the superintendent
4. Representatives from the following:
 - a. (County or District) Department of Health
 - b. (County) Department of Social Services
 - c. *(The county agency involved in job services and training)*
 - d. *(Publicly funded early childhood education agencies located in the school district)*
 - e. *(Privately funded child care centers located in the school district)*
 - f. *(A charter school located in the school district that has a preschool program)*

Appointed members will serve for two-year terms. Any vacancy among the appointed members will be filled by appointment by the superintendent for the unexpired term.

Officers

Members of the council will elect a chairman for a one-year term, who may be elected to a second term.

The council shall have those duties prescribed by state law.

No action taken by the council will be final unless approved by the Board of Education.

Meetings

The council will meet a minimum of six times per year.

In addition, members of the council will make at least two on-site visits per year to all HeadStart agencies and public and private child care facilities with which the district has contracted to monitor overall program compliance and make recommendations for any needed improvements.

(Adoption date)

LEGAL REFS.: C.R.S. 22-28-105 (*preschool program council duties*)
C.R.S. 22-28-107 (*ongoing training available from CDE*)

CROSS REF.: IHBIB, Primary/Preprimary Education

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, some content in this sample reflects legal requirements a school district must follow if the district receives a grant pursuant to the Safe and Drug-Free Schools and Communities Act. 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.

District Safe and Drug-Free Schools Advisory Council

In accordance with federal law and as a recipient of funding under the Safe and Drug-Free Schools and Communities Act, the Board of Education shall appoint a district safe and drug-free schools advisory council.

At a minimum, the council shall consist of one individual representing each of the following groups: parents, state and local government officers, teachers and other district staff, representatives of the schools to be served (including private schools), community-based organizations, and other groups with interest and expertise in the field of drug and violence prevention activities, such as medical, mental health and law enforcement professionals. One individual may represent more than one of these groups.

The council may provide advice to the district and Board in the planning, implementation and evaluation of school-based programs and may help coordinate such programs with related community efforts and resources.

(Adoption date)

LEGAL REF.: 20 U.S.C. 7114(c) (*Safe and Drug-Free Schools and Communities Act*)

CROSS REFS.: GBEC, Alcohol and Drug-Free Workplace
IHAMA, Teaching about Drugs, Alcohol and Tobacco
JICH, Drug and Alcohol Involvement by Students

NOTE: Organizational guidelines or bylaws for the council may follow as regulations under this title and code.

COLORADO SAMPLE POLICY 1993©

School Board Meetings~~Regular Meetings/Special Meetings~~

All meetings of three or more members of the Board, at which any public business may be discussed or any formal action taken shall be open to the public at all times except for periods in which the Board is in executive session. All such meetings will be properly noticed and minutes will be taken and recorded as required by law.

No business may be conducted unless a quorum is present. A quorum shall consist of a simple majority (more than half) of the members serving on the ~~board~~Board.

A recording shall be made of regular and special meetings as required by law and at a minimum, shall be an audio recording. Recordings shall be maintained for 90 days.

Regular Meetings~~meetings~~

Regular meetings of the Board of Education shall be held ~~at the school in the Board room of the administration building~~, 7090 North Road 2 East, Monte Vista, Colorado.

~~Meetings of the Board shall be held on the fourth Monday of each month at _____ p.m. unless otherwise established by the Board. Meetings may be rescheduled if the 4th Monday falls during a school break or on a holiday.~~

Special Meetings~~meetings~~

Special meetings of the Board may be called by the Board president at any time and shall be called by the president upon the written request of a majority of the members.

The secretary of the Board shall be responsible for giving a written notice of any special meeting to each Board member at least 72 hours in advance of the meeting if mailed ~~or and~~ 24 hours in advance if delivered. ~~The electronically notice must~~ contain time, place, and purpose of the meeting and names of the members requesting the meeting.

Any member may waive notice of a special meeting at any time before, during or after such meeting, and attendance at a special meeting ~~thereat~~ shall be deemed to be a waiver.

No business other than that stated in the notice of the meeting shall be transacted unless the item is reasonably related to the subject matter on the notice or an exigency exists. In addition, all members must be present and cast a unanimous vote to amend the agenda.

Work sessions and retreats

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The Board, as a decision-making body, is confronted with a continuing flow of problems, issues and needs which require action. While the Board is determined to expedite its business, it is also mindful of the importance of planning, brainstorming and thoughtful discussion without action. Therefore, from time to time the Board may schedule work sessions or retreats, which shall be open to the public. No action shall be taken during such sessions. Public notice of the session, including the topics for discussion and study, shall be provided.

