

DISCIPLINE, SUSPENSION AND DISMISSAL OF CLASSIFIED STAFF

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

The superintendent has the authority to dismiss classified (support) personnel. The superintendent may delegate this authority to other appropriate personnel. All dismissals of classified employees must be reported to the Board at its next regular meeting.

The superintendent or designee may also suspend employees from their assignments as a disciplinary measure.

Mandatory Reporting Requirements

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior or an allegation of a sexual act involving a student who is eighteen (18) years of age or older, regardless of whether the student consented to the sexual act 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 and for providing any information requested by CDE concerning the circumstances of the dismissal. The district will notify the employee that information concerning the dismissal or resignation is being forwarded to CDE.

If the district learns from a source other than CDE that a current or past employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent will immediately report this information to CDE.

Additionally, in accordance with applicable state Board of Education rules, the superintendent will immediately notify CDE when a dismissal action concerning an employee is based upon a 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. A crime of violence, as defined in C.R.S. 18-1.3-406;
3. Felony unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
4. A felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
5. Felony domestic violence, as defined in C.R.S. 18-6-800.3;
6. Indecent exposure, as described in C.R.S. 18-7-302, or an offense committed outside of this state, the elements of which are substantially similar to the elements of indecent exposure;
7. Physical assault;

8. Battery;
9. A felony drug offense or drug-related offense;
10. A felony committed outside of this state, the elements of which are substantially similar to any offense described in items 1-5 above; or
11. A felony committed outside of this state which, if committed in Colorado, would be a felony, other than those described in items 1-6 above.

The superintendent must also immediately notify CDE when:

1. The employee has forfeited any bail, bond, or other security deposit to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor described in items 1-6 or 9 above.
2. The employee has paid a fine or enters a plea of *nolo contendere* or received a deferred or suspended sentence for any offense described in items 1-6 or 9 above.

The superintendent must notify CDE as soon as practicable when:

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

The district will 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 information or reports are obtained and/or relied upon for purposes of reassigning, terminating or denying the promotion of an employee, the district must comply with the Fair Credit Reporting Act and applicable state law.

Adopted: August 19, 1991

Latest Revision: November 2, 2023

Revised: August 20, 2014
September 28, 2007
December 7, 2005
July 14, 2000
December 9, 1999

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. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)
C.R.S. 22-32-110 (1)(h) power to discharge/terminate employment)
C.R.S. 22-32-126 (3) (principals recommend employment actions)
C.R.S. 22-63-202(4)(disclosure of reasons why left employment)
1CCR 301-37:10.00-10.5(mandatory reporting of unlawful behavior)
15 U.S.C. *et seq.* (Fair Credit Reporting Act)
20 U.S.C. 7926 (ESSA prohibition against employment assistance for school employees who have engaged in sexual misconduct with a student or minor)
C.R.S. 8-2-126 (limits employers use of consumer credit information)