Board Policies  
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Board Policies

# 1. Definitions

1. “Education reEnvisioned BOCES” shall mean the Education reEnvisioned Board of Cooperative Education Services.
2. “School” shall mean an Education reEnvisioned BOCES school established via a contract and operating as a part of the Education reEnvisioned BOCES.
3. “Board” shall mean the Education reEnvisioned BOCES board.
4. “Staff” shall mean the Education reEnvisioned BOCES staff.
5. “School administrator” shall mean the school leader.
6. “C.R.S.” shall mean Colorado Revised Statutes.

# 2. Foundations and Basic Commitments

## 2A. Education reEnvisioned BOCES Legal Status

The Education reEnvisioned BOCES was established on May 7, 2013 as a cooperative agreement between the Falcon 49 School District and the Yuma 1 School District pursuant to Article 5 of Title 22, C.R.S. This agreement was recognized by the Colorado Department of Education in a letter dated May 29, 2013. On July 10, 2013 Pikes Peak Community College joined the cooperative.

Adopted: 9-15-15

## 2B. Vision and Mission Statements

The vision of the Education reEnvisioned BOCES is to be the leading force to transform educational delivery systems while serving students in blended and online learning schools and programs through unprecedented collaboration, accountability and support.

Adopted: 9-15-15

The mission: “The Colorado Digital BOCES will develop and deliver services to BOCES, districts and authorized schools to expand availability and access to quality, innovative public education programs Colorado families and students seek.”

Revised and Adopted 9-15-20

## 2C. Constitution and Bylaws

The Constitution and Bylaws are hereby incorporated by reference.

Adopted: 1-22-18

## 2D. Non-discrimination/Equal Opportunity

1. Education reEnvisioned BOCES is committed to providing a safe learning and work environment where all members of the community are treated with dignity and respect. The schools in the Education reEnvisioned BOCES are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.
2. In compliance with Titles VI and 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 Act of 2008, Colorado law and Education reEnvisioned BOCES administrative policy, the Education reEnvisioned BOCES does not discriminate on the basis of disability race, creed, color, sex (which includes marital status), sexual orientation, gender identity/expression, national origin, religion, ancestry, need for special education services, age, marital status, genetic information, or physical characteristics in admissions, access to, treatment, or employment in educational programs or activities which it operates.
3. In keeping with these statements, the following shall be objectives of the Education reEnvisioned BOCES:
   1. Promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretation.
      1. 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.
      2. To consider carefully, in all decisions made which affect the schools, the potential benefit or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
      3. To utilize educational experiences to build each individual’s pride in the community in which he or she lives.
      4. To investigate and resolve promptly any complaint of unlawful discrimination and harassment.
      5. To investigate and appropriately discipline staff and student found to be responsible for incidents of harassment or unlawful discrimination in violation of Education reEnvisioned BOCES policy.
   2. Annual Notice. The Education reEnvisioned BOCES shall 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 Education reEnvisioned BOCES are offered without regard to race, color, sex (which includes marital status), sexual orientation, religion, national origin, ancestry, creed, disability, or need for special education services. With respect to employment practices, the Education reEnvisioned BOCES shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the name or title, address, email address and telephone number of the person designated to coordinate Title IX and Section 504 and ADA compliance activities.

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

* 1. Harassment is Prohibited. Harassment based on a person’s race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability, 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, staff members can work and members of the public can access and receive the benefit of Education reEnvisioned BOCES facilities and programs. All such harassment, by Education reEnvisioned BOCES staff, students and third parties, is strictly prohibited.

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

* 1. For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, national origin, ancestry, creed, religion, sex, sexual orientation, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment will apply to complaints alleging sexual harassment.
  2. Harassing conduct may take many forms, including but not limited to:
     1. Verbal acts and name-calling;
     2. Graphic depictions and written statements, which may include use of cell phones or the Internet;
     3. Other conduct that may be physically threatening, harmful or humiliating.
  3. Reporting
     1. Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the Education reEnvisioned BOCES’s compliance officer and file a complaint.
     2. Any employee, applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall file a complaint with either an immediate supervisor or the Education reEnvisioned BOCES’s compliance officer.
     3. If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the Executive Director or Board President who shall designate an alternate compliance officer to investigate the matter.
  4. Education reEnvisioned BOCES Action
     1. All Education reEnvisioned BOCES staff members who witness unlawful discrimination or harassment shall take prompt and effective action to stop it, as prescribed by the Education reEnvisioned BOCES.
     2. The Education reEnvisioned BOCES shall take appropriate action and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the District shall take interim measures during the investigation to protect against further unlawful discrimination, harassment or retaliation.
     3. 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 shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, staff member or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.
     4. Upon determining that incidents of unlawful discrimination or harassment are occurring in particular Education reEnvisioned BOCES settings or activities, the Education reEnvisioned BOCES shall implement measures designed to remedy the problem in those areas or activities.
     5. Any student or employee who engages in unlawful discrimination or harassment shall be disciplined according to applicable administrative policies and the Education reEnvisioned BOCES shall take reasonable action to restore lost educational or employment opportunities to the victim(s).
     6. In cases involving potential criminal conduct, the compliance officer shall determine whether appropriate law enforcement officials should be notified.
  5. Notice and Training
     1. To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all Education reEnvisioned BOCES schools and departments. The policy and complaint process shall be referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution.
     2. Students and Education reEnvisioned BOCES employees shall receive periodic training related to recognizing and preventing unlawful discrimination and harassment. Education reEnvisioned BOCES employees shall receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be limited to 1) awareness of groups protected under state and federal law and/or targeted groups; 2) how to recognize and react to unlawful discrimination and harassment; and 3) harassment prevention strategies.
     3. The Education reEnvisioned BOCES’s designated compliance officer is:

Suzanne Romero, Director of Special Education and School Performance

430 Beacon Lite Rd., Suite 150

Monument, CO 80132

719-368-6392

Updated: 10-11-22

Adopted: 9-15-15

Legal References:

* 20 U.S.C. §1681 (Title VII, Education Amendments of 1972)
* 20 U.S.C. §1701-1758 (Equal Employment Opportunity Act of 1972)
* 29 U.S.C. §621 et seq. (Age Discrimination in Employment Act of 1967)
* 29 U.S.C. §701 et seq. (Section 504 of the Rehabilitation Act of 1973)
* 42 U.S.C. §12101 et seq. (Title II of the Americans with Disabilities Act)
* 42 U.S.C. §2000d (Title VI of the Civil Rights Act of 1964, as amended in 1972)
* 42 U.S.C. §2000e (Title VII of the Civil Rights Act of 1964)
* 42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
* 34 C.F.R. Part 100
* C.R.S. 2-4-401(13.5) (definition of sexual orientation)
* C.R.S. 18-9-121 (bias-motivated crimes)
* C.R.S. 22-32-109(1)(ll) (Board duty to adopt written policies prohibiting discrimination)
* C.R.S. 24-34-301(7) (definition of sexual orientation)
* C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)
* C.R.S. 24-34-401 et seq. (discriminatory or unfair employment practices)
* 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)

## 2E. Sexual Harassment Investigation Procedures (Title IX)

The Education reEnvisioned BOCES (“ERBOCES”) is committed to a learning and working environment that is free from sex-based discrimination, including sexual harassment. It is a violation of policy for any staff members to harass students or staff, or for students to harass other students through conduct or communications of 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 policy, 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 ERBOCES 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.
* “**Education Program or Activity**” means locations, events, or circumstances over which the ERBOCES 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 ERBOCES’ Title IX Coordinator and contact information may be found on the ERBOCES website under “Nondiscrimination” and “Title IX.”

**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 at central office or school and on the ERBOCES website. Completed forms must be filed with the Title IX Coordinator. If a complaint form is given to a ERBOCES employee, the ERBOCES 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 ERBOCES’ 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 ERBOCES from addressing the allegations in any manner the ERBOCES deems appropriate.

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.

**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 ERBOCES is responsible for providing notice of these procedures to all ERBOCES schools and departments. The policy and complaint procedures must be prominently posted on the ERBOCES’ 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 ERBOCES employees will receive periodic training related to recognizing and preventing sexual harassment. ERBOCES employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the ERBOCES’ website.

Updated: 12-6-22

Adopted: 9-15-15

Legal References:

* 20 U.S.C. §1681 et seq.(Title IX of the Education Amendments of 1972)
* 42 U.S.C. §2000e et seq.(Title VII of the Civil Rights Act of 1964)
* C.R.S.24-34-401 et seq.(Discrimination or unfair employment practices)
* C.R.S.24-34-301 et seq. (Colorado Civil Rights Division procedures)

## 2F. Intimidation, Harassment and Hazing

1. The Board recognizes the importance of providing students the opportunity to be in a safe environment that is free from intimidation, harassment, hazing, or any act or crime of violence while participating in any Education reEnvisioned BOCES or school sponsored program, including extracurricular and school clubs. Participation in these activities is a privilege not a right. Accordingly, the Board is committed to providing safe and positive learning and athletic programs. Intimidation, harassment, and hazing are unethical and unacceptable conduct that have no place in the Education reEnvisioned BOCES and will not be tolerated.
2. Definitions
   1. “Intimidation” means to create a feeling of fear or inadequacy in another person or threaten verbal or physical violence.
   2. “Harassment” means to engage in persistent behavior that threatens, torments, or insults another person.
   3. “Hazing” means any activity by which a person recklessly or intentionally endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; expect that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.
   4. “Student” means any person who is registered in or in attendance at any school or program sponsored by the Education reEnvisioned BOCES regardless of whether school is in session.
   5. “Crime of Violence” as defined by C.R.S. 18-1-406 (2)(a)(I), are those crimes that have been committed, conspired to be committed, or attempted to be committed by a person during which, or in the immediate flight there from, the person:
      1. Used, or possessed and threatened the use of, a deadly weapon; or
      2. Caused serious bodily injury or death of any other person except another participant.
   6. “Crime of Violence” also means any felonious unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim.
3. Each coach or sponsor is responsible for providing a copy of this policy to each student who participants in co- or extra-curricular activity at the start of the first meeting, practice session or activity. Each coach or sponsor shall verbally explain to the student the prohibition against hazing, intimidation or harassment and the potential consequences. A signed copy of this policy by the student and the parent/legal guardian must be on file before a student begins participation in a school sponsored activity.
4. It is a violation of this policy for any student or staff member to engage in any act of intimidation, harassment or hazing while on Education reEnvisioned BOCES or its schools’ grounds or at an Education reEnvisioned BOCES/school sponsored event. Any incident believed to constitute a “crime of violence” will be reported as a violation of state law and will be reported to the proper law enforcement agency.

Adopted: 9-15-15

Legal References:

* C.R.S. 18-9-124 (Hazing penalties – legislative declaration)
* C.R.S. 22-32-109.1(2)(a) (Safe Schools Plan)

## 2G. Commitment to Religious Accommodations and Neutrality

1. The Board understands that administration and staff must recognize students’ First Amendment religious rights. The Board further recognizes that the United States Constitutions’ First Amendment imposes two equally important obligations on public schools.
2. First, schools must not forbid students acting on their own from expressing their personal religious views or beliefs. Second, schools may not endorse religious activity or doctrine and students may not coerce participation in religious activity.
3. Schools must give students the same rights to engage in religious activity and discussion, as they have to engage in other comparable activity. Generally, this means that students may pray in a nondisruptive manner during the school day when they are not engaged in school activity and instruction, subject to the same rules as apply to other speech.
4. Martin Luther King’s birthday, Thanksgiving and Christmas are among the ten (10) secular federal holidays recognized as an element of our rich American heritage that may have a religious significance to some. These holidays are recognized and observed at all levels of government including our own.
5. The Board hereby refers to the majority opinion in Lynch v. Donnelly, 465 U.S. 668 (1984) in attempting to determine its obligation in this matter. Chief Justice Warren E. Burger represented the court's opinion when he stated that, "Nor does the constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." Again, the words of Warren Burger in Lynch v. Donnelly, “It is clear that neither the 17 draftsmen of the Constitution who were Members of the First Congress, nor the Congress of 1789, saw any establishment problem in the employment of congressional Chaplains to offer daily prayers in the Congress, a practice that has continued for nearly two centuries. It would be difficult to identify a more striking example of the accommodation of religious belief intended by the Framers.”
6. Indeed, federal law and U.S. constitution require the District to recognize and accommodate Martin Luther King’s birthday, Thanksgiving and Christmas in order to preserve our cultural identify, despite having religious significance to some: Executive Orders and other official announcements of Presidents and of the Congress have proclaimed both Christmas and Thanksgiving National Holidays in religious terms. And, by Acts of Congress, it has long been the practice that federal employees are released from duties on these National Holidays, while being paid from the same public revenues that provide the compensation of the Chaplains of the Senate and the House and the military services. See J.Res. 5, 23 Stat. 516. Thus, it is clear that Government has long recognized -- indeed it has subsidized -- holidays with religious significance.” Lynch v. Donnelly.
7. Justice Burger also made an affirmative statement, which carries the force of law, that sets forth the constitutional instruction for recognizing Christmas and its observances: “To forbid the use of this one passive symbol -- the crèche -- at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures opens sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings.” Lynch v. Donnelly. This statement sums up the notion that federal holiday observances are an American cultural tradition that properly takes place in public schools and that such observances are critical to the preservation of our heritage. Therefore, this District shall recognize breaks surrounding such federal holidays by name on our calendars and accommodate historical and cultural activities related to their observation.

Adopted: 9-15-15

Legal References:

* Constitution of Colorado, Article II, Section 4 (religious freedom)
* 20 U.S.C. 7904 (No Child Left Behind Act of 2001)
* C.R.S. 22-1-120 (rights of free expression for public school students)
* Lynch v. Donnelly, 465 U.S. 668 (1984)

## 2H. Tobacco Free Schools

1. Tobacco smoke in the school and work environment is not conducive to good health. As an educational organization, a school district should provide both effective educational programs and a positive example to students concerning the use of tobacco.
2. To promote the general health, welfare, and well-being of students and staff, smoking, chewing, or any other use of any tobacco products by staff, students, and members of the public is prohibited on all Education reEnvisioned BOCES property. Possession of any tobacco product by students is prohibited on Education reEnvisioned BOCES property.
3. For purposes of this policy, the following definitions apply:
   1. “School property” means all property owned, leased, rented, or otherwise used or contracted for by a school including but not limited to the following:
      1. All indoor facilities and interior portions of any building or other structure used for children under the age of eighteen (18) for instruction, educational or library services, routine health care, daycare or early childhood development services, as well as for administration, support services, maintenance, or storage.
      2. All school grounds over which the school exercises control including areas surrounding any building playgrounds, athletic fields, recreation areas, and parking areas.
      3. All vehicles used by the Education reEnvisioned BOCES/school for transporting students, staff, visitors, or other persons.
      4. All vehicles used by the Education reEnvisioned BOCES/school for transporting students, staff, visitors, or other persons.
      5. At a school sanctioned activity or event.
   2. “Tobacco product” means:
      1. Any product or facsimile thereof 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, and chewing tobacco; and
      2. 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.
      3. “Use” means lighting, chewing, smoking, ingesting, or application of any tobacco product.
4. Signs will be posted in prominent places on all Education reEnvisioned BOCES/school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and Education reEnvisioned BOCES policy. This policy will be published in all employee and student handbooks, posted on bulletin boards, and announced in staff meetings.
5. Any member of the general public considered by the Executive Director or designee to be in violation of his policy will be instructed to leave Education reEnvisioned BOCES property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.
6. 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: 1-12-16

Legal References:

* 20 U.S.C. 7181 et seq. (Pro-Children Act of 2001 contained in No Child Left Behind Act of 2001 prohibits smoking in any indoor facility used to provide educational services to children.)
* C.R.S. 18-13-121(furnishing tobacco products to minors)
* C.R.S. 22-32-109 (1)(bb) (policy required prohibiting tobacco use on school grounds)
* C.R.S. 22-32-109.1 (2)(a)(I)(H) (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)
* 6 CCR 1010-6, Rule 5-306

## 2I. Safe Schools

1. The Board recognizes that effective learning and teaching take place in a safe, secure, and welcoming environment and that safe schools contribute to improved attendance, increased student achievement, and community support. To that end, the Board hereby directs the Executive Director to implement, throughout the Education reEnvisioned BOCES, the Safe Schools Plan that has been created and adopted by Falcon School District 49, where applicable. This implementation shall include, but not be limited to, the following:
   1. Procedures that address the supervision and security of school buildings and grounds.
   2. Procedures that address the 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 aim 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.
   11. Procedures to provide for regular communications between Education reEnvisioned BOCES 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.
2. The Executive Director will collect feedback and concerns related to school safety expressed by the DAC, SACs, staff, students, parents, or other community members, as well as any other relevant data or concerns, and periodically report this information to the Board.
3. As deemed appropriate, the Board will consider modifications to the Safe Schools Plan, based on community feedback, relevant data, or other identified concerns.