Adopted: 02/25/85
Revised: 01/22/01, 10/24/05, 9/24/07, 7/27/09, 9/28/09, 9/14 Cross Ref, 2/22/16
1/23/23

~~LEGAL REFS.: —C.R.S. 22-32-108, (board meetings)
C.R.S. 24-6-401, et seq. (open meetings law)
1973 C.R.S. 29-9-104
—1973 C.R.S. 22-32-108 (1) through (5)~~

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CROSS REFS.: BEAA* Electronic Participation in School Board Meetings
BEC, Executive Sessions
BEDA, Notification of Board Meetings

~~NOTE 1: The board is not required to take minutes if through its notice and agenda it has not retained the option to take formal action. The Board must make a recording of each regular and special meeting of the Board at which votes are taken and recorded and shall make the recording available to the public. The board, at its discretion, shall use appropriate technology available at the time the recording is made and shall, at a minimum make an audio recording. Such recordings must be maintained for a minimum of 90 days~~

~~NOTE 2: The Board is required to electronically record executive sessions, which shall include the specific statutory citation to the executive session law that allows the Board to meet in executive session. However, if the executive session is held to discuss an individual student matter, the Board is not required to make an electronic or written record of the executive session. If the executive session is held to receive legal advice from an attorney on a particular matter, an electronic record must be made of the statutory citation to the executive session law that allows the Board to meet in executive session to receive legal advice, but the Board is not required to make an electronic or written record of the discussion that occurs in executive session, on the basis that is constitutes privileged attorney-client communication.~~

~~NOTE 3: A quorum is defined as a simple majority (more than half) of the members serving on a Board as follows:
* — for a 5-member board a quorum is 3
* — for a 6-member board a quorum is 4
▪ for a 7-member board a quorum is 4~~

NOTE 4: State law specifically permits "rural" districts with 6,500 students or less to utilize electronic mail to notify board members of a special meeting, if such email is "delivered" at least 24 hours prior to the meeting. C.R.S. 22-32-108 (2)(b). Arguably, however, school districts that are not considered rural and enroll more than 6,500 students may also provide notification of special board meetings by email at least 24 hours in advance of the meeting, so long as the board member agrees to receive meeting notifications by email or waives the required notification. C.R.S. 22-32-108 (3).

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

Electronic Participation in School Board Meetings

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

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

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

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

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

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

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

File: BEAA*

If the request is approved, a Board member who attends and participates by electronic means shall identify the location from which he or she is participating, those present, and the extenuating circumstances that prevented the Board member from physically attending the meeting. If the Board convenes in executive session, the Board member attending and participating by electronic means shall ensure confidentiality during that portion of the meeting.

A Board member may attend and participate by electronic means in a maximum of two Board meetings per calendar year. ~~(Running November 1st to October 31st)~~ Unless otherwise approved by the Board, additional requests to attend and participate by electronic means will be denied. In accordance with state law, the Board shall declare a vacancy if a Board member fails to attend three consecutive regular Board meetings, unless the Board member's absence is otherwise excused by the Board.

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

Adoption date: 3/23/20 temporary; 4/27/20 formal adoption, 4/25/22, date of manual revision

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

CROSS REF.: BE, School Board Meetings

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

Executive Sessions

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

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

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

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

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

involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered “personnel matters.”

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

Discussions concerning a member of the Board, any elected official ~~of or~~ the appointment of a Board member are not considered “personnel matters.”

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. (C.R.S. 24-6-402(4)(g)).
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. 24-6-402(4)(h).
9. Negotiations concerning the terms of an employment contract with one or more superintendent finalists if the Board has named more than one candidate as a finalist and has held a forum open to the public to conduct interviews with each of the finalists. C.R.S. 24-6-402 (4)(i)(I).

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

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

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

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

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

Adopted: 02/25/85
Revised: 01/22/01, 09/24/01, 09/26/05, 9/24/07, 11/17/14, 08/24/15, 02/24/20, 5/23/22, 10/24/22, date of manual revision

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

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

~~NOTE 1~~

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

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

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

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

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

Notification of School Board Meetings

The Board shall give full and timely notice to the public of any meeting of three or more Board members at which public business may be discussed or any formal action taken, including special, regular and work session meetings and retreats.

At its first regular meeting of the calendar year, the Board shall designate the public place or places at which notice of Board meetings shall be posted if the Board is unable to post notice of a Board meeting online due to exigent or emergency circumstances such as a power outage or an interruption in Internet service. In the event such action is not taken annually, the designated public place(s) used in the previous year shall continue as the official posting site(s).

At a minimum, the Board shall cause notice of regular and special meetings and work sessions to be posted on the district's website no less than 24 hours prior to the meeting. This notice shall include specific agenda information where possible.

The district shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies will be discussed. These individuals will be provided reasonable advance notification of such Board meetings.

Notice to the Board

The superintendent or designee shall provide the agenda, together with meeting materials and the minutes of the last regular meeting, to Board members no later than 72 hours before the next regular meeting.

Adoption date: 02/26/01

Revised: 09/26/05, 4-13 (legal/cross ref.), 8/27/18, 2/24/20, date of manual revision

LEGAL REFS.: C.R.S. 22-32-108 (2), (3) (*meetings of the Board*)
C.R.S. 24-6-402 (2)(c) (*notice of meeting "shall include specific agenda information where possible"*)
C.R.S. 24-6-402 (2)(c)(III) (*"full and timely notice" requirement is met if district posts notice of meeting on the district's website no less than 24 hours prior to meeting*)
C.R.S. 24-6-402 (7) (*district must keep list of persons who have requested notification of meetings when specified policies are discussed and provide reasonable advance notice to such persons*)

CROSS REFS.: BE, School Board Meetings
BEDB, Agenda

Agenda

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

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

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

Consent Grouping

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

Agenda Format

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

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

The Board shall follow the order of business set by the agenda unless the order is altered or new items are added in accordance with this policy. At regular and special meetings, the Board may add

to or take action on matters not appearing on the posted agenda if the item is reasonably related to the subject matter on the posted agenda or if an exigency exists. Amending the agenda of a regular meeting requires a majority vote of Board members present. All Board members must be present and cast a unanimous vote to amend the agenda of a special meeting.

