



Sargent School District

SPECIAL MEETING AGENDA BOARD OF EDUCATION

May 28, 2024, 6:30 p.m.

High School Library

Sargent School District

7090 N. CR 2 E.

Monte Vista, Colorado

1. **6:30 p.m. Preliminary**
 - 1.01 Call to Order
 - 1.02 Roll Call
 - 1.03 Pledge of Allegiance
 - 1.04 Approval of Agenda
2. **Consent Agenda**
 - 2.01 Approval of Minutes
 - 2.02 Financial Reports
 - 2.03 Expenditures
 - 2.04 Requisitions
3. **Community Input- to sign up for Community input please email srklecker@sargent.k12.co.us prior to the meeting.**
 - 3.01 Items from the Community
4. **Leadership Reports**
 - 4.01 Student Reports, Goals and Needs
 - 4.02 Staff Reports, Goals and Needs
 - 4.03 Principals Reports, Goals and Needs
 - 4.04 Assessment
 - 4.05 Board of Education
 - 4.06 Superintendent
5. **Action Item -Consideration of:**
 - 5.01 Resolution Moving 6th Grade to Middle School
 - 5.02 Board Policy BEDA-Notification of Board Meetings-First Reading
 - 5.03 Establish a New Position- Statement of Job Requirements Teacher Assistant, Strength and Conditioning Coach, Gifted and Talented Teacher
 - 5.04 Salary Schedules

- 5.04.1 Teacher Salary Schedule
- 5.04.2 Support Staff Salary Schedule-Teacher Assistant
- 5.05 Employment List
 - 5.05.1 Extra Duty Pay Agreement
 - 5.05.2 Contract Addendum
 - 5.05.3 Teacher Assistant
 - 5.05.4 Resignations
 - 5.05.5 Discontinue Notice of Assignment
- 5.06 CASB Policy Overhaul Board Policy Section E- First Reading
- 5.07 CASB Special Policy Update- AC- Nondiscrimination/Equal Opportunity, AC-R-1- Nondiscrimination/Equal Opportunity (Complaint and Compliance Process) Regulation, AC-R-2- Sexual Harassment Investigation, AC-E-1- Exhibit-Sample Notice of Nondiscrimination/Equal Opportunity, AC-E-2-Exhibit- Complaint Form for Reports of Harassment or Discrimination, AC-R-1- Harassment and Investigation Procedures for Students, AC-R-2-, AC-R-3- Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment, and Members of the Public, GBAA-Sex-based Harassment, JBB- Sex-based Harassment
- 5.08 Possible Action on Business Manager/Service
- 5.09 Board Communication
- 6. Discussion Items**
 - 6.01 Preliminary Budget Presentation
 - 6.02 Strategic Plan
 - 6.03 Board Charge and District Goals for Next Year
 - 6.04 June Agenda Items
 - 6.05 Board Self-assessment and Debrief
- 7. Adjournment**

Notification of Board Meetings

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

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

At a minimum, the Board shall cause notice of regular and special meetings and work sessions to be posted on the district's website no less than 24 hours prior to the meeting. This notice shall include specific agenda information where possible. The district shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies will be discussed. These individuals will be provided reasonable advance notification of such Board meetings.

Notice to the Board

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

Adoption date: 02/26/01

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

LEGAL REFS.: C.R.S. 22-32-108 (2), (3) (meetings of the Board)

C.R.S. 24-6-402 (2)(c) (notice of meeting "shall include specific agenda information where possible")

C.R.S. 24-6-402 (2)(c)(III) ("full and timely notice" requirement is met if district posts notice of meeting on the district's website no less than 24 hours prior to meeting)

C.R.S. 24-6-402 (7) (district must keep list of persons who have requested notification of meetings when specified policies are discussed and provide reasonable advance notice to such persons)

CROSS REFS.: BE, School Board Meetings

BEDB, Agenda

Option 1

File: BEDA

Notification of Board Meetings

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Notice to the Board

The superintendent or designee shall provide all available meeting materials including, but not limited to, agenda, meeting minutes from the last regular meeting, policy overhaul [if applicable], and staff reports one week prior to the next regular board meeting. All reporting parties, including administrators, teachers, staff, directors, and Board Members, shall have submitted their information to the superintendent or designee two business days prior to the report being made available to the board.

If other material, not listed above, is not available at the deadline, the principal, superintendent, or designee shall accept any material they deemed necessary and provide such information to the board no later than 72 hours prior to the next regular meeting.

Adoption date: 02/26/01

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

LEGAL REFS.: C.R.S. 22-32-108 (2), (3) (meetings of the Board)

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

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

Option 2

File: BEDA

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Notice to the Board

The superintendent or designee shall provide all available material, including but not limited to, the agenda, together with meeting materials and the minutes of the last regular meeting, to Board members no later than one week before the next regular meeting.

If information is not available at said deadline, the principal, superintendent, or designee shall accept any information they deem necessary and provide such information to the board 72 hours before the next regular board meeting.

Adoption date: 02/26/01

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

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

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

Support Staff Positions

Job Description: Teacher Assistant

TITLE: Teacher Assistant

QUALIFICATION:

1. High school graduate or equivalent
2. AA degree or equivalent of 2-year college
3. READ Act Certification
4. Lindamood-Bell Certification
5. Experience as a teaching assistant or similar role.
6. Solid understanding of classroom activities and teaching best practices.

REPORTS TO: K-12 Principal

PERFORMANCE RESPONSIBILITIES

This position is responsible for assisting lead teachers with curriculum planning, supervision, and teaching of children in a classroom setting.

DUTIES:

1. Work with the lead teacher to monitor the class schedule.
2. Assist teachers with lesson preparation by getting materials ready and setting up equipment.
3. Responsible for supporting the academic programming and progress of individual students and/or small groups of students with identified significant needs by testing and determining grouping patterns.
4. Ensure the classroom environment is safe and clean.
5. Oversee students during non-classroom times including in between classes, during lunch, and on field trips.
6. Collaborate with lead teachers to recognize issues students are facing and recommend solutions.
7. Document student progress and communicate with parents to keep them informed.
8. Assist Lead teachers to create lesson plans.
9. Comply with state, school and class rules and regulations.
10. Attend all training classes, parent teacher conferences, and faculty meetings.
11. Be courteous in all dealings with parents, students and employees. Represent the district in a positive way, both on duty and in connection with school activities, even though the employee may not be officially on duty.
12. Be familiar with and follow all FERPA (Family Educational Rights & Privacy Act) and HIPAA (Health Insurance Portability and Accountability Act) laws and requirements.

PHYSICAL DEMANDS:

The physical requirements indicated below are examples of the physical aspects that this position classification must perform in carrying out essential job functions.

- Persons performing service in this position classification may exert 5 to 20 pounds of force to lift, carry, push, pull, or otherwise move objects.

- This type of work involves both sitting a portion of the time as well as walking and standing for a portion of the time.
- Perceiving the nature of sound, near and far vision, depth perception providing oral information, the manual dexterity to operate electronic equipment, and handle and work with various materials and objects are important aspects to this job.

Reasonable accommodations may be made to enable a person with a disability to perform the essential functions of the job.

EMPLOYMENT TERMS:

Salary and work year to be established by the superintendent of schools in accordance with policies of the Board of Education.

EVALUATION:

Performance of this job is to be evaluated by the K-12 Principal in accordance with policies of the Board of Education.

READ AND REVIEWED BY EMPLOYEE ON: _____

Employee Signature

Date

Support Staff Positions

Job Description: Strength and Conditioning Coach

TITLE: Strength and Conditioning Coach

QUALIFICATION:

1. BS in Kinesiology or related field
2. A current relevant professional certification credentialed by an independent accreditation agency
 - NSCA Certified Strength and Conditioning Specialist (CSCS certification)
 - ISSA Strength and Conditioning Coach (SCC certification)
 - NCSF Certified Strength Coach (CSC certification)
 - NASM Performance Enhancement Specialist (PES certification)
 - SCCC Strength and Conditioning Coach Certified (SCCC certification)
3. Current standard first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillation (AED) certifications.
4. A strong working knowledge and teaching skills in analysis and techniques of strength training.
5. Experience an/or expertise in strength and conditioning programming for high school populations.
6. Strong motivational abilities
7. Evidence of ability to interact positively with student athletes, colleagues, and the public.

REPORTS TO: High School Athletic Director

PERFORMANCE RESPONSIBILITIES

This position is responsible for establishing and maintaining a strength and conditioning program for all sports, with three major goals of improving athletic performance, reducing athletic injuries, and teaching lifelong fitness and movement skills.

DUTIES:

1. Design and implement strength training and conditioning programs in-season, off-season and pre-season for all school-sanctioned male, female, and co-ed athletic programs according to sound scientific principles.
2. Meet with coaches to determine what type of training their athletes need.
3. Maintaining the power house and for establishing policies, plans, and procedures for the safe and professional operation of the power house.
4. Develop a system for tracking athlete attendance and athlete progress in conjunction with the coaches.
5. Complete annual budgetary proposal for the program that includes routine maintenance, and purchase of new equipment.
6. Other duties as assigned.
7. Work with the athletic trainer in the rehabilitation and strengthening of injured athletes.
13. Be courteous in all dealings with parents, students and employees. Represent the district in a positive way, both on duty and in connection with school activities, even though the employee may not be officially on duty.
14. Be familiar with and follow all FERPA (Family Educational Rights & Privacy Act) and HIPAA (Health Insurance Portability and Accountability Act) laws and requirements.

PHYSICAL DEMANDS:

The physical requirements indicated below are examples of the physical aspects that this position classification must perform in carrying out essential job functions.

- Ability to demonstrate the appropriate skills, techniques, and forms to be used by the athletes.
- Ability to visually monitor athletes.
- Sitting, standing, lifting and carrying (up to 50 pounds), reaching, squatting, climbing stairs, kneeling, and moving equipment up to 50lbs.
- Perceiving the nature of sound, near and far vision, depth perception providing oral information, the manual dexterity to operate electronic equipment, and handle and work with various materials and objects are important aspects to this job.

Reasonable accommodations may be made to enable a person with a disability to perform the essential functions of the job.

EMPLOYMENT TERMS:

Salary and work year to be established by the superintendent of schools in accordance with policies of the Board of Education.

EVALUATION:

Performance of this job is to be evaluated by the High School Athletic Director in accordance with policies of the Board of Education.

READ AND REVIEWED BY EMPLOYEE ON: _____

Employee Signature

Date

Professional Staff Positions
(Job Description: Gifted and Talented Teacher)

TITLE: Teacher

QUALIFICATIONS:

1. The teacher must be appropriately licensed in the State of Colorado as provided by law.
2. Licensed staff must be qualified for the area or grade level in which they perform, meeting Colorado Department of Education accreditation standards as well as North Central Association standards for high school positions.

REPORTS TO: K-12 Principal

SUPERVISES: Students and Teacher Aides

POSITION SUMMARY:

The Gifted and Talented Coordinator provides leadership and coordination for planning, implementation, and assessment of curriculum/instructional initiatives related to improvements in the K-12 Gifted Program. Through the implementation of innovative and research best practices, this position ensures the delivery of high quality instructional programming.

PERFORMANCE RESPONSIBILITIES:

1. It is the responsibility of the teachers of the Sargent School District to perform up to district standards or higher in all twenty-four standard areas.
2. Understand and be able to apply Colorado Revised Statute, Education of Exceptional Children Part 2: Education of Gifted Children (22-20-201-22-20-206) and the Exceptional Children's Education Act (ECEA) rules which pertain to gifted education.
3. Demonstrate knowledge of policies and procedures required to implement legal requirements.
4. Facilitate collaborative development, implementation, and submission of Gifted Education mandated requirements.
5. Manage and maintain gifted education data.

6. Ensure schools implement the Gifted Education Comprehensive Program Plan (CPP) and Unified Improvement Plan (UIP).
7. Communicate the district's gifted education programming to stakeholders.
8. Provide leadership to guide appropriate instructional decision-making, focusing on differentiated strategies aligned to the area(s) of identified strength and affective needs of gifted and talented students within the district.
9. Talent development and the creation of a talent pool to support the needs of exceptional learners.
10. Facilitate the development of procedures and processes to support the legal requirements necessary for student-centered, standards aligned Advanced Learning Plans (ALPs) that drive instructional programming.
11. Integrate the affective needs of gifted students into ongoing, tiered programming options offered in the district.
12. Develop positive partnerships with families, educators, and community members for the benefit of gifted students within their area(s) of identified strength and in support of their affective needs.
13. Facilitate professional development related to evidence-based practices, rigorous content, and effective outcomes for gifted and talented learners.
14. Conduct program evaluations.
15. Develop, implement, and monitor identified improvement targets using data to improve programming and services for gifted learners.

Approved:

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

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. —There are many areas of the school operation, from science laboratories and art departments to custodial services and vehicle maintenance, which use a variety of materials that may be hazardous.

The Board, through the superintendent, shall cause to be created procedures which address the purchase, storage, handling, transportation and disposal of hazardous materials for all school facilities and operations including instructional areas. Emergency response actions and evacuation plans ~~also~~ shall be coordinated with the procedures.

The procedures shall comply with all local, state and federal laws and regulations which 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 district may begin a program of identifying and managing potentially hazardous materials. District personnel shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the quantities of such substances stored on school property.

Appropriate school 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 district's potential liability exposure through the adoption of this policy. The district'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: 05/22/89

Revised: 03/26/01, 02/27/12, 12/15 note, **date of manual revision**

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. 42-4-228 (vehicles transporting explosive or hazardous materials)
C.R.S. 42-4-234 (3)
C.R.S. 43-6-101 et seq. (Hazardous Materials Transportation Act of 1987)
6 CCR 1007-3, Part 261 (identification and listing of hazardous waste)
6 CCR 1010-6 (department of public health and environment rules governing schools)
8 CCR 1507-1 (operation of commercial vehicles and transportation of hazardous materials)

~~NOTE 1: Applicable local fire codes should be added to the above legal references.~~

~~NOTE 2: The Colorado Senate strongly encourages school districts to communicate with students and their parents/guardians concerning the types of hazardous materials that are routinely used in maintaining buildings and grounds and those that are routinely used for educational purposes. This information can be distributed to students along with other routine notifications.~~

~~Districts are also strongly encouraged to provide advance public notice regarding the use of hazardous materials when the use will occur outside the ordinary course of education programs or routine building and ground maintenance. The notice should be provided to the department of public health and environment, students, staff and community members who may be affected.~~

~~NOTE 3: The Colorado Department of Public Health and Environment (CDPHE) has rules and regulations pertaining to schools that require school districts to adopt a "chemical hygiene plan" by January 1, 2016 that addresses all areas of the school where toxic or hazardous substances are used or provided. The plan must be reviewed and updated, as necessary, at least annually. 6 CCR 1010-6, Rule 6.12.1(E). Schools must dispose of chemicals prohibited by CDPHE's rules by January 1, 2017. 6 CCR 1010-6, Rule 6.12.3(C).~~

~~For information regarding "Chemical Management in Schools," including guidelines for handling hazardous materials as well as a self assessment tool for determining compliance, visit the Colorado Department of Public Health and Environment, Division of Environmental Health and Sustainability's website or call 303-692-3645.~~

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

Prevention of Disease/Infection Transmission (Handling Body Fluids)

All schools must provide a sanitary environment and must establish routines, **recommended by appropriate health professionals**, for handling body fluids. ~~that are recommended by appropriate health professionals.~~

All school district personnel must be advised of **and follow** routine procedures ~~to follow in~~ **regarding** handling body fluids. These procedures must provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or body fluids of another. These procedures must be standard health and safety practices **developed in consultation with medical personnel**. No distinction may be made between body fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease.

The procedures must be published as school district regulations and distributed to all staff on a regular basis. Training and appropriate supplies must be available to all personnel including those involved in transportation and custodial services.

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

Adopted: 04/30/01

Revised: 08/26/02, 8/10/20, **date of manual revision**

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

CROSS REFS.: GBGA, Staff Health (And Medical Examination Requirements)
JLCC, Communicable/Infectious Diseases
JLCE, First Aid and Emergency Medical Care



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

Prevention of Disease/Infection Transmission (Handling Body Fluids and Substances)

The body fluids and substances of all persons should be considered to contain potentially infectious agents. No distinction may be made between body fluids and substances from individuals with a known disease or infection and those from asymptomatic or undiagnosed individuals. Body fluids and substances include blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva.

The following infection control practices must be followed **by all school district personnel** in all situations involving potential contact with any body fluids and substances:

1. Wear gloves when it is likely that hands will be in contact with body fluids or substances (blood, urine, feces, wound drainage, oral secretions, sputum, or vomitus). When possible, wear gloves while holding bloody noses and dealing with cuts that are bleeding heavily. Gloves should be kept in emergency response kits and be readily accessible at sites where students seek assistance for bloody noses or injuries.
 - a. If gloves are not available, the use of towels or some other clean material as a barrier may provide some protection.
 - b. Cuts and sores on *your skin* should be routinely covered to avoid infection.
 - c. When possible, have students wash off their own cuts and abrasions. After cuts are washed with soap and water, they should be covered with Band-Aids or bandages of the appropriate size. Where possible, students should be taught to hold their own bloody noses.
2. When possible, pocket face masks should be used for mouth-to-mouth resuscitation.
3. Wash hands often and well with soap and water paying particular attention to areas around and under fingernails and between fingers and scrubbing hands for at least 20 seconds.
4. Clean up as soon as possible after any skin contact with any body fluid or substance.
 - a. Wash skin with soap and water.

b. Wash contaminated surfaces and non-disposable items with standard disinfectant. Use aerosol germicide cleaner.