Adopted: 1-12-16

Legal References:

* C.R.S. 9-1-101 through 9-1-106 (construction requirements, fire escapes, etc.)
* C.R.S. 22-3-101 through 22-3-104 (eye protection devices)
* C.R.S. 22-32-109.1 (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. 22-32-110 (1)(k)
* C.R.S. 22-32-124 (2), (3) (building inspections)
* C.R.S. 24-10-106.5 (duty of care)

## 2J. Accreditation

1. The Board believes that its primary responsibility is to provide leadership in the area of student achievement. In order to foster greater accountability and enhance improvement in student achievement in the Education reEnvisioned BOCES, the Board shall accredit the schools within the Education reEnvisioned BOCES, as well as enter into an accreditation contract with the State Board of Education.
2. Education reEnvisioned BOCES Accreditation. The accreditation contract shall bind the Board to manage the Education reEnvisioned BOCES 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. At a minimum, the accreditation contract shall address the following elements:
   1. The Education reEnvisioned BOCES’s level of attainment on the four key performance indicators: student longitudinal academic growth, student achievement on statewide assessments, postsecondary and workforce readiness, and progress made on closing the achievement and growth gaps;
   2. The Education reEnvisioned BOCES’s adoption and implementation of its performance, improvement, priority improvement or turnaround plan (whichever is required based on the district's assigned accreditation category);
   3. The Education reEnvisioned BOCES’s implementation of its system for accrediting its schools; and
   4. The Education reEnvisioned BOCES’s substantial, good-faith compliance with the provisions of Title 22, C.R.S. and other statutory and regulatory requirements applicable to boards of cooperative education services.
3. 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.
4. School Accreditation. While the state accredits the Education reEnvisioned BOCES, the Education reEnvisioned BOCES Board accredits the schools within the Education reEnvisioned BOCES. Therefore, the Executive Director is directed to develop a school accreditation process for the Board’s input and approval. The school accreditation process shall be developed in accordance with state law and shall honor approved innovation waivers.
5. The Board's accreditation of its schools shall emphasize attainment on the four key performance indicators: student longitudinal academic growth, student achievement on statewide assessments, postsecondary and workforce readiness, and progress made on closing the achievement and growth gaps. The Board may adopt additional accreditation indicators and measures for Education reEnvisioned BOCES schools that meet or exceed the state standards for Education reEnvisioned BOCES accreditation. In accordance with law, the school accreditation process shall include a review of each full-time online program's alignment to the State Board of Education's quality standards for online programs.
6. The Board directs the Executive Director 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 and shall assign an accreditation category to each district school on an annual basis. The accreditation process shall also require each Education reEnvisioned BOCES school to enter into an accreditation contract with the Board that is comparable to the accreditation contract between the Board and the State Board of Education. By October 15 of each year, the district shall provide the Colorado Department of Education with the accreditation category assigned to each Education reEnvisioned BOCES school.
7. In accordance with the process required by the Education Accountability Act of 2009 and applicable State Board of Education rules, the Executive Director, principals and other Education reEnvisioned BOCES administrators shall develop a proposed school performance, improvement, priority improvement or turnaround plan for each Education reEnvisioned BOCES school.
8. Pursuant to the Board's 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: 1-12-16

Legal References:

* Colo. Const. Art. IX, Sect. 15 (Board has control of instruction within the district)
* C.R.S. 22-7-407 (Adoption of content 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)
* 1CCR 301-1, Rules 2202-R-1.00 (State Board of Education rules for the Administration of the Accreditation of School Districts)

# 3. Board Governance and Operations

## 3A. Board Composition, Terms and Vacancies

1. Composition.
   1. Governing Members. Each board of education or post-secondary institution that is a part of the cooperative agreement shall appoint one ERBOCES board member and one alternate from its membership in accordance with C.R.S. §22-5-104(2)(b). In addition, the ERBOCES board may appoint up to four (4) additional board members from the population at-large.
   2. Associate Members. The ERBOCES Executive Director may appoint and remove Associate Members of the ERBOCES at will. An Associate Member is a Colorado school district or Colorado institute of higher education. Associate Members may not vote and have no power to direct the actions of the BOCES. Associate Members may attend any BOCES board meeting and participate in the BOCES education community dialogue by providing thought leadership concerning new education models and input regarding expansion of school choice or other education reform. Associate Members will participate in an annual members meeting (Education 2.0 Roundtable).
2. Terms. Terms are specified in 22-5-104, C.R.S. and shall not exceed three years.
   1. District Board Member. The term of office of each voting Board member shall be coterminous with the Board member’s term of office on his or her board of education, not to exceed 3 years.
   2. District Employee. If the board of education’s representative is an employee of the district the appointment term shall not exceed three years. If the employee ceases to be an employee of the school district while serving on the Education reEnvisioned BOCES Board it shall create a vacancy on the board.
   3. Associate Member. As Associate Members have no governing authority, there is no term of office.
3. Vacancies. When a BOCES Board member’s term of office expires, he or she resigns, or a vacancy is declared for some other reason, a replacement to the BOCES Board shall be appointed by the participating member’s Board within thirty days after the vacancy is declared.

Updated:3-7-23

Adopted: 5-31-17

Legal References:

• C.R.S. § 22-5-101 et. seq. (Boards of Cooperative Services Act of 1965)

• C.R.S. § 22-5-104 (Board membership and terms)

## 3B. Board Duties and Powers

The BOCES Board will exercise its powers and be responsible for the duties as set forth in applicable laws and regulations, found principally in C.R.S. § 22-5-107 & 108.

Adopted: 5-31-17

Legal References:

• C.R.S. § 22-5-107 & 108 (Board powers and duties)

## 3C. Board Officers and Duties

1. Elected Officers. The Board shall elect from its own membership a President, Vice President, Treasurer, and Secretary, who shall each hold these offices for two years, unless they resign or their terms of office as board members of their respective districts or institutes of higher education expire earlier, in which case the officer’s term in office shall similarly expire. The secretary and treasurer may or may not be a member of the Board. At the discretion of the Board, the same individual may hold the offices of secretary and treasurer, and is then responsible for the duties of both offices. A newly-elected officer shall assume the duties of office immediately upon election. Inasmuch as the selection of a new officer on a smaller board frequently requires a shifting of officers, it shall be permissible for a member to be nominated for another office without resigning the current office. Upon election to the new office, the former office shall be declared vacant and another member elected to fill that position.
2. Election of Officers.
   1. Date. The election of officers shall occur at the first regular meeting after the commencement of the new fiscal year, every other year. The immediate past President, or in the absence of the immediate past President, the immediate past Vice President, shall serve as President of the meeting until a new President is elected. In the absence of both the immediate past President and the immediate past Vice President, the Board shall elect from its members a President pro tem in accordance with this section to conduct the meeting until a new President is elected.
   2. Nominations. Nominations shall be made from the floor. Each nomination shall require a second. A nominee must be present or have given written consent to his/her candidacy. No member may both nominate and second any individual candidate.
   3. Election Procedure. Elections shall be by secret ballot, except in the case of a single nominee for an office, when election may be voice vote. Balloting for each office shall immediately follow the nominations from the floor for that office. Each member may vote for no more than one nominee on each ballot. A majority vote of those members present shall elect the new officers.
   4. Vacancies.
      1. President. A vacancy in the office of President shall be filled immediately by the Vice President. An election to select a new Vice President shall be held at the next regularly scheduled meeting.
      2. Vice President, Treasurer or Secretary. A vacancy in the office shall be filled by election at the next regular meeting.
      3. Duties of Officers.
         1. President. The President is the presiding officer of the Board and shall perform the following duties:
            1. Preside at all regular and special meetings;
            2. Work with the Executive Director to develop meeting agendas;
            3. Recognize speakers and enforce procedural rules and time limits to protect the body from frivolous or dilatory dialogue and debate in order to maintain proper order and decorum within the meeting;
            4. Expedite business in every way compatible with the rights of Board members.
            5. Ensure that Board meetings follow Robert’s Rules of Order, unless adopted bylaws or policies direct otherwise;
            6. Respond or designate a person to respond to inquiries from other Board members related to parliamentary procedure, factual information or business of the body;
            7. Decide all questions of order subject to appeal;
            8. Authenticate by his or her signature, when necessary, all acts, orders, reports, and proceedings of the Board;
            9. Sign any written contract to which the BOCES is a party when such a contract shall require authorization of the Board;
            10. Serve as official spokesperson for the Board;
            11. Support and provide opportunities for the Board’s growth and professional development;
            12. Declare a meeting adjourned;
            13. Perform other duties as delegated by the Board.
         2. Vice President. The Vice President shall perform the following duties:
            1. Act as presiding officer in the absence of the President;
            2. Perform duties as designated by law, or the President, or by the Board.
         3. Secretary. The Secretary, whether elected or a designee of the Board, duly bonded, shall perform the following duties:
            1. Give all notices to and from the Board as may be required and necessary to comply with these policies, provisions of law (including, but not limited to, notice of meetings as required by the Colorado Open Meetings Law, C.R.S. 24-6-401, as amended, et. seq.,) and the wishes of the Board;
            2. Cause written notice to be given to each member of the Board of all special meetings;
            3. Keep as the meeting minutes a record of all action and proceedings of the Board and all of its committees at a central location and transmit copies of such records to Board members and the general public as may be required by these policies or as otherwise required by the Board;
            4. Keep the corporate seal;
            5. Attest to and countersign contracts, documents, and other instruments of the Board executed by the President;
            6. Make certifications on behalf of the Board and perform such other duties as are normally performed by the Secretary of a legally-organized corporate body and those that may be assigned by the Board;
            7. Maintain an up-to-date record of all policy actions of the Board as an appendix to these policies and preserve all documents pertaining to said office.
            8. Other duties as assigned by the President or the Board.
         4. Treasurer. The Treasurer, whether elected or a designee of the Board, duly bonded, shall perform the following duties:
            1. Account for all monies belonging to the BOCES, or coming into its possession, and shall render a complete report, thereof, whenever requested or required by the Board. The Treasurer will provide such reports in cooperation with the Education reEnvisioned BOCES staff members responsible for the financial status of the Education reEnvisioned BOCES and with the Executive Director;
            2. Meet privately with the Education reEnvisioned BOCES’s chief financial officers or any other Education reEnvisioned BOCES staff person at the request of either party to discuss Education reEnvisioned BOCES finances;
            3. Other duties as assigned by the President or the Board.

Adopted: 5-31-17

## 3D. Meetings

1. Time and Date. The Board shall meet at least quarterly in accordance with C.R.S. § 22-5-104(4).
2. Call and Conduct. Meetings shall be called, held, and conducted as set forth in C.R.S § 22-5-105. Regular meetings shall be held in accordance with state law. Additional meetings may be called by the president at any time, and shall be called by him or her upon written request of a majority of the Board members.
3. Notice. The secretary shall provide full and timely public notice shall be provided for each meeting. At a minimum, the notice must be posted in the designated public area no less than 24 hours prior to the meeting, pursuant to C.R.S. 24-6-402(2)(c), as well as the Education reEnvisioned BOCES website. The public place for posting such notice shall be designated annually at the Board’s first regular meeting of each fiscal year. The secretary shall cause each member of the Board to be notified of the starting time, place, and purposed of any regular or special meeting no later than 24 hours prior to the hour set for the meeting. If the members are notified by mail, the notice shall be mailed no later than 72 hours prior to the hour set for the meeting. Any member may waive notice before, during, or after the meeting. Attendance at the meeting shall constitute a waiver of notice.
4. Agenda.
   1. The President shall be responsible for maintaining oversight of the development of the proposed agenda.
   2. The proposed agenda and related materials will be prepared by the Executive Director.
   3. A standard agenda format shall be followed for all regular meetings.
   4. The agenda shall be subject to revision by the Board at the meeting and becomes official upon approval at the beginning of each meeting upon a motion, a second, and a majority vote of those members present to amend the agenda.
   5. Every regular meeting should provide time for citizens to address the Board and the timeframe should be made public through public notice.
5. Conduct of Meeting
   1. A simple majority of the Board constitutes a quorum. A quorum of the Board is required to be present for the board to transact any business at any meeting. In the absence of a regular member, the alternate may be counted toward the required quorum and assume the prerogatives of the regular member;
   2. The order of business for a regular meeting of the Board shall be as set forth in the Agenda unless modified by the President or the Board;
   3. All official actions shall be accomplished by a motion, a second, and voting, which may be by roll call. If a vote is taken by roll call, the names of the Board members shall be called alphabetically and each member present shall vote “yes” or “no” upon each question. There shall be no voting by secret ballot, except in the election of the Board’s own officers. All motions shall be declared lost unless approved by a majority vote of the Board members present. Board members cannot abstain from a vote except in the instance of a conflict of interest, which shall be disclosed by the conflicted member to the rest of the Board. There shall be no provision for proxy voting on any matter to come before the Board, nor any provision for absentee voting.
   4. A period of time shall be scheduled during each regular meeting of the Board for brief comments or questions from the public. Any person addressing the Board must first give his or her name and address to be recorded in the meeting minutes. To promote the efficient conduct of the meeting each member of the public, or multiple members of the public deemed to have similar views on the same topic, will be limited to a total of three (3) minutes to speak, unless more time is needed to accommodate an individual with a disability or the Board President determines that it is in the best interest of the BOCES to allow for a longer period of time. All remarks must be directed to the Board President. Remarks must be appropriate in language and deportment.
6. Board Meetings by Video Conference. Board meetings may be conducted using video teleconferencing technology.
   1. The Board may conduct meetings through video teleconferencing in accordance with the statutes governing boards of cooperative education services C.R.S. §22-5-101 through 22-5- 118.
   2. Meetings shall be held through video teleconferencing when determined by the President of the Board to be appropriate, subject to statutory requirements for the minimum number of meetings to be held in a physical gathering.
   3. Meetings held through video teleconferencing shall be subject to the same procedural requirements including, but not limited to, notice requirements that apply to other meetings.
   4. The physical location(s) specified for regular meetings of the Board of Directors shall be available for public access to any meeting held through video teleconference. The Executive Director may, when feasible, arrange additional or alternative sites for such purposes.
   5. The Executive Director shall establish procedures for implementing this policy.
7. Open Meetings Law
   1. All meetings of three or more Board members at which any Board business, including legislative issues, is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times, except for Executive Session in compliance with C.R.S. § 24-6-401 & 402.
   2. If the Board uses electronic mail or other modes of communication to discuss pending legislation or other public business among a majority of board members, the electronic mail or other mode of communication shall be subject to the same requirements as a meeting.
8. Record of Meeting
   1. The official record of each Board meeting is the written minutes of the meeting, as prepared and signed by the Board secretary.
   2. All official Board records will be prepared, archived, and disseminated under the supervision of the Executive Director.
9. Special Meetings
   1. Special meetings may be called by the Board President or by a majority of the Board members in a written request to the Board President. Special meetings may also be called by the Vice President in the absence of the President. Notice shall be given to all Board members within a reasonable length of time. Notice via telephone or electronic mail is sufficient.
   2. No business other than that stated in the special meeting notice shall be transacted unless all Board members are present and consent to the consideration and transaction of other business.
10. Executive Sessions
    1. The Board may convene an Executive Session at any regular or special meeting with a two- thirds affirmative vote of the quorum present and only for discussion of the following matters:
       1. Conferences with its attorney where the attorney-client privilege applies;
       2. Matters required to be kept confidential by federal law or rules or by state statutes;
       3. Personnel matters, at the request of the affected employee;
       4. Purchase of property;
       5. Specialized details of security arrangements;
       6. Determining positions in matters that may be subject to negotiations with employees or employee organizations, developing strategy for and receiving reports on progress of such negotiations, and instructing negotiators;
       7. Reviewing, approving and/or amending minutes of a previous Executive Session;
       8. Other matters specified in C.R.S. 24-6-402.
    2. No formal action may be taken by the Board in Executive Session. Executive Sessions shall be electronically recorded, which recording shall be maintained for at least 90 days after the date of the Executive Session. No recorded minutes are required for any portion of the Executive Session involving attorney-client conference. However, the attorney representing the Board must provide a written statement that the non-recorded portion of the Executive Session was subject to the attorney-client privilege, which written statement will be included in the minutes of the regular meeting.
    3. Only Board members and individuals invited by the Board may be present during the Executive Session. Discussion and communications received during Executive Session shall remain confidential.
    4. The President shall declare the Executive Session adjourned at its conclusion.
    5. The announcement of Executive Session must include the specific citation from the Colorado Revised Statutes permitting the Executive Session and the identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized.

Adopted: 5-31-17

Legal Refs:

* C.R.S. § 22-5-104(4) (Meetings required at least quarterly) CRS § 22-5-105 (Conduct of meetings)
* C.R.S. 24-6-402(2)(c) (Notice of meetings)
* C.R.S. § 24-6-401 & 402 (Open meetings and executive sessions)

## 3E. Board Travel

For board members and staff traveling outside of their county of residence to attend board meetings, the BOCES will reimburse reasonable travel expenses including mileage of personal vehicle, overnight lodging, and two meals.