Consent grouping

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

Adopted: 02/25/85

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

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

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

| ~~Sargent School District RE-33J, 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: This exhibit does not need to be filed in the Board's policy manual. It is provided as informational only.

Agenda Format

NOTE: This is a suggested order, but is not required by law. Each Board should determine the order that works best for it.

The order of business at regular meetings of the Board shall be as follows:

1. Call to order
2. Roll call
3. Approval of agenda
4. Approval of minutes
5. Board member reports and requests
6. Reports from superintendent, administrators and committees
7. Public comments
8. Executive Session (if needed)
9. Action items
 - a. Consent agenda
 - b. *[insert item]*
 - c. *[insert item]*
10. Discussion items
11. Other business
12. Board self-assessment
13. Adjournment

(Issue date)

COLORADO SAMPLE EXHIBIT 2016©

Rules of Order

Except as otherwise specified by state law or Board policies pertaining to its own operating procedures, the Board shall operate by the rules prescribed in *Robert's Rules of Order*, ~~newly-Newly revised-Revised~~ as those rules can reasonably be applied to the conduct of school board business.

It shall be the responsibility of the Board president to utilize such rules when appropriate to do so.

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Adopted: 06/18/73

Revised: 01/25/83, 01/22/01, 09/26/05, date of manual revision

~~Note: Under Robert's Rules, these parliamentary rules of order may be suspended by a two-thirds vote. When law or Board policy conflicts with Robert's Rules, law and Board policy shall take precedence. For example, in Colorado, the president of the Board is first and foremost a Board member and, as such, may make motions and vote. According to Robert's Rules, the chairman cannot make motions and only votes in the case of a tie.~~

File: BEDD

Sargent School District RE 33J, Monte Vista, Colorado

File: BEDF

BE, School Board Meetings

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

Minutes

Minutes of any Board meeting at which the adoption of any policy or formal action occurs or could occur shall be taken and promptly recorded. Such records shall be open to public inspection.

Official minutes of the meetings of the Board of Education constitute the written record of all proceedings of the Board. Therefore, the minutes shall include:

1. The nature of the meeting, whether regular or special; time and place; members present; approval of the minutes of the preceding meeting or meetings.
2. A record of all actions taken by the Board, the motion, the name of the member making the motion and seconding it; the record of the vote, with the vote of each member recorded. If a vote is taken by secret ballot, the outcome of the vote shall be recorded contemporaneously in the minutes. Reports and documents related to a formal motion may be omitted if they are referred to by title and date.
3. A record of all business that comes before the Board through reports of the superintendent and others and through communications from the staff and the public.
4. The names of all persons who speak before the Board and the topic of their remarks.
5. A record that an executive session was held, (if the Board convened in executive session) including the names of those present and the topic of discussion, unless including names of individuals would reveal information that should remain confidential, the specific citation to the statute that authorizes the Board to meet in executive session, and the amount of time the topic was discussed.
6. The record of adjournment.

The official minutes shall be signed by the secretary. Following their approval, the official copy also shall ~~also~~ be signed by the president of the Board of Education.

The official minutes shall be in the custody of the ~~superintendent of schools~~Board secretary and shall be made available to the public in accordance with the requirements of applicable state law.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 01/22/01, 5/20/13, 11/17/14, date of manual revision

LEGAL REFS.: C.R.S. 22-32-106 (duties of the secretary)
C.R.S. 22-32-108(5)(d) (board meetings ~~-~~ executive session minutes)
C.R.S. 22-32-109 (1)(e) (specific duties of the board)
C.R.S. 24-6-402 (2)(d)(11) (open meeting law ~~-~~ minutes)
C.R.S. 24-6-402 (2)(d)(IV) (*outcome of a secret ballot vote must be recorded contemporaneously in the minutes*)

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

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

Public Participation at School Board Meetings

All regular and special meetings of the Board shall be open to the public. Because the Board desires to hear the viewpoints of all citizens throughout the district and also needs to conduct its business in an orderly and efficient manner, it shall schedule time during some Board meetings for brief comments and questions from the public. Some public comment periods may relate to specific items on the agenda. The Board shall set a time limit on the length of the public participation time and a time limit for individual speakers.

During times of general public comment at a regular meeting, comments and questions may deal with any topic related to the Board's conduct of the schools. Comments at special meetings must be related to the purpose-call of the meeting. During times of public comment on specific agenda items, comments shall be confined to the topic of the agenda item being considered by the Board. Speakers may offer such criticism of school operations and programs as concern them, but are encouraged to exercise their speech rights responsibly. The Board encourages the discussion of all personnel matters to be conducted in executive session.