~~1 of 3~~

c. Wash contaminated clothing and linen in detergent with hot water.

d. Contaminated tissues, paper towels and other disposable items should be placed in plastic bags before being discarded.

Use individual judgment in determining when barriers are needed for unpredictable situations. It is strongly recommended that barriers be used when contact with body fluids or substances is anticipated.

Although COVID-19/Coronavirus has received a great deal of attention, there are several other communicable diseases of which staff members also should be aware. The following page includes a table listing communicable diseases and body substance sources of infection.

The more people a student or staff member interacts with, and the longer that interaction, the higher the risk of COVID-19 spread.

1. COVID-19 is mostly spread by respiratory droplets released when people talk, cough, or sneeze. It is thought that the virus may spread to hands from a contaminated surface and then to the nose or mouth, causing infection.

2. Personal prevention practices, such as handwashing, staying home when sick, and environmental cleaning and disinfection are encouraged to reduce the spread of COVID-19.

3. Cloth face coverings are meant to protect others in case the wearer is unknowingly infected by asymptomatic and are most essential in times when physical distancing is difficult.

~~2 of 3~~

TRANSMISSION CONCERNS–BODY SUBSTANCE SOURCES OF INFECTIOUS AGENTS

Body Substance Source	Organism of concern	Transmission
Blood	Hepatitis B virus	Bloodstream inoculation
cuts/abrasions	HIV/AIDS	through cuts and abrasions
nose bleeds	Cytomegalovirus	on hands
menses	Direct blood steam	
contaminated needle		inoculation

*Feces incontinence	Hepatitis A virus Salmonella bacteria Shigella bacteria <u>C.difficile</u>	**Oral inoculation from contaminated hands
*Respiratory secretions saliva nasal discharge	Common cold virus Influenza virus ***Epstein-Barr virus COVID-19/Coronavirus	**Oral inoculation from contaminated hands
*Vomitus	Gastrointestinal viruses (e.g., Norwalk virus)	**Oral inoculation from contaminated hands
*Urine incontinence	***Cytomegalovirus through cuts and abrasions on hands	Bloodstream inoculation
Semen/vaginal fluids	Hepatitis B virus HIV/AIDS Gonococcus bacteria	Sexual contact (intercourse)

*There are no reported cases of HIV/AIDS suspected of having been transmitted by these sources. Wear gloves when exposed to body secretions, especially blood, urine or feces.

**HAND WASHING IS VERY IMPORTANT!

***These agents cause mononucleosis-like illness.

Approved: 04/30/01
Revised: 08/26/02, 08/10/20, date of manual revision

ACCIDENT REPORTS

Adequate and prompt accident reporting (~~within 24 hours~~) is essential. If injuries or property damage occur, prompt reports are vital in assuring district, staff, students and others of insurance coverage. **Such reports may be important in the event of litigation.**

The Board requires ~~therefore~~ that an accident report be filed on every accident that takes place on school property or that involves a school vehicle, students or staff on school-sponsored trips or activities, 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.

Adopted: 06/18/73

Revised: 01/25/83, 03/26/01, 06/26/17, **date of manual revision**

School Closings and Cancellations

The superintendent is empowered to close the schools or to dismiss them 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 that the superintendent will take such action only after consultation with appropriate authorities.

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

All staff members, except for teachers and personnel who work only on teacher work days or on student days, unless otherwise notified must be required to report to work as soon as possible on emergency days.

In the event school is physically closed due to a public health emergency, all staff with direct student contact or associated with student attendance will not physically report to work unless notified otherwise. Instead, the district will utilize a form of remote instruction. Remote instruction allows students to access lessons provided by, and supported by, their regular teachers and allows students to continue their sequence of learning despite their inability to access facilities.

During days of remote instruction, teachers will take attendance and monitor student participation through **Infinite Campus**. For situations that are out of the control of the student, days of remote instruction will be treated with the same exceptions as an excused absence in regard to work assigned.

The superintendent or their designee will develop administrative regulations or a plan for implementing this policy.

Current practice codified 1982

Adopted: Date of manual adoption

Revised: 08/28/89, 03/26/01, 06/26/17, 8/10/20, date of manual revision

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)

CROSS REFS.: IC/ICA, School Year/School Calendar/Instruction Time
JLIB, Student Dismissal Precautions

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

Security/Access to Buildings

~~SECURITY/ACCESS TO BUILDINGS~~

Security for district 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. For safety and security purposes, access to school buildings, whether by students, staff members or visitors, shall be limited as deemed appropriate for each school building.

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

Alarm systems and other devices designed to protect buildings against illegal entry and vandalism ~~shall~~ may be installed where appropriate.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 02/24/86, 3/28/11, 06/26/17, date of manual revision

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) (*board must adopt safety and security policy*)

CROSS REFS.: KI, Visitors to School

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

Use of Video and Audio Monitoring

The Board of Education recognizes that maintaining the safety and security of students, staff and district property is best implemented with a multifaceted approach. To the extent modern technology provides tools to maintain safety and security, the use of technology such as video surveillance cameras is supported by the Board.

Video surveillance may be utilized in and around schools, on district property and on school transportation vehicles. Cameras may be equipped with audio recording capabilities as well. Video surveillance shall be in accordance with applicable law pertaining to such use. The district also shall comply with applicable law related to maintaining video recordings.

The superintendent or designee is directed to develop regulations governing the use of video surveillance in accordance with applicable law and Board policy.

Exclusions

Recording of teacher instruction for purposes of completing a licensed personnel performance evaluation is not intended to be covered by this policy and shall not be permitted except as provided by state law. Recording of students for purposes of their educational programming is also not intended to be covered by this policy.

Adoption date: 06/26/17, *date of manual review*

LEGAL REFS.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act of 1974*)
34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)

CROSS REFS.: GBEB, Staff Conduct (And Responsibilities)
JIC, Student Conduct, and subcodes
JK, Student Discipline, and subcodes
JRA/JRC, Student Records/Release of Information on Students

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

Use of Video and Audio Monitoring

Placement and notification

1. Video surveillance equipment may be installed in and around schools, district buildings and school transportation vehicles where there is a legitimate need for video surveillance, as approved by the superintendent or designee.
2. Equipment will not be used or installed in areas where the public, students and/or staff have a reasonable expectation of privacy, such as locker rooms and restrooms.
3. Video recording equipment may be in operation 24 hours per day on a year-round basis at any and all times, whether or not school is in session and whether or not the facilities or buildings are in use.
4. Video surveillance equipment shall not be located in an administrative office or in the school's or district's central security office.
5. Video monitors shall not be located in an area that enables public viewing.
6. Conduct and comments in publicly accessible places on district property (e.g. school hallways, buses, athletic facilities, etc.) may be recorded by video and audio devices.
7. The district shall notify students, staff and the public that video surveillance systems are present. Such notification will be included in staff and student handbooks and signs will be prominently displayed in appropriate locations throughout the district.
8. Specific notification will not be provided when a recording device has been installed or is being utilized in a school vehicle or building.

Use

1. The use of video surveillance equipment on school grounds shall be supervised and controlled by the building principal. The use of video surveillance equipment on school vehicles shall be supervised and controlled by the transportation supervisor. The use of video surveillance equipment at sites other than schools or school vehicles will be supervised and controlled by the superintendent or designee.
2. Staff and students are prohibited from unauthorized use, tampering with or otherwise interfering with video recordings and/or video camera equipment. Violations will be subject to appropriate disciplinary action. Disciplinary action shall be consistent with applicable Board policies and regulations and may include, but not be limited to, written reprimand, suspension, demotion or dismissal for staff and suspension and/or expulsion for students, depending upon the nature and severity of the situation.
3. The superintendent or designee will review the use and operations of the video surveillance system with each school on a periodic basis.
4. Video recordings may be used as evidence that a student, staff member or other person has engaged in behavior that violates state law, Board policies and/or school rules.

Storage/security

1. The district shall provide reasonable safeguards including, but not limited to, password protection, well-managed firewalls and controlled physical access to protect the video surveillance system from hackers, unauthorized users and unauthorized use.
2. Video recordings will be stored for a minimum of 14 ~~calendar~~ school days after the initial recording. If the designated district administrator and/or designee know no reason for continued storage, such recordings will be erased.
3. Video recordings held for review will be maintained in their original form pending resolution of the incident. Recording media will then be released for erasure, copied for authorized law enforcement agencies or retained in accordance with applicable law and Board policy.
4. To ensure confidentiality, all video storage devices that are not in use will be

stored securely in a locked receptacle located in a controlled access area. All storage devices that have been used will be numbered and dated. Access to the storage devices will be limited to authorized district personnel.

5. Video recordings held by the district as student education records and/or personnel records shall be maintained in accordance with applicable law and Board policy.

Viewing requests

Requests for review of video recordings that are considered a student education record or personnel record will be as follows:

1. All viewing requests must be submitted in writing. Requests for viewing will be limited to those parents/guardians, students, staff and/or district officials with a direct interest in the recording as authorized by the designated district administrator. Only the portion of the recording concerning the specific incident at issue will be made available for viewing.
2. Written requests for viewing may be made to the designated district administrator within 7 ~~calendar~~ school days of the date of recording.
3. Approval or denial for viewing will be made within 5 ~~calendar~~ school days of receipt of the request and so communicated to the requesting individual.
4. Recordings will be made available for viewing within 2 ~~calendar~~ school days of the approval of the request.
5. Actual viewing will be permitted only at district sites including a school building or district administrative office, unless otherwise required by law.
6. All viewing will include the designated district administrator or designee.
7. To the extent required by law, a written log will be maintained of those viewing video recordings including the date and location of viewing, reasons for viewing, date the recording was made and the viewer's signature.
8. Recordings will remain the property of the district and may be reproduced only in accordance with applicable law and Board policy.

Approval date: ~~06/26/17~~, date of manual revision

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

Authorized Use of School-Owned Materials ~~and~~ or Equipment

School equipment may be loaned to community groups for educational, civic or charitable purposes when:

1. The group borrowing the equipment agrees to accept responsibility for repairing or replacing any equipment damaged or lost while in its possession.
2. The equipment is not unusually expensive and subject to easy damage.
3. The equipment is in good condition.
4. The group will provide a competent operator for any machine loaned.
5. Outside use of the equipment will not interfere with the school program.

Any student or other individual borrowing school equipment must sign an official receipt. A deposit may be required as determined by the principal, business office or the superintendent.

Adopted: 03/22/93

Revised: 03/26/01, *date of manual revision*

CROSS REF.: KF, Community Use of School Facilities

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

Student Transportation

The school district's transportation program shall be designed to ~~transport~~ get students who live an unreasonable walking distance from school to school and back in an efficient, safe and economical manner.

General responsibility for the transportation system is vested in the superintendent.

All other people engaged in the transportation program are responsible to that administrator.

~~with specific responsibility assigned to the transportation director.~~

It shall be the duty of the superintendent to provide the Board with regular reports and information regarding the efficiency and conduct of the transportation program.

The district shall operate its own fleet of buses and other types of vehicles as needed.

In the event the Board determines that the un-reimbursed expenses associated with providing student transportation are impacting the budget for instructional programs, the Board may explore opportunities to offset those costs through imposition of a transportation fee in accordance with state law.

Alternatively, the district may submit to the voters the question of whether to impose a mill levy increase for the payment of excess transportation costs in accordance with state law. If the mill levy increase is approved, the revenues shall be deposited in the transportation fund.

The district shall waive any transportation fee for any student eligible for reduced price or free lunches as determined by federal regulations.

Adopted: 01/25/83

Revised: 10/30/00, 09/26/05, 2/18 (legal ref.)

LEGAL REFS.: C.R.S. 22-32-110 (1)(a) (*hold real property in name of district*)

C.R.S. 22-32-113 (*transportation of pupils and imposition of fee for excess transportation costs*)

C.R.S. 22-32-114 (*transportation by parents of own children*)

C.R.S. 22-51-101 *et seq.* (*Public School Transportation Fund*)

~~C.R.S. 22-32-110(1)(a)~~

~~C.R.S. 22-32-113~~

~~C.R.S. 22-32-114~~

~~C.R.S. 22-51-101 et seq.~~

CROSS REFS.: DEA, Funds From Local Tax Services
EEA subcodes (all relate to the district's transportation program)
EFC, Free and Reduced Price Food Services
[JFBA, Intra-District Choice/Open Enrollment](#)

JQ, Student Fees, Fines and Charges
LBD*-R Relations with District Charter Schools

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

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

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

Student Transportation (Transportation Fee)

The district may impose and collect a fee for the payment of excess transportation costs by adoption of a Board resolution, in accordance with state law. Prior to adoption of such Board resolution, the Board shall hold a public meeting to solicit and consider recommendations from, at a minimum, the school district accountability committee or its equivalent; teachers; parents; students; and any statewide or local organization that represents parents, students and teachers within the district. The recommendations shall pertain to whether the Board should impose a transportation fee and to the proposed transportation fee schedule. Public notice of this meeting shall be provided at least 30 days prior to the meeting.

At a meeting held subsequent to the meeting at which the Board hears public comments and recommendations, the Board may adopt a transportation fee schedule and Board resolution to impose such a fee. In imposing any transportation fee, the district shall ensure that only those students who use the district's transportation services shall be required to pay the fee.

[Optional language to include if district has district charter schools: Prior to imposing any transportation fee on students enrolled in any district charter school, the district shall consult with the students' parents. The full amount of any transportation fee charged shall be used to offset the costs of providing district transportation services to these district charter school students.]

(Approval date)

File: EEA

COLORADO SAMPLE REGULATION 2005©

School-Bus Safety Program

The school district shall comply with all state laws and regulations pertaining to the operation of school buses and shall make these requirements known to bus drivers. It also shall cooperate with local safety officials in formulating and accomplishing its school bus safety program.

The safety and welfare of student riders shall be the first consideration in all matters pertaining to ~~the bus safety program~~~~transportation~~. Safety precautions shall include the following:

1. Students shall be instructed as to the proper procedure for boarding and exiting from a school bus and in proper and safe conduct while aboard.
2. Emergency evacuation drills shall be conducted at least two times a year to acquaint student riders with procedures in emergency situations.
3. Passengers of any school bus used on mountainous terrain shall not occupy the front row of seats and any seats located next to emergency doors unless the bus is equipped with retarders which supplement the bus brake system or the passengers are adequately restrained in a fixed position.
4. All vehicles used to transport students shall be ~~continuously~~ inspected in accordance with applicable safety regulations.

A bus driver who observes a vehicle passing the school bus when the signal lights are activated shall notify the transportation ~~director~~~~supervisor~~ of the violation and provide ~~him with~~ the basic information required by law. The transportation ~~director~~~~supervisor~~ shall convey this information to the appropriate law enforcement agency.

Adopted: 01/25/83

Revised: 08/28/89, 10/30/00, 8/27/18, *date of manual revision*

LEGAL REFS.: *C.R.S. 42-4-707 (certain vehicles must stop at railroad grade crossings)*

C.R.S. 42-4-1901-1904

1 CCR 301-26, Rules 4204-R-200 et seq.

~~C.R.S. 42-2-123~~

- ~~_____ C.R.S. 42-4-236~~
- ~~_____ C.R.S. 42-4-238~~
- ~~_____ C.R.S. 42-4-239~~
- ~~_____ C.R.S. 42-4-608~~
- ~~_____ C.R.S. 42-4-612~~
- ~~_____ C.R.S. 42-4-613~~
- ~~_____ 1 CCR 301-26, Rules 4204 R 200 et seq.~~
- ~~_____ C.R.S. 42-4-707 (certain vehicles must stop at railroad grade~~
- ~~_____ crossings)~~

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

School Transportation Vehicle Operator Requirements and Training

School transportation vehicle operators shall conform to state and federal laws and regulations regarding training, licensing and other requirements and shall participate in required inservice training programs.

This shall apply to all operators including those on regular routes, activity and/or other trips.

Adopted: 06/27/95

Revised: 10/30/00, 11/26/07, 2/25/09, 2/28/11, [date of manual review](#)

LEGAL REFS.: C.R.S. 42-2-401 et seq. (Commercial Driver's License Act)
1 CCR 301-26, Rules 4204-R-200 et seq.

CROSS REFS.: EEAEAA, Drug and Alcohol Testing for Bus Drivers
[GBEB, Staff Conduct \(And Responsibilities\)](#)



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

Drug and Alcohol Testing for Bus Drivers

In accordance with federal law and regulations, the district shall be responsible for implementing a drug and alcohol testing program for school bus drivers. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by bus drivers.

Prohibited conduct

Drivers shall be prohibited from any alcohol misuse that could affect performance on the job including use on the job, use during the four hours before driving, having prohibited concentrations of alcohol in their systems while driving and use during eight hours following an accident.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the driver that the substances does not adversely affect his or her ability to safely operate a motor vehicle.

Required testing

Drivers shall be subject to pre-employment/pre-duty drug testing and to, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment drug testing shall be administered to an applicant offered a position in the district prior to the first time the driver performs any safety-sensitive function for the district.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at any-time while the driver is at work. An employee covered by the federal regulations may not refuse to take a required test.

Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

A driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty.

The Board retains the authority consistent with state and federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of his or her job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable district policies.

Record retention

The ~~District~~ district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver only as expressly authorized by the terms of the driver's request.

Other provisions

The district shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Adopted: 12/12/94

Revised: 10/30/00, 9/24/07 (Cross Ref.), 1/23/12, *date of manual revision*

LEGAL REFS.: 49 U.S.C. 2717 *et seq.* (Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs
49 C.F.R. Part 382 Controlled Substance and Alcohol Use and Testing
49 C.F.R. Part 391 Qualifications of drivers
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. 42-2-401 et seq. (Commercial Driver's License Act)~~

C.R.S. 42-2-401 et seq. (Commercial Driver's License Act)

CROSS REFS.: EEAEA, Bus Drivers Requirements, Training and
Responsibilities

GBEC, Drug Free Workplace (Drug and Alcohol Use by Staff
Members)

GDQD, Discipline, Suspension and Dismissal of Support Staff

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

Drug and Alcohol Testing for Bus Drivers

School bus drivers who operate a motor vehicle requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations.

These district regulations reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel will adhere to the detailed provisions of federal regulation in administering the district's drug and alcohol program.

References to *tests* in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms *drugs* and *controlled substances* are interchangeable and have the same meaning ~~and the terms *Drugs*~~ refer to marijuana (THC), cocaine, opioids, phencyclidine (PCP) and amphetamines (including methamphetamines). The term "opioids" includes hydrocodone, hydromorphone, oxycodone, oxymorphone, opium, opiate, ~~or~~ and an opium derivative such as morphine, codeine or heroin.

Pre-employment drug tests

Drug tests will be administered before a driver performs any safety-sensitive functions for the district.

The tests will be required of an applicant only after the position has been offered. Employment with the district is conditional upon the applicant receiving a negative drug test result.

~~Exceptions may be made if the driver has had an alcohol test administered in accordance with federal regulations within the previous six months and the district insures that no prior employer of whom the district has knowledge has records showing a violation of the alcohol and rules the past six months~~

An employee may be exempt from the pre-employment drug test if the employee has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program either was tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the district has been able to make all verifications required by law.

Post-accident tests

Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life; or
2. Where any person involved in the accident required immediate medical attention away from the scene and the driver received a citation under state or local law for a moving traffic violation arising from the accident; or
3. Where the vehicle required towing from the scene and the driver received a citation for a moving violation.

No driver involved in an accident may use alcohol for eight hours after the accident or until after undergoing a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Before any driver operates a commercial motor vehicle, the district will provide post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random tests

Tests will be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety sensitive functions. Once notified of selection for drug testing, a driver must proceed to a collection site to provide a urine specimen.

Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal regulations.

Reasonable suspicion tests

Tests must be conducted when a properly trained supervisor or district official has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of his observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Return-to-duty tests

A drug or alcohol test will be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety sensitive duties.

Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and district standards.

Follow-up tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up

alcohol testing will be conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will receive copies of any records pertaining to the driver's use of drugs or alcohol, including any records pertaining to personal drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

1. The person designated by the district to answer driver questions about the materials.
2. Categories of drivers who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the workday driver compliance is required.
4. Specific information concerning driver conduct that is prohibited.
5. Circumstances under which a driver will be tested for drugs and/or alcohol.
6. Procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and insure that test results are attributed to the correct driver.
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with federal regulations.

8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
9. Consequences for drivers found to have violated the drug and alcohol prohibitions including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment.
10. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem, and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each driver must sign a statement certifying receipt of a copy of the above materials.

The district will inform drivers before drug and alcohol tests are performed. The district will notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.

The district will notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district also will tell the driver which controlled substances were verified as positive.

Drivers will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect the ability to safely operate a commercial motor vehicle.

Enforcement

Any driver who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will not be allowed to perform or continue to perform safety-sensitive functions.

A driver who in any other way violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available

to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person or organization in which the professional has a financial interest except under circumstances allowed by law.

Before the driver is returned to safety-sensitive duties, if at all, the district must insure that the employee:

1. Has been evaluated by a substance abuse professional.
2. Has complied with any recommended treatment.
3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02.
4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the driver's return to duty.

Approval date: 11/28/94

Revised: 09/26/05, 8/27/18, date of manual revision

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

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

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

This sample policy is for districts using video cameras on school transportation vehicles only.

Video Cameras on Transportation Vehicles

The Board of Education recognizes the district's continuing responsibility to maintain and improve discipline and to help ensure the health, welfare and safety of its staff and students on school transportation vehicles.

After having weighed carefully and balanced the rights of privacy of students with the district's duty to ensure discipline, health, welfare and safety of staff and students on school transportation vehicles, the Board supports the use of video cameras on its transportation vehicles.

Video cameras may be used to monitor student behavior on school vehicles transporting students to and from school or extracurricular activities.

Students in violation of the Board's student conduct and discipline policies or other bus conduct rules shall be subject to disciplinary action in accordance with applicable Board policy and regulations.

The superintendent is directed to develop regulations governing the use of video cameras on school transportation vehicles and retention of video recordings in accordance with applicable law and Board policy.

(Adoption date)

LEGAL REFS.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act of 1974*)
34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)

CROSS REFS.: JIC, Student Conduct, and subcodes
JK, Student Discipline, and subcodes

JRA/JRC, Student Records/Release of Information on Students

NOTE: State law prohibits the retention of any "passive surveillance record" for more than three years after the record's creation, unless such retention is because of "a notice of claim filed, or an accident or other specific incident that may cause the passive surveillance record to become evidence in any civil, labor, administrative, or felony criminal proceeding." C.R.S. 24-72-113(2)(a). State law also prohibits the district's records custodian from accessing a passive surveillance record after the first year of its creation, unless a claim has been filed or an accident or other specific incident may cause it to be used as evidence. If the passive surveillance record is accessed after the first year of its creation, the custodian must "preserve a record" of the person who accessed the record and the reason for doing so. "Passive surveillance" is defined as "the use by a government entity of a digital video camera, video tape camera, closed circuit television camera, film camera, photo radar recorder, or other image recording device positioned to capture moving or still pictures or images of human activity on a routine basis or for security or other purposes. . . ." C.R.S. 24-72-113(1).

[Revised June 2017]
COLORADO SAMPLE POLICY 1993©

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

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

This sample regulation is for districts using video cameras on school transportation vehicles only.

Video Cameras on Transportation Vehicles

Student records

1. The district shall comply with applicable state and federal law regarding student records requirements in the district's use of video recordings. Video recordings considered for retention as part of a student's behavioral record will be maintained in accordance with the district's student record procedures governing access, review and release of student records.
2. The district will include a notice in parent/student handbooks that video cameras may be used on school vehicles transporting students to and from school or extracurricular activities.
3. Parents/guardians and students will not be notified when a video camera is on board and in use on a district vehicle.

Storage/security

1. All video recordings will be stored and secured to ensure confidentiality.
2. Video recordings will be stored for a minimum of [five] days after initial recording, whereupon if no reason for continued storage is known to the district such recordings will be released for erasure.
3. Video recordings held for review of student incidents will be maintained in their original form pending resolution. Video recordings then will either be released for erasure or retained as necessary in accordance with applicable Board policy and district regulations.

Use

[Choose one of the following options.]

1. Video cameras will be used on all school vehicles transporting students to and from school or extracurricular activities at the discretion of the _____ *[transportation supervisor]* _____.

[or]

Video cameras will be rotated on school vehicles transporting students to and from school or extracurricular activities at the discretion of the _____ *[transportation supervisor]* _____.

[or]

Video cameras will be used on school transportation vehicles as determined by the _____ *[transportation supervisor]* _____.

2. Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.

Viewing requests

1. Requests for viewing video recordings will be limited to the appropriate bus driver, transportation supervisor, school administrator, parent/guardian or eligible student (18 years of age or older), or others as deemed appropriate by the principal.
2. Requests for viewing may be made to the principal within *[five]* school days of the date of recording.
3. Requests for viewing will be limited to those parents/guardians, students and district officials with a direct interest in the proceedings as deemed appropriate by the principal.
4. Only the portion of the video recording concerning a specific incident will be made available for viewing.
5. Approval/denial for viewing will be made within *[five]* school days of receipt of the request and so communicated to the requesting individual.

6. Video recordings will be made available for viewing within [three] school days of the request approval.

Viewing

1. Actual viewing will be permitted only at school-related sites including the transportation office, school buildings or central administrative offices.
2. All viewing will include the transportation supervisor and/or building principal.
3. A written log will be maintained of those viewing video recordings including the date of viewing, reasons for viewing, date the recording was made, vehicle video-taped, name of driver and signature of the viewer.
4. Video recordings will remain the property of the district and may be reproduced only in accordance with applicable law and Board policy and regulations.

(Approval date)

[Revised June 2017]

COLORADO SAMPLE REGULATION 1993©

Use of School Vehicles by Community Groups

The general philosophy of the Board of Education is that school vehicles purchased by the school district are to be used primarily for school purposes and that taxpayers shall not be expected to subsidize the expense of providing school vehicles or personnel not necessary for school district purposes. Nevertheless, it is the policy of the Board of Education to make available for use by appropriate community groups school vehicles to the extent that such use does not impinge upon or impair use for school district purposes.

Among community groups that qualify for the use of school vehicles are those composed of citizens 65 years of age and older. Such groups shall be given special consideration as required by the statute relating to community use of school vehicles. As permitted by law, all groups shall be expected to pay the actual costs involved in the use of school vehicles.

Nonschool use of school vehicles shall not be intermingled with student transportation, nor shall it interfere with:

1. Student transportation to, from or between schools.
2. Student transportation for school activities and functions.
3. Emergency transportation for students.
4. Time required for maintenance and service of vehicles.
5. Provision of standby vehicles for school purposes.

Regulations for community use of school vehicles shall be developed by the administration and approved by the Board.

Adopted: 10/25/93

Revised: 02/28/11, date of manual revision

LEGAL REFS.: C.R.S. 22-32-128 (use of school vehicles by residents of district)

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

Use of School Vehicles by Community Groups

The transportation director or designee shall be responsible for approving and scheduling time available for use of school vehicles by community groups. In approving and scheduling such use, such official will apply the following criteria:

1. No use by groups of less than 15 will be approved.
2. Insurance coverage must:
 - a) be provided by the users
 - b) be in effect during the time of any such use, with coverage similar to and limits not less than the insurance coverage which is in effect while the school vehicle is being used for transportation of students
 - c) include the district as a named additional insured
3. No use will be approved which involves travel over roads or distances which are unduly wearing or damaging to the vehicle or for which the vehicle is inappropriate.
4. Use will not be approved if the fuel consumption involved adversely affects the fuel availability for school district purposes.
5. Any approval of use will be subject to cancellation in the event of adverse road, weather or other conditions which could reasonably present a danger to passengers, drivers or vehicles or in the event of unexpected or emergency school needs.
6. Use will not be approved unless some individual identifies himself/herself as coordinator or leader of the group and agrees to assume the responsibility for collection and remittance to the district of the required reimbursement.
7. Use will be approved only where the group requesting such use submits a written request 20 days prior to the use, designating the number of riders, the dates and hours of use, the pickup and delivery points, and such other information as the director deems appropriate. Each such request must be accompanied by a deposit in the approximate amount of the reimbursement which will be required as determined by the business officer or designee. Upon final determination of reimbursement required, the deposit will be supplemented by the users or a refund made by the district as is appropriate.
8. Use will not be approved if it is for partisan political activity, activity promoting or opposing any sectarian views, activity which is potentially disruptive or

dangerous, activity which if uniformly extended would result in uses which would impinge upon school use or activities or a similar nature which are inappropriate for school district participation, i.e., drugs, alcohol, weapons, etc.

9. As between qualified groups, special consideration will be given to groups comprised primarily of persons 65 years of age or older.
10. Use will be approved only where the vehicle and service available are appropriate to the physical condition of the users.
11. Use will be approved only where the group requesting such use is open to all persons who may be reasonably and appropriately included in the group.

All such use will be subject to the availability of appropriate vehicles and district personnel. The transportation director or designee may impose such requirements as are deemed necessary relative to supervisory personnel accompanying any group utilizing school vehicles. School vehicles may only be driven by school vehicle operators in compliance with policy EEAEA.

Any group availing itself of the use pursuant to these regulations shall agree to and shall reimburse the school district for all of the expenses for operation of such vehicles as determined by the school district business official. Such expenses in addition to any others approved by the business official will, upon approval of the business official, include the following:

1. The actual cost of salaries of vehicle operators and other personnel involved in providing or facilitating the transportation by the non-school group.
2. The actual pro rata cost to the district, if any of the insurance required to be provided.
3. The actual cost of fuel and oil consumed.
4. A reasonable pro rata assessment to cover maintenance.
5. A reasonable assessment to cover a pro rata share of depreciation.
6. A reasonable assessment to cover a pro rata share of driver preparation and training cost.
7. All costs resulting from vandalism occurring during the use.

Incidental costs such as, but not limited to, alternative transportation in the event of a breakdown, feeding and housing of users, and similar costs will be the responsibility of the group using the school vehicle.

The transportation director or designee shall determine the hours and days when school vehicles may be used by nonschool community groups. This information will be made available to community groups through the office of the superintendent of schools.

The transportation director or designee shall be responsible for approving and scheduling in the time available the use of school vehicles by community groups. In approving and scheduling such use, such official will apply the following criteria:

1. No use by groups of less than five will be approved.
2. Insurance coverage must:
 - a. be provided by the users
 - b. be in effect during the time of any such use, with coverage similar to and limits not less than the insurance coverage which is in effect while the school vehicle is being used for transportation of students
3. No use will be approved which involves travel over roads or distances which are unduly wearing or damaging to the vehicle or for which the vehicle is inappropriate.
4. Use will not be approved if the fuel consumption involved adversely affects the fuel availability for school district purposes.
5. Any approval of use will be subject to cancellation in the event of adverse road, weather or other conditions which could reasonably present a danger to passengers, drivers or vehicles or in the event of unexpected or emergency school needs.
6. Use will not be approved unless some individual identifies himself/herself as coordinator or leader of the group and agrees to assume the responsibility for collection and remittance to the district of the required reimbursement.
7. Use will be approved only where the group requesting such use submits a written request _____ [insert desired number of days] days prior to the use, designating the number of riders, the dates and hours of use, the pickup and delivery points, and such other information as the transportation director or designee deems appropriate. Each such request must be accompanied by a deposit in the approximate amount of the reimbursement which will be required as determined by the business officer or designee. Upon final determination of reimbursement required, the deposit will be supplemented by the users or a refund made by the district as is appropriate.
8. Use will not be approved if it is for partisan political activity, activity promoting or opposing any sectarian views, activity which is potentially disruptive or dangerous, activity which if uniformly extended would result in uses which would

impinge upon school use or activities of a similar nature which are inappropriate for school district participation.

9. Special consideration will be given to groups comprised primarily of persons 65 years of age or older.

10. Use will be approved only where the vehicle and service available are appropriate to the physical condition of the users.

11. Use will be approved only where the group requesting such use is open to all persons who may be reasonably and appropriately included in the group.

All such use will be subject to the availability of appropriate vehicles and district personnel. The transportation director or designee may impose such requirements as are deemed necessary relative to supervisory personnel accompanying any group utilizing school vehicles. School vehicles may only be driven by school vehicle operators in compliance with policy EEAEA.

Any group availing itself of use pursuant to these regulations shall agree to and shall reimburse the school district for all of the expenses for operation of such school vehicles as determined by the school district business official. Such expenses in addition to any others approved by the business official will, upon approval of the business official, include the following:

1. The actual cost of salaries of vehicle operators and other personnel involved in providing or facilitating the transportation by the non-school group.
2. The actual *pro rata* cost to the district, if any, of the insurance required to be provided.
3. The actual cost of fuel and oil consumed.
4. A reasonable *pro rata* assessment to cover maintenance.
5. A reasonable assessment to cover a *pro rata* share of depreciation.
6. A reasonable assessment to cover a *pro rata* share of driver preparation and training cost.
7. All costs resulting from vandalism occurring during the use.

Incidental costs such as but not limited to alternative transportation in the event of a breakdown, feeding and housing of users, and similar costs will be the responsibility of the group using the school vehicle.

Approved: 10/25/93

Revised: 10/30/00, 02/28/11, date of manual revision

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

Student Transportation in Private Vehicles

Anyone transporting a student or a group of students in a personal vehicle for school-related purposes, may be granted special permission from the superintendent or designee in exceptional cases. In the event the superintendent is not available, the transportation director, will/will not grant permission. Exceptional cases shall be determined by review of the number of students traveling, relative cost, safety factors, distance and other factors, as determined necessary by the superintendent or designee.

Those granted special permission to use their own vehicles for transporting students must carry their own liability insurance coverage in compliance with the state law with the understanding that their insurance shall be used first for any necessary coverage. A copy of their driver's license, motor vehicle record, and insurance card shall be in place and Memorandum of Understanding acknowledging that the individual granted special permission's personal liability insurance may be used first for any necessary coverage, signed by all parties *prior* to transporting the students. The motor vehicle record will fall under the guidelines of the schools insurance company. Students riding in the private vehicle shall have a permission slip signed by parent or guardian to do so. The permission slip will also release Sargent School from liability and be given to the driver before departure from the school.