Adopted: 3-17-20

# 4. General School Administration

## 4A. Qualifications, Powers and Responsibilities of Executive Director

The BOCES shall employ a chief executive officer to administer the affairs and programs of the BOCES. The position shall be designated as executive director. The executive director shall possess such qualifications as determined by the Board to be necessary and appropriate. The employment of the executive director shall be pursuant to a written contract. Generally, the executive director shall have the authority and responsibility for the implementation of the orders and directions of the Board, for supervising and directing all BOCES personnel, for supervising and implementing all BOCES programs, and for advising the Board on all BOCES matters. The executive director shall act in accordance with BOCES policies and procedures, Board directives, job descriptions, contract requirements and similar proper directives.

1. Job Description

TITLE: Executive Director

QUALIFICATIONS:

1. Colorado state license, or eligible for at time of hire, in the area of Administration
2. Master’s degree in field of education, or related field
3. Five years of relevant experience
4. Such alternatives to the above qualifications as the Board may find appropriate and acceptable.

REPORTS TO: Board of Directors

SUPERVISES: Directly or indirectly all employees of the BOCES

JOB GOAL: To serve as chief administrator of the BOCES and to perform all duties and functions required by the Board.

POSITION SUMMARY

The Executive Director (ED) is responsible for the general management of the Colorado Digital BOCES (Education reEnvisioned BOCES). The Executive Director shall provide strategic direction to the Education reEnvisioned BOCES and its personnel toward the accomplishment of organizational goals, administer the policies of the Board, conserve the organization's assets and resources, and maintain and enhance Education reEnvisioned BOCES' standing in all its internal and external relationships. The ED shall ensure the organization adheres to all state and federal requirements and the Education reEnvisioned BOCES Board policies.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The following duties and responsibilities are intended to describe the general nature and scope of work being performed by the individual assigned to this position. These statements are not intended to be an exhaustive list of all duties and responsibilities; actual duties and responsibilities may vary depending upon time of year, number of schools the Education reEnvisioned BOCES is authorizing, the type of schools the Education reEnvisioned BOCES is authorizing, the Education reEnvisioned BOCES strategic plan and other factors.

Organizational Leadership

* Establishes and maintains a cohesive organization that provides for the effective management of all the essential functions and resources of Education reEnvisioned BOCES.
* Recommends proposed organizational and management structure revisions, including any resource or personnel changes, to the Board.

Strategic Leadership

* Reports the status of all strategic plan goals and external partnerships to the Board.
* Informs the Board on all matters of major importance or significance to the programs, services, and progress of Education reEnvisioned BOCES.

Personnel Leadership

* Recommends and develops personnel and employee policies with the Board.
* Recommends to the Board the assignment, transfer and suspension of all personnel.
* Supervises and conducts periodic evaluations and appraisals of the Education and Operations Director (EOD) performance.
* Recommends salary increases and salary adjustments for all personnel with the Financial Officer (FO) and the EOD.
* Develops programs for personnel recruitment, selection, employment, employee relations, employee benefits, employee safety, personnel evaluation, and compensation administration for Education reEnvisioned BOCES.

Financial Leadership

* Directs the development of the annual budget of Education reEnvisioned BOCES.
* Reviews and recommends programs and supporting data for funds to be included in the annual budget of Education reEnvisioned BOCES, with the FO and the EOD.
* Provides for the overall management of Education reEnvisioned BOCES' financial activities and takes appropriate action to ensure that expenses are kept within the approved budgetary limits of Education reEnvisioned BOCES.

Relationships

* Acts as chief executive officer for and professional advisor to the Board.
* In collaboration with the Board President and the EOO, prepares the Board agenda for all meetings of the Board. Ensures delivery of the agenda with pertinent information on each item well in advance of the meeting.
* Participates in the affairs of local, state, and national professional organizations with the Board designee.
* Serves as a representative of Education reEnvisioned BOCES and its member districts at meetings on the local, state, and national level with the Board designee.
* Maintains a cooperative working relationship between the schools and the community and community agencies.
* Establishes and maintains such other relationships within and outside Education reEnvisioned BOCES as required to carry out his or her responsibility.
* Performs other duties as assigned by the Education reEnvisioned BOCES Board. SUPERVISION/TECHNICAL RESPONSIBILTY
* Directly supervises the Education and Operations Officer. Indirectly supervises all positions within the Education reEnvisioned BOCES.

OTHER SKILLS AND KNOWLEDGE

* Advanced written and oral communication skills
* Exceptionally strong interpersonal relations skills
* Demonstrated working knowledge of policy and procedure development process, budgeting, personnel evaluation, and negotiation
* Operating knowledge of and experience with personal computers, computer software, and basic office equipment

Adopted: 6-21-16

## 4B. Evaluation of Executive Director

The executive director shall be evaluated in accordance with his/her employment contract and this policy.

Through evaluation of the executive director, the Board shall strive to accomplish the following:

1. Clarify the executive director’s role by defining objectives that will contribute to achievement of the BOCES’s goals.
2. Clarify for all Board members the role of the executive director in view of the job description and the immediate priority among responsibilities as agreed upon by the Board and the executive director.
3. Develop positive communication and harmonious working relationships between the Board and the executive director.
4. Provide administrative leadership of excellence for the BOCES school(s) including implementation of education programs for the achievement of the educational objectives of the BOCES, including state and BOCES’s content standards.
5. Measure the executive director's professional growth and development and level of performance.

Nothing in this policy shall be construed to imply in any manner the establishment of any property, contract or personal rights to employment not explicitly established by law or contract. Further, nothing in this policy or the accompanying regulation shall be construed to be a prerequisite to or a condition of suspension, dismissal or termination. All employment decisions remain within the sole and continuing discretion of the Board.

Adopted: 6-21-16

## 4C. Executive Director Conduct

The executive director shall observe the following rules of conduct established in state law. Accordingly, the executive director shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially 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 the position or which the executive director knows or should know is primarily for the purpose of a reward for action taken in which discretionary authority was exercised.
3. Engage in a substantial financial transaction for private business purposes with a person whom the executive director supervises.
4. Perform any action in which the executive director has discretionary authority which directly and substantially confers an economic benefit on a business or other undertaking in which there is substantial financial interest or in which the executive director is engaged as counsel, consultant, representative or agent.

The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for the executive director to receive:

1. An occasional nonpecuniary gift which is insignificant in value.
2. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the executive director is scheduled to participate.
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the position.
5. Items of perishable or nonpermanent value including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.
6. Payment for speeches, appearances or publications reported as honorariums. It shall not be considered a breach of conduct for the executive director to:
   1. Use BOCES facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
   2. Accept or receive a benefit as an indirect consequence of transacting BOCES business.

Adopted: 6-21-16

LEGAL REFERENCES:

* C.R.S. 18-8-308 (disclosure of pecuniary conflicts of interest)
* C.R.S. 22-5-108 (powers of the board)
* C.R.S. 22-32-110 (1)(k) (power to adopt conduct rules)
* C.R.S. 24-18-104 (government employee rules of conduct)
* C.R.S. 24-18-109 (local government employee rules of conduct)

## 4D. Administrative Organization

The authority of the Board shall generally be exercised through the executive director. However, nothing in these Board policies shall be construed as preventing or limiting the Board from acting otherwise at its discretion.

The executive director shall have the authority to organize and reorganize lines of authority and administrative staff as the executive director deems appropriate, subject to Board review and/or other Board directives or requirements.

Adopted: 6-21-16

## 4E. Policy Implementation

The executive director has responsibility and authority for carrying out the policies established by the Board. The executive director shall develop additional administrative regulations or procedures consistent with Board policies.

In the development of administrative regulations or procedures, the executive director shall strive to involve, at the planning stage, those who would be affected by such rules including, where appropriate, staff members, students, parents, and the public. The executive director shall weigh with care the counsel given by representatives of staff, student and community organizations. The executive director shall inform the Board of such counsel in presenting reports of administrative regulations and in presenting any regulations for Board approval.

The Board itself shall approve regulations or procedures when specific state or federal laws require the Board to do so or when the Board or executive director considers such approval desirable. The executive director will develop a method for disseminating BOCES policies and regulations to BOCES employees, students, parents/guardians, and members of the public who are affected by them.

Adopted: 6-21-16

## 4F. Handbooks and Derivatives

In order that pertinent Board policies, BOCES regulations and/or school rules may be known by all staff members and students and families affected by them, BOCES administrators are granted authority to issue handbooks, including a staff handbook, as found necessary and desirable.

It is essential that the contents of all handbooks conform with BOCES-wide policies and regulations. It also is important that all handbooks bearing the name of the BOCES be of a quality that reflects credit on the BOCES. Therefore, the Board expects all handbooks to be approved by the Board and/or executive director prior to publication.

The Board shall review and approve the BOCES-wide personnel handbooks so that the contents may be accorded the status of Board-approved policy and regulation. The executive director shall use judgment as to whether other specific handbooks need Board approval. However, all handbooks published shall be made available to the Board for informational purposes.

Adopted: 6-21-16

## 4G. Administration in Absence of Policy

In cases when action must be taken and the Board has provided no guides in policy for such action, the executive director shall have the power to act in accordance with applicable law.

The executive director’s decisions, however, shall be subject to review by the Board at its next regular meeting. It shall be the duty of the executive director to inform the Board promptly of such action and of the need for policy.

Adopted: 6-21-16

## 4H. Executive Director Accountability Committee

The Board accepts its ultimate responsibility for the academic accomplishments of its 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.

The Executive Director Accountability Committee (EDAC) shall have those powers and duties prescribed by state law. The Board and the EDAC shall, at least annually, cooperatively determine the areas and issues, in addition to budget issues, that the EDAC shall study and the issues on which it may make recommendations to the Board.

On or before September 30 each year, the Board shall certify, by resolution, a slate of EDAC members for the school year. Parents and community members of the EDAC shall serve two year terms.

All EDAC meetings shall be open to the public. Meeting notices shall be posted in the same place and manner as notices of Board meetings and shall also be posted on the Education reEnvisioned BOCES website.

The Executive Director Accountability Committee (EDAC) shall consist of at least:

* Three parents of students enrolled in BOCES schools;
* One teacher employed by a BOCES school;
* One school administrator employed by a BOCES school; and
* One person who is involved in business in the community.

A person may not serve in more than one of the required membership roles on the EDAC. A person who is employed by the BOCES or related to a BOCES employee shall not be eligible to serve as a parent on the EDAC. “Related” means the person’s spouse, son, daughter, sister, brother, mother, or father. If, however, the BOCES 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 EDAC and also be employed by the BOCES or related to a BOCES employee.

The Board shall appoint persons to the EDAC. In making these appointments, it shall ensure to the extent practicable, that the parents appointed reflect the student populations significantly represented within BOCES schools.

If the Board chooses to increase the number of persons on the EDAC, 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 EDAC will serve terms of two years. The EDAC shall select a parent representative to serve as chair or co-chair. The members of the committee shall elect a member to serve as Secretary. Both offices will be for the term of one year. The EDAC shall establish a schedule of meetings with at least four meetings per year and adopt general rules for its operation.

Adopted: 6-21-16

LEGAL REFERENCES:

* C.R.S. 22-11-301 (membership of accountability committees)
* C.R.S. 22-11-302 (powers and duties of accountability committees)

# 5. Fiscal Management

## 5A. Financial Management Goals and Priority Objectives

The Board recognizes that money and money management comprise the foundational support of the BOCES’s programs and services. To make that support as effective as possible, the Board intends:

1. To require advance planning through the best possible budget procedures.
2. To explore all practical and legal sources of revenue.
3. To study and guide the expenditure of funds so as to achieve the greatest returns.
4. To require maximum efficiency in accounting and reporting procedures.

Adopted: 3-15-16

LEGAL REFERENCES:

• C.R.S. 22-5-106 (financing, budgeting and accounting)

## 5B. Financial Administration

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

1. Expending BOCES funds. The Executive Director shall take reasonable steps to ensure that only funds that have been received in the fiscal year to date are expended, unless authorized by Board resolution.
2. Reporting to Board and community
   1. Audits. All BOCES funds and accounts shall be audited by an independent auditor annually in accordance with state law. All BOCES funds and accounts shall be reviewed internally on a quarterly basis. Timely and appropriate corrective actions shall be taken in accordance with any internal or external audit findings. The Board shall receive all audit reports and be informed of all corrective actions taken.
3. Financial reports. The Executive Director or designee shall prepare and submit to the Board each time the Board meets a cash receipts and disbursements report. The Executive Director or designee shall prepare and submit to the Board a quarterly fiscal actions report of all BOCES funds. The quarterly report shall include:
   1. The actual amounts spent and received as of the date of the report from each of the funds budgeted by the BOCES for the fiscal year, expressed as dollar amounts and as percentages of the annual budget
   2. the actual amounts spent and received for each fund for the same period in the preceding fiscal year, expressed as dollar amounts and as percentages of the annual budget
   3. The expected year-end fund balances, expressed as dollar amounts and as percentages of the annual budget
   4. A comparison of the expected year-end fund balances with the amount budgeted for that fiscal year

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

1. Reconciliation report
   1. The Executive Director or designee shall prepare for the Board an itemized reconciliation between the fiscal year-end fund balances based on the budgetary basis of accounting and the modified accrual basis of accounting. The reconciliation shall include, but is not limited to, the liability for accrued salaries and related benefits. The reconciliation shall be included with the final version of the amended budget and the annual audited financial statements.
   2. The Board shall receive all financial reports in a timely manner and be informed of all corrective actions taken.
   3. The Executive Director or designee shall conduct quarterly financial reviews with the Board using reports described above.
   4. The Board may request other financial reports as needed.
2. Oral notification. The Executive Director shall assure that immediate verbal notification be given to the Board regarding any potential financial problem or any matter that may affect the BOCES’s financial condition.
3. Available to public. All financial and audit reports shall be made available to the public and shall be posted online in accordance with the Public School Financial Transparency Act.
4. Legally-required reports. Reports and filings required by state and federal law and agencies shall be accurately and timely filed.
5. Record keeping. Complete and accurate financial records shall be kept for all BOCES funds and accounts.
6. Operating losses or deficits
   1. The Executive Director, as well as all fund directors, program directors, department heads and school principals, shall take all reasonable steps to identify funds, programs, departments or schools that may end the fiscal year with an operating loss or deficit. A corrective action plan shall be developed and implemented within 30 days of such identification.
   2. The Executive Director, as well as all fund directors, program directors, department heads and school principals, shall develop and implement processes whereby variations or deviations in cash flow, revenues or other important financial indicators can be identified and dealt with in a timely manner.
7. Employee reporting. The Executive Director shall develop and implement procedures to encourage all BOCES employees to report suspected financial problems or wrongdoing. No adverse employment decisions shall be taken in response to a good faith report by an employee.
8. Contingency planning. The Executive Director or designee shall continually be aware of the financial and political landscape both internally and externally and shall develop contingency plans against possible events.

Adopted: 3-15-16

LEGAL REFERENCES:

* C.R.S. 22-5-106 (financing, budgeting and accounting)
* C.R.S. 22-44-105 (1.5)(b) (itemized reconciliation)
* C.R.S. 22-44-301 et seq. (Public School Financial Transparency Act)
* C.R.S. 22-45-102 (1)(b) (quarterly financial reports)

## 5C. Annual Budget

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

1. Five-year budget plan. The Executive Director or designee is directed to develop, subject to annual approval by the Board, a five-year budget plan that assures the future financial viability of the BOCES and achievement of the BOCES’s objectives and also takes into account future revenue and future increases in operating expenses.
2. Budget process
   1. In accordance with state law, the budget shall be presented in a summary format that is understandable by any layperson. The budget format shall itemize expenditures of the BOCES by fund. It shall describe the expenditure and show the amount budgeted for the current fiscal year and the amount budgeted for the ensuing fiscal year. When budgeting for any enterprise funds, the BOCES shall use the full accrual basis of accounting.
   2. The budget shall include a uniform summary sheet for each fund administered by the BOCES that details the beginning fund balance and anticipated ending fund balance for the budget year; the anticipated fund revenues for the budget year; the anticipated transfers and allocations that will occur to and from the fund during the budget year; the anticipated expenditures that will be made from the fund during the budget year; and the amount of reserves in the fund.
   3. The Board assigns to the Executive Director overall responsibility for annual budget preparation, budget presentation and budget administration. As part of the Executive Director’s budget responsibility, the Executive Director shall cause to be prepared a budget preparation calendar that shall ensure all deadlines established by law for budget presentation, hearings and adoption are met by the BOCES. The Executive Director shall have authority to delegate portions of his or her budget responsibility to the business manager of the BOCES.
   4. The budget prepared and presented by the Executive Director shall be consistent with the Board’s budget priorities established in policy 5.A.
3. Operating reserve
   1. Maintaining a fiscal year-end fund balance as an operating reserve is a beneficial and sound financial management practice. The Board assigns to the Executive Director or designee the responsibility of accumulating and maintaining a general fund balance as an operating reserve in an amount determined by the Board.
   2. The operating reserve is intended to serve as a “rainy day” fund and will be used only for an unexpected loss of revenue or an extraordinary expenditure. Expenditures from this reserve shall be reported to the Board. If any part of the operating reserve is used in any fiscal year to cover an unexpected loss of revenue or an extraordinary expenditure, funds will be reallocated to restore the year-end fund balance in the operating reserve before any other budget allocations in the subsequent fiscal year, unless the Board approves otherwise.