The Board president shall be responsible for recognizing all speakers who shall properly identify themselves, for maintaining proper order and for adherence to any time limits set. Questions asked by the public that require further investigation may be referred to the superintendent or superintendent's designee for consideration and later response.

Members of the public will not be recognized by the president during Board meetings except as noted in this policy.

Members of the public wishing to make formal presentations before the Board should make arrangements in advance with the superintendent so that such presentations, when appropriate, may be scheduled on the agenda.

In addition to public participation time during Board meetings, the Board is committed to engaging members of the community on an ongoing basis regarding community values about education during times other than the Board's regular meetings.

Adopted: 06/18/73

Revised: 01/25/83, 09/26/83, 10/25/99, 07/24/00, 02/23/04, 08/27/18, date of manual revision

LEGAL REFS: C.R.S. 24-6-401 et seq. (open meetings law)

CROSS REF.: KE, Public Concerns and Complaints

School Board Policy Process

The Board considers policy development its chief responsibility. The Board strives to reflect the community's values in its policies and commits itself to an ongoing effort to engage the community regarding policy-level concerns. The Board develops policies and puts them in writing to provide for the successful, consistent and efficient operation of the district's schools and the high achievement of district students. Policy development shall be aimed primarily toward the continual formation and evaluation of goals and desired end results for students, rather than toward daily district operations.

The Board uses the policy development and codification system of the National Education Policy Network/National School Boards Association (NEPN/NSBA), as recommended by the Colorado Association of School Boards.

This system, while it may be modified to meet needs, is to serve as a general guideline for such tasks as policy research, drafting of preliminary policy proposals, reviewing policy drafts with concerned groups, presenting new and revised policies to the Board for consideration and action, policy dissemination, policy ~~evaluation~~ monitoring and the continuous maintenance of the Board policy manual.

The policies of the Board shall be interpreted in accordance with state and federal laws and regulations.

Policy adoption

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Board of Education. However, proposals regarding policies may originate with a Board member, the superintendent, staff members, parents, students, consultants, civic groups or other residents of the district. A careful and orderly process shall be used in examining such proposals prior to action upon them by the Board.

The Board shall adhere to the following procedure in formally considering and adopting policy proposals to ensure that they are well examined before final adoption.

1. First meeting-the proposal shall be presented as an information item.
2. Second meeting-the proposal shall be presented for a first reading, discussion and first vote.
3. Third meeting-the proposal shall be presented for a second reading, discussion and final vote.
- ~~1. First meeting — the proposal shall be presented for a first reading, discussion and first vote.~~

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~~2. Second meeting — the proposal shall be presented for a second reading, discussion and final vote.~~

During discussion of a policy proposal, the ~~board~~ Board shall seek out the views of the community and staff. The Board shall take action only after hearing recommendations of the superintendent and viewpoints of persons and groups affected by the policy.

Amendments may be proposed by Board members. An amendment shall not require that the policy go through an additional reading except when the Board determines that further study is needed or that an additional reading would be helpful.

Under unusual circumstances, the Board may temporarily approve a policy to meet emergency conditions. However, the above procedure is required before the policy shall be considered permanent.

The Board shall establish procedures to waive policies to facilitate attainment of district level or school-level goals.

Policy revision and review

In an effort to keep its written policies up-to-date, the Board shall review its policies on a ~~continuing~~ continuous basis.

The superintendent shall be responsible for calling to the Board's attention all policies that are out of date or for other reasons appear to need revision. Policy revision shall be accomplished in the same manner as policy adoption, except that revisions mandated by changes in law shall not require a second reading and may be adopted upon final vote at the second meeting.

~~The Board directs the superintendent to recall all policy and regulation manuals periodically for administrative updating and Board review, if hard copies are maintained.~~

Additionally, from time to time the Board may undertake a process to review and revise all of the policies in its manual. At the Board's discretion, it may utilize an outside facilitator to conduct this review and revision process. Such process shall be in accordance with a schedule developed by the Board and the outside facilitator, if applicable. The process shall include opportunities for staff, parent and community involvement. In addition, any changes to policy that affect the benefits, rights, responsibilities or expectations of students or staff shall be provided in writing to the affected group with sufficient time to make any necessary arrangements prior to the effective date of the change. Once the review and revision process is complete, the Board may choose to adopt the revised policy manual in its entirety by approval of a resolution. In this event, the above policy adoption process, including any readings, shall not apply.

Board review of regulations

The Board reserves the right to review regulations issued by the administration at its discretion, but it shall revise or veto such regulations only when, in the Board's judgment, they are inconsistent with policies and regulations adopted by the Board. The Board shall be provided with copies of all district-wide regulations issued by the administration.

Regulations shall be officially approved by the Board when ~~this is~~ required by state or federal law or when strong community, staff or student attitudes make it advisable.

Before issuance, regulations shall be properly titled and coded.

Policy communication

The superintendent shall establish and maintain an orderly plan for preserving and disseminating district policies and regulations. Staff will be informed of policy changes on a regular basis.

~~All policy manuals shall remain the property of the district and shall be considered as "on loan" to anyone or any organization in whose possession they might be at any time. They are subject to recall at any time for updating.~~

The Board's policy manual is a public record and shall be open for inspection at the administrative offices of the district and on the district's website.