Students shall return to Sargent School from the school related event in the transportation vehicle provided by the school district except when parent/guardian sign their own children out with the coach/sponsor. Those students wanting to ride home with someone other than their parent/guardian must have a permission slip signed and dated by the parent/guardian to do so and given to the coach/sponsor before leaving Sargent School.

A staff member may transport a student or group of students in a personal vehicle for school-related purposes only if the staff member has special permission covering the specific trip.

Special permission for providing student transportation may be granted in exceptional cases by the superintendent or designee. Exceptional cases shall be determined by review of the number of students traveling, relative costs, safety factors, distance and other factors, as determined necessary by the superintendent or designee.

Staff with special permission to use their own vehicles for transporting students must carry their own liability insurance coverage in compliance with state law. A copy of the staff member's driver's license, motor vehicle record, and insurance card shall be placed on file with the appropriate administrative official prior to the transportation of students. A memo of understanding shall be signed by the staff member and district administrative official(s) acknowledging that the staff member's personal liability insurance may be used first for any necessary coverage.

Adopted: 02/25/85

Revised: 10/30/00, 2/25/09, 2/28/11, 10/26/15, 12/14/15, 8/27/18, **date of manual revision**

LEGAL REFS.: ~~C.R.S. 22-32-113 (4)~~

C.R.S. 42-7-101 *et seq.* (Motor Vehicle Financial Responsibility Act)

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

File: EEAG-E

Permission to transport students in private vehicles must be obtained from the Superintendent or designee prior to travel.

I understand that my driver's personal liability insurance may be the primary insurance in case there is a need for any coverage. I also understand that I must carry liability insurance

coverage that is in compliance with state law.

The following shall be on file in the superintendent's office and in the transportation director's office before student transportation in my private vehicle takes place

:

_____ Copy of my driver's license.

_____ Copy of my Motor Vehicle Record

_____ Copy of my Auto Insurance Card

Sargent School Superintendent or designee Date

Sargent School Transportation Director Date

Student Transportation in Private Vehicles

Memorandum Of Understanding

Owner / Driver of Private Vehicle

Date

School Transportation Vehicles (Use of Safety Belts)

The use of safety belts in school transportation vehicles is mandatory for all personnel using vehicles that are equipped with safety belts.

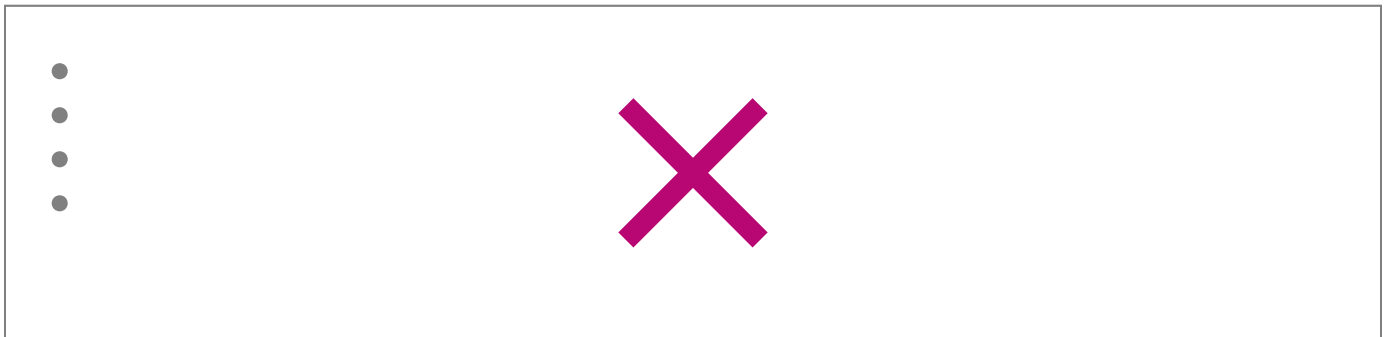
Operators of all school transportation vehicles except school buses shall be responsible for ensuring that all passengers use safety belts. The operator shall not begin to move the vehicle until the operator and all passengers are belted or secured in a child restraint system as required by state law. .

Adopted: 06/18/73

Revised: 03/25/91, 10/30/00, 03/28/11, *date of manual revision*

LEGAL REF.: C.R.S. 42-4-236 (children must be placed in a child restraint system that is appropriate for the child's size and age)

~~GROSS REF.: EEBA, Use of Private Vehicles on School Business~~



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

School Nutrition Program

The district will operate a school nutrition program which shall be under the overall supervision of the district's director of nutrition services.

The director of nutrition services shall cooperate with each school principal in matters essential to the proper functioning of each school's nutrition program. The responsibility for control of students using the school cafeteria shall rest with the building principal.

Nutrition services shall provide lunches and breakfasts, through participation in the National School Lunch Program.

The Board shall approve the prices set for meals and the price of beverages.

Current practice codified 1983

Adopted: date of manual adoption

Revised: 03/26/01, 4/13 (note/ref), 08/24/15, 6/26/17, 2/20 legal ref. 6/26/23, [date of manual review](#)

LEGAL REFS.: 42 U.S.C. 1751 *et seq.* (National School Lunch Act)
7 C.F.R. Part 210 (National School Lunch Act regulations)
7 C.F.R. Part 220 (School Breakfast Program regulations)
7 C.F.R. Part 245.6 (application, eligibility, and certification of children for free and reduced priced means)
C.R.S. 22-32-120 (food services)
C.R.S. 22-32-134.5 (healthy beverage requirement)
C.R.S. 22-32-136.3 (trans fat ban)
C.R.S. 22-82.7-101 *et seq.* (Start Smart Nutrition Program provides funding to eliminate amount students who qualify for reduced priced meals pay in school breakfast program)
C.R.S. 22-82.9-101 *et seq.* (Child Nutrition School Lunch Protection Program provides funding to eliminate amount students in preschool through twelfth grade pay for school lunch program, if they qualify for reduced price meals)
C.R.S. 22-82.9-201 *et seq.* (Healthy School Meals for All Program provides funding to offer free meals for all students, in addition to additional funding in the form of grants)
1 CCR 301-3 (State Board of Education – competitive food services rules)
1 CCR 301-79 (State Board of Education – healthy beverages rules)
1 CCR 301-114 (State Board of Education- Healthy School Meals for All Program rules)

CRPSS REFS: EFC Free and Reduced Price Food Services

EFEA*, Nutritious Food Choices

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

School Meal Payments

The district is committed to ensuring that all students receive the nutrition they need to engage in active learning during the school day. In accordance with applicable federal guidance from the United States Department of Agriculture (USDA), this policy is intended to serve the purposes of meeting student needs, minimizing the identification of students with insufficient funds to pay for school meals and maintaining the fiscal integrity of the district's school food service account.

Student meal accounts and meal charges

Student meal accounts shall be established by the district.

Parents will be encouraged to pre-pay for students paying full or reduced price for meals. The district shall ensure that parents have access to at least one no-cost method of paying for meal services, such as the ability to pay in person. At the time funds are distributed into student accounts, parents will be permitted to limit the amount of funds that a student may use daily, including for á la carte purchases.

Students will be permitted to pay for meals and/or add funds to student accounts on the day of service.

If a student has money to purchase a full or reduced price meal at the time of the meal service, the student must be provided a meal. The student's money may not be used to repay previously unpaid charges if the student intended to use the money to purchase that day's meal.

-A meal account balance remains with the student until the student is no longer enrolled in the district. Students with unused credit in their accounts at the point of disenrollment or graduation will receive a refund in the amount of the credit.

Students paying full or reduced price for meals and who do not have money in their account or in hand to cover the cost of a meal at the time of service will be permitted to charge a meal. However, these students will be denied permission to charge á la carte or "extra" items, such as a second milk or additional entrée.

Notification of low or negative balances

Notification of a ~~negative-low~~ balance on a student account will be provided privately by mail, text and or email by the food services director.

When notified of a ~~negative-low~~ balance on a student account, parents ~~may-will~~ be reminded of this policy and the process for submitting applications for free or reduced price meal benefits. Parents will also be notified that any school meal debt accrued prior to the district's determination that the student is eligible for free or reduced lunch remains the parent's responsibility.

Notification of a negative balance on a student account will be provided by *[describe the district's method of notification, including how many days a debt may be delinquent before payment is requested, expected payment dates and collection efforts]*.

Collection of meal charge debt

In collecting debt, the district shall ensure that collection efforts do not have a negative impact on the students involved and instead focus on the adult(s) in the household responsible for providing funds for student meal purchases. The district will work with parents to establish repayment plans with payment levels and due dates appropriate to the household's particular circumstances.

For students with delinquent meal charges, the following process will be used to collect debt. *[Describe the district's debt collection efforts, including the individual responsible for initiating collection procedures (e.g., food service manager, school principal, superintendent's office, etc.) and whether and how the district will escalate collection methods.]*

Collection efforts from one school year may continue into the following school year, including when students transfer to a school outside of the district.

Annual notice

The district shall notify students and their parents about this policy at the beginning of each school year. Notification shall also be provided to those students who transfer into the district during the school year. Information about this policy may

also be included in student handbooks, student enrollment or registration packets and/or back-to-school packets and posted on district and school websites.

This policy will also be communicated to school and district-level staff responsible for this policy's enforcement, such as school food service staff responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of this policy.

Adoption Date: 06/26/2017, 6/26/2023, *date of manual revision*

LEGAL REF.: USDA Guidance SP 46-2016 (*requires written policy regarding unpaid meal charges*)

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

Civil Rights Complaint Procedure for School Nutrition Program

In accordance with the United States Department of Agriculture (USDA) civil rights regulations and policies, the district is prohibited from discriminating on the basis of race, color, national origin, sex, (including gender identity and sexual orientation) disability, age, or reprisal or retaliation for prior civil rights activity in any school nutrition program.

A participant in the district's school nutrition program who alleges discrimination on the basis of any of the above-listed federally-protected classes has the right to file a complaint within 180 days of the alleged discrimination, in accordance with this procedure.

Filing a complaint

If an individual has an unlawful discrimination complaint concerning his or her participation in a school nutrition program, the complaint may be directed to Superintendent, 7090 N. County Road 2 E. Monte Vista, CO 81144, telephone (719) 852-4023.

Complaints may be made verbally (in person or over the phone) or may be submitted in writing to the district contact listed above. Complaints may be filed anonymously.

When filing a complaint, the following information will be requested:

1. complainant's name, address and telephone number (unless the complainant wishes to remain anonymous);
2. the nature of the incident or action that led the complainant to feel discrimination was a factor;
3. the basis on which the complainant believes discrimination exists;
4. the names, telephone numbers, titles and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
5. the date(s) during which the alleged discriminatory action(s) occurred.

Forwarding a complaint

Upon the district's receipt of the complaint, the district shall forward the complaint as soon as possible but no later than five business days to the following agency:

CDE Office of School Nutrition
1580 Logan Street Suite 760
Denver, CO 80205

The designated agency shall then conduct the complaint review and investigation within the required timeline (90 days).

Issue date: 06/26/17

Revised: 08/27/18, 6/26/23, date of manual revision

LEGAL REFS.: *USDA Food and Nutrition Service (FNS) Instruction 113-1* (civil rights compliance and enforcement – nutrition programs and activities)
7 C.F.R §15d.2 (definition of discrimination in programs or activities conducted by the U.S.)
Department of Agriculture
USDA Nondiscrimination Statement

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

Free and Reduced Price Food Services

The district shall take part as feasible in the National School Lunch and other food programs which may become available to assure that all students in the district receive proper nourishment.

The administration shall establish regulations regarding participation in programs for free and reduced price meals and supplementary food in accordance with applicable state and federal law.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 03/26/01, 11/26/07 (legal ref.), 5/27/09, 3/22/10 (legal ref), 12/14 (legal ref/note), 06/26/17, 2/20 legal ref. 6/26/23, **date of manual review**

LEGAL REF.: 42 U.S.C. 1751 *et seq.* (National School Lunch Act)

7C.F.R. 245.5 (must inform families of the availability of reimbursable school meals and provide information about applying for free or reduced price meals)

C.R.S. 22-32-120

C.R.S. 22-82-7-101 *et seq.* (Start Smart Nutrition Program provides funding to eliminate amount students who qualify for reduced price meals pay in school breakfast program)

C.R.S.22-82.9-101 *et seq.* (Child Nutrition School Lunch Protection Program provides funding to eliminate amount students in preschool through twelfth grade pay for school lunch program, if they qualify for reduced price meals).

C.R.S. 22-82.9-201 *et seq.* (Healthy School Meals for All Program Provides funding to offer free meals for all students, in addition to additional funding in the form of grants

1 CCR 301-144 (State Board rules for Healthy School Meals for All Program)

CROSS REF.: EF, School Nutrition Program

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

Nutritious Food Choices

At every possible eating occasion, students will have opportunities to practice what they are taught in nutrition education and choose nutritious snacks that are low in fat, sodium and added sugars.

Schools are encouraged to take steps to ensure:

- nutritious foods are always available as an affordable option whenever food is served or sold;
- students have limited opportunities to eat snacks high in fat, sodium or added sugars; and
- competition with nutritious meals served by the school food service program is minimized.

The emphasis on healthy choices applies to:

- a la carte items (separate food choices) offered by the food service program;
- “competitive foods” which are snacks and beverages sold from vending machines, school stores and fund-raising activities that compete with the food service program; and
- refreshments that are available at school parties, celebrations and meetings.

Each beverage offered for sale to students from any source, including the school cafeteria, vending machines, school stores and fund-raising activities conducted on school grounds, shall satisfy the minimum nutritional standards for beverages adopted by the State Board of Education.

These standards shall apply to beverages sold on campus during the regular school day and extended school day, including but not limited to extracurricular activities, such as clubs, year book, band, student government, and drama as well as childcare programs.

These standards shall not apply to the sale of beverages at school-related events where parents and other adults are invited attendees. Such activities include but are not limited to interscholastic sporting events, school plays and band concerts.

Adoption date: 11/17/08

Revised: 7/27/09. 4/13 (note, ref), 12/14 (note), 06/26/17, 6/26/23, date of manual revision

LEGAL REFS.: ~~ff~~

~~_____~~ C.R.S. 22-32-134.5 (*healthy beverage requirement*)

C.R.S. 22-32-136.3 (*trans fat ban*)

1 CCR 301-79 (State Board of Education—healthy beverages rules)

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

Healthy Beverages Standards for Schools

The healthy beverages standards for schools adopted by the State Board of Education are as follows:

- a. Plain water or plain carbonated water
- b. Up to 8 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 8 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners

Beverages sold in middle school

- a. Plain water or plain carbonated water
- b. Up to 12 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 12 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners

Beverages sold in high school

- a. Plain water or plain carbonated water
- b. Up to 12 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 12 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners
- d. Up to 20 ounce servings of other flavored and/or carbonated beverages that are labeled to contain fewer than 5 calories per 8 ounces or 10 or fewer calories per 20 ounces
- e. Up to 12 ounce servings of other flavored and/or carbonated beverages that are labeled to contain 40 or fewer calories per 8 ounces or 60 or fewer calories per 12 ounces

~~Beverages sold in elementary school~~

- ~~a. Bottled water~~
- ~~b. Up to 8 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)~~
- ~~c. Up to 8 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces~~
- ~~d. Up to 8 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces~~

~~ff~~

~~Beverages sold in junior high/high school~~

- ~~a. Bottled water~~
- ~~b. No or low calorie beverages with up to 10 calories / 8 ounces, except diet soda may not be sold in high school (e.g., unsweetened or diet teas, low calorie sport drinks, fitness waters, flavored waters, seltzers)~~
- ~~c. Up to 12 ounce servings of fat free or low fat milk. Milk includes nutritionally equivalent milk alternatives (per USDA)~~
- ~~d. Up to 12 ounce servings of fat free or low fat nutritionally equivalent flavored milk up to 150 calories / 8 ounces~~
- ~~e. Up to 12 ounce servings of 100% juice, with no added sweeteners and up to 120 calories / 8 ounces~~
- ~~f. Other drinks, up to 12 ounce servings with no more than 66 calories / 8 ounces~~
- ~~g. At least 50% of non-milk beverages must be water and no or low calorie options~~

If the middle and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.

Issue date: 7/27/09, 6/26/23, *date of manual revision*

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

Copyright Compliance

It is the intent of the district to adhere to the provisions of copyright laws in all areas, e.g., print, computer software, audiovisual materials, music, etc. Though there continues to be controversy regarding interpretation of copyright laws, the district's intention is to make known that all district employees shall be expected to adhere to the provisions of law, rules and regulations concerning the use of copyrighted materials. Legal or insurance protection of the district shall not be extended to employees who violate copyright laws.

There shall be made available at the district level as well as the respective building levels information on copyright infringement and "fair use" guidelines for copyrighted materials.

Adoption Date: 4/23/12, *date of manual review*

LEGAL REF: 17 U.S.C. 101 *et seq.* (agreement on guidelines for classroom copying in Not-for-Profit Educational Institutions, 3/13/76, printed as H.R. Rep. No 1476, 94th Cong., 2nd Sess. 81(1976))

Electronic Communication

Electronic communication is the transmittal of a communication between two or more computers or other electronic devices, whether or not the message is converted to hard copy format and whether or not the message is viewed upon receipt. Electronic communication includes all electronic messages that are transmitted through a local, regional or global computer network.