Adopted: 3-15-16

LEGAL REFERENCES:

* C.R.S. 22-5-106 (financing, budgeting and accounting, BOCES follow school district budget laws, as applicable)
* C.R.S. 22-5-107 (duties of board)
* C.R.S. 22-5-108 (powers of board)
* C.R.S. 22-11-302 (1)(a) (district accountability committee budget recommendations
* C.R.S. 22-32-109 (1)(b) (board duty to adopt policies for the efficient administration of the BOCES)
* C.R.S. 22-44-101 through 112 (1), (2) (school district budget law, Board shall cause a proposed budget to be prepared and shall adopt a budget for each fiscal year)
* C.R.S. 22-44-113 through 22-44-115 (1), (3) (school district budget law, borrowing and expenditures)
* C.R.S. 22-44-115.5 through 119 (school district budget law, fiscal emergency and reserves)
* C.R.S. 22-44-301 et seq. (Public School Financial Transparency Act)
* C.R.S. 29-1-103 (3) (budget to reflect lease-purchase payment obligations)

## 5D. Determination of Budget Priorities

Budget planning shall be based upon the directions and policies adopted by the Board.

The Executive Director or designee shall cause to be prepared compilations of budget requests, shall convert BOCES requirements for staffing and other allocations to actual dollar costs, and shall include an estimate of financial resources available.

The Board shall retain continuing discretion regarding appropriate expenditures of BOCES moneys.

Contributions from members of the BOCES shall be on the basis of a proportionality agreed upon by the participating members and such agreement shall be formalized by appropriate documentation in the budget.

To fulfill its obligation regarding BOCES resources, the Board must know how resources are currently allocated, whether such allocation is effective and what changes should be made to achieve the greatest returns. The Executive Director shall develop a comprehensive and ongoing system to collect and analyze resource allocation information. The analysis of this information shall form the basis for the budget prepared by the Executive Director for presentation to the Board. The system shall:

1. Determine how resources are currently allocated by program or school
2. Align with the state’s Chart of Accounts
3. Identify ways to better use resources to achieve the BOCES’s objectives
4. Provide organizational transparency

The Executive Director Accountability Committee (EDAC) shall make recommendations to the Board relative to priorities for expenditures of BOCES funds and provide a copy of the recommendations to the Executive Director. The Board shall consider these priorities when it adopts the annual budget. The Executive Director shall consider the EDAC recommendations when preparing the budget to be presented to the Board.

Accordingly, the budget prepared and presented by the Executive Director shall:

1. Be derived from a five-year plan
2. Include contingency plans in the event budget assumptions prove erroneous {if the Board adopts optional language in policy DB establishing an operating reserve}
3. Be in a summary format understandable by a lay person
4. Itemize BOCES expenditures by fund
5. Include information regarding program [and school-level] expenditures
6. Adequately describe proposed expenditures
7. Show the amount budgeted for the current fiscal year and the amount budgeted for the ensuing fiscal year
8. Consider recommendations made by the EDAC relative to priorities for expenditures of BOCES funds
9. Contain enough information to enable credible projection of revenue and expenses
10. Disclose budget planning assumptions
11. Not excessively rely on nonrecurring revenues
12. Not provide for expenditures, inter-fund transfers or reserves in excess of available revenues and beginning fund balances
13. Not include the use of beginning fund balance unless the Board has adopted a resolution as described in state law specifically authorizing such use
14. Provide adequate and reasonable budget support for Board development and other governance priorities, including the costs of fiscal audits, Board and committee meetings, Board memberships and BOCES legal fees
15. Take into consideration fiscal soundness in future years and plans for the building of organizational capabilities sufficient to achieve the Board’s goals in future years
16. Reflect anticipated changes in employee compensation including inflationary adjustments, step increases, performance increases and benefits
17. Achieve a general fund balance of 3% as required by TABOR by June 30 each year.
18. Comply with state and federal law
19. Provide sufficient resources to address the BOCES’s facility needs.

Adopted: 3-15-16

LEGAL REFS.:

* C.R.S. 22-5-106 (financing, budget and accounting)
* C.R.S. 22-11-302 (1)(a) (BOCES accountability committee budget recommendations)
* C.R.S. 22-44-105 (1.5) (budget parameters regarding expenses not exceeding revenue and use of beginning fund balance)

## 5E. Purchasing/Purchasing Authority

The Board's authority for the purchase of materials, equipment, supplies and services is extended to the Executive Director through the detailed listing of such items compiled as part of the budget-making process and approved by the Board through its adoption of the annual operating budget.

Except in emergencies or for reasons of economy, the annual purchase of major pieces of equipment shall be scheduled so that annual budgetary appropriations for capital purposes will be of similar size or will show a continuous trend without severe fluctuations.

The Executive Director shall direct the purchase of supplies, equipment and other materials as is required and permitted within the limits of the budget. The purchase of these items shall require no further Board approval except in those instances where Board policy requires certain purchases to be put to bid. However, any single, non-budgeted purchase or expenditure greater than $50,000, shall require advance approval by the Board.

In order to receive the greatest value for each dollar expended, it shall be the policy of the BOCES to obtain comparative prices based on similar quality, to consider a balance between long-term quality and cost, and to purchase in quantity whenever possible and practical.

Adopted: 3-15-16

LEGAL REFS.:

* C.R.S. 22-5-107 (duties of board)
* C.R.S. 22-32-109 (1)(b) (board duty to adopt policies for the efficient administration of the BOCES)

## 5F. Bidding Requirements

All contractual services and purchases of supplies, materials and equipment in the amount of $50,000 or more shall be put to bid. This shall not apply, however, to professional services.

Other purchases may be made in the open market but shall, when possible, be based on competitive quotations or prices. All contracts and all open market orders shall be awarded to the lowest responsible qualified supplier, taking into consideration the quality of materials (services) desired and their contribution to program goals.

With regard to materials or services for which bids are required, the Executive Director or designee shall develop a procedure to pre-qualify bidders. Suppliers shall be invited to have their names placed on mailing lists to receive information about pre-qualifying. When specifications are prepared, they shall be mailed to all merchants and firms who have pre-qualified. Only pre-qualified bidders may submit bids.

All bids shall be submitted in sealed envelopes, addressed to the Executive Director, and plainly marked with the bid number and the time of the bid opening. Bids shall be opened by appropriate BOCES officials or employees at the time specified.

The Board reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the BOCES.

The bidder to whom an award is made shall be required to submit to the BOCES proof of liability insurance and when appropriate, proof of workers’ compensation insurance, and may be required to enter into a written contract with the BOCES. Any written contract shall include a provision requiring a criminal background check for any person providing direct services to students under the contract, including but not limited to transportation, instruction or food services as required by law. The contracting entity is responsible for any costs associated with the background check.

Adopted: 3-15-16

LEGAL REFS.:

* C.R.S. 22-32-109 (1)(b) (board required to adopt bidding procedures)
* C.R.S. 22-32-122 (4) (background check provision required in service contracts for services performed for a school or with students)
* C.R.S. 24-18-201 (public official’s interest in contract)

## 5G. School Startup Loans

Any proposed school or home school enrichment program (“program”) submitting an application for

authorization by the BOCES and any BOCES authorized school or program within its first three years of

operation may request a single School Startup Loan in an amount of up to $100,000. The request must

be received in writing or may alternatively take the form of a clearly stated line item using the words

“School Startup Loan” in the revenue section of the school’s first year budget included in the application

for authorization.

If such a loan is requested during the application cycle, the school or program budget template

submitted for authorization shall be updated to include the loan, and the updated budget submitted to

the BOCES.

Up to five (5) loans, together not exceeding the loan amount authorized in the BOCES budget for the

year, will be granted. School Startup Loans will only be granted subject to a fully executed loan

agreement which the BOCES will not sign until the school is authorized by the BOCES Board and an

operating agreement between the school operator and the BOCES has been fully executed. The loan

agreement must include the following terms:

1. The funds will not be made available to the school or program before July 1 of the first year of

operation nor after June 30 of the third year of operation;

2. The loan shall be repaid at $1,500 per month for loan amounts of $75,000 or over and $1,000 per

month for loan amounts less than $75,000. Repayment shall start in July of the second year of

operation of the school or program or the first day of the month following issuance of funds, whichever

is later. Monthly repayment installments shall continue until the loan principal is repaid in full.

3. No interest shall be charged for the loan.

4. Any portion of the loan may be repaid early, but the monthly payments in (2.) above must continue

until the loan principal is repaid in full.

5. If the school closes permanently for any reason and is expected to remain closed for twelve months

or more, the loan repayment schedule will be deferred for the months of closure, up to twelve months,

beginning on the first day of the month following closure. If after the first twelve months of closure have

elapsed the school has not reopened, the remaining loan balance will be forgiven, with no collection for

any funds due after the date of closure. If the school reopens within twelve months of the date of

closure, the monthly payments in (2.) above will resume until the loan principal is repaid in full.

Updated: 3-1-22

Adopted: 3-16-21

# 6. Support Services

## 6A. Hazardous Materials

Hazardous materials include any substance or mixture of substances that poses a fire, explosive, reactive or health hazard as more fully defined by law. The Board, through the executive director, shall cause to be created procedures that address the purchase, storage, handling, transportation, and disposal of hazardous materials located in the BOCES. Emergency response actions and evacuation plans shall be coordinated with the procedures.

The procedures shall comply with all local, state and federal laws and regulations that pertain to the safe and proper storage, transportation and disposal of hazardous materials.

The goal of the procedures shall be to set into place an ongoing process by which each location in the BOCES may begin a program of identifying and managing potentially hazardous materials. BOCES personnel shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible.

Appropriate BOCES personnel shall be trained to take precautions to prevent accidents and to handle them in the event they do occur.

It is not the intent of the Board to expand or modify the BOCES's potential liability exposure through the adoption of this policy. The BOCES's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state or federal law or regulation.

Adopted: 10-21-16

LEGAL REFS.:

* 42 U.S.C. §6901 (1982 & Supp. III 1985) (Resource Conservation and Recovery Act (RCRA) and accompanying regulations)
* 42 U.S.C. §9601 (1982 & Supp. IV 1986) (Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and accompanying regulations)
* 49 U.S.C. 1801 (Hazardous Materials Transportation Act)
* C.R.S. 13-21-108.5 (persons rendering assistance relating to discharge of hazardous materials immune from civil liability)
* C.R.S. 24-10-106.5 (duty of care in Colorado Governmental Immunity Act)
* C.R.S. 25-15-101 et seq. (state hazardous waste management program)
* C.R.S. 29-22-101 et seq. (hazardous substance incidents)
* C.R.S. 42-20-101 et seq. (Hazardous Materials Transportation Act of 1987) [6 CCR 1010-6 (department of public health and environment rules governing schools)]

## 6B. Prevention of Disease/Infection Transmission (Handling Body Fluids)

All schools shall provide a sanitary environment and shall establish routines, recommended by appropriate health professionals, for handling body fluids.

BOCES personnel working with students shall be advised of and follow routine procedures regarding handling body fluids. These procedures shall provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or body fluids of another. These procedures shall be standard health and safety practices developed in consultation with medical personnel. No distinction shall be made between body fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease. Training and appropriate supplies shall be available to appropriate BOCES personnel including those involved in transportation and custodial services.

In addition to ensuring that these health and safety practices are carried out, special emphasis shall be placed in those areas of BOCES operation that potentially present a greater need for these precautions. Under no circumstances shall students be directed or knowingly be allowed to handle body fluids other than their own.

Adopted: 10-21-16

LEGAL REF.:

* 6 CCR 1010-6 (department of public health and environment rules governing schools)

## 6C. Accident Reports

Adequate and prompt accident reporting is essential if similar accidents are to be prevented from happening again. If there are injuries or property damage, prompt reports also are vital in assuring the BOCES staff, students, and others of insurance coverage. Such reports may be important in the event of litigation.

An accident report shall be filed on every accident that takes place on BOCES property, involves a BOCES vehicle, or involves students or staff on school sponsored trips, including staff members on authorized school business trips. Such reports are required whether or not there are any immediately evident injuries or damage to property.

The executive director shall establish procedures for filing accident reports including details that:

1. Might be helpful in preventing similar accidents in the future
2. Are needed for filing insurance claims
3. Might be important in case of litigation

Adopted: 10-21-16

## 6D. School Closings and Cancellations

The executive director is empowered to close the school or any education program or dismiss students early in the event of hazardous weather or other emergencies which threaten the safety, health or welfare of students or staff members. It is understood the executive director will take such action only after consultation with appropriate authorities. The Board shall ratify the closing at its next regular meeting.

Parents, students and staff members shall be informed early in each school year as to how they shall be notified in the event of emergency closings or early dismissals.

Teachers and personnel who work only on teacher work days or on student days, are not expected to work on emergency closure days. All other staff, unless otherwise notified, are required to report to work as soon as possible on emergency closure days.

Adopted: 10-21-16

LEGAL REFS.:

* C.R.S. 22-1-112 (school year and national holidays)
* C.R.S. 22-32-109 (1)(n) (Board’s duty to determine number of instructional/ contact hours/days)
* C.R.S. 22-33-101 et seq. (school attendance law)
* 1 CCR 301-39, Rules 2254-R-2.06 (Board may reduce teacher-pupil instructional/contact time; closings deemed by Board necessary for health, safety or welfare of pupils)

## 6E. Security/Access to Buildings

Security for BOCES buildings and grounds (during regular school hours as well as non-school hours) contributes to the well-being and safety of students and staff as well as to that of the sites themselves.

Each school building shall be inspected annually to address removal of hazards and vandalism and any other barriers to safety and supervision.

During regular school hours, flow of traffic into and out of buildings shall be closely monitored and limited to certain doors. Access to school buildings and grounds outside of regular school hours shall be limited to BOCES personnel whose work requires it and to sponsors of approved student activities.

An adequate key control system shall be established which shall limit access to buildings to authorized BOCES personnel and shall safeguard against entrance to buildings by persons unauthorized to have keys.

"Security" means not only keeping buildings locked and secure but also providing protection against physical hazards and acts of violence. It also includes having available floor plans of buildings and site plans showing campus boundaries and access points. The Board requires and encourages close cooperation with local police, fire and sheriff's departments and insurance company inspectors.

Alarm systems and other devices that protect buildings against illegal entry and vandalism shall be installed where appropriate. Employment of security personnel may be approved by the Board in situations where special risks are involved.

Adopted: 10-21-16

LEGAL REFS.:

* C.R.S. 18-9-112 (definition of loitering)
* C.R.S. 18-9-117 (unlawful conduct on public property)
* C.R.S. 22-32-109.1 (5) (safety and security policy is required part of school safety plan)

# 7. Personnel

## 7A. Open Hiring/Equal Employment Opportunity

The Board subscribes to the principles of the dignity of all people and of their labors. It also recognizes that it is both culturally and educationally sound to have persons of diverse backgrounds on the BOCES's staff.

Therefore, the BOCES shall promote and provide for equal opportunity in recruitment, selection, promotion and dismissal of all personnel. Commitment on the part of the BOCES towards equal employment opportunity shall apply to all people without regard to race, color, creed, sex, sexual orientation (which includes transgender), religion, national origin, ancestry, age, genetic information, marital status, disability or conditions related to pregnancy or childbirth.

The BOCES shall ensure that it does not unlawfully discriminate in any area of employment including job advertising, pre-employment requirements, recruitment, compensation, fringe benefits, job classifications, promotion and termination.

Adopted 10-17-17

LEGAL REFS.:

* 20 U.S.C. §1681 (Title IX of the Education Amendments of 1972)
* 29 U.S.C. §201 et seq. (Fair Labor Standards Act)
* 29 U.S.C. §621 et seq. (Age Discrimination in Employment Act of 1967)
* 29 U.S.C. §794 (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)
* 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)
* C.R.S. 2-4-401 (13.5) (definition of sexual orientation, which includes transgender)
* C.R.S. 22-32-110 (1)(k) (discrimination in employment prohibited)
* C.R.S. 22-61-101 (discrimination in teacher employment prohibited)
* C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division procedures)
* C.R.S. 24-34-301 (7) (definition of sexual orientation, which includes transgender)
* C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)
* 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)
* CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
* GBAA, Sexual Harassment

## 7B. Sexual Harassment

The BOCES is committed to a learning and working environment that is free from sexual harassment. Sexual harassment is recognized as a form of sex discrimination and thus a violation of the laws which prohibit sex discrimination.

It shall be a violation of policy for any member of the BOCES staff to harass another staff member or student through conduct or communications of a sexual nature. Any conduct of a sexual nature directed toward students by teachers or others to whom this policy applies, shall be presumed to be unwelcome. Sexual harassment committed by a BOCES employee in the course of employment shall be deemed a breach of duty, and as such, shall subject the offending employee to disciplinary action. This policy similarly applies to non-employee volunteers or any other persons who work subject to the control of the BOCES.

### Sexual harassment prohibited

For purposes of this policy, unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct of a sexual nature constitutes sexual harassment if:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

The prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

Sexual harassment as defined above may include but is not limited to:

1. Sex-oriented verbal "kidding," abuse or harassment.
2. Pressure for sexual activity.
3. Repeated remarks to a person with sexual implications.
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body.
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns.
6. Sexual violence.