Monitoring policy implementation

The Board shall continuously monitor the implementation of its policies to ensure that reasonable progress is being made toward achieving the Board's goals and that operation of the school district is consistent with its policies.

Suspension/repeal of policy

In the event of special circumstances, the operation of any Board policy, including those governing its own operating procedures, may be temporarily suspended by a majority vote of Board members present at any regular ~~of or~~ special meeting. This, however, ~~does shall~~ not apply to any ~~section of~~ Board policies that may be established by law or by contract.

Policy repeal shall be accomplished in the same manner as policy adoption.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 07/24/00, 02/27/12, 11/17/14, date of manual revision

LEGAL REFS.: C.R.S. 22-32-109 (1)(a-c), ~~(w)~~-(y)(l) (*specific duties of board*)

File: BG

| ~~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, CASB believes this sample contains the content/language that reflects "best practices." However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Policy Adoption (Waiver Requests)

School-level accountability committees may request a waiver of Board policy to facilitate attainment of a school-level goal by submitting a written application to the Board of Education. The request for waiver or renewal of an existing waiver must be supported by a majority of committee members and the building principal.

Waivers will be good for two years and may be renewed without limit for additional two-year periods after review by the Board.

The waiver or waiver renewal request must include:

1. Coding and title of the policy to be waived.
2. Specific documentation demonstrating how the policy prohibits the school from achieving a school goal.
3. Expected outcome of the waiver or waiver renewal.
4. Duration requested for the waiver or waiver renewal.
5. Explanation of how the waiver or waiver renewal would assist the school in reaching its goal.
6. Financial impact of the waiver.

The written request for a waiver or waiver renewal must be received by the Board at least _____ days prior to proposed implementation.

The waiver or waiver renewal will be granted if the Board determines that the school has clearly demonstrated that the waiver or waiver renewal will result in the school's accomplishing its goal.

The Board will provide a written response to the waiver or waiver renewal request within _____ days of receipt of the request.

(Approval date)

[Revised January 2008]

COLORADO SAMPLE REGULATION 1992©

School Board Member Compensation/Expenses/~~Insurance~~/Liability

The taxability and tax status of all compensation, expense reimbursement, and other payments that the district makes to, or on behalf of, the members of the Board of Education is determined by applicable state and federal law. Board members must follow the Board's policy or administratively established procedures for claiming and substantiating all amounts for which payment or reimbursement is requested.

Compensation

Board members will serve without compensation for their service- ~~u~~Unless compensation has been authorized by a written resolution adopted by a majority vote of the Board in a public meeting; except that no Board member may have their compensation increased during the term in office to which they have been elected or appointed.

Any compensation provided to Board members must not exceed \$150 per day for not more than 5 days of service per week, excluding federal and state holidays. Board members may only receive compensation for days when official Board duties- meaning Board meetings and other official activities and duties, including those that are conducted with a majority of the Board present-are performed.

Reimbursement

Upon submitting vouchers and supporting bills for expenses incurred in carrying out specific services previously authorized by the Board, Board members may be reimbursed from district funds in accordance with the Board's policy on expense authorization and reimbursement- and in amounts approved by a majority vote of the Board in a public meeting.

Insurance and liability

The Board ~~will~~shall purchase liability insurance and errors-and-omissions insurance to protect its members individually and collectively for claims made against them as a result of their membership on the Board.

The Board will rely on the Colorado Governmental Immunity Act, C.R.S. 24-10-101 *et seq.* (the Act) as the statement of its obligation to defend and indemnify Board members. If the Board elects to provide for the defense of a Board member in a claim which alleges willful and wanton conduct by the Board member, the Board may require the Board member to post a reasonable bond to ensure reimbursement of any amounts advanced, in accordance with the Act.

Adopted: 02/26/01, 11/29/21

Revised: 11/26/07 (legal ref.), 5/22/17, 2/18 (legal ref.), date of manual revision

LEGAL REFS.: 20 U.S.C. 7941 through 7948 (Coverdell Teacher Protection Act limits the liability of school board members)

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C.R.S. 22-12-101, et seq. (Teacher and School Administrator Protection Act also limits liability of school board members)

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C.R.S. 22-32-104, (5) (board member compensation)

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C.R.S. 22-32-109.1, (9) (immunity provisions in safe schools law also apply to school board members)

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C.R.S. 22-32-110, (1)(n), (u) (power to provide necessary expenses)

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C.R.S. 24-10-101, et seq. (Colorado Governmental Immunity Act)

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C.R.S. 24-18-104, (3)(d), (e) (reimbursements are not considered gifts)

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~~C.R.S. 22-12-101 et seq. (Teacher & School Administrator Protection Act also limits liability of school board members)~~

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~~C.R.S. 22-32-109.1(9) (immunity provisions in safe schools law also apply to school board members)~~

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~~C.R.S. 22-32-110 (1) (n), (u) (power to provide necessary expenses)~~

~~C.R.S. 24-10-102 et seq. (governmental immunity)~~

~~C.R.S. 24-18-104 (3)(d)(e) (reimbursements are not considered gifts)~~

~~20 USC 7941 through 7948 (Coverdell Teacher Protection Act limits the liability of school board members)~~

CROSS REFS.: DKC, Expense Authorization/Reimbursement (Mileage and Travel)
EI, Insurance Program/Risk Management

File: BID-BIE

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

Priority Objectives of Board Operations

Directors' responsibilities lie chiefly in three basic areas: (1) as trustees for the electors, (2) as the board policy-setting body of the district, and (3) as selectors of and advisors to the superintendent. In these capacities directors have the responsibility of seeing that the district is as well-managed as possible and that the interests of all electors are represented in a balanced relationship with the interests of employees, students, the government and the public generally.