All district electronic communication systems are owned by the district and are intended for the purpose of conducting official district business only. District electronic communication systems are not intended for personal use by district employees. Employees shall have no expectation of privacy when using district electronic communication systems.

Electronic communication sent or received by the Board, the district or district employees may be considered a public record subject to retention under state or federal law. Such electronic communication may also be subject to public disclosure or inspection under the Colorado Open Records Act.

Whenever the district is a party in litigation or reasonably anticipates being a party in litigation, Board members and district employees in possession of electronic documents, e-mail and/or other evidence relevant to the litigation or reasonably anticipated litigation shall retain all such documents, e-mails and other evidence until otherwise directed by the superintendent or designee.

To ensure compliance with applicable law and district policy, the district retains the right to review, store and disclose all information sent over the district electronic communication systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

Upon sending or receiving an electronic communication, all users shall segregate or store those communications that are public records. Public records are those that evidence the district's functions, policies, decisions, procedures, operations or other activities of the district or that contain valuable district data.

Electronic communication on district computers or district electronic communication systems shall be retained only as long as necessary. Such electronic communication shall be deleted on a routine basis unless otherwise required to be retained by district policy or state or federal law.

The custodian of records for the district shall assist the public in locating any specific public electronic records requested and shall provide public access to public electronic records in accordance with state law. The district's records custodian shall also be responsible for assisting the district's schools and other sites in complying with record retention requirements.

District employees may be subject to disciplinary action for violation of this policy.

Adopted: 04/30/01

Revised: 10/28/02, 5/27/09, *date of manual revision*

LEGAL REFS.: C.R.S. 24-72-203(1)(b)(I) (*district must adopt policy regarding the retention, archival and destruction of electronic records*)
C.R.S. 24-72-204.5 (*district must adopt policy on monitoring of electronic mail*)
C.R.S. 24-80-101 *et seq.* (*State Archives and Public Records Act*)

CROSS REFS.: EHB, Records Retention
GBEE*, Staff Use of Internet and Electronic Communications
GBJ, Personnel Records/Files
JRA/JRC, Student Records/Release of Information on Students
JS*, Student Use of Internet and Electronic Communications
KDB, Public's Right to Know/Freedom of Information

Records Retention

The Board has approved the district's use of the Colorado School District Records Management Manual (records management manual) developed by the Colorado State Archives Department to assist the district in determining the appropriate retention period for various types of records. School district records regarding the district's organization, functions, policies, decisions, procedures, operations, or other activities may be considered public records subject to retention.

The district shall retain records for the time periods specified by the records management manual, as may be amended from time to time, unless a longer retention period is required by state or federal law. District employees and Board members shall be responsible for adhering to the records management manual.

Whenever the district is a party in litigation or reasonably anticipates being a party in litigation, Board members and district employees in possession of hard copy or electronic documents, e-mail and/or other evidence relevant to the litigation or reasonably anticipated litigation shall retain all such documents, e-mails and other evidence until otherwise directed by the superintendent or designee.

Documents and other materials that are not "records" required to be retained by district policy, the records management manual, or state or federal law, and are not necessary to the functioning of the district, may be destroyed when no longer needed. Examples include telephone message slips, miscellaneous correspondence not requiring follow-up or district action, and e-mails that do not contain information otherwise required to be retained by district policy, the records management manual, or state or federal law.

District employees may be subject to disciplinary action for violation of this policy.

Adoption date: 11/17/08

Revised: 12/14 (legal ref/note), 2/17 (legal ref), **date of manual revision**

LEGAL REFS.: 2 C.F.R. 200.333 (retention requirements for federal fiscal records)
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)
C.R.S. 24-80-101 *et seq.* (*State Archives and Public Records Act*)

CROSS REFS.: EGAEA, Electronic Communication
GBJ, Personnel Records and Files
JRA/JRC, Student Records/Release of Information on Student



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

Safeguarding Personal Identifying Information

The Board is committed to protecting the confidentiality of personal identifying information (PII) obtained, created and/or maintained by the district. The Board directs district staff to safeguard PII in accordance with this policy, other Board policies concerning the creation, use, storage or destruction of PII, and applicable law.

The district shall implement and maintain reasonable security procedures appropriate to the nature of the PII to protect against unauthorized access, use, modification, disclosure or destruction. The district shall require third parties that create, maintain and/or obtain PII to also maintain reasonable security procedures appropriate to the nature of the PII designed to protect against unauthorized access, use, modification, disclosure or destruction.

The district shall ensure that records containing PII are appropriately destroyed when no longer needed and in such a manner as to make the PII unreadable or indecipherable, unless such record is required to be retained by applicable law.

In the event of a security breach, as that term is defined by state law, the district shall conduct a prompt investigation to determine the likelihood that personal information has been or will be misused and notify those Colorado residents affected by the breach, the Colorado Attorney General's office and consumer reporting agencies, in accordance with the notification and timeline requirements of state law.

LEGAL REF.: C.R.S. 24-73-101 *et seq.* (consumer data privacy laws applicable to governmental entities, including school districts)

CROSS REFS.: EGAEA, Electronic Communication
EHB, Record Retention
GBJ, Personnel Records and Files
JRA/JRC, Student Records/Release of Information on Students
JRCB*, Privacy and Protection of Confidential Student Information

Adopted: 05/20/19, **date of manual review**

Insurance Program/Risk Management

~~INSURANCE PROGRAM/RISK MANAGEMENT~~

The Board has the responsibility for maintaining an adequate insurance program covering its buildings and grounds, fleet of school buses and employees carrying out official duties for the district. The Board also may authorize and participate in insurance programs for employees and students. ~~The Board annually shall review its insurance program and shall designate specific insurance companies to underwrite the various insurance plans approved by the Board.~~

The insurance program shall be administered by the **Business Manager**, under the general supervision of the superintendent.

The administration shall make ~~every reasonable~~ efforts to obtain insurance at the best available rates—consistent with required coverage and service—through obtaining quotations or bids.

Adoption date: Date of manual adoption

Revised: August 28, 1989, October 25, 1993

LEGAL REFS.: ~~—C.R.S. 8-44-110(notice of cancellation of insurance coverage)~~

~~C.R.S. 22-32-110 (1)(s),(t),(u),(v) (board to procure insurance coverage)~~

~~C.R.S. 22-45-103 (1)(c),(e) (risk management reserves)~~

~~C.R.S. 22-54-105 (2) (funding requirements)~~

~~C.R.S. 24-10-115 (authority to obtain insurance)~~

~~C.R.S. 24-10-115.5 (self-insurance pool)~~

~~C.R.S. 29-13-101 et seq. (insurance on property)~~

~~C.R.S. 8 44 110~~

~~—C.R.S. 22 32 110(1)(s),(t),(u),(v)~~

~~—C.R.S. 22 45 103(1)(c), (e)~~

~~—C.R.S. 22 53 108(3)(e)~~

~~C.R.S. 24 10 115~~

~~C.R.S. 24 10 115.5~~

~~C.R.S. 29 13 101 etseq.~~

CROSS REF.: BID/BIE, School Board Member
Compensation/Expenses/Insurance/Liability
~~Board Member Compensation and~~
~~Expenses/Insurance Liability~~

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

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

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

Compliance with the Health Insurance Portability and Accountability Act

The Board of Education directs the superintendent or designee to take steps to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Compliance activities shall include conducting an audit to determine applicability of HIPAA to district operations, recommending policies and regulations to be adopted by the Board, adoption or revision of administrative policies and procedures and implementation of same, including record keeping procedures, preparation of necessary documents, employee training, and all other activities necessary to ensure compliance.

(Adoption date)

LEGAL REFS.: P.L. 104-191 (1996); 42 U.S.C. 1320dd-1320d-8
65 Fed. Reg. 50312-50372
65 Fed. Reg. 82462-82829
63 Fed. Reg. 43242-43280
67 Fed. Reg. 53182-53273

CROSS REFS.: GBJ, Personnel Records and Files
GCBD, Professional Staff Fringe Benefits
GDBD, Support Staff Fringe Benefits
JLA, Student Insurance Programs
JLC, Student Health Services and Records
JLCEA*, Students with Special Health Needs
JLCG*, Medicaid Reimbursement
JRA/JRC, Students Records/Release of Information on Students

COLORADO SAMPLE POLICY 2003©

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

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

Compliance with the Affordable Care Act

The Board of Education directs the superintendent or designee to take steps to ensure compliance with the Patient Protection and Affordable Care Act (ACA). Compliance activities shall include adoption or revision of administrative policies and procedures and implementation of same, including record keeping procedures, preparation of necessary documents, employee training, and all other activities necessary to ensure ACA compliance.

(Adoption date)

LEGAL REF.: P.L. 111-148 (*Patient Protection and Affordable Care Act*)

CROSS REFS.: GBGD, Workers' Compensation
G CBD, Professional Staff Fringe Benefits
G DBD, Support Staff Fringe Benefits

COLORADO SAMPLE POLICY 2015©

SAFETY PROGRAM

It shall be the policy of the Board to guard against accidents by taking reasonable precautions to protect the safety of all students, employees, visitors and others present on the district property, or at school sponsored events.

The Board shall insist that it's staff adhere to recommended safety practices as these pertain to the school plant, special areas of instruction, student transportation, school sports, occupational safety, etc.

The practice of safety shall also be considered a facet of the instructional program of the district schools, and instruction in accident prevention as well as fire prevention; emergency procedures; traffic, bicycle and pedestrian safety; and driver education may be provided in the appropriate grades and classes.

The principal shall be responsible for the supervision of a safety program for the school. The superintendent shall have overall responsibility for the safety program of the district. It shall be the responsibility of the superintendent to see that appropriate staff members are kept informed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health and occupational safety.

Adopted: January 25, 1983

Revised: August 25, 1986

Legal Refs.: C.R.S. 9-1 through 9—1—106 (construction requirements, fire escapes, etc.)
C.R.S. 22—3—101 through 22—3—104 (eye protective devices)
C.R.S.22—32—109(1)
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)

Hazardous Materials

1. Hazardous Materials Program Supervisor

Overall supervision of the operation of all hazardous materials policies and procedures within the district will be the responsibility of the Director of Maintenance who will serve as the hazardous materials program supervisor, referred to throughout these procedures as the "supervisor".

At each location, a district employee will be designated as the local hazardous materials coordinator, referred to throughout these procedures as the "coordinator". At each location, there also will be an alternate district employee designated as a backup to the coordinator.

The coordinator will be responsible for all aspects of dealing with hazardous materials at the location and will comply with all district policies and procedures and local, state and federal laws and regulations dealing with hazardous materials. The coordinator also will be responsible for reporting any violations in the district's hazardous materials policy or procedures simultaneously to the supervisor and the building/location administrator.

2. Initial Inventory and Material Identification

The supervisor will cause an initial inventory of all hazardous materials to be completed throughout the district to identify potentially hazardous substances. The supervisor will designate a qualified district employee to conduct the inventory of hazardous materials at each location with the assistance of the supervisor and the location/building administrator or his designee. This person also will coordinate the identification of hazardous materials.

The coordinator will arrange for the identification of any unknown suspected hazardous substance through the supervisor.

3. Tracking, Inventory and Material Safety Data Sheets

Each coordinator will be responsible for logging in the receipt of all hazardous materials received at that location. The coordinator will track and keep complete written records of the storage, use and ultimate disposition of the hazardous materials. On or before December 31 of each year, the coordinator will provide a copy of the current inventory log and record of disposition of all hazardous materials to the supervisor.

The supervisor will maintain a copy of each location's inventory and documentation of all hazardous materials. This information may be released to appropriate police, fire, and emergency service authorities.

The supervisor will be responsible for establishing and maintaining the material safety data sheets (MSDS) system for the district.

Each operation and location will maintain a set of MSDS in its area for all hazardous materials with which it has contact. These MSDS will be available for review and use by every district employee. The MSDS also will be available for inspection by appropriate police, fire, health and emergency service authorities.

4. Purchase of Hazardous Materials

In addition to following the district's regular purchasing procedures, an employee may purchase hazardous materials only with the approval of the coordinator for use at a specific location. The purchasing department will not process any purchase order which does not include the appropriate approval.

The supervisor, the purchasing department and the warehouse will maintain a list of prohibited hazardous materials which will be updated at least once a year.

Hazardous materials will not be purchased through any mechanism other than a purchase order through the purchasing department unless the following conditions are fulfilled:

- a. The requestor secures the prior written approval of the supervisor.
- b. The requestor provides written notice of the purchase along with copies of all supporting documents including MSDS and the reason for the purchase to the supervisor, the location/building administrator and the supervisor of purchasing. All purchase orders for hazardous materials will include a requirement that the shipment of any such materials includes MSDS with any order or portion of the order. Purchase orders also will note that failure to provide MSDS with the shipment may result in either the district's refusing to accept the shipment or the district's conditionally accepting the shipment and refusing to pay for it until the MSDS are provided.

Any unapproved purchase of hazardous materials is beyond the course and scope of the district employee's authority and is forbidden. Such a purchase may be grounds for termination.

The above procedures also will apply to the acceptance of donated hazardous materials.

5. Storage, Recycling or Transfer of Hazardous Materials

The supervisor shall designate an area or areas for storage of:

- a. Materials which might become or are hazardous materials.
- b. Hazardous materials which have been declared waste and are being held for disposal.

The supervisor may designate storage areas at each location if appropriate as well as a central district storage site.

When a coordinator has a material which qualifies as hazardous material at that location and which may require disposal, the coordinator will contact the supervisor to arrange for storage, transfer or disposal as appropriate. Materials no longer needed at one location may be available for transfer within the district to other programs or locations.

When materials are not needed by a district location, operation or program, the materials may be declared as waste. Only the supervisor will be authorized to declare a hazardous material as waste.

Storage of hazardous materials will be in compliance with federal, state and local law. All hazardous materials will be separated according to physical properties and stored safely in storage areas appropriate to the risk posed by the materials. For example, volatile substances such as petroleum distillates will be stored in approved safety cabinets. Where appropriate, storage cabinets may be locked and access to students or non-authorized staff limited.

All containers for hazardous materials will be labeled to show date of receipt by the district, shelf life and expiration date. Where space permits, materials will be stored so that the oldest materials are used first (first in-first out).

Transfer of hazardous materials within the district will be accomplished in compliance with Section 7 of these procedures.

6. Disposal of Hazardous Materials

When a coordinator or a location/building administrator believes that the location has materials which may qualify as hazardous for which there is no immediate need

for program or operation requirements or which may need to be disposed of, the supervisor will be contacted. Only the supervisor will be authorized to declare materials to be waste, excess or surplus and to order their disposal.

When materials are determined to be ready for disposal, the supervisor will arrange for disposal in a manner that complies with all local, state and federal laws and regulations.

Federal and state laws and regulations provide exemptions from certain regulatory requirements for small quantity generators, i.e., those entities or locations that generate waste in amounts below statutory or regulatory threshold amounts. Disposal determinations should preserve small quantity generator status for each location and for any central storage area.

The supervisor will maintain written documentation of the disposal of hazardous materials from all locations in the district. This documentation will be retained in permanent form at one additional location.

7. Transportation of Hazardous Materials

Transportation of hazardous materials will meet all local, state and federal requirements and will be coordinated by the supervisor.

Federal regulation of the transportation of hazardous materials is extensive, complex, requires significant insurance protection, and involves specialized training of staff and special equipment. Because the district cannot meet these requirements economically with current staff, equipment and training, the district will arrange for qualified third parties to transport any hazardous waste or hazardous materials outside the state.

Once a hazardous material is under district control, each location controlling the material will be responsible for the material until it is passed to the control of another district location. The supervisor will verify that the transportation used meets all district, local, state and federal transportation, financial responsibility and insurance requirements.

Unless specific written approval is received by a district employee from the supervisor, no district employee or volunteer will transport hazardous materials owned by or attributed to the district in his personal automobile.

Subject to the same requirement, no student will be permitted by any district employee or volunteer to transport hazardous materials owned by or attributed to the district in any vehicle, including district vehicles.

Any unauthorized transportation of hazardous materials is beyond the course and scope of the district employee's or volunteer's authority and is forbidden.

8. Emergency Response Plan

The supervisor will develop an emergency response plan that will enable any district employee aware of any incident involving hazardous material to take appropriate action to protect students, staff, the general public and district property.

This plan will comply with all applicable laws and regulations and will be coordinated with the district and the location evacuation plans.

In addition, a plan to handle spills and leaks will be developed for each location for all hazardous materials at the location. The plan will address immediate emergency procedures, required notification and clean-up procedure and will comply with all applicable laws and regulations.

All information regarding a hazardous materials incident will be released to the media or the public only by the superintendent or designee. No other district employee is authorized to release information regarding any such incident.

The supervisor will coordinate with the superintendent's office any notification or reports to local, state and federal authorities as well as the district's appropriate insurance/risk management representative.

9. Evacuation Plan

An evacuation plan will be developed and implemented for each location. In developing the evacuation plan, consideration will be given to the location and the types of hazardous materials present at the location.

An evacuation drill will be held at least once each calendar year at each location. Where possible, this plan will be coordinated with existing fire drills and bomb threat evacuation plans and may be conducted in conjunction with any of these other drills. Written records of the drill will be maintained by each location.