### Reporting, investigation and sanctions

It is the express desire of the Board to encourage victims of, or witnesses to, sexual harassment to report such claims through the ERBOCES’s complaint process provided in Board policy 2E.

Employees who feel that their superiors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon agreement to unwelcome conduct of a sexual nature, are encouraged to report these conditions to the appropriate administrator or to the ERBOCES’s compliance officer.

All reports of sexual harassment received by any ERBOCES employee shall be promptly forwarded to the human resources manager. The human resources manager shall ensure that every complaint is promptly investigated and responded to as set forth in the ERBOCES’s complaint and compliance process. No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment. Requests for confidentiality shall be honored so long as doing so does not preclude the ERBOCES from responding effectively to the harassment and preventing such conduct in the future.

Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, in accordance with applicable Board policy. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with the Board’s policy regarding child abuse reporting.

Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect future employment or work assignments. All matters involving sexual harassment complaints shall remain confidential to the extent possible.

Notice of policy

Notice of this policy shall be circulated to all ERBOCES schools and departments.

Updated 12-6-22

Adopted 10-17-17

LEGAL REFS.: 20 U.S.C. §1681 et seq. (Title IX of the Education Amendments of 1972)

42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act of 1964)

C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division procedures)

C.R.S. 24-34-401 et seq. (discrimination or unfair employment practices)

CROSS REFS.: 2D, Nondiscrimination/Equal Opportunity

2E, Sexual Harassment Investigation Procedures (Title IX)

## 7C. Staff Ethics/Conflict of Interest

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

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

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

Moreover, to avoid a conflict of interest, the BOCES prohibits an employee from exercising supervisory, appointment, dismissal authority, or disciplinary action over a member of the employee’s immediate family. For purposes of this policy, an employee’s “immediate family” includes his or her spouse, partner in a civil union, children and parents. In addition, an employee may not audit, verify, receive or be entrusted with moneys received or handled by a member of the employee’s immediate family. An employee shall not have access to the employer’s confidential information concerning a member of the employee’s immediate family, including payroll and personnel records.

### Conflicts of interest - federally funded transactions

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

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

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

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

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

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

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

Adopted 10-17-17

LEGAL REFS.:

* 2 C.F.R. 200.318(c) (Uniform Grant Guidance – written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds)
* Constitution of Colorado, Article X, Section 13 (felony to make a profit on public funds)
* C.R.S. 14-15-101 et seq. (Colorado Civil Union Act)
* C.R.S. 24-18-109 (government rules of conduct)
* C.R.S. 24-18-110 (voluntary disclosure)
* C.R.S. 24-18-201 (standards of conduct – interests in contracts)
* C.R.S. 24-18-202 (standards of conduct – interests in sales)
* C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)
* C.R.S. 24-34-402 (1)(h) (nepotism provisions)
* CROSS REFS.: DKC, Expense Authorization/Reimbursement (Mileage and Travel)
* GBEB, Staff Conduct (And Responsibilities)
* GCQF, Discipline, Suspension and Dismissal of Professional Staff
* GDQD, Discipline, Suspension and Dismissal of Support Staff

## 7D. Staff Conduct

All staff members have a responsibility to make themselves familiar with and abide by federal and state laws as these affect their work, and the policies and regulations of the ERBOCES.

As representatives of the ERBOCES and role models for students, all staff shall demonstrate and uphold high professional, ethical and moral standards. Staff members shall conduct themselves in a manner that is consistent with the mission of the ERBOCES and shall maintain professional boundaries with students at all times. Interactions between staff members must be based on mutual respect and any disputes will be resolved in a professional manner.

### Rules of conduct

Each staff member shall observe the following rules of conduct established in state law. Accordingly, a ERBOCES employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially the employee’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 the position to depart from the faithful and impartial discharge of the staff member’s duties, or which the staff member knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the staff member supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the staff member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

All staff members shall be expected to carry out their assigned responsibilities with conscientious concern.

It shall be considered a breach of conduct for a staff member to use ERBOCES facilities for any non-BOCES related activities or on behalf of any other organization unless such use is approved by the Executive Director prior to such use.

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

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

Essential to the success of ongoing ERBOCES operations and the instructional program are the following specific responsibilities which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the ERBOCES administration.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of ERBOCES property.
5. Concern and attention toward the safety and welfare of students, including the need to ensure that students are appropriately supervised.

### Child abuse

All ERBOCES employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact in accordance with Board policy and state law.

The executive director is authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a ERBOCES employee. Such information shall remain confidential except that the executive director shall notify the Colorado Department of Education of the child abuse investigation.

### Possession of deadly weapons

The provisions of the policy regarding public possession of deadly weapons on ERBOCES property or in ERBOCES buildings also shall apply to employees of the BOCES. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

### Felony/misdemeanor convictions

If, subsequent to beginning employment with the ERBOCES, the ERBOCES has good cause to believe that any staff member has been convicted of, pled nolo contendere to, or received a deferred or suspended sentence for any felony or misdemeanor other than a misdemeanor traffic offense or infraction, the ERBOCES shall make inquiries to the Department of Education for purposes of screening the employee.

In addition, the ERBOCES shall require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency. Fingerprints must be submitted within 20 days after receipt of written notification. The fingerprints shall be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation.

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of fingerprint processing provide relevant information. Non-licensed employees shall be terminated if the results of the fingerprint-based criminal history record check disclose a conviction for certain felonies, as provided in law.

Employees shall not be charged fees for processing fingerprints under these circumstances.

### Unlawful behavior involving children

The ERBOCES may make an inquiry with the Department of Education concerning whether any current employee of the BOCES has been convicted of, pled nolo contendere to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee’s fitness for employment.

### Personnel addressing health care treatment for behavior issues

ERBOCES personnel are prohibited from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student’s behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used and obtaining prior written permission from the student or from the student’s parent/guardian. See the Board’s policy concerning survey, assessment, analysis or evaluation of students. ERBOCES personnel are encouraged to discuss concerns about a student’s behavior with the student’s parent/guardian and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns ERBOCES personnel may have.

Updated 06-06-23

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 18-12-105.5 (unlawful carrying/possession of weapons on school grounds)
* C.R.S. 18-12-214 (3)(b) (school security officers may carry concealed handgun pursuant to valid permit)
* C.R.S. 19-3-308 (5.7) (child abuse reporting)
* C.R.S. 22-32-109 (1)(ee) (school personnel prohibited from recommending certain drugs for students or ordering behavior tests without parent permission)
* C.R.S. 22-32-109.1 (8) (inquiries upon good cause to department of education for purpose of ongoing screening of employees)
* C.R.S. 22-32-109.7 (inquiries prior to hiring)
* C.R.S. 22-32-109.8 (6) (termination of non-licensed employees for certain felony offenses)
* C.R.S. 22-32-109.9 (licensed personnel – submittal of fingerprints)
* C.R.S. 22-32-110 (1)(k) (power to adopt conduct rules)
* C.R.S. 24-18-104 (government employee rules of conduct)
* C.R.S. 24-18-109 (local government employee rules of conduct)
* C.R.S. 24-18-110 (voluntary disclosure)
* CROSS REFS.: JLC, Student Health Services and Records
* JLDAC, Screening/Testing of Students JLF, Reporting Child Abuse/Child Protection KFA, Public Conduct on BOCES Property

## 7E. Staff Dress Code

Staff members project an image to the community and to students about the professionalism of the BOCES. During the workday and at all work-related activities, employees shall adhere to a professional standard of dress. The executive director or principal has the final authority to decide what professional attire is.

### Unacceptable items

The following items are unprofessional, are deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school and are therefore not acceptable in BOCES buildings, on BOCES grounds, or at BOCES activities:

1. Shorts, dresses, skirts or other similar clothing shorter than mid-thigh length
2. Sunglasses and/or hats worn inside the building
3. Inappropriately sheer, tight or low-cut clothing (e.g., midriffs, halter tops, backless clothing, tube tops, garments made of fishnet, mesh or similar material, muscle tops, etc.) that bare or expose traditionally private parts of the body.
4. Tank tops or other similar clothing with straps narrower than 1.5 inches in width
5. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
   * Refer to drugs, tobacco, alcohol, or weapons
   * Are of a sexual nature
   * By virtue of color, arrangement, trademark, or other attribute denote membership in gangs which advocate drug use, violence, or disruptive behavior
   * Are obscene, profane, vulgar, lewd, or legally libelous
   * Threaten the safety or welfare of any person
   * Promote any activity prohibited by the student code of conduct
   * Otherwise disrupt the teaching-learning process

### Exceptions

Appropriate athletic clothing may be worn when teaching or assisting with physical education classes, or when coaching athletic activities.

Adopted 10-17-17

CROSS REFS.: GBEB, Staff Conduct (and Responsibilities)

JICA, Student Dress Code

## 7F. Alcohol and Drug-Free Workplace

The Board recognizes the importance of maintaining a workplace that is free from alcohol and drugs to enhance the safety and welfare of employees and students and ensure compliance with applicable law. Accordingly, it shall be a violation of Board policy for any BOCES employee to possess, use or be under the influence of alcohol or illicit drugs on BOCES property, in or on BOCES vehicles, at any BOCES- sponsored activity or event, or off BOCES property when the employee is on duty.

For purposes of this policy, “illicit drugs” means narcotics, drugs and controlled substances as defined in law. Although some actions involving marijuana are no longer prohibited by state law, federal law still prohibits the manufacture, sale, distribution, possession and use of marijuana. As a recipient of federal funds, the BOCES has an obligation to maintain a drug-free workplace. Thus, marijuana is an illicit drug for purposes of this policy. “Illicit drugs” also includes any prescription or over-the-counter drug that does not meet the following four criteria: (1) the employee has a current and valid prescription for the drug or the drug is sold over- the-counter; (2) the drug is used or possessed for the purpose for which it was prescribed or sold over-the-counter; (3) the drug is used or possessed at the dosage prescribed or recommended; and (4) the drug is used or possessed consistent with the safe and efficient performance of the employee’s job duties.

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action which may include suspension, termination and referral for prosecution. In appropriate circumstances and at the BOCES’s sole discretion, disciplinary sanctions may include the completion of an approved drug or alcohol abuse assistance or rehabilitation program. Any such program shall be at the employee’s expense. However, the BOCES is not required to offer rehabilitation in lieu of termination or other discipline to any employee who has violated this policy.

After investigation, the executive director may reinstate an employee who has been suspended if it appears to be in the best interests of the BOCES. The matter shall be reported to the Board.

### Drug-Free Workplace Act

Under the federal Drug-Free Workplace Act (the Act), the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in any BOCES workplace. The Act defines “controlled substance” as a controlled substance in schedules I through IV of 21 U.S.C. section 812, which includes but is not limited to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine).

Pursuant to the Act, any employee who is convicted or pleads nolo contendere under any criminal drug statute for a violation occurring in the workplace shall notify the executive director no later than five days after the conviction. The BOCES has an obligation under the Act to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the BOCES and the convicted employee's work site.

### Awareness and prevention program

The executive director shall establish an awareness and prevention program to inform employees about:

1. The dangers of drug and alcohol abuse.
2. The Board's policy of maintaining an alcohol and drug-free workplace.
3. Available drug and alcohol counseling, rehabilitation and employee assistance programs.
4. Penalties that may be imposed upon employees for violations of this policy.

The Board shall conduct a periodic review of its awareness and prevention program to determine its effectiveness and implement appropriate changes.

### Notification to employees

Information about the standards of conduct required by this policy shall be communicated to employees. All employees shall acknowledge receipt of this policy and related information.

Adopted 10-17-17

LEGAL REFS.: 20 U.S.C. 7101 et seq. (Safe and Drug-Free Schools and Communities Act)

21 U.S.C. 812 (definition of controlled substance)

41 U.S.C. 8101 and 8102 (Drug-Free Workplace Act of 1988)

34 C.F.R. Part 84 (regulations implementing the Drug-Free Workplace Act) Colo. Const. Art. XVIII, Section 16(6) (employers may restrict marijuana use, possession, sale, etc. by employees)

C.R.S. 18-18-407 (2) (crime to sell, distribute or possess any controlled substance on or near school grounds or school vehicles)

C.R.S. 25-1.5-106 (12)(b) (possession or use of medical marijuana in or on school grounds or in a school bus is prohibited)

C.R.S. 25-14-103.5 (policy required prohibiting use of retail marijuana on school property)

CROSS REFS.: EEAEAA\*, Drug and Alcohol Testing For Bus Drivers

GCQF, Discipline, Suspension and Dismissal of Professional Staff GDQD, Discipline, Suspension and Dismissal of Support Staff JICH, Drug and Alcohol Use by Students

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## 7G. Staff Use of the Internet and Electronic Communications, Cybersecurity Policy

The ERBOCES shall maintain a designated Security Officer who will be responsible for maintenance of security policy and procedures, and monitoring for compliance.

The Internet and electronic communications (email, chat rooms and other forms of electronic communication) have vast potential to support curriculum and learning. The Board believes they should be used in schools as a learning resource to educate and to inform.

The Board supports the use of the Internet and electronic communications by ERBOCES staff to improve teaching and learning through interpersonal communication, access to information, research, training and collaboration and dissemination of successful educational practices, methods, and materials.

The Internet and electronic communications are fluid environments in which users may access materials and information from many sources. Staff members shall take responsibility for their own use of ERBOCES technology devices to avoid contact with material or information that violates this policy. For purposes of this policy, “ERBOCES technology device” means any ERBOCES-owned computer, hardware, software, or other technology that is used for instructional or learning purposes and has access to the Internet.

### No expectation of privacy

ERBOCES technology devices are owned by ERBOCES and are intended for educational purposes and ERBOCES business at all times. Staff members shall have no expectation of privacy when using ERBOCES technology devices. The ERBOCES reserves the right to monitor, inspect, copy, review, and store (at any time and without prior notice) all usage of ERBOCES technology devices including all Internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed/received through ERBOCES technology devices shall remain the property of ERBOCES.

### Public records

Electronic communications sent and received by ERBOCES employees may be considered a public record subject to public disclosure or inspection under the Colorado Open Records Act. All employee electronic communications shall be monitored to ensure that all public electronic communication records are retained, archived, and destroyed in accordance with applicable law.

### Unauthorized and unacceptable uses

Staff members shall use ERBOCES technology devices in a responsible, efficient, ethical, and legal manner.

Because technology and ways of using technology are constantly evolving, every unacceptable use of ERBOCES technology devices cannot be specifically described in policy. Therefore, examples of unacceptable uses include, but are not limited to, the following. [Note: The Board has discretion to determine which uses are unacceptable. The following list provides examples the Board may wish to consider.]

No staff member shall access, create, transmit, retransmit, or forward material or information:

* that promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturing or purchasing of destructive devices or weapons
* that contains pornographic, obscene, or other sexually oriented materials, either as pictures or writings, that are intended to stimulate erotic feelings or appeal to prurient interests in nudity, sex or excretion
* that harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons in violation of the ERBOCES’s nondiscrimination policies
* that is not related to ERBOCES objectives, such as for personal profit, financial gain, advertising, commercial transaction, or political purposes
* that plagiarizes the work of another
* that uses inappropriate or profane language likely to be offensive to others in the ERBOCES community
* that is knowingly false or could be construed as intending to purposely damage another person's reputation
* in violation of any federal or state law or ERBOCES policy, including but not limited to copyrighted material and material protected by trade secret
* that contains personal information about themselves or others, including information protected by confidentiality laws
* using another individual’s Internet or electronic communications account without written permission from that individual
* that impersonates another or transmits through an anonymous remailer
* that accesses fee services without specific permission from the system administrator
* that comments on the ERBOCES, ERBOCES business, process, priorities, or policies without the written permission of the Executive Director

### Security

Security on ERBOCES technology devices is a high priority. Staff members who identify a security problem while using ERBOCES technology devices must immediately notify the designated Security Officer. Staff members should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Staff members shall not:

* use another person's password or any other identifier
* gain or attempt to gain unauthorized access to ERBOCES technology devices
* read, alter, delete, or copy, or attempt to do so, electronic communications of other system users

Any staff member identified as a security risk, or as having a history of problems with technology may be denied access to the Internet, electronic communications and/or ERBOCES technology devices.

### Confidentiality

Staff members shall not access, receive, transmit or retransmit material regarding students, parents/guardians, ERBOCES employees or ERBOCES affairs that is protected by confidentiality laws unless such access, receipt or transmittal is in accordance with their assigned job responsibilities, applicable law, and Board policy. It is imperative that staff members who share confidential student information via electronic communications understand the correct use of the technology, so that confidential records are not inadvertently sent or forwarded to the wrong party. Staff members who use email to disclose student records or other confidential student information in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action. All storage and transmission of protected student information must follow the approved Encryption Procedures.

If material is not legally protected but is of a confidential or sensitive nature, great care shall be taken to ensure that only those with a “need to know” are allowed access to the material. Staff members shall handle all employee, student and ERBOCES records in accordance with applicable Board policies.