General Legal Responsibilities of Directors

As condensed from the statutes and significant interpretations, the legal duties of directors may generally be defined as follows:

1. Board Policy Determination and Over-All Operations. Exercise the general powers as the governing body of the district within limits defined by statute. In this connection directors are responsible for board policies and general operations of the district. While operating duties and decisions are generally delegated to administrators, directors must retain their over-all responsibilities for district performance.
2. Relationship to Electors. Serve as trustees for all of the electors. Acts of directors are subject to the same standards of fidelity, good faith, and subordination of private interests that apply to trustees generally.
3. District Knowledge. Be sufficiently familiar with the affairs of the district to be able to exercise the judgment of a reasonably prudent person.
4. Officers. Elect the Board of Education officers.
5. Meetings. Meet at sufficiently frequent intervals to discharge the duties for which directors are held responsible. Directors may take action only at a meeting.

Specific Duties and Responsibilities of Sargent School District Directors

1. Electors. Represent all the electors as trustees for their interests. Advise generally on elector relationships.
2. Policies. Establish board district policies, usually but not exclusively upon recommendation of the superintendent.
3. Superintendent of Schools. Employ the superintendent of schools as chief executive officer and delegate management responsibility and compensation. Provide continuity in that office.
4. Administrators. Upon recommendation of the superintendent, employ other administrators, approve their compensation, and generally appraise their performance.
5. Committees and Representatives. Appoint, define the powers of, dissolve committees and remove from appointment representatives of the Board.
6. Financing. Approve over-all financing programs, subject to authorization by electors when necessary. Authorize appropriate managers to take actions as may be required to implement such programs.

7. Capital Outlay Items. Review and approve for purchase regular capital outlay items and programs annually and authorize other individual capital outlay items exceeding \$5,000.
8. Disposal of Capital Assets. Approve any action involving disposal of a capital asset.
9. Long-Term commitments. Annually review lease liabilities, salary schedules, retirement plans, insurance coverages and loan guarantees.
10. Planning. Critically review and advise on long and short-range planning of the district. Periodically evaluate progress against such plans.
11. District Relations. Review and make suggestions on building and maintaining constructive financial, other district, employee and public relations and a favorable district image.
12. Ethical and Professional Standards. Assure, through continuing review, that directors, administrators and other employees act in accordance with established and accepted ethical and professional standards.
13. Knowledge of District and Educational Programs. Keep informed on the district's business and to the extent feasible on educational programs in general which the district operates.
14. Meetings. Attend board meetings and meetings of committees to which appointed.
15. Board Membership. In accordance with statute, propose to the electors the size and make-up of the Board and fill interim vacancies.
16. Auditors. Recommend outside auditing firm.
17. By-Laws. Establish and approve changes in by-laws.

Special Contributions Expected of Directors

1. Experience. Bring to the Board objectivity and breadth of specialized and other relevant experience.
2. Consultation. Serve as consultants to the superintendent, and, with his approval, to others in the district.
3. Advice and Criticism. Offer constructive advice and criticism to the superintendent, and, with his knowledge, to others and promote actions which are in the best interest of the district.
4. Objectivity. Assist the superintendent and president in providing balance and objectivity in the Board and in the district.
5. Reflect Board to District. Reflect the general thinking of the Board to the employees and electorate.
6. Top Management Exposure. Provide exposure of top management to other management experiences for continuing evaluation.

Cautions for Directors

1. Interference. Work within Board-established parameters to accomplish district goals and objectives.
2. Internal Politics. Avoid "internal politics" between members of the Board. Recognize the Board must function as a body rather than separate individuals.

3. Confidential Information. Avoid disclosing confidential information about the district to unauthorized persons.
4. Evaluation of Service. Periodically initiate individual discussions with the president and/or superintendent concerning your own contributions as a Board member.

Adopted: Date of manual adoption
Revised: 01/22/01, 12/11/17

LEGAL REFS.: C.R.S. 22-32-109
 C.R.S. 22-32-110

SCHOOL BOARD LEGAL STATUS

The Constitution of Colorado assigns to locally elected boards of education control of instruction in the public schools of their respective districts. As charged by the constitution, the General Assembly has provided for the organization of school districts, including the composition of district boards and the election of school directors.

Legally, then, local school boards are political sub divisions of the state and derive their power from the state constitution and acts of the General Assembly. They also have responsibilities to the local citizenry they serve and by whom they are elected.

There are five directors on the Board of Education of Sargent School District RE-33J, each of whom is elected for a four-year term.

Statutory

LEGAL REFS.: Constitution of Colorado, Article IX, Sections 2, 15
 1973 C.R.S. 22—31—105

Note: This section provides a district electorate with certain leeway in the number of directors and in the length of the term of office.