As appropriate for the location, copies of the evacuation plan will be posted within the buildings. Copies of the evacuation plan will be maintained by the coordinator,

the location/building administrator, the supervisor and any other designated person approved by any of the above-named persons.

Where practical, the evacuation plan will be coordinated with the fire department, police department and the district's transportation department.

10. Training of Staff and Students

The coordinators, administrators, staff members handling hazardous materials and school nurses/health paraprofessionals will receive training in responding to hazardous materials emergency incidents.

When hazardous materials are used in the classroom, both staff and students will be trained in the handling, storage and use techniques appropriate to the materials used as part of the curriculum. The staff also will be instructed in emergency procedures, including evacuation, appropriate to the materials.

Approved: 05/22/89

Revised: 03/26/01

CROSS REFS.: DJF, Purchasing Procedures
EBC, Emergency Plans, and subcodes

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

Emergency Response Plan (Hazardous Materials)

Principals/Directors will be aware of all hazardous materials stored in their respective buildings and provide a list of such materials to the Director of Maintenance.

In the event an incident occurs involving hazardous materials, the following steps shall be taken.

1. Immediately advise principal/director or their designee of the incident.
2. The principal/director or designee will immediately advise the superintendent and the director of maintenance of the situation.
3. The principal/director or designee will take necessary steps to ensure the safety of students and staff.
4. The principal/director or designee (with the help of the superintendent) will make a decision as to whether or not evacuation is necessary. If deemed necessary, students/personnel will be evacuated to safe areas designated by principals.

If evacuated, students and staff shall remain in the designated areas until the principal, superintendent or other official agencies (law enforcement/fire department/hazmat team) are satisfied that no danger exists.

As a matter of course, students will not be dismissed until the end of the school day.

5. Incidents, in which evacuation of students/staff is not deemed necessary, shall be referred to the director of maintenance who will assemble maintenance/custodial employees for clean-up procedures using proper measures to ensure personnel safety.
6. A written report of each incident will be made by the reporting party and given to the building principal who will forward it to the director of maintenance.

Approved: 03/26/01

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

GUIDELINES FOR HANDLING BODY FLUIDS IN SCHOOLS

Recent concern about how children with AIDS should be educated has raised several questions regarding exposure of teachers and children to potentially infectious body fluids from children with communicable diseases in the school setting:

1. Does contact with body fluids present a risk of infection?
2. What should be done to avoid contact with potentially infected body fluids?
3. What should be done if direct contact with body fluids is made?
4. How should such fluids when spilled be removed from the environment?

The following guidelines are meant to provide simple and effective precautions against transmission of disease for all persons, including pregnant women, potentially exposed to the blood or body fluids of any student. No distinction is made between body fluids from students with a known disease or those from students without symptoms or with an undiagnosed disease.

DOES CONTACT WITH BODY FLUIDS PRESENT A RISK?

The body fluids of all persons should be considered to contain potentially infectious agents (germs). The term "body fluids" includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g.. nasal discharge) and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

Table 1 (page 2) provides examples of particular germs that may occur in body fluids of children and the respective transmission concerns. It must be emphasized that with the exception of blood, which is normally sterile, the body fluids with which one may come in contact usually contain many organisms, some of which may cause disease. Furthermore, many germs may be carried by individuals who have no symptoms of illness. These individuals may be at various stages of Infection: incubating disease, mildly infected without symptoms, or chronic carriers of certain infectious agents including the AIDS and hepatitis viruses. In fact, transmission of communicable diseases is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from recognized individuals because simple precautions are not always carried out.

TABLE 1
TRANSMISSION CONCERNS IN THE SCHOOL SETTING
BODY FLUID SOURCE OF INFECTIOUS AGENTS

BODY FLUID SOURCE	ORGANISM OF CONCERN	TRANSMISSION
Blood - cuts/abrasions - nose bleeds - menses - contaminated needle	Hepatitis B virus AIDS virus Cytomegalovirus	Bloodstream inoculation through cuts and abrasions on hands Direct blood stream inoculation
*Feces - incontinence	Salmonella bacteria Shigella bacteria Rotavirus Hepatitis A virus	Oral inoculation from contaminated hands
*Urine -incontinence	Cytomegalovirus	Bloodstream and oral inoculation from contaminated hands
Respiratory secretions -saliva - nasal discharge	Mononucleosis virus Common cold virus Influenza virus	Oral inoculation from contaminated hands
	AIDS virus Hepatitis B virus	Bloodstream inoculation through cuts and abrasions on hands; bites
Vomit	Gastrointestinal viruses, e.g., (Norwalk agent Rotavirus)	Oral inoculation from contaminated hands
Semen	Hepatitis B AIDS virus Gonorrhea	Sexual contact (intercourse)

*Possible transmission of AIDS and Hepatitis B is of little concern from these sources. There is no evidence at this time to suggest that the AIDS virus is present in these fluids.

WHAT SHOULD BE DONE TO AVOID CONTACT WITH BODY FLUIDS?

When possible, direct skin contact with body fluids should be avoided. Disposable gloves should be available in at least the office of the custodian, nurse, or principal.

Gloves are recommended when direct hand contact with body fluids is anticipated (e.g., treating bloody noses, handling clothes soiled by incontinence, cleaning small spills by hand). If extensive contact is made with body fluids, hands should be washed afterwards. Gloves used for this purpose should be put in a plastic bag or lined trash can, secured, and disposed of daily.

WHAT SHOULD BE DONE IF DIRECT SKIN CONTACT OCCURS?

In many instances, unanticipated skin contact with body fluids may occur in situations where gloves may be immediately unavailable (e.g., when wiping a runny nose, applying pressure to a bleeding injury outside the classroom, helping a child in the bathroom). In these instances, hands and other affected skin areas of all exposed persons should be routinely washed with soap and water after direct contact has ceased. Clothing and other nondisposable items (e.g. towels used to wipe up body fluid) that are soaked through with body fluids should be rinsed and placed in plastic bags. If presoaking is required to remove stains, (e.g., blood, feces), use gloves to rinse or soak the item in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers (see page 4). Contaminated disposable items- (e.g., tissues, paper-towels, diapers) should be handled as with disposable gloves.

HOW SHOULD SPILLED BODY FLUIDS BE REMOVED FROM THE ENVIRONMENT?

Most schools have standard procedures already in place for removing body fluids (e.g. vomitus). These procedures should be reviewed to determine whether appropriate cleaning and disinfection steps have been included. Many schools stock sanitary absorbent agents specifically intended for cleaning body fluid spills (e.g., ZGOOP, Parson Mfg. Co., Philadelphia, PA). Disposable gloves should be worn when using these agents. The dry material is applied to the area, left for a few minutes to absorb the fluid, and then vacuumed or swept up. The vacuum bag or sweepings should be disposed of in a plastic bag. Broom and dustpan should be rinsed in a disinfectant. No special handling is required for vacuuming equipment.

HANDWASHING PROCEDURES

Proper handwashing requires the use of soap and water and vigorous washing under a stream of running water for approximately 10 seconds.

Soap suspends easily removable soil and microorganisms allowing them to be washed off. Running water is necessary to carry away dirt and debris. Rinse under running water. Use paper towels to thoroughly dry hands.

DISINFECTANTS

An intermediate level disinfectant should be used to clean surfaces contaminated with body fluids. Such disinfectants will kill vegetative bacteria, fungi, tubercle bacillus and viruses. The disinfectant should be registered by the U.S.

Environmental Protection Agency (EPA) for use as a disinfectant in medical facilities and hospitals.

Various classes of disinfectants are listed below. Hypochlorite solution (bleach) is preferred for objects that may be put in the mouth.

1. Ethyl or isopropyl alcohol (70%)
2. Phenolic germicidal detergent in a 1% aqueous solution (e.g.. Lysol*).
3. Sodium Hypochlorite with at least 100 ppm available chlorine (1/2 cup household bleach in 1 gallon water, needs to be freshly prepared each time it is used).
4. Quaternary ammonium germicidal detergent in 2% aqueous solution (e.g.. Tri-quat*, Mytar* or Sage*).
5. Iodophor germicidal detergent with 500 ppm available iodine (e.g. Wescodyne*).

DISINFECTION OF HARD SURFACES AND CARE OF EQUIPMENT

After removing the soil, a disinfectant is applied. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle before rinse. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate. Non-disposable cleaning equipment (dust pans, buckets) should be thoroughly rinsed in the disinfectant. The disinfectant solution should be promptly disposed down a drainpipe. Remove gloves and discard in appropriate receptacles.

* Brand names used only for examples of each type of germicidal solution and should not be considered an endorsement of a specific product.

DISINFECTION OF RUGS

Apply sanitary absorbent agent, let dry and vacuum. If necessary, mechanically remove with dustpan and broom, then apply rug shampoo (a germicidal detergent) with a brush and re-vacuum. Rinse dust pan and broom in disinfectant. If necessary, wash brush with soap and water. Dispose of nonreusable cleaning equipment as noted above.

LAUNDRY INSTRUCTIONS FOR CLOTHING SOILED WITH BODY FLUIDS.

The most important factor in laundering clothing contaminated in the school setting is elimination of potentially infectious agents by soap and water. Addition of bleach will further reduce the number of potentially infectious agents. Clothing soaked with body fluids should be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise wash and dry as usual. If the material is bleachable, add 1/2-cup household bleach to the wash cycle. If material is not

colorfast add 1/2-cup nonchlorox bleach (e.g., Clorox II, Borateem) to the wash cycle.

GUIDELINES FOR HANDLING BODY FLUIDS IN SCHOOLS was prepared by Elaine Brainerd, M.A., R.N.. State Department of Education, in consultation with James Hadler, M.D., MPH Chief, Epidemiology Section, Patricia Checko, MPH Epidemiology Program, and William Sabella, AIDS Coordinator, Connecticut State Department of Health Services. December, 1984.

Approved: 04/30/01

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

Accident Report

Date: _____ Time: _____

Name: _____ Birth Date: _____

Address: _____ Phone: _____

School: _____ Grade: _____

Teacher: _____

Description of accident (include time and place): _____

Name of adult present at time of accident: _____

Witness present at time of accident: _____

First aid given (describe): _____

Time given: _____ By whom: _____

Time Parent notified: _____ By whom: _____

Student was sent to: Home _____ Doctor _____ Hospital _____

Days absent from school due to accident: _____

Follow—up information obtained: _____

Principal's Signature: _____

School Nurse's Signature: _____

Other comments: _____

BOMB THREATS

The Board acknowledges its basic responsibility to ensure the safety of the students under its care. At the same time, it wishes to deal firmly with bomb threats and to discourage this type of unwarranted disruption, which poses a danger to everyone in the schools even when it is merely a nuisance.

Therefore, the Board requires that procedures for dealing with bomb threats shall:

- 1 Aim first toward assuring the safety of students and personnel.
- 2 Aim also toward identification of the person or persons making the threat.
- 3 Require immediate reporting of any incident to the superintendent's and sheriff's offices.
- 4 Not require evacuation of the threatened building. The principal will make the decision to evacuate, considering any direction given by the superintendent or any order given for evacuation by the police.
- 5 Establish staff responsibilities for searching the building for UTO's (unidentified threatening objects). The request of an employee to refuse to participate in a search shall be honored.
- 6 Provide that students shall not be dismissed from school until the end of the school day. Instead, if evacuated, they shall remain in designated areas until the principal and the police are satisfied that no danger exists. Teachers shall remain with their students and be responsible for them.

The personnel of the district shall cooperate fully with the police in planning and carrying out procedures for dealing with bomb threats. All personnel, including office and switchboard staff and custodians, shall be given instructions for carrying out their responsibilities in the event of such situations.

Adopted January 25, 1983

EMERGENCY PLANS

Advance planning for emergencies and disasters is essential to provide for the safety of students and staff should a threat to safety arise from fire or other causes. It also strengthens the morale of all concerned to know that preparedness plans exist and that students and staff have been trained in carrying them out.

Therefore, the superintendent shall be responsible for developing plans that meet state and local requirements for preparedness in case of fire, civil emergencies, tornadoes and other natural disasters.

Adopted January 25, 1983

LEGAL REFS.: 1973 C.R.S. 28—2—401 through 28—3—405

CROSS REF.: EBCB, Fire Drills

Vandalism

Sargent School District's buildings, grounds and other property are built, purchased and maintained with taxes levied on the community taxpayers, and all damage caused must be paid for in the same way. Therefore, every citizen of the district, students, and members of local law enforcement agencies are urged by the Board to cooperate in reporting any incidents of vandalism to property belonging to the district and the name of the person or persons believed to be responsible. Each employee of the district shall report to the principal of the school every incident of vandalism known to him or her and, if known, the names of those responsible.

The superintendent, the principal, or their designee, is authorized to sign a criminal complaint against persons suspected of vandalism against school property.

Students who willfully or maliciously destroy school property through vandalism or arson or who create a hazard to the safety of other people on school property may be referred to law enforcement authorities. Vandalism includes the knowing and unauthorized use, alteration, damage or destruction of any computer, computer system, software, program or computerized data. Students who are caught vandalizing school property may be suspended and/or expelled.

It is the intent of the Board of Education to seek damages as permitted by law from students who vandalize school property and/or their parents or guardians.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 02/24/86, 03/26/01

LEGAL REFS.: C.R.S. 13-21-107

C.R.S. 19-3-113

C.R.S. 19-3-117

CROSS REFS.: GBGB, Staff Personal Security and Safety

JKD/JKE, Suspension/Expulsion of Students

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

Custodial Services

Custodians shall keep the buildings heated, cleaned and in proper condition for school use. They will also be responsible for work about the school or grounds as the superintendent may see fit to have done. Custodians shall follow instructions from the administrations in such matters as heating, ventilating and methods of cleaning the buildings.

All full-time custodians may attend training sessions at the superintendent's direction. The board shall pay the costs incurred with any training sessions.

Adopted: 06/18/73

Revised: 01/25/83, 03/26/01

Maintenance and Control of Materials and Equipment

The district administration shall insure that proper records are kept on all equipment and other property owned by the school system.

Schools, staff members and students shall be held responsible for items that have been issued for their use.

All school-owned equipment for extracurricular activities, including band instruments and uniforms, shall be issued at the beginning of each season and returned at the end of each season. Complete records shall be kept on all such equipment.

Teachers shall maintain a record of textbooks issued to the students. It will be expected that each textbook will receive only the normal wear and tear during the period of use.

At least once a year, teachers shall make a careful inspection of textbooks and permanent supplies in use by students. They shall impose fines for damages resulting from carelessness and unwarranted use by students, provided that no fines shall be imposed without the approval of the building principal.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 03/26/01

CROSS REFS.: DID, Inventories
JN, Student Fees, Fines and Charges

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

Transportation Services

The transportation department shall be headed by a transportation director who works under the direction of the superintendent. The transportation director shall:

1. Perform all duties and responsibilities involved with the overall management and safe operation of the school district transportation system, including:
 - a. Overseeing the necessary maintenance and repair of school vehicles.
 - b. Scheduling vehicles for student and employee transportation.
 - c. Coordinating vehicle bid and purchase procedures.
 - d. Supervising and training transportation employees.
 - e. Recommending drivers for employment.
 - f. Ensuring the cleanliness of all school vehicles.
2. Maintain a primary focus on student and employee safety.
3. Ensure timely and safe operation of all school bus routes. Be responsible for scheduling all routes and special trips and arranging for and assigning drivers.
4. Ensure that all district drivers abide by federal, state and local laws, rules and regulations.
5. Submit the necessary transportation reports as required.

The bus mechanic, under the supervision of the transportation director, shall:

1. Make necessary repairs on buses and other school vehicles.
2. Endeavor to preserve all tools, equipment and other school property.
3. Make necessary repairs on other school equipment whenever the need arises.
4. Keep the school buses clean.
5. Fuel buses and other vehicles.
6. Refrain from doing other jobs not connected with the district on school time.

Adopted: 06/18/73

Revised: 10/30/00

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

Walkers and Riders

Transportation shall be furnished to students of the Sargent School District who live within the boundaries of the district in a manner which seems to serve the best interests of the most students in the district in the most economical manner.

Students living outside the district may be picked up and dropped off at the nearest pick-up/drop-off point within the boundaries of the school district. Parents or an authorized person must be at the pick-up/drop-off point when the bus arrives or students will be taken back to the school.

Only patrons authorized by the administration, transportation director, students of our school or staff members in the performance of their job, may ride the school buses.

LEGAL REF.: 1 CCR 301-26, 4204-R-17.10 (*district must make effort to minimize student ride times while considering multiple factors; Board may establish maximum ride times*)

Adopted: 02/25/85

Revised: 09/25/89, 10/30/00, 8/27/18 (legal ref.)

School Bus Scheduling and Routing

Buses will be routed on roads maintained by the state and county. Adequate service, safety and efficient operation shall be the goals in the planning of school bus schedules, routes and stops. The transportation director shall be responsible for the development of these transportation plans which shall be subject to the approval of the superintendent.

Buses will travel down private drives to pick-up and drop-off students as long as the following conditions exist:

1. The private drive is wide enough for safe travel with a school bus.
2. There is adequate space for a bus to turn around and that space is kept clear of all other vehicles and objects.
3. The road itself is well maintained, not only in the winter months, but the rest of the school year as well.