Disclosure of confidential student records, including disclosure via electronic mail or other telecommunication systems, is governed by state and federal law, including the Family Educational Rights and Privacy Act (FERPA).

### Use of social media

Staff members may use social media within ERBOCES guidelines for instructional purposes, including promoting communications with students, parents/guardians and the community concerning school related activities and for purposes of supplementing classroom instruction. As with any other instructional material, the application/platform and content shall be appropriate to the student’s age, understanding and range of knowledge.

Staff members are discouraged from communicating with students through personal social media platforms/applications or texting. Staff members are expected to protect the health, safety, and emotional well-being of students and to preserve the integrity of the learning environment. Online or electronic conduct that distracts or disrupts the learning environment or other conduct in violation of this or related Board policies may form the basis for disciplinary action up to and including termination.

The Executive Director is the spokesperson for ERBOCES. Employees and contractors will make no social media postings concerning the ERBOCES, ERBOCES business, process, priorities, or policies without the written permission of the Executive Director

### Vandalism

Vandalism shall result in cancellation of privileges and may result in disciplinary action and/or legal action. Vandalism is defined as any malicious or intentional attempt to harm, destroy, modify, abuse or disrupt operation of any network within the ERBOCES or any network connected to the Internet, operation of any form of electronic communications, the data contained on any network or electronic communications, the data of another user, usage by another user, or ERBOCES technology devices. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

### Unauthorized content

Staff members are prohibited from using or possessing any software applications, mobile apps or other content that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees.

### Staff member use is a privilege

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Staff member use of the Internet, electronic communications and ERBOCES technology devices is a privilege, not a right. Failure to follow the use procedures contained in this policy shall result in the loss of the privilege to use these tools and restitution for costs associated with damages, and may result in disciplinary action and/or legal action. ERBOCES may deny, revoke, or suspend access to ERBOCES technology or close accounts at any time.

Staff members shall be required to sign the ERBOCES's Acceptable Use Agreement annually before Internet or electronic communications accounts shall be issued or access shall be allowed.

### ERBOCES makes no warranties

ERBOCES makes no warranties of any kind, whether expressed or implied, related to the use of ERBOCES technology devices, including access to the Internet and electronic communications services. Providing access to these services does not imply endorsement by ERBOCES of the content, nor does ERBOCES make any guarantee as to the accuracy or quality of information received. ERBOCES shall not be responsible for any damages, losses or costs a staff member suffers in using the Internet and electronic communications. This includes loss of data and service interruptions. Use of any information obtained via the Internet and electronic communications is at the staff member's own risk.

### Protected Information Encryption Procedures

All files containing student identification or protected student information must be encrypted in transit and at rest.

If protected information must be shared via email, a link to the authorized enterprise file protection may be shared. However, the link must provide access only to the intended information. If protected information must be shared as a file attachment, the file attachment must be encrypted. Note, however, that a link shared in email is preferred to transmission via file attachment.

Dropbox Professional, with two-step verification to the user’s mobile phone, is authorized for enterprise file protection. Two-step verification to the user’s mobile phone also ensures that the user is notified if any new device accesses the Dropbox files.

Files may also be stored on the enterprise VPN server.

If necessary, protected files may be stored to a Windows PC for brief work. In this case, protected files may only be saved to an encrypted folder. Protected files should not be left on a PC, but should be saved to the Dropbox protected folder as soon as possible.

Attachments may be encrypted, when it is absolutely necessary to share protected information via a file attachment, using WinZip with AES encryption, or PGP/GPG file encryption.

Technical references on these processes are found in Appendix A.

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### Appendix A

REFERENCE INFORMATION

Dropbox Information Links

https://help.dropbox.com/teams-admins/team-member/enable-two-step-verification

Windows 10 Folder Encryption

How To Encrypt Files (Windows 10)

1. Right-click on the folder or file you want to encrypt.

2. Select Properties from the drop-down menu.

3. At the bottom of the dialogue box, click Advanced.

4. Under "Compress or Encrypt attributes," check the box for "Encrypt contents to secure data."

*Note: If the option "Encrypt contents to secure data" is greyed out, follow the steps outlined below in the article.*

5. Click OK.

6. Click Apply.

7. If you chose to encrypt a folder, you get a new dialogue box asking if you want to encrypt the whole folder or the folder, subfolders, and files. Select your option.

8. You will now get a pop-up message asking you to "Back up your file encryption certificate and key." See your Notification Area in Windows if the pop-up disappears.

8. Connect a USB drive to your computer.

9. Click "Back up now (recommended)." Backing up your encryption key is highly recommended. If you lose your encryption key, you might lose access to the file or folder you encrypted.

10. Click Next.

11. Click Next to create your certificate.

12. Click Next to accept the certificate file format.

13. Enter your password, confirm your password, and click Next.

14. Select your USB drive, name your certificate and key, and click Save.

15. Click Next.

16. Click Finish.

17. Store your USB drive in a safe place.

**PGP/GPG**

Note – GPG key management is done from the command-line on Linux, and from a GUI on Windows. The command line functions are described below.

**Exchanging keys**

To communicate with others, you must exchange public keys. To list the keys on your public keyring use the command-line option --list-keys.

alice% gpg --list-keys

/users/alice/.gnupg/pubring.gpg

---------------------------------------

pub 1024D/BB7576AC 1999-06-04 Alice (Judge) <alice@cyb.org>

sub 1024g/78E9A8FA 1999-06-04

**Exporting a public key**

To send your public key to a correspondent you must first export it. The command-line option --export is used to do this. It takes an additional argument identifying the public key to export. As with the --gen-revoke option, either the key ID or any part of the user ID may be used to identify the key to export.

alice% gpg --output alice.gpg --export alice@cyb.org

The key is exported in a binary format, but this can be inconvenient when the key is to be sent through email or published on a web page. GnuPG therefore supports a command-line option --armor[1] that that causes output to be generated in an ASCII-armored format similar to uuencoded documents. In general, any output from GnuPG, e.g., keys, encrypted documents, and signatures, can be ASCII-armored by adding the --armor option.

alice% gpg --armor --export alice@cyb.org

-----BEGIN PGP PUBLIC KEY BLOCK-----

Version: GnuPG v0.9.7 (GNU/Linux)

Comment: For info see http://www.gnupg.org

[...]

-----END PGP PUBLIC KEY BLOCK-----

**Importing a public key**

A public key may be added to your public keyring with the --import option.

alice% gpg --import blake.gpg

gpg: key 9E98BC16: public key imported

gpg: Total number processed: 1

gpg: imported: 1

alice% gpg --list-keys

/users/alice/.gnupg/pubring.gpg

---------------------------------------

pub 1024D/BB7576AC 1999-06-04 Alice (Judge) <alice@cyb.org>

sub 1024g/78E9A8FA 1999-06-04

pub 1024D/9E98BC16 1999-06-04 Blake (Executioner) <blake@cyb.org>

sub 1024g/5C8CBD41 1999-06-04

Once a key is imported it should be validated. GnuPG uses a powerful and flexible trust model that does not require you to personally validate each key you import. Some keys may need to be personally validated, however. A key is validated by verifying the key's fingerprint and then signing the key to certify it as a valid key. A key's fingerprint can be quickly viewed with the --fingerprint command-line option, but in order to certify the key you must edit it.

alice% gpg --edit-key blake@cyb.org

pub 1024D/9E98BC16 created: 1999-06-04 expires: never trust: -/q

sub 1024g/5C8CBD41 created: 1999-06-04 expires: never

(1) Blake (Executioner) <blake@cyb.org>

Command> fpr

pub 1024D/9E98BC16 1999-06-04 Blake (Executioner) <blake@cyb.org>

Fingerprint: 268F 448F CCD7 AF34 183E 52D8 9BDE 1A08 9E98 BC16

A key's fingerprint is verified with the key's owner. This may be done in person or over the phone or through any other means as long as you can guarantee that you are communicating with the key's true owner. If the fingerprint you get is the same as the fingerprint the key's owner gets, then you can be sure that you have a correct copy of the key.

After checking the fingerprint, you may sign the key to validate it. Since key verification is a weak point in public-key cryptography, you should be extremely careful and always check a key's fingerprint with the owner before signing the key.

Command> sign

pub 1024D/9E98BC16 created: 1999-06-04 expires: never trust: -/q

Fingerprint: 268F 448F CCD7 AF34 183E 52D8 9BDE 1A08 9E98 BC16

Blake (Executioner) <blake@cyb.org>

Are you really sure that you want to sign this key

with your key: "Alice (Judge) <alice@cyb.org>"

Really sign?

Once signed you can check the key to list the signatures on it and see the signature that you have added. Every user ID on the key will have one or more self-signatures as well as a signature for each user that has validated the key.

Command> check

uid Blake (Executioner) <blake@cyb.org>

sig! 9E98BC16 1999-06-04 [self-signature]

sig! BB7576AC 1999-06-04 Alice (Judge) <alice@cyb.org>

Updated 4-4-23

Updated 11-02-21

Adopted 10-17-17

LEGAL REFS.:

* 47 U.S.C. 254(h) (Children's Internet Protection Act of 2000)
* C.R.S. 22-87-101 et seq. (Children’s Internet Protection Act)
* C.R.S. 24-72-204.5 (monitoring electronic communications)
* CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
* EGAEA, Electronic Communication

## 7H. Staff Personal Security and Safety

### Offenses against BOCES employees

The following procedures shall be followed in instances of assault, disorderly conduct, harassment, knowingly making a false allegation of child abuse, or any alleged offense under the “Colorado Criminal Code” by a student directed towards a BOCES employee.

These same procedures shall be followed in instances of damage by a student to the personal property of a BOCES employee occurring on BOCES premises.

1. The employee shall file a written complaint with the building principal, the executive director and the Board.
2. The principal or other BOCES administrator shall, after receipt of the complaint and proof deemed adequate by the principal or administrator, suspend the student for three days in accordance with established procedures.
3. The executive director shall initiate procedures for the further suspension or expulsion of the student when injury or property damage has occurred.
4. The executive director or designee shall report the incident to the district attorney or the appropriate local law enforcement agency or officer who shall be requested, upon receiving the report, to investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

### Communication of disciplinary information to teachers/counselors

The principal or other BOCES administrator shall communicate disciplinary information concerning any student enrolled in a BOCES school or educational program to all teachers and counselors who have direct contact with that student. Any teacher or counselor who is assigned a student with known serious behavior problems will be informed of the student’s behavior record. Any BOCES employee who is provided this information shall maintain its confidentiality and shall not communicate it to any other person.

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 22-32-109.1 (3) (offenses against school employees)
* C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
* C.R.S. 22-32-126 (5)(a) (communication of disciplinary information)
* CROSS REFS.: JK, Student Discipline
* JKD/JKE, Suspension/Expulsion of Students

## 7I. Workers’ Compensation

An employee is eligible for workers’ compensation leave from the BOCES during the period of time the employee is temporarily disabled as the result of any injury arising out of and in the course of employment which qualifies for an indemnity payment from the workers’ compensation division of the Colorado Department of Labor and Employment.

Workers’ compensation leave shall be available only to those persons who sustain a temporary total disability and are unable to perform services for the BOCES while disabled.

The primary source of compensation for an employee on workers’ compensation leave shall be the indemnity payment from the workers' compensation section of the division of worker’s compensation of the Colorado Department of Labor and Employment or insurance carrier as determined by state law. The rate of compensation will be 66 and 2/3% of his/her average weekly wage.

The employee is required to use three days of sick leave after the disability occurs. After that point, the employee will receive compensation from the workers’ compensation section of the Colorado Department of Labor and Employment.

During this period of compensated leave, the BOCES shall not charge any time from vacation, sick, or personal leave. Likewise, the employee will have no access to vacation, sick or personal leave while eligible for workers’ compensation leave.

Note: *Taxes and PERA are not deducted from Workers’ Compensation.*

Under no circumstances shall an employee be allowed to receive more than an amount equal to the weekly wage or equivalent when combining the indemnity payment from workers’ compensation and BOCES benefits. The employee shall provide any requested documentation to the BOCES to evidence amounts paid by workers’ compensation before benefit payments are allowed by the BOCES.

While on workers’ compensation leave under a temporary total disability, employees shall continue to have BOCES health, life and disability insurance coverage. The employee shall be responsible for their share of the monthly premium if applicable.

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 8-40-101 et seq. (Workers’ Compensation Act of Colorado)

CROSS REFS.:

* GBGG, Staff Sick Leave
* Education reEnvisioned, Professional Staff Vacations and Holidays
* GDD, Support Staff Vacations and Holidays

## 7J. Staff Sick Leave

The Board recognizes that there may be times when an employee is unable to fulfill the duties of his/her position due to illness. Therefore, paid sick leave is provided for full time employees in accordance with this policy.

Paid sick leave may be accumulated up to 90 days at the rate of 12 days per year. Sick leave may be taken fo:

1. personal illness, Injury, or health condition;
2. personal medical appointments for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
3. obtaining person preventative medical care;
4. personal or family member care as a result of the employee or the employee’s family member being the victim of domestic abuse, sexual assault, or harassment;
5. the necessary care and attendance of a family member; or
6. due to a public health emergency in which a public official has ordered the closure of the place of work or the place of care of the employee’s child and the employee needs to be absent from work to care for the child.

For sick leave purposes, the term "family member" shall be defined as an immediate family

member (related by blood, marriage, civil union, or adoption), a child to whom the employee stands in

loco parentis or a person who stood in loco parentis to the employee when the employee was a minor,

or a person for whom the employee is responsible for providing or arranging health- or safety-related

care.

Paid sick leave can be used in one-hour increments.

Employees do not cash out unused sick leave upon termination of employment. Sick leave is income

protection for active employees.

When the need for leave is foreseeable, employees must make a good faith effort to provide advance

notification and make a reasonable effort to schedule leave so as not to be unduly disruptive to their job

requirement. If the need for leave is not foreseeable then the employees must provide notice as soon as

practicable. The employee may be required to provide documentation of the reasons for taking the paid

sick leave if for four or more consecutive days, in accordance with the Colorado Healthy Families and

Workplaces Act.

Sick leave shall not apply during vacation leave, paid holidays or leaves of absence.

### Public Health Emergency Leave

In addition, on the date a federal, state, or local public health emergency is declared and until four

weeks after the official termination or suspension of the public health emergency, each employee's

accrued paid leave (including all types of paid leave) will be supplemented, as necessary, to ensure that

an employee may take the following amounts of paid sick leave for the additional purposes defined

below:

1. For employees who normally work forty or more hours in a week, at least eighty hours of paid sick leave;
2. For employees who normally work fewer than forty hours in a week, at least the greater of either the amount of time the employee is scheduled to work in a fourteen-day period or the amount of time the employee actually works on average in a fourteen-day period.

Accrued paid leave counts toward the total described above, meaning the total described above is the

new maximum and not in addition to existing, accrued paid leave. Employees may use supplemental

leave before other forms of leave. Employees are only eligible for the supplemental paid sick leave in the amount described above once during the entirety of a public health emergency.

Additional purposes for taking paid sick leave during a public health emergency include an employee

who needs paid time off to:

1. Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a public health emergency;
2. Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
3. Seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency;
4. Seek preventive care concerning a communicable illness that is the cause of a public health emergency; or
5. Care for a family member who is self-isolating after being diagnosed with a communicable illness that is the cause of a public health emergency; is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a public health emergency; needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency; or is seeking preventive care concerning a communicable illness that is the cause of a public health emergency;

After the four-week period following a public health emergency, any remaining supplemental paid sick

leave will be removed from the employee’s paid sick leave total.

Updated 11-01-22

Adopted 10-17-17

LEGAL REF.:

* C.R.S. 14-15-101 et seq. (Colorado Civil Union Act)
* C.R.S. 8-13.3-401 et seq. (Colorado Healthy Families and Workplaces Act)

CROSS REF.:

* GBGF, Federally-Mandated Family and Medical Leave

### Medical leave

The Board of Education shall provide a plan for leaves and absences designed to help members of the staff maintain their physical health, take care of family and other personal emergencies.

Such leaves and absences shall be granted per Board policies pertaining to specific types of leaves. A completed leave of absence form may be required for leaves less than five (5) consecutive work days in duration, but in all cases will be required for leaves of five (5) or more days in duration.

The leave provisions in this policy shall apply to all full time employees, allowing up to a total of twelve (12) work weeks of leave in a twelve (12) month period.

Leave may be taken when the employee is needed to care for a child, spouse, or parent who has a serious health condition; when the employee is unable to perform the functions of his/her position because of a serious health condition; any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty”; or twenty-six workweeks of leave during a single twelve (12) month period to care for a covered service member with a serious injury or illness incurred or aggravated in the line of duty on active duty if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin.

Entitlement for childcare leave shall end after the child reaches age one (1) or twelve (12) months after adoption or foster placement. Leave to care for a child shall include leave for a step-parent or person in loco parentis.

If medically necessary for a serious health condition of the employee or the employee’s spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions which pertain to instructional employees. The District may require the employee to transfer temporarily to an alternative position, which better accommodates recurring periods of absence or a part-time schedule provided that the position has equivalent pay and benefits.