CROSS REFS.: AA, School District Legal Status
 BBA, School Board Powers and Duties
 BBB, School Board Elections

File: BBAA

BOARD MEMBER AUTHORITY

Because all powers of the Board lie in its action as a group, individual Board members exercise authority over district affairs only as votes are taken at a legal meeting of the Board.

In other instances, an individual Board member has power only when the Board has lawfully delegated authority to him.

The Board of Education, individually and collectively, shall promptly refer all criticisms, complaints and suggestions called to its attention to the superintendent for study and recommendations.

Adopted January 1, 1983

CROSS REF.: KL, Public Complaints

Board Member Oath of Office

Each school board member, within 15 days following the survey of votes, is required to take an oath of office that he/she will faithfully perform the duties of his/her office as required by law and will support the Constitution of the United States, the Constitution of Colorado and laws made pursuant thereto. Such oath shall be filed with the designated election official of the school district.

Statutory

Revised: 01/22/01

LEGAL REFS.: C.R.S. 22-31-104
C.R.S. 22-31-125

Board Member Resignation/Removal from Office

Vacancies may occur on the Board because of a member's resignation, death, his/her moving outside of the district, or other reasons provided by law. Or a member may be recalled or removed from office for such reasons as specified in law.

A member's office shall be declared vacant by the Board of Education if he/she does not attend three consecutive regular meetings of the Board unless the Board by resolution approves any additional absences or unless such absences are due to temporary disability or illness.

Statutory

Revised: 01/22/01

LEGAL REFS.: C.R.S. 22-31-128
C.R.S. 22-31-129

Unexpired Term Fulfillment

When a vacancy occurs the Board has 60 days to appoint a person to fill the vacancy. With regard to what happens when a board member is appointed to fill a vacancy, the following scenarios are possible:

Scenario I:

If the vacancy occurs more than 90 days prior to the next regular school election and the remaining term is more than 2 years, the board appoints someone to serve until the election when a successor for the remainder of the term is elected.

Rationale:

There is enough time before the next election for someone to run for the vacancy, because there are more than 2 years left on the term, the appointed board member only serves until the election when someone will be elected to serve out the time remaining on the term.

Scenario II:

If the vacancy occurs within 90 days of a regular school election and the remaining term is more than 2 years, the board appoints someone to serve until the next succeeding regular school election when a successor for the remainder of the term is elected.

Rationale:

There is not enough time before the impending election, but there are more than 2 years left on the term, so the appointed member serves for approximately 2 years until the next election during which someone will be elected to finish out the term.

Scenario III:

If the vacancy occurs more than 90 days prior to the next regular school election and the remaining term is less than 2 years, the board appoints someone to serve out the remainder of the term.

Rationale:

Because the unexpired time left on the term will run out at the time of the next election, the appointed member will serve the remainder of the term when a new member will be elected and start a new term.

Scenario IV:

If the vacancy occurs within 90 days of a regular school election and the remaining term is less than 2 years, the board appoints someone to serve out the remainder of the term.

Rationale:

There is not enough time before the impending election for someone to run and because there are less than 2 years left on the term, the appointed member serves on the board for approximately two years until the next election during which someone will be elected to start a new term.

Note: If the vacancy occurs within 90 days, but the term would have expired anyway, no appointment is necessary as the vacancy will be filled at the next election.

Unexpired Term Fulfillment

When a vacancy occurs on a board of education, the board is required by law to appoint a person to fill the vacancy within 60 days. Should the board not act, the president of the board makes the appointment.

Whether the appointee serves for the remainder of the unexpired term or until the next, or the next succeeding, election depends on the number of days until the next regular biennial election and the number of years left in the unexpired term.

1. If the vacancy occurs more than 90 days before the election and the unexpired term is for more than two years, the term of appointment is until the next election, when a successor for the remainder of the term is elected.
2. If the vacancy occurs within 90 days of the election and the unexpired term is for more than two years, the term of appointment is until the next succeeding election, when a successor is elected for the remainder of the term.
3. Otherwise, the term of appointment is for the remainder of the unexpired term.

Statutory

Revised: 01/22/01

LEGAL REFS.: C.R.S. 22-31-129 (2), (3), (4)

BOARD ELECTIONS

Registered voters of the district elect directors to the Board of Education at regular school elections held on the first Tuesday of November in each odd—numbered year. At every other biennial election, three directors are elected; at the other biennial election two directors are elected.

The county clerk and recorder is responsible for conducting the regular biennial school election. 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.

Candidates are nominated in the manner prescribed by law. Nomination petitions shall be filed prior to 66 days before the election. In accordance with state law, candidates for school district directors shall file a candidate affidavit with the county clerk's office and submit reports on contributions and expenditures during the campaign. Since the district includes portions of more than one county, the candidate shall file with the county clerk in his county of residence.

Any person registered as a district elector may vote. Voter qualifications are the same as those for voting in general elections.

The election may be conducted by mail ballot in accordance with state law and rules promulgated by the secretary of state. An implementation plan for conducting the election by mail ballot shall be submitted to the secretary of state no later than 75 days prior to the election.

