

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

Discipline, Suspension and Dismissal of Professional Staff (And Contract Nonrenewal)

The Board of Education shall follow procedures established by law for the suspension and dismissal of teachers.

Full-time probationary teachers, currently employed by the Board, shall be reemployed for the succeeding academic year at the appropriate salary unless the Board does not renew the contract of such teacher pursuant to law.

*[The following paragraph is optional.
The Board must decide whether to include it in this policy.]*

This provision also shall apply to teachers employed on a part-time continuous basis by the district and by the _____ Board of Cooperative Educational Services.

The superintendent shall be authorized to suspend with pay or place on administrative leave a professional staff member as a disciplinary measure and/or pending an internal investigation when a professional staff member is accused of serious misconduct. The superintendent shall report all such suspensions to the Board at its next meeting and shall make a recommendation if further disciplinary action is warranted.

A teacher shall not be subject to any disciplinary proceeding including dismissal for actions which were in good faith and in compliance with the district's discipline code, nor shall a contract nonrenewal be based on such lawful actions.

The district shall not obtain consumer credit reports on a current employee unless the district is evaluating the employee for promotion, reassignment or retention. In all cases where credit reports are obtained and/or relied upon for purposes of reassigning, terminating or denying the promotion of an employee, the district shall comply with the Fair Credit Reporting Act.

Mandatory reporting requirements

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 superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but no later than ten (10) business days after the employee's dismissal. The superintendent shall provide any information requested by the department concerning the circumstances of the dismissal. The district also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the district learns that a current 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 superintendent shall immediately report this information to CDE.

In addition, the superintendent shall immediately notify CDE when a dismissal action against 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:

- a. any felony, including but not limited to felony child abuse, felony unlawful sexual behavior, a felony offense involving unlawful sexual behavior, and a felony offense involving an act of domestic violence;
- b. a crime of violence;
- c. indecent exposure;
- d. contributing to the delinquency of a minor;
- e. misdemeanor domestic violence;
- f. misdemeanor sexual assault;
- g. misdemeanor unlawful sexual conduct;
- h. misdemeanor sexual assault on a client by a psychotherapist;
- i. misdemeanor child abuse;
- j. misdemeanor sexual exploitation of children;
- k. misdemeanor involving the illegal sale of controlled substances;
- l. physical assault;
- m. battery; or
- n. a drug-related offense.

The superintendent shall also notify CDE when:

- a. 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 school employee is the suspected perpetrator and was acting in an official capacity as an employee of the district.

- b. The Board reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

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LEGAL REFS.: C.R.S. 19-3-301 *et seq.* (Child Protection Act of 1987)
C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
C.R.S. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)
C.R.S. 22-63-202 (3) (temporary suspension during contract period)
C.R.S. 22-63-202 (4) (disclosure of reasons why left employment)
C.R.S. 22-63-203 (renewal and non-renewal of probationary teacher contracts)
C.R.S. 22-63-301 *et seq.* (dismissal of licensed staff)
1 CCR 301-37, Rules 2260.5-R-15.00 *et seq.* (mandatory reporting requirements)
15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)

CROSS REF.: GBG, Liability of School Personnel/Staff Protection

NOTE: State law prohibits school districts from entering into a settlement agreement that would restrict the district's ability to share any relevant information related to a conviction for child abuse or a sexual offense against a child and that pertains to the incident upon which the employee's dismissal or resignation is based. C.R.S. 22-32-109.7(3).