If, as determined by the transportation director, any one of these conditions is not met, then the parent(s) will be responsible for meeting the bus at the closest established bus stop.

Bus stops shall be designed to comply with state law regarding student's embarking and disembarking on major thoroughfares.

Adopted: 06/18/73

Revised: 08/28/89, 10/30/00, 11/10 (legal ref)

LEGAL REFS.: C.R.S. 22-32-113(2)

C.R.S. 42-4-613

1CCR 301-26 Rule 4204-R-224.00 (small vehicles, 14 or less passenger capacity multifunction buses, or school buses may be operated on route)

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

Exceptions for Students Riding Their Regular Bus Routes

Students who ride the bus on a regular basis must ride their assigned bus. If an elementary student desires to ride another bus, the student must have written permission from their parent or guardian. If the parent does not submit a written request they must contact the school by phone, making the request to the principal or transportation director; otherwise, the student will be sent home on their regular bus route. If a student does not have an assigned bus, the parent should seek permission from the transportation director for the student to ride a bus.

If larger groups of students will be riding a bus other than their regularly assigned buses, prior permission from the transportation director is required.

If a student is to ride another bus on a regular basis, i.e., once a week, for music lessons, 4-H, scouts, etc., one note at the beginning of the year will be sufficient.

Current practice codified 1983

Adopted: date of manual adoption

Revised: 10/30/00

CROSS REFS.: JEDB, Student Dismissal Precautions

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

Bus/Small Vehicle Driver Requirements, Training & Responsibilities

Requirements for school vehicle drivers are as follows:

- A. Applicants for bus / small vehicle driving positions shall be initially screened as to their driving records through their Motor Vehicle Record. Guidelines from the district's insurance company shall be followed. The high point categories with maximum violations are: no more than two moving violations in the past year, no more than three moving violations in the past three years, no more than one at-fault accident in the past year, not more than two at fault accidents in the past three years, any accident caused by reckless driving or drag racing in the past three years and any accident involving drugs or alcohol, hit and run, vehicular assault or homicide in the last five years.
- B. Any moving violation by any staff member transporting students shall come before the Board of Inquiry. It shall be the driver's responsibility to report any violations incurred while transporting students. If this information is not reported to the director of transportation or the superintendent within 3 business days of the violation, driving privileges shall be suspended for one full calendar year from the date of the violation.
- C. Staff who drive district vehicles which require a Commercial Driver's License (CDL), and who transport students shall complete six hours of instructional training annually on the care of vehicles, transportation related laws and regulations, defensive driving methods, responsibilities in regard to the safety of students and mileage reporting. Failure to complete the training shall result in denial of district vehicle operation.
- D. Staff who drive district vehicles which don't require a CDL, and who transport students shall complete three hours or more of instructional training on the care of vehicles, transportation related laws and regulations, defensive driving methods, responsibilities in regard to the safety of students and mileage reporting. Failure to complete the training shall result in denial of district vehicle operation.

Adopted: 2/25/09

Sargent School District, Monte Vista, Colorado

Student Conduct on Buses

The privilege of riding a school bus is contingent upon a student's good behavior and observance of **the student code of conduct and established** regulations for student conduct both at bus stops and on-board buses.

The driver of a school bus shall be responsible for safety of the students on the bus, both during the ride and while students are entering or leaving the vehicle. Therefore, it is the bus driver's duty to notify the supervisor of transportation and principal of the school involved if any student persists in violating the established rules of conduct.

After due warning has been given to the student and to parents/guardians, the principal may withhold from the student the privilege of riding the school bus. The student also may be denied admission to school, suspended or expelled, in accordance with established policies **including discipline of habitually disruptive students**, for flagrant violation of school bus rider conduct regulations or conduct detrimental to the safe operation of the bus.

Current practice codified 1982

Adopted: date of manual adoption

Revised: 07/24/00

LEGAL REF.:C.R.S. 22-32-109.1 (2)(a)(III) (*discipline of habitually disruptive students is required part of safe school plan*)

CROSS REFS.: JIC, Student Conduct, and subcodes

 JK, Student Discipline, and subcodes

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

Student Conduct on School Buses

Students being transported shall observe the rules set up by the administration and the transportation department. Students who do not observe these rules shall not be permitted to ride buses.

1. All riders shall remain seated when the bus is in motion.
2. Heads, hands, arms or legs shall be kept inside the bus.
3. Scuffling, fighting and obscene language are forbidden.
4. Buses shall not be littered with food or other debris.
5. All misconduct shall be reported by the driver.
6. The bus driver is in complete charge while on the bus.
7. Parents will be notified if any misconduct continues.
8. Damage to the bus other than regular use will be paid for by the rider.
9. The recommended procedure shall be followed when crossing roadways.
10. Drivers shall be informed whenever possible when a rider will be absent.
11. Passengers shall go to their assigned seats without crowding or pushing and shall remain seated while the bus is in motion.
12. Passengers will not tamper with the emergency doors or windows or any other part of bus equipment.
13. Passengers shall cross the road in front of the bus.
14. Passengers shall keep books, lunch boxes and similar objects out of the aisles.
15. Passengers shall remain seated until the bus has come to a complete stop.
16. Passengers shall leave the bus in an orderly manner.
17. Passengers shall be ready when the bus arrives. Drivers shall not wait more than a short length of time.
18. If glass containers are to be brought onto the bus, they must be put in a backpack or bag.

Revised: 10/30/00

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

Use of Wireless Communication Devices by School Transportation Vehicle Operators

While the Board of Education believes the use of wireless communication devices by district transportation vehicle operators is important to provide instant communication regarding emergencies as well as to convey other important information, vehicle operators shall be subject to the following restrictions to ensure safe use.

For purposes of this policy, wireless communication device is defined as any device intended to facilitate communication, including but not limited to cell phones, two-way radios, walkie talkies, palm pilots, beepers, pagers, etc.

Vehicle operators shall not place or receive communications on any personally owned wireless communication device while passengers are loading or unloading from the bus or while the bus is in motion.

Under usual circumstances, use of district owned wireless communication devices shall be allowed when used to assist a vehicle operator and/or dispatcher in the necessary communications periodically needed to safely deliver children – home to school, school to school, school to home and on activity trips. Use of such devices while the vehicle is in motion shall be limited whenever possible.

Violation of this policy may subject the vehicle operator to disciplinary action.

Adoption date: 1/26/04

Revised: 09/26/05, 2/28/11

LEGAL REF.: 1 CCR 301-26, Rule 4204-R-232.00

CROSS REFS.: EDB, Maintenance and Control of Materials and Equipment
EEAE, Bus Safety Program

File: EEAEG*

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

Food Services Management

The following meal prices shall apply until changed by the board:

Breakfast:

Elementary Students	\$1.70
Jr./Sr. High Students	\$1.70
Adults	\$2.00

Lunch:

Elementary Students:	\$2.30
Jr./Sr. High Students:	\$2.65
Adults:	\$3.00

Extra Milk:

Students:	\$.75
Adults:	\$.75

Approved: 8/27/01

Revised: 5/19/03, 08/09/12, 08/12

Food Service Management

The food service director shall be in charge of management of the food services department and will report directly to the superintendent. Areas of responsibility shall include:

1. Manage the cafeteria in the best interest of the school district.
2. Assume general responsibility for the cafeteria but not for students eating there.
3. Recommend food purchases.
4. Meet all requirements of the National School Lunch Program.
5. Plan menus, prepare and serve meals.
6. Maintain cafeteria/kitchen in a clean and orderly fashion in conjunction with custodial services.
7. Keep specified meal program records.
8. Initiate requisitions for the purchase of all items and have them approved by the superintendent.
9. Keep such financial records as are necessary to provide an accurate accounting of the meal program.

Current practice codified 1983

Adopted: date of manual adoption

Revised: 03/26/01

LEGAL REF.: C.R.S. 22-32-120

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

FOOD PURCHASING

The school district shall only purchase fresh or frozen meats which are grown and processed in the United States for sale in Colorado and dairy products produced and processed in the United States for sale in Colorado.

Preference shall be given to provisions produced, manufactured or grown in Colorado if such preference is not for provisions of inferior quality to those offered by competitors outside of the state.

Current practice codified 1982

Adopted: date of manual adoption

LEGAL REF.: 1973 C.R.S. 8—18—101

CROSS REFS.: DJF, Purchasing Procedures

Free and Reduced Price Food Services

The following criteria have been established for use in determining eligible patrons for free and reduced price meals:

1. The superintendent has been designated as the official to determine which individual students are eligible for reduced price or free meals.
2. The district will provide forms to parents or guardians on which application for consideration of eligibility of their children for reduced price or free meals can be made. This application form and its content is considered part of this policy.
3. The district will provide free meals to students upon receipt of an application and will continue to do so until the determination is made.
4. If the application is denied, the parents or guardians may appeal this decision to the superintendent and a hearing will be conducted under the hearing procedure prescribed in section 9 of the National School Lunch Act, as amended. Prior to the hearing the student will continue to receive reduced or free meals.
5. The district will abide by the income poverty guidelines based on the U.S. Office of Management and Budget guidelines as adjusted by the secretary of the United States Department of Agriculture.
6. The district will notify parents at the beginning of the school year of the availability of reduced price or free meals. This will be a notice sent home with students or a letter mailed to the students' home. This notice is considered a part of this policy.
7. The district will provide a release to informational media in the area at the same time the notice is sent to the home.
8. Students receiving reduced price or free meals will not be required, as a condition of receiving such meals:
 - to use a separate cafeteria or section of the cafeteria
 - to go through a separate serving line
 - to enter the cafeteria through a different entrance
 - to work for their meals
 - to use a different medium of exchange
 - to eat meals at a different time from paying students

The names of students receiving reduced price or free meals will not be made public but shall be considered confidential information.

9. In order to protect the anonymity of the student receiving the reduced price or free meals, meal tickets for all students will be issued by a carefully selected staff member.

Current practice codified 1982

Approved: date of manual adoption

Revised: 03/26/01

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

Monitoring Public Electronic Mail Records

Upon sending or receiving electronic mail, all users will segregate or store public electronic mail records.

Public electronic mail records are those that evidence the district's functions, policies, decisions, procedures, operations or other activities of the district or that contain valuable district data. Segregation/storage may be accomplished by creating a separate storage location for public electronic mail on the hard drive of the recipient's computer or terminal, by saving public electronic mail to a disk or similar storage apparatus or by printing the electronic mail on paper and deleting it from the electronic mail system. If the electronic mail is printed on paper, that document will be located with other documents having similar retention characteristics and will be treated like any other public record of the district. If a separate storage location or disk is used, it must be clearly identified as "public electronic mail".

All district public electronic mail records that have not previously been printed on paper will be retained by the recipient for a period of 180 days. Prior to expiration of the 180-day period, the recipient will notify the custodian of records for the district.

The custodian will review the electronic mail records and determine whether in his or her judgment the records are public electronic mail records. All electronic mail determined to be public will be archived by the district in a manner that does not require proprietary software to retrieve the electronic mail and will be treated like any other public record of the district. Electronic mail records determined not to be public records will be destroyed.

Approved: 04/30/01

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



Special Policy Update

May 10, 2024

A benefit of participation in CASB's Policy Support System

What's in this update?

- [Prevent Harassment and Discrimination in Schools](#)
- [Title IX regulation changes](#)
- [What to do with an SPU?](#)

To access the sample policies distributed with this Special Policy Update in both Word and PDF formats, [click here](#).

Prevent Harassment and Discrimination in Schools

In 2023, the Colorado General Assembly passed Senate Bill 23-296, "Prevent Harassment and Discrimination in Schools." The Act provides additional requirements for complaints that would fall under Title IX, and lowers the standard of how severe conduct must be in order to constitute harassment. Federal laws require harassment to be "severe or pervasive," before it is considered to create a hostile environment that constitutes discrimination. The Act lowers the standard in Colorado, meaning that a single incident is more likely to constitute harassment or discrimination.

The Act requires school districts to adopt a policy that includes information on reporting options for students, an explanation of the school's role in responding to reports, information about resources for victims, and information about available accommodations and supportive measures offered by the school. The policy must be made available annually to students, students' parents and legal guardians, and district employees.

The Act also requires training to school staff about harassment and discrimination, which should include training about the school's policy. Schools are also required to report information about harassment or discrimination to school districts, who will then report the information to the Colorado Department of Education.

In 2023, the Colorado legislature also approved Senate Bill 23-172: "Protecting Opportunities and Workers' Rights (POWR) Act," which became effective August 7, 2023. It makes a variety of changes to workplace employment practices. It adds protections from discriminatory or unfair employment practices for individuals based on their "marital status." Additionally, the Act adds a new definition of "harass" or "harassment" in the employee context, which is different from SB23-296's definition that applies to students. The Act also specifies that in harassment claims, the alleged conduct does not need to be severe or pervasive to constitute a discriminatory or unfair employment practice, which provides more protections for workers than under federal law.

The Act also prohibits nondisclosure agreements (NDAs) between an employer and employee that limit the ability of the employee to disclose discriminatory or unfair employment practices, with some exceptions. Finally, it requires an employer to maintain personnel and employment records for at least five years, and have a designated place to store written or oral complaints of discriminatory or unfair employment practices.

Because SB23-296 required a student-facing harassment and discrimination policy to be separate and in addition to the current Title IX policy, and SB23-172 impacted harassment and discrimination policies for employees, CASB took the opportunity to fully reconfigure all sample harassment and discrimination policies. Definitions are provided in policy AC. This sample policy is intended to guide and support

school communities in determining whether bullying, harassment or discrimination, or sexual harassment has occurred and directs the reader to the appropriate regulation, which details the procedure for reporting specific conduct and steps of the investigation.

Because of the substantial changes to existing policies and new policies, CASB has released an explanation of policy choices made and more information regarding laws impacting the policies, which can be found in the Resources section below and [here](#).

Code	Topic	Description of Updates	Suggested Adoption Date
AC [1]	Nondiscrimination/Equal Opportunity	Revises policy substantially; Restructures policy for clarity; Adds roadmap to direct readers to the appropriate regulation based on the alleged conduct.	As soon as possible, prior to July 1, 2024.
AC-R-1 [2]	Nondiscrimination/Equal Opportunity (Complaint and Compliance Process) - Regulation	Repealed, due to addition of new AC-R-1 and AC-R-2, below.	Should be repealed when new AC-R-1 and AC-R-2 are adopted.
AC-R-2 [2]	Sexual Harassment Investigation	Recoded to be named AC-R-3, due to addition of AC-R-1 and AC-R-2 below.	Should be recoded when new AC-R-1 and AC-R-2 are adopted.
AC-E-1	Exhibit - Sample Notice of Nondiscrimination/Equal Opportunity	Aligns terminology with Title IX; Adds protected class; Edits for clarity; Adds informational note; Technical edits.	As soon as possible.
AC-E-2	Exhibit - Complaint Form for Reports of Harassment or Discrimination	Aligns terminology with Title IX; Edits for clarity; Technical edits.	As soon as possible.
NEW AC-R-1	Harassment and Investigation Procedures for Students	New regulation that includes information as to the steps taken in an investigation into harassment and discrimination against a student.	As soon as possible, prior to July 1, 2024.
NEW AC-R-2	Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment, and Members of the Public	Includes information as to the steps taken in an investigation into harassment and discrimination against employees, applicants, and members of the public.	As soon as possible, prior to July 1, 2024.

Other resources

- [Prevent Harassment and Discrimination in Schools | General Assembly](#)
- [Protecting Opportunities and Workers' Rights Act | General Assembly](#)
- [May 7, 2024 OCR Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics](#)
- [November 7, 2023 OCR Dear Colleague Letter: Shared Ancestry](#)
- [CASB Resource: Protecting Opportunities and Workers' Rights Act \(POWR\) Frequently Asked Questions](#)
- [CASB Resource: Guide to Harassment and Discrimination Protections and Policy Changes](#)

Title IX Regulation Changes

In April 2024, the United States Department of Education released updated regulations for Title IX, the federal law that prohibits sex discrimination in schools that receive federal funding. The last time regulations were updated was 2020.

The amended 2024 Title IX regulations allow for increased flexibility and informality in handling sex discrimination complaints in schools. These adjustments accommodate variations in school size, student populations, and administrative structures, while simplifying the grievance process. Previously, schools were required to utilize a Title IX Coordinator, investigator, and decision-maker, but now schools now have the option to utilize a single-investigator model. Schools are not required to offer informal resolution or an appeal process, but the regulations give schools the option to. If schools do choose to use informal resolution or an appeal process, the regulations must comply with Title IX's rules.

Although procedural requirements are less strict, the rules have broadened the definition of sex-based harassment to include sexual orientation and gender identity. The definition of sex-based harassment is also expanded. A hostile environment exists when "unwelcome sex-based conduct ... is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity." Colorado law has a separate discrimination standard that is slightly lower, because it does not require conduct to be severe or pervasive.

The rules do not specifically address transgender student use of bathrooms or locker rooms, which has been an evolving legal topic across the country with different laws and rules by state. However, they did expand on the existing standard for separating facilities based on sex. Current regulations allow districts to provide separate toilet, locker room, and shower facilities on the basis of sex, as long as the facilities are comparable. 34 CFR 106.33. The new regulations clarify that separating by sex is acceptable if it doesn't harm students too much ("does not impose more than de minimis harm on affected students.") The rules state that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm.