If 25 days before the election, there is only one candidate for each position to be filled, the Board by resolution may instruct the designated election official to cancel the election and declare the candidates elected, pursuant to state law.

Adoption date: 10/25/93

Statutory

LEGAL REFS. : 1-1-101 through 1-13-108 et seq. (Uniform Election Code of 1992)

CRS 1-45-101 et seq. (Campaign Reform Act of 1974)

CRS 22-31-101 et seq.

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 270
Denver, CO 80290
Ph: (303) 894-2200 x 3
Fax: (303) 869-4861

Below Space for Office Use Only



**ANNUAL DISCLOSURE BY PUBLIC OFFICEHOLDER
REPORT OF GIFTS, HONORARIA AND OTHER BENEFITS**

(C.R.S. 24-6-203)

(Due on or before the 15th of January of each year for the preceding calendar year.)

Name of Officeholder: _____

Mailing Address (include city, state, and zip): _____

Official Title: _____

Name of Person From Whom the Gift, Honoraria or Other Benefit Was Received

Amount or Value: \$ _____ Date Received: _____

Description: _____

Name of Person From Whom the Gift, Honoraria or Other Benefit Was Received

Amount or Value: \$ _____ Date Received: _____

Description: _____

Name of Person From Whom the Gift, Honoraria or Other Benefit Was Received

Amount or Value: \$ _____ Date Received: _____

Description: _____

Signature of Officeholder

Date

Code of Ethics for School Board Members

As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

Equity in Attitude

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others' ideas.

Trustworthiness In Stewardship

- I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that
- may compromise my performance or my responsibilities.

Honor in Conduct

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

Integrity of Character

- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.

Commitment To Serve

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

Student-Centered Focus

- I will be continuously guided by what is best for all students of the District.

(Issue date)

NOTE: This is the official code of ethics for Board members of the National School Boards Association.

School Attorney

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

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

Adopted: 06/18/73

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

New Board Member Orientation/Handbook

The Board and its staff shall assist each new member-elect to understand the Board's functions, policies and procedures before he takes office. The following methods shall be employed:

1. The member-elect shall be given selected material on the role of a school board member and responsibilities of the Board.
2. Before being sworn in and officially taking office, the member-elect shall be invited to attend Board meetings and to participate in its discussions.
3. The secretary shall supply material pertinent to meetings and shall explain its use.
4. The incoming member shall be invited to meet with the superintendent and other administrative personnel to discuss services they perform for the Board.

Adopted: 02/26/01

Board Member Development Opportunities

In order to facilitate inservice training for Board members, the following procedures will apply:

1. All Board members will be encouraged to attend all in-state conferences, conventions and workshops of the Colorado Association of School Boards.
2. Attendance at conferences, conventions, workshops and/or other meetings to be conducted by the Colorado Association of School Boards will be brought to the Board for action with the primary purpose being representation by the Board at these meetings.
3. Requests by Board members to attend out-of-state conferences will be dealt with on a per request basis with a decision made in accordance with any budgetary restraints.
4. The superintendent is directed to establish within the budget, funds to cover the costs of Board member participation in such conferences, conventions and workshops as stated above. This will be reviewed annually in the budget presentation.

Approved: 02/26/01

Board Member Development Opportunities

The school board in modern America faces a difficult set of challenges. It must fashion a quality educational program, must decide complex policy issues and must oversee the prudent management of school facilities.

The public expects its elected Board members to demonstrate high qualities of leadership as they deal with affairs of the public schools. In turn, the Board expects public support for its efforts to enlarge the horizons and abilities of its members.

The Board of Education places a high priority on the importance of a planned and continuing program of inservice education for its members. The central purpose of the program is to enhance the quality and effectiveness of public school governance. The Board shall plan specific inservice activities designed to assist Board members in their efforts to improve their skills as members of a policymaking body; to expand their knowledge about trends, issues and new ideas affecting the continued welfare of local schools, and to deepen their insights into the nature of leadership in a modern, democratic society.

Funds shall be budgeted annually to support the program. Individual Board members may be reimbursed for out-of-pocket costs incurred through participation in approved activities. The Board as a whole shall retain the authority to approve or disapprove the participation of members in planned activities.

The public shall be kept informed through the news media about the Board's continuing inservice education and about the programs anticipated for short- and long-range benefits to the schools.

The Board regards the following as the kinds of activities and services appropriate for implementing this policy:

1. Participation in school board conferences, workshops and conventions held by the state and national school board associations.
2. District-sponsored training sessions for Board members.
3. Subscriptions to publications addressed to the concerns of Board members.

Adopted: 02/26/01

School Board/District Memberships

The Board may maintain membership in the Colorado Association of School Boards. Through its membership in the organization it is an indirect member of the National School Boards Association. The Board and its members shall actively participate in the activities of these organizations insofar as possible.

The district shall hold institutional membership in such other educational associations and groups as approved by the Board, except that it shall not belong to any organization or association that would prohibit a student's participation in any school or interscholastic school activity based upon the student's participation in lawful activities during out-of-school hours and off of school property.

Adopted: 02/26/01

LEGAL REFS.: C.R.S. 22-32-110 (1) (n)
C.R.S. 22-32-116.5 (1) (c)