The BOCES shall maintain coverage under any group health insurance plan for any employee who is granted an approved leave of absence under this policy for the duration of the leave (up to twelve (12) weeks). Such coverage shall be maintained at the same level and under the same conditions as coverage that would have been provided if the employee was not on leave. If the employee is eligible to request a leave extension and needs to take leave time in excess of the twelve (12) weeks leave, all insurance benefits will terminate at the end of the twelve (12) week leave period. The employee will be given the right to continue their insurance coverage, at their cost, under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If the employee returns to their position, they will be eligible to re-enroll in the BOCES health plan at that time. The BOCES reserves the right to seek reimbursement for this benefit at the time it is given, as allowed by law.

Reinstatement shall be determined in accordance with any applicable Board policies. If the employee on leave is a salaried employee and is among the highest paid 10 percent of BOCES employees and keeping the job open for the employee would result in substantial economic injury to the BOCES, the employee may be denied reinstatement provided the BOCES notifies the employee of its intent to deny reinstatement at the time economic hardship occurs and the employee elects not to return to work after receiving the notice.

### Maternity leave

Pursuant to the employee’s request, medically necessary sick leave for maternity purposes shall be available to any female employee who becomes pregnant. The leave will be allowed during such period of the pregnancy and a reasonable time immediately following termination of the pregnancy as is medically necessary to safeguard the health of the mother and/or child.

1. Determination of Necessity-The determination and designation of the period of time during which maternity leave is necessary, including the beginning, duration and end of the period, shall be made by the BOCES. Such determination shall be based on information provided by the employee, the employee's physician, the executive director and if deemed necessary, by a physician designated by the BOCES.
2. Reinstatement-An employee who has taken leave in accordance with this policy shall be assured reinstatement following the end of the period of time during which leave is necessary.
3. Notice-An employee who becomes pregnant shall be encouraged to notify the executive director or designee regarding the pregnancy well in advance of the expected leave so that the BOCES may make appropriate staffing decisions. When an employee is no longer pregnant, she shall notify the executive director or designee of this fact.
4. Benefits-An employee on maternity leave for medical necessity as determined by the employee's or the BOCES’s physician shall receive pay, insurance and other benefits to the same extent and on the same basis as sick leave used for other purposes. Any additional leave granted by the BOCES for maternity purposes beyond that which is medically necessary shall be without pay or other benefits unless the provisions of the federally-mandated family leave act apply.

### Parental leave

The provisions of this section shall apply only after an eligible employee has used any applicable federally-mandated family leave. Any days taken for family leave will be deducted from the total leave period allowed under this policy.

Parental leave of absence without salary and fringe benefits may be granted to staff members for the purpose of child rearing, child care or adoption. Parental leave may be granted for a period of time not to exceed twelve weeks for each employee. The leave need not be taken all at once, but must be taken in increments which coincide with the planning needs of the BOCES.

In determining whether to grant the leave request, the BOCES will consider any special needs of the child, the staffing needs of the BOCES and any other relevant factors. The BOCES will grant parental leave without regard to the sex of the employee.

The request for leave will be made to the executive director. If the parental leave request is refused by the executive director, the staff member may appeal to the Board.

If the leave period is for an entire school year, notice of intent to return from leave must be given to the BOCES before April 1 preceding the school year the employee wishes to return to work. If the leave is for a period less than an entire school year, notice of intent to return shall be given at least three months prior to the date the employee wishes to return to work.

As long as proper notice has been given of the employee's intent to return to work, the BOCES shall reinstate the employee. A teacher being reinstated shall be placed in a teaching position as nearly identical as possible to the position left at the commencement of the leave. In no event shall a teacher be placed in a position for which he or she is not qualified.

The employee on parental leave may be permitted to substitute at the BOCES- approved substitute rate of pay.

Nothing in this policy shall be construed to limit the powers or duties of the Board or administration to make employment decisions for the BOCES.

Adopted 10-17-17

LEGAL REFS.:

* 29 U.S.C. 2601 et seq. (Family and Medical Leave Act of 1993)
* 42 U.S.C. §2000e-2 (Title VII of the Civil Rights Act of 1964)
* C.R.S. 19-5-211 (adoption statute)
* C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions)

CROSS REFS.:

* AC, Nondiscrimination/Equal Opportunity
* GBA, Open Hiring/Equal Employment Opportunity

## 7K. Staff Military Leave

### Annual military leave

An employee who is a member of a reserve or National Guard unit or any other branch of the military organized under state or federal law shall be granted military leave with a right of reinstatement in accordance with state and federal law.

The employee shall receive full salary and benefits during such leave up to a maximum of 15 days annually. The leave year shall be as established by the BOCES. All remaining leave to fulfill the annual military obligation shall be unpaid leave.

An employee who is required by the state or federal government to continue military service beyond the time for which leave with pay is required, shall be granted a leave of absence without pay for all such additional service.

### Emergency military leave

Military leave of absence without pay shall be granted to any employee who enlists for military duty with any branch of the United States armed forces or who is called into active military service in time of war or other emergency declared by the proper authority of the state or United States. The employee shall be considered on a leave of absence during military service.

### Notice of military service

An employee taking leave under this policy shall provide written or oral notice, as far in advance as possible, of pending military service. Employees on military leave resulting in absence of more than 30 days shall forward a copy of their military orders to the executive director or designee.

### Using paid leave in lieu of unpaid military leave

An employee taking leave under this policy may at his or her discretion, but is not required to, use accrued vacation or other paid leave during time of military service.

### Hiring substitute

Where necessary to protect the public interest, a substitute employee may be hired by the BOCES to perform the duties of the employee on military leave until such time as the employee returns to work.

### Reinstatement after service

Upon completion of military service and in accordance with state and federal law, the employee shall be reinstated in the same or a similar position of like seniority, status and pay if such is available at the same salary and benefits which he or she would have received had leave not been taken and if the employee meets the applicable statutory requirements, including notification to the BOCES of the employee’s intent to return to work within the time period set out in law.

Upon reinstatement, the employee shall have the same rights with respect to accrued and future vacation, sick leave, public retirement benefits and other benefits as if he or she had actually been employed during the time of such leave.

Adopted 10-17-17

LEGAL REFS.:

* 38 U.S.C. §4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)
* 20 C.F.R. Part 1002 (regulation)
* C.R.S. 28-3-601 et seq. (annual military leave for public employees)

## 7L. Personnel Records and Files

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

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

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 22-9-109 (licensed personnel evaluations – exemption from public inspection)
* C.R.S. 24-19-108 (1)(c) (exceptions to public records)
* C.R.S. 24-72-201 et seq. (Colorado Open Records Act)

CROSS REFS.:

* GCE/GCF, Professional Staff Recruiting/Hiring
* KDB, Public’s Right to Know/Freedom of Information

## 7M. STAFF JURY DUTY

The Board recognizes the important role citizens play in our legal system, including the obligation to serve as jurors under appropriate circumstances and to appear in proceedings pursuant to subpoena or other court order.

All employees of the BOCES shall be excused for jury duty or when ordered to appear in a proceeding pursuant to subpoena or other court order with no jeopardy to their employment, compensation, annual leave or other leave.

Substitutes, when necessary, for employees shall be obtained in the usual manner and paid by the BOCES.

While state law provides that the BOCES is only responsible for paying employees their regular wages up to $50 per day for the first three days of jury service, the BOCES believes it should support employees to the full extent of their regular wages while on jury service. Therefore, the BOCES shall pay employees their regular wages for all days of jury service.

Pursuant to state law, after the first three days of jury service, the state pays each juror $50 per day. Because employees will be receiving their regular wages from the BOCES, which in most instances is more than $50 per day, all employees shall forward such payment from the state to the BOCES as an offset. If an employee’s regular wages are less than $50 per day, the BOCES will supplement the employee’s regular wages to bring the daily wage up to $50.

The BOCES shall not reimburse employees for expenses or mileage related to jury service. The employee may keep any reimbursement for expenses or mileage received from the state and continue to receive the full extent of his or her regular wages while on jury service.

The executive director shall request that an employee be excused from jury duty service or the service delayed provided the special nature of the employee’s qualifications would make it difficult to secure an adequate substitute or if the timing of the proposed jury service affords a threat to the welfare of the BOCES.

Updated: 5-2-23

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 13-71-119 (jury duty deferments and excuses – limitations)
* C.R.S. 13-71-126 (compensation of employed jurors for first three days of service)
* C.R.S. 13-71-129 (compensation of employed jurors after first three days of service)
* C.R.S. 13-71-132 through 13-71-134 (juror’s and employer’s obligations)

## 7N. Staff Grievances

It is the Board's desire that procedures for settling differences provide for prompt and equitable

resolution at the lowest possible administrative level and that each employee be assured an opportunity

for orderly presentation and review of complaints without fear of reprisal.

A "grievance" is defined as an alleged material violation of Board policies or administrative regulations

that apply to all employees.

Nothing in this policy shall be construed to imply in any manner the establishment of personal rights not explicitly established by statute or Board policy. Neither shall anything in this policy be construed to establish any condition prerequisite relative to transfer, assignment, dismissal or any other employment decision relating to BOCES personnel.

All employment decisions remain within the sole and continuing discretion of the administration and/or

Board, as appropriate, subject only to the conditions and limitations prescribed by Colorado law.

Adopted 10-17-17

## 7N-R. Staff Grievances

### Employee grievance procedure

The employee may choose a person to assist him or her at any step of the grievance procedure. Any

costs resulting from such assistance shall be the employee’s responsibility.

Individual or group grievances of employees shall be filed within 30 working days of the incident that is the subject of the grievance. Any grievance filed outside of this timeline shall not be considered pursuant to this regulation. A grievance shall be resolved as follows:

Step 1. The grievance shall first be presented in writing to the persons having direct administrative or

supervisory responsibility over the work of the employee involved in the grievance. The written

grievance shall: (1) explain the specific incident that is the subject of the grievance in sufficient detail; (2) include a description of prior attempts to resolve the matter and the results of these attempts; and (3)

discuss the reasons why the employee(s) is/are not satisfied with the prior results. The supervisor or

administrator shall render a written decision within 10 working days.

Step 2. If the grievance is not solved at Step 1, the employee(s) may present the written grievance to

the executive director or designee who shall review the grievance and the report from Step 1 and render

a written decision within 10 working days of receipt of the report from Step 1.

Step 3. If the grievance is not solved at Step 2, the employee(s) may file a written request for review by

the Board. Within 10 working days of receipt of the report from Step 2, the board will reply in writing with approval or denial of the request for board review. If approval was granted for board review, then within 20 working days of receipt of the report from Step 2, the board will conduct a review. The Board’s review of the grievance may be held in executive session at the request of the employee(s), the executive director or the Board. The decision of the Board shall be final and shall be made in writing within 15 working days of the Board’s review.

Notwithstanding the steps of the grievance procedure described above, an employee may discuss any

problem at any time with any BOCES supervisor or administrator.

Updated: 5-2-23

Adopted 10-17-17

## 7O. Support Staff Positions

All support staff positions (FLSA Non-exempt) in the BOCES shall be established initially by the Board. Changes in salary structure shall be approved by the Board.

Support staff employees, unless otherwise designated by contract, shall be considered “at will” employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Support staff members shall be employed for such time as the BOCES is in need of or desirous of the services of such employees.

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 22-32-109 (1)(f) (board duty to employ all personnel)
* C.R.S. 22-32-110 (1)(h) (board power to terminate personnel)

CROSS REFS.:

* GDE/GDF, Support Staff Hiring/Recruiting
* GDQD, Discipline, Suspension and Dismissal of Support Staff

## 7P. Professional Staff Positions

All instructional, administrative and supervisory positions (FLSA Exempt) in the BOCES shall be established initially by the Board. Changes in salary structure shall be approved by the Board.

Unless otherwise designated by contract, professional staff employees, including teachers, shall be considered “at will” employees who serve at the pleasure of the Board and shall only have those rights established by Board policy.

Adopted 10-17-17

LEGAL REFS.: C.R.S. 22-32-109 (1)(f) (board power to employ all personnel)

C.R.S. 22-32-110 (1)(h) (board power to terminate employment)

C.R.S. 22-60.5-101 et seq. (teacher licensure law)

CROSS REF.: GCQF, Discipline, Suspension and Dismissal of Professional Staff

## 7Q. Staff Fringe Benefits

### Professional Staff

Benefits in addition to basic salary are recognized by the Board as an integral part of the total compensation plan for staff members. The benefits extended to the professional staff shall be designed to promote their present and future economic security and provide incentive for professional development that will be of benefit to the BOCES.

Full-time professional staff members are eligible for the BOCES's health insurance plan. These employees also may participate in the BOCES's tax-sheltered annuity program and are also covered by the BOCES’s group life insurance and long-term disability insurance plans.

BOCES employees shall participate in the Public Employees' Retirement Association in which both the employee and the BOCES make monthly contributions.

### Support Staff

Support staff members shall receive the same fringe benefits as are provided for professional staff members.

### Workers’ Compensation

All BOCES employees are covered under the Workers’ Compensation Insurance Plan and shall be entitled to all the prescribed benefits.

Adopted 10-17-17

LEGAL REFS.:

P.L. 111-148 (Patient Protection and Affordable Care Act)

* C.R.S. 8-40-101 et seq. through 8-47-101 et seq. (Workers’ Compensation Act of Colorado)
* C.R.S. 22-32-110 (1)(j) (board power to procure group life, health or accident insurance for employees)
* C.R.S. 24-51-101 et seq. (Public Employees' Retirement Association)

CROSS REF.:

* GBGD, Workers’ Compensation

## 7R. Staff Vacations and Holidays

### Support Staff and Professional/Technical Staff Vacations

Full-time/full year support and professional/technical staff shall receive paid vacation on the following basis unless otherwise agreed upon by employment contract:

1. Personnel who have worked for Education reEnvisioned BOCES the equivalent of full time/full year from 1-3 years receive 10 days of vacation each fiscal year.
2. Personnel who have worked for Education reEnvisioned BOCES the equivalent of full time/full year from 4-10 years receive 15 days of vacation each fiscal year.
3. Personnel who have worked for Education reEnvisioned BOCES the equivalent of fulltime/full year over 11 years receive 20 days of vacation each fiscal year.

Support and professional/technical staff may roll unused vacation days from one fiscal year to the next. However, support and professional/technical staff may only earn and accrue vacation days up to a cap of 1.5 years’ worth of vacation. Once the cap is reached, no further vacation days will be earned and accrued until equivalent vacation days are used. For example, an employee who receives 10 days of vacation per year cannot earn and accrue more than 15 total days of vacation. If the employee has reached the cap of 15 days, he/she must use vacation days prior to earning and accruing additional vacation days.

Vacations shall be scheduled at the convenience of the BOCES and as nearly as possible at the convenience of the employee.

New employees whose term of service is less than one full year shall be entitled to paid vacation in the ratio that their length of service bears to a full year.

All unused vacation days shall be paid out upon termination or separation of employment. The maximum payout of unused vacation days is equal to the cap of 1.5 years’ worth of earned and accrued vacation days.

### Administrative Staff Vacations

All full-time administrative personnel working 260 days per fiscal year shall be entitled to annual vacation leave of twenty (20) days per year unless otherwise agreed upon by employment contract.

Vacation leave for administrative personnel hired after the beginning of the fiscal year will be pro-rated. Vacation leave will be granted at the rate of 1.67 days per month for each month worked during the current fiscal year unless otherwise agreed upon by employment contract.

Administrative staff may roll unused vacation days from one fiscal year to the next. However, administrative staff may only earn and accrue vacation days up to a cap of 1.5 years’ worth of vacation days. Once the cap is reached, no further vacation days will be earned and accrued until equivalent vacation days are used. If the employee has reached the cap, he/she must use vacation days prior to earning and accruing additional vacation days.

Vacations shall be scheduled at the convenience of the BOCES and as nearly as possible at the convenience of the employee.

New employees whose term of service is less than one full year shall be entitled to paid vacation in the ratio that their length of service bears to a full year.

All unused vacation days shall be paid out upon termination or separation of employment. The maximum payout of unused vacation days is equal to the cap of 1.5 years’ worth of earned and accrued vacation days.

### Holidays

The BOCES grants to all full-time (260-day) personnel 15 paid holidays each year. Paid holidays shall include federal holidays and other days as recommended by the administration. The Board-approved calendar shall specify the paid holidays.

Updated 11-1-22

Updated 9-15-20

Adopted 10-17-17

## 7S. Professional Staff Recruiting/Hiring

### Recruiting

It is the responsibility of the executive director, with the assistance of other administrators, to determine the personnel needs of the BOCES and to locate suitable candidates to recommend to the Board for employment. The search for good teachers and other professional personnel shall extend to a wide variety of educational institutions and geographical areas. It shall take into consideration the diverse characteristics of the BOCES and the need for staff members of various backgrounds.

Recruitment procedures shall not overlook the talents and potential of individuals already employed by the BOCES. Any present employee of the BOCES may apply for a position for which he or she is qualified, and/or meets other stated requirements.