Additionally, the scope of covered conduct now extends beyond a school's borders, encompassing incidents occurring under its education program or activity in the U.S., even if some actions occur elsewhere. This includes addressing sex-based hostile environments, regardless of where the contributing conduct took place. The definition of complainant under Title IX now includes individuals beyond students or employees, extending protections to those alleged to have been subjected to sex discrimination or who were participating in the educational program at the time of the alleged discrimination.

Additionally, the regulations introduce several new requirements, such as stricter privacy protections for personally identifiable information, explicit support for students based on pregnancy or related conditions, expanded duties for Title IX coordinators, and mandates for districts to consult with relevant student support teams in cases involving students with disabilities.

Code	Topic	Description of Updates	Suggested Adoption Date
AC-R-3	Sexual Harassment Investigation	Changes terminology; Adds and modifies existing definitions; Removes investigator and includes a two-person investigation model with Title IX Coordinator and Decision Maker; Aligns process with AC-R-1 and AC-R-2 to the extent possible; Adds optional informal	Prior to August 1, 2024.

		resolution and appeal process; Other changes to align with Title IX regulations; Technical edits.	
GBAA	Sex-based Harassment	Changes terminology of sexual harassment based on Title IX changes; Aligns definitions of sexual harassment to state law and Title IX; Technical edits.	As soon as possible, prior to July 1, 2024.
JBB*	Sex-based Harassment	Changes terminology of sexual harassment based on Title IX changes; Aligns definitions of sexual harassment to state law and Title IX; Technical edits.	As soon as possible, prior to July 1, 2024.

Other resources

- [Title IX Fact Sheet | Department of Education](#)
- [Title IX Key Provisions | Department of Education](#)
- [OCR Resource for Drafting Policies based on Title IX 2024 Regulations](#)
- COSA Resource: [Title IX 2020 Regulations v. 2024 Regulations - Key Provisions and Comparison Chart](#)

[1] We have not included a redlined version of AC because the policy had substantial revisions in structure, language, and formatting and the redlined version was too complicated. However, the purpose and aims of policy AC have not changed. Therefore, it is recommended to revise the already-existing AC in full by replacing the old language with the new AC language.

[2] We have not included a redlined version of AC-R-1 or AC-R-2 because they are new policies.

What to do with an SPU?

Whether you are a seasoned policy veteran or new to policy work, below are some tips for reviewing the information contained in the CASB SPU. CASB sample policies cannot simply be adopted “as is,” so please consider the following as you plan to update your district’s local policies:

- Review the new or updated sample policies;
- Make decisions on optional language included in the sample policies;
- Add district-specific information;
- Consider local needs and circumstances;
- Engage in board and community conversations;
- **Remove CASB note boxes after the board has considered the information contained in the note box;**
- Remove the CASB copyright information;
- Consult with legal counsel;
- Present the policies to the board for review and adoption; and

- Call the CASB policy team with any questions!

Special Policy Update is a publication of the Colorado Association of School Boards.

The materials contained herein — and in CASB sample policies, regulations, and exhibits — are provided for general information only and as a resource to assist school boards and BOCES boards with policy development. Boards should consult with their legal counsel and revise all sample policies, regulations, and exhibits to address local needs and circumstances.

As always, please contact CASB's policy department for more information or further assistance:

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Or call us at 303-832-1000

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NOTE: Colorado school districts are required by law to adopt a policy on this subject and the law contains some specific direction as to the content or language. 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.

Nondiscrimination/Equal Opportunity

The district is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. It is critical to this commitment that anyone who may have experienced discrimination or harassment in the context of the district's educational programs, activities, or employment can report their concerns without fear of retaliation.

This policy AC and the implementing regulations are designed to foster a climate that provides preventative measures and encourages the reporting of discrimination and harassment and related retaliation. The district administrators will engage in prevention efforts, train the school community, respond to all complaints promptly, provide supportive measures, and develop fair and equitable processes to investigate and address complaints of discrimination and harassment, and related retaliation, and ensure all parties are treated fairly and impartially.

This policy defines prohibited conduct and guides individuals to the specific regulation governing the applicable reporting and response processes. Complaints of harassment or discrimination against a student should be made pursuant to AC-R-1. Complaints of harassment and discrimination against applicants, employees or community members should be made pursuant to AC-R-2. Complaints of bullying against a student based on their membership in a protected class should be made under AC-R-1. Complaints under Title IX should be made under AC-R-3. Supportive measures and prompt response times are required components of all regulations.

Definitions

- “Bullying” is any written or oral expression, physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental or emotional harm to another. Bullying is student-on-student behavior. The following policy has more details on the definition of bullying, the prevention process, and the reporting process:
 - Policy JICDE*, Bullying Prevention and Education

If the bullying is based on a student's protected class, the behavior may constitute discrimination or harassment. Bullying based on a student's protected class should be addressed through the following regulation:

- Regulation AC-R-1
- “Protected classes” include race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, marital status, veteran status, disability, family composition and genetic information of an employee or applicant for employment.

For purposes of this policy and the implementing regulations:

- “Race” includes hair texture, hair type, hair length, or a protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, and headwraps, that is commonly or historically associated with race.
 - “Sexual Orientation” means an individual’s identity (or another person’s perception of their identity), in relation to the gender(s) to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
 - “Gender Expression” means an individual’s way of reflecting and expressing gender to the outside world, typically demonstrated through appearance, dress, and behavior.
 - “Gender identity” means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth.
- “Harassment” is any unwelcome, physical or verbal conduct or any written, graphic, or visual communication directed at a student, employee, applicant, or member of the public based on their protected class that is objectively offensive to a reasonable individual who is a member of the same protected class, that also:
 - for a student, is either made a term or condition of access to educational services, is used or threatened to be used as a basis for educational decisions affecting the student, interferes with a student’s ability to participate in the district’s educational services, or creates an intimidating, hostile, or offensive educational environment;
 - for an applicant or an employee, is subjectively offensive to the individual alleging harassment, is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with the individual’s work performance, or creates an intimidating, hostile, or offensive working environment;
 - for a member of the community, is subjectively offensive to the individual alleging harassment, and unreasonably interferes with a community member’s ability to participate in the district’s services, activities, or opportunities.

Whether conduct constitutes harassment depends on a number of factors, including, but not limited to:

- the type, frequency, and duration of the conduct;
 - the number of individuals involved and their relationships;
 - the age and education level of individuals involved;
 - the location and context in which the conduct occurred;
 - whether the conduct is threatening or any real or perceived power differential exists;
 - any use of stereotypes, epithets, slurs, or degrading conduct or communication;
 - whether the conduct includes an act of physical violence;
 - the effect on the complainant's education or employment, if applicable.
- “Discrimination” occurs when a student or community member is denied or limited in the ability to participate in or benefit from the district’s services, activities, or opportunities on the basis of their protected class. Discrimination also occurs when the district fails or refuses to hire an employee, discharges an employee, or otherwise treats an employee differently with respect to compensation, terms, conditions, privileges, opportunities, or status on the basis of their protected class. Harassment of a student, employee, or community member is a form of discrimination.

The following regulations have more details on harassment and discrimination and the related complaint process:

- AC-R-1 Harassment and Discrimination Investigation Procedure for Students
 - AC-R-2 Harassment and Discrimination Investigation Procedure for Employees, Applicants for Employment and Members of the Public
 - AC-R-3 Sex-based Harassment Investigation Procedures under Title IX
- “Retaliation” is intimidating, threatening, coercing, or discriminating against an individual who has reported an incident of harassment, discrimination, or bullying. Retaliation includes charges against a student for code of conduct violations related to the incident for the purpose of punishing a student for making a report or otherwise interfering with a student’s rights under this policy.
 - “Sex-based Harassment” under Title IX is conduct on the basis of sex that could include unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature. Because Title IX’s definition of sex-based harassment is a federal standard, the definitions and procedures differ slightly from sex-based harassment under state law. More information on sex-based harassment can be found in the following policies and regulation:
 - Policy GBAA, Sex-based Harassment [for Staff]
 - Policy JBB, Sex-based Harassment [for Students]
 - Regulation AC-R-3, Sex-based Harassment Investigation Procedures under Title IX

- **“Respondent”** means a student or employee who has been reported to have engaged in conduct that could constitute harassment.
- **“Complainant”** means a student, employee, or community member alleged to have experienced discrimination or harassment. A complainant may or may not be the reporting party.
- **“Reporting Party”** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any district student, employee, or community member may be a reporting party.
- **“Compliance Officer”** means the district employee who is responsible for coordinating and overseeing the district’s discrimination and harassment prevention and response efforts. Among other responsibilities, the compliance officer will coordinate and oversee the district’s discrimination and harassment investigation, consultation, recordkeeping, monitoring, and training processes. To facilitate this work, all district employees must inform the compliance officer of all reports and complaints raising discrimination and harassment issues implicating this policy. The compliance officer may appoint a designee to perform any of their assigned duties, including performing the investigation and issuing the report.
- **“Supportive Measures”** are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter harassment and discrimination. Supportive measures may be provided regardless of whether a complaint has been filed. Supportive measures may include, but are not limited to:
 - Counseling;
 - extensions of deadlines or other course-related adjustments;
 - extra time for homework or tests;
 - the opportunity to resubmit homework or retake a test;
 - remediating an impacted grade;
 - excused absences;
 - the opportunity for home instruction;
 - modifications to class schedules; and
 - restrictions on contact between the parties to a complaint of harassment or discrimination.
- **“Title IX Coordinator”** means the employee designated by the district to coordinate its efforts to comply with Title IX of the Education Amendments and the district’s Title IX program.
 - Title IX Coordinator: [The district’s Title IX coordinator is: Jeffrey Fuller, Superintendent, 7090 N. Road 2E Monte Vista, CO 81144 719-852-4023, jafuller@sargent.k12.co.us.]

Harassment, Discrimination, and Retaliation Prohibited

Discrimination, harassment, and bullying on the basis of protected class are prohibited at any district school, at any district or school-sanctioned activity or event, on any district property (or off school property when such conduct has a connection to the school), or any district curricular or non-curricular activity or event. Retaliation for reporting harassment or for participating in any way in an investigation of harassment or discrimination is also prohibited.

District Action

The district encourages anyone - students, parents and family members, volunteers, educators, or staff members - who witness bullying, harassment, discrimination, or retaliation to report the conduct by making a complaint in accordance with the appropriate regulation. All school staff who witness or receive complaints of harassment or discrimination are required to promptly share any such complaints with the compliance officer.

The district will take appropriate action to promptly and impartially investigate allegations of discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take additional action during the investigation to protect against further discrimination, harassment, or retaliation.

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

Upon determining that incidents of discrimination or harassment are occurring in particular district settings or activities, the district will implement measures designed to stop the discrimination or harassment and otherwise remedy the problem in those areas or activities.

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

The compliance officer will refer any potential criminal charges to law enforcement.

Notice and Training

The district will issue a written notice prior to the beginning of each school year that advises students, parents, employees, and the general public that the educational programs, activities, and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the written notice will prohibit discrimination on the basis of age, genetic information, and conditions related to pregnancy or childbirth.

The announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities. Where possible, the notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made accessible to persons who are visually or hearing impaired.

This policy and the implementing regulations, which include the complaint process, must be prominently posted on the district's website in plain language, and made available to all students, parents, and staff through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sex-based harassment are available to the public on the district's website.

Students and district employees will receive periodic training related to recognizing, reporting and preventing discrimination and harassment. District employees must receive additional training related to handling reports of discrimination and harassment.

The training will comply with Colorado state law and will include, but not be limited to, instruction on the following:

- Recognizing harassment or discrimination, including indicators of grooming and child sexual abuse;
- The appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee;
- Reporting harassment or discrimination to the public school or school district.

NOTE 1: SB23-296 requires that the policy and/or procedures protecting students from harassment must be made available in the following ways:

- *displayed prominently on the district's website*
- *annually distributed electronically and separately from any other document to:*
 - *parents and guardians of all students*
 - *separately to students who are in sixth through twelfth grade*
- *provided via physical copy to each incoming student and their parent/guardian upon request*
- *annually distributed to employees*

All policies distributed to parents/guardians or students must be available in Spanish upon request. State law also requires the policy posted on the district's website be in English, but specifies that the policy may also be posted in Spanish. C.R.S. 22-1-143.

Additionally, each public school is required to post notices in multiple places in the school, written in simple and age-appropriate language, describing how and to whom a student can report harassment or discrimination to the school. The notices must be conspicuously posted in easily accessible and well-lit places customarily frequented by students and employees. Bathroom stalls or hallways could be appropriate places to post notices.

In compliance with C.R.S. 22-1-143, the above requirements apply to student-focused policies – Policy AC and AC-R-1. However, the district may also choose to make AC-R-2 available to staff in the same manner.

NOTE 2: Although reports of harassment or discrimination are required to be confidential, districts are not prohibited from reporting known or suspected child abuse or neglect or reporting any other criminal activity to law enforcement, and are also not prohibited from providing records to law enforcement for the investigation or prosecution of a crime. C.R.S. 22-1-143(2)(b)

(Adoption date)

LEGAL REFS.: 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
through Part 110 (civil rights regulations)
C.R.S. 2-4-401 (3.4)
(definition of gender expression)
C.R.S. 2-4-401 (3.5)
(definition of gender identity)
C.R.S. 2-4-401 (13.5)
(definition of sexual orientation)

	C.R.S. 18-9-121
<u>(bias-motivated crimes)</u>	
	C.R.S. 22-1-143
<u>(definition of harassment or discrimination)</u>	
	C.R.S. 22-32-109 (1)(II)
<u>(Board duty to adopt written policies prohibiting discrimination)</u>	
<u>C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)</u>	
	C.R.S. 24-34-301 et seq.
<u>(Colorado Civil Rights Division)</u>	
	C.R.S. 24-34-301 (3.3)
<u>(definition of gender expression)</u>	
	C.R.S. 24-34-301 (3.5)
<u>(definition of gender identity)</u>	
	C.R.S. 24-34-301 (7)
<u>(definition of sexual orientation))</u>	
<u>C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)</u>	
<u>C.R.S. 24-34-402(1.3)(a) (definition of “harass” or “harassment”)</u>	
<u>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)</u>	
<u>C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)</u>	
<u>C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)</u>	

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

[Revised May 2024]
COLORADO SAMPLE POLICY 1992©

Nondiscrimination/Equal Opportunity

(Sample Notice)

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

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

- Policy AC-R-1: Students
- Policy AC-R-2: Employees, Applicants for Employment and Members of the Public
- Policy AC-R-3: Sex-based Harassment (Title IX)

The following person(s) have been identified as the compliance officer of the district.

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

Sargent School District RE-33J

7090 North Road 2 East

Monte Vista, Colorado 81144

(719) 852-4023

~~jafuller@berowther~~ jeffuller@sargent.k12.co.us

The following person(s) have been identified as the Title IX Coordinator of the district.

Jeff Fuller, Superintendent of Schools

Sargent School District RE-33J

7090 North Road 2 East

Monte Vista, Colorado 81144

(719) 852-4023

jafuller@sargent.k12.co.us

Outside Agencies

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex, gender, ~~which includes transgender~~), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U. S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 950 17th St. Suite 300 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 825 1050, Denver, CO 80202.

Adopted: 11/26/07

Revised: ~~03/11, 8/27/12, 11/28/16, 10/17, 08/10/20, 11/21/21,~~ 11/27/23, date of manual revision

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

NOTE: To comply with C.R.S. 22-1-143(3)(c)(II) and (IV), this notice, along with a copy of AC-R-1 (Protecting Students from Harassment) should be annually distributed through electronic means to all students in sixth grade or higher, all parents/legal guardians, and all employees. CASB recommends that Districts also choose to distribute AC-R-2 to employees, but districts are not statutorily required to do so.

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

Nondiscrimination/Equal Opportunity
(Complaint Form)

Date: _____

Name of complainant: _____

School: _____

Address: _____

Phone: _____

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

Summary of alleged ~~unlawful~~ discrimination or harassment:

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

Date(s) alleged prohibited conduct occurred: _____

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

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

Your suggestions regarding resolving the complaint: _____

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

Signature of complainant

Date

Signature of person receiving complaint

Date

Date of issue: 11/26/07
Revised: 11/27/23 manual date of revision

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

NOTE: Colorado school districts are required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

NOTE: State law requires districts to make a good faith effort to complete an investigation into discrimination and harassment within sixty days after receiving a report. C.R.S. 22-1-143(2)(d)(I). There is a possible thirty-day extension for good cause with prior written notice of the reasons for the delay, or at the request of a law enforcement agency. Based on the sixty day requirement, this sample policy includes suggested timelines for completion of various parts of the investigation. Districts may deviate from CASB's recommendations, but should make sure that their policy's timeline does not exceed 60 days.

NOTE: The district must select a compliance officer who is responsible for a variety of discrimination and harassment compliance tasks. The district may choose (i) a district employee, or (ii) the superintendent to be the compliance officer.

Harassment and Discrimination Investigation Procedures for Students

The district prohibits discrimination against any district student. It is a violation of policy for any student or staff member to harass students, or to retaliate against those who report harassment or discrimination or those who participate in a harassment investigation. For the purposes of this regulation, “**harassment**” is unwelcome conduct or communication directed at a student based on their protected class, as described in Policy AC, that is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is made a term or condition of access to educational services, (ii) submission to, objection to, or rejection of