### Background checks

Prior to hiring any person, the BOCES shall conduct background checks with the Colorado Department of Education and previous employers regarding the applicant’s fitness for employment.

### Hiring

There shall be no discrimination in the hiring process on the basis of race, color, creed, sex, sexual orientation, genetic information, religion, national origin, ancestry, age, marital status or disability.

In all cases where credit information or reports are used in the hiring process, the BOCES shall comply with the Fair Credit Reporting Act and applicable state law.

All candidates shall be considered on the basis of their merits, qualifications and the needs of the BOCES. The Board directs that recruitment procedures will give preference to teacher candidates who meet the NCLB definition of highly qualified.

All interviewing and selection procedures shall ensure that the administrator directly responsible for the work of a staff member has an opportunity to aid in the staff member’s selection.

### Appointment of candidates

Nominations shall be made at meetings of the Board. The vote of a majority of the Board shall be necessary to approve the appointment of teachers or any professional staff member. If there is a negative vote by the Board, the executive director shall submit a new recommendation to the Board for approval.

Upon the hiring of any employee, information required by federal and state child support laws will be timely forwarded by the BOCES to the appropriate state agency.

Adopted 10-17-17

LEGAL REFS.:

* 15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)
* 20 U.S.C. 6319 (teacher requirements under No Child Left Behind Act of 2001)
* 42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
* 34 C.F.R. 200.55 (federal regulations regarding highly qualified teachers)
* C.R.S. 8-2-126 (limits employers’ use of consumer credit information)
* C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
* C.R.S. 22-2-119 (inquiries prior to hiring)
* C.R.S. 22-32-109 (1)(f) (board duty to employ personnel)
* C.R.S. 22-32-109.7 (inquiries prior to hiring)
* C.R.S. 22-60.5-114 (3) (State Board can waive some requirements for initial license applicants upon request of BOCES)
* C.R.S. 22-60.5-201 (types of teacher licenses issued)
* C.R.S. 22-61-101 (prohibiting discrimination)
* C.R.S. 24-5-101 (effect of criminal conviction on employment)
* C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)
* C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)

CROSS REF.:

* GBA, Open Hiring/Equal Employment Opportunity

## 7T. Evaluation of Personnel

This policy and accompanying regulation shall be considered part of the BOCES’s personnel performance evaluation system.

The purposes of the BOCES’s personnel evaluation system shall be to serve as a basis for the improvement of instruction, enhance the implementation of curricular programs, and measure the professional growth and development and the level of effectiveness of personnel. The BOCES’s personnel performance evaluation system also shall serve as a factor in the measurement of satisfactory performance and may be part of the documentation for dismissal for unsatisfactory performance

The BOCES shall conduct all evaluations so as to observe the applicable legal and constitutional rights of personnel. No informality in any evaluation or in the manner of making or recording any evaluation shall invalidate the evaluation. No minor deviation in the evaluation procedures shall invalidate the process or the evaluation report.

Personnel, unless otherwise designated by contract, shall be considered “at will” employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Nothing in this policy shall be construed to imply in any manner the establishment of any property rights or expectancy or entitlement to continued employment not explicitly established by statute, Board policy or contract. Neither shall this policy and/or the evaluation system be deemed or construed to establish any conditions prerequisite relative to transfer, assignment, dismissal or other employment decisions relating to BOCES personnel. The BOCES reserves the right to discipline or terminate a staff member without regard to the outcome of any past or pending evaluation.

Unless an evaluator acts in bad faith or maliciously with respect to the application of a procedure the content of the evaluation, the rating given and any improvement plan shall not be grievable under the BOCES’s formal grievance process.

All employment decisions remain within the sole and continuing discretion of the Board, subject only to the conditions and limitations prescribed by Colorado law.

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 22-9-101 et seq. (Licensed Personnel Performance Evaluation Act) 1 CCR 301-87 (State Board of Education rules for administration of a system to evaluate the effectiveness of licensed personnel)

CROSS REFS.:

* BDFA\*, BOCES Licensed Personnel Performance Evaluation Council
* GCOE\*, Evaluation of Evaluators
* GCQF, Discipline, Suspension and Dismissal of Professional Staff

## 7T-R. Evaluation of Personnel

The procedures necessary to administer and implement the policy accompanying this regulation and the BOCES’s personnel evaluation system are as follows:

### Basic requirements

1. All personnel, except those employed for six weeks or less, shall be evaluated by an administrator/supervisor and/or such administrator’s/supervisor’s designee.
2. The standards for effective performance of personnel and the criteria to be used in determining whether performance meets these standards shall be available in writing to all personnel. Such standards and criteria shall be communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.
3. The system shall identify the various methods of evaluation, which shall include but not be limited to direct observations and a process of systematic data- gathering.

### Information collection

The evaluator shall directly observe the staff member and gather other data in accordance with the BOCES's evaluation system. No evaluation information shall be gathered by electronic devices without the consent of the staff member. Peer, parent or student input may be obtained from standardized surveys as part of a teacher’s evaluation. Each principal’s evaluation shall include input from teachers employed at the school and may include input from the students enrolled at the school and their parents.

### Frequency and duration

Teachers shall receive the written evaluation report at least two weeks before the last class day of the school year.

Principals shall receive at least one evaluation that results in a written report each academic year. Administrators in their first year of service in the BOCES will be evaluated at least once during each year. All other administrators will be evaluated at least once annually. Each formal evaluation will result in a written report.

Specialized service professionals shall receive at least one evaluation that results in a written report each academic year. For purposes of this regulation, the term “specialized service professionals” (SSPs) shall be as defined by applicable rules of the State Board of Education.

Variations will be permitted in this evaluation schedule, whether requested by the evaluator or staff member, when the staff member is notified by the evaluator that an additional evaluation report is necessary for reasons consistent with one or more purposes of the evaluation system.

Minor adjustments and variations in the evaluation process will be allowed in order to ensure that the evaluation process is thorough and that sufficient data is collected in accordance with the BOCES’s evaluation system.

Informal evaluations and observations may be made whenever deemed appropriate by the BOCES.

### Documentation

The evaluator will prepare a written evaluation report at the conclusion of the evaluation process which may include the following:

1. An improvement plan which is specific as to what improvements, if any, are needed in the staff member’s performance and which clearly sets forth recommendations for improvements. If the person evaluated is a teacher or a principal, the plan may include recommendations for additional education and training during the teacher’s or principal’s license renewal process.
2. Specific information about the strengths and weaknesses in the staff member’s performance.
3. Documentation identifying when a direct observation was made.
4. Identification of data sources.

The evaluation report will be discussed with the staff member evaluated. Both the evaluator and the staff member will sign the report, and each will receive a copy. The signature of any person on the report will not be construed to indicate agreement with the information contained therein. If the staff member disagrees with any of the conclusions or recommendations made in the evaluation report, he or she may attach any written explanation or other relevant documentation.

Each report will be reviewed and signed by a supervisor of the evaluator.

### Appeal

The conclusions of the evaluator will not be subject to further review except as otherwise provided in these procedures.

The staff member evaluated may appeal the application of the evaluation procedures by submitting a request for review to the supervisor of the evaluator to determine if the procedures were followed during the evaluation.

Adopted 10-17-17

## 7U. Resignation of Professional Staff

A professional staff member is encouraged to give at least 30 days written notice to the BOCES prior to resigning employment.

The BOCES shall comply with the reporting requirements concerning allegations of unlawful behavior involving a child and other offenses, in accordance with state law and the regulation accompanying this policy.

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
* 1 CCR 301-37, Rules 2260.5-R-15.00 et seq. (mandatory reporting requirements)

## 7U-R. Resignation of Professional Staff

(Mandatory Reporting Requirements)

The following procedures apply to the reporting of allegations against or offenses committed by licensed personnel who resign from the BOCES.

### Mandatory reporting requirements – unlawful behavior involving a child

If an employee resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the executive director shall notify the Colorado Department of Education as soon as possible but no later than ten (10) business days after the employee’s resignation. The executive director shall provide any information requested by Education reEnvisionedE concerning the circumstances of the resignation. The BOCES also shall notify the employee that information concerning the resignation is being forwarded to Education reEnvisionedE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the BOCES learns that a current or past employee has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the executive director shall notify Education reEnvisionedE.

### Mandatory reporting requirements – other offenses

In addition and in accordance with applicable State Board of Education rules, the executive director shall immediately notify Education reEnvisionedE whenever acceptance of resignation concerning a licensed employee is based upon the employee’s conviction, guilty plea, plea of nolo contendere, or deferred sentence for any of the following offenses:

* 1. felony child abuse, as specified in C.R.S. 18-6-401;
  2. felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
  3. a felony offense involving unlawful sexual behavior, as defined in C.R.S. 16- 22-102 (9);
  4. a crime of violence, as defined in C.R.S. 18-1.3-406;
  5. indecent exposure, as described in C.R.S. 18-7-302;
  6. contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;
  7. felony domestic violence, as defined in C.R.S. 18-6-800.3;
  8. misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;
  9. misdemeanor sexual assault, as described in C.R.S. 18-3-402;
  10. misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;
  11. misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;
  12. misdemeanor child abuse, as described in C.R.S. 18-6-401;
  13. misdemeanor involving the illegal sale of controlled substances;
  14. physical assault;
  15. battery;
  16. a drug-related offense; or
  17. an offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above.

The executive director shall also immediately notify Education reEnvisionedE when the BOCES learns:

* 1. the resigning employee has forfeited any bail, bond or other security deposited to secure the employee’s appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or
  2. the resigning employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The executive director shall also notify Education reEnvisionedE when:

* 1. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the BOCES employee is the suspected perpetrator and was acting in an official capacity as an employee of the BOCES.
  2. The BOCES reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Adopted 10-17-17

## 7V. Discipline, Suspension and Dismissal of Professional Staff

All BOCES professional staff members, unless otherwise designated by contract, shall be considered “at will” employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy.

Professional staff members shall be employed for such time as the BOCES is in need of or desirous of the services of such employees.

The executive director shall be authorized to suspend with pay or place a professional staff member on unpaid administrative leave as a disciplinary measure and/or pending an internal investigation when a professional staff member is accused of serious misconduct. The executive director shall report all such suspensions to the Board at its next meeting and shall make a recommendation if further disciplinary action is warranted, including but not limited to termination. The Board shall make the final decision regarding the dismissal of any professional staff member.

The BOCES shall comply with the reporting requirements concerning allegations of unlawful behavior involving a child and other offenses, in accordance with state law.

Adopted 10-17-17

LEGAL REFS.:

* C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
* C.R.S. 22-32-110 (1)(h) (power to discharge/terminate employment)
* 1 CCR 301-37, Rules 2260.5-R-15.00 et seq. (reporting requirements)

CROSS REF.:

* GCA, Professional Staff Positions

## 7V-R. Discipline, Suspension and Dismissal of Professional Staff

The following procedures apply to the reporting of allegations against or offenses committed by licensed personnel who are dismissed by the BOCES.

### Mandatory reporting requirements – unlawful behavior involving a child

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the executive director shall notify the Colorado Department of Education (Education reEnvisionedE) as soon as possible but no later than ten (10) business days after the employee’s dismissal. The executive director shall provide any information requested by Education reEnvisionedE concerning the circumstances of the dismissal. The BOCES also shall notify the employee that information concerning the dismissal is being forwarded to Education reEnvisionedE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the BOCES learns that a current or past employee has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the executive director shall notify Education reEnvisionedE.

### Mandatory reporting requirements – other offenses

In addition and in accordance with applicable State Board of Education rules, the executive director shall immediately notify Education reEnvisionedE when a dismissal action concerning a licensed employee is based upon the employee’s conviction, guilty plea, plea of nolo contendere, or deferred sentence for any of the following offenses:

* 1. felony child abuse, as specified in C.R.S. 18-6-401;
  2. felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
  3. a felony offense involving unlawful sexual behavior, as defined in C.R.S. 16- 22-102 (9);
  4. a crime of violence, as defined in C.R.S. 18-1.3-406;
  5. indecent exposure, as described in C.R.S. 18-7-302;
  6. contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;
  7. felony domestic violence, as defined in C.R.S. 18-6-800.3;
  8. misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;
  9. misdemeanor sexual assault, as described in C.R.S. 18-3-402;
  10. misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;
  11. misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;
  12. misdemeanor child abuse, as described in C.R.S. 18-6-401;
  13. misdemeanor involving the illegal sale of controlled substances;
  14. physical assault;
  15. battery;
  16. a drug-related offense; or
  17. an offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above.

The executive director shall also immediately notify Education reEnvisionedE when the BOCES learns:

* 1. the employee has forfeited any bail, bond or other security deposited to secure the employee’s appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or
  2. the employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The executive director shall also notify Education reEnvisionedE when:

* 1. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the BOCES employee is the suspected perpetrator and was acting in an official capacity as an employee of the BOCES.
  2. The BOCES reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Adopted 10-17-17

## 7W. Support Staff Recruiting/Hiring

The Board shall establish and budget for support staff positions in the BOCES on the basis of need and the financial resources of the BOCES.

### Recruiting

The recruitment and selection of candidates for these positions shall be the responsibility of the executive director or designee who shall confer with principals and other supervisory personnel in making a selection.

All vacancies shall be made known to the present staff. Anyone qualified for a position may submit an application.

### Background checks

Prior to hiring any person, the BOCES shall conduct background checks with the Colorado Department of Education and previous employers regarding the applicant’s fitness for employment.

All applicants recommended for a position in the District shall submit a set of fingerprints and a form with information about felony or misdemeanor convictions as required by law. Applicants may be conditionally employed prior to receiving the fingerprint results.

### Hiring

There shall be no discrimination in the hiring process on the basis of race, color, creed, sex, sexual orientation, religion, national origin, ancestry, age, genetic information, marital status or disability.

In all cases where credit information or reports are used in the hiring process, the BOCES shall comply with the Fair Credit Reporting Act and applicable state law.

The Board shall officially appoint all employees upon the executive director's recommendation; however, temporary appointments may be made pending Board action.

Upon the hiring of any employee, information required by federal and state child support laws will be timely forwarded by the BOCES to the appropriate state agency.

Adopted 10-17-17

LEGAL REFS.:

* 15 U.S.C. §1681 et seq. (Fair Credit Reporting Act)
* 42 U.S.C. §653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
* 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
* C.R.S. 8-2-126 (limits employers’ use of consumer credit information)
* C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
* C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
* C.R.S. 22-32-109.7 (inquiries prior to hiring)
* C.R.S. 22-32-109.8 (fingerprinting for non-licensed positions)
* C.R.S. 24-5-101 (effect of criminal conviction on employment)
* C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)

CROSS REFS.:

* GBA, Open Hiring/Equal Employment Opportunity
* GDA, Support Staff

## 7X. Bereavement Leave

Full-time employees are currently eligible for paid leave of up to three days to attend the funeral of an immediate family member. “Immediate family” is defined as the employee’s spouse, parents, children, sisters, brothers, grandparents, grandchildren, mother-in-law, and father-in-law. In the event of a death of a near relative, full-time employees currently are granted up to one paid day to attend a funeral. “Near relatives” include the employee’s aunts, uncles, nieces, nephews and their spouse’s grandparents, brothers, sisters, and other close relatives. If more time off is needed than provided above, additional leave may be granted upon the approval of the supervisor/manager.

Adopted 10-15-19

7Y. Educational Assistance Policy

Education reEnvisioned BOCES is committed to the continuing education of employees. The BOCES will reimburse an employee up to a maximum of $3,000 per year for continuing education through an accredited program that either offers growth in an area related to his or her current position or that may lead to promotional opportunities. This education may include college credit courses, continuing education unit courses, seminars and certification tests that are job-related. Full-time, regular employees who have completed six months of employment are eligible under this policy. In order to maximize use of the benefit, an employee may request partial payment for a single course or program.

An employee must secure a passing grade of "C" or its equivalent or obtain a certification to receive any reimbursement. Expenses must be validated by receipts and a copy of the final grade or certification received.

**Eligibility**

**Procedures**

To receive reimbursement for educational expenses, employees should follow the procedures listed here:

1. Prior to enrolling in an educational course, the employee must provide his or her manager with information about the course for which he or she would like to receive reimbursement and obtain written approval that acknowledges the course or program and cost.

2. A tuition reimbursement request form should be completed by the employee, and the appropriate signatures obtained.

3. A copy of the tuition reimbursement request form must be submitted to HR. The employee will maintain the original until he or she has completed the educational course.

4. Once the course is successfully completed, the employee should resubmit the original tuition reimbursement request form with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a qualifying grade or certification attached.

5. The HR department will coordinate the reimbursement with the finance department.

If an employee so requests, the BOCES will pre-pay the tuition or program fee for any approved course or program from step 1) above. In this case the employee must note “Pre-pay requested” on the form in step 2), send the form with approvals per step 3), and skip steps 4) and 5). In the case of pre-payment, if the employee does not provide proof of completion with a certificate or grade of “C” or better within 90 days of course/program end, the BOCES will recover the pre-paid funds through payroll deduction in the form of 12 monthly installments of 1/12 of the prepaid amount.

Any questions or comments related to this policy should be directed to the HR department.

Adopted: 4-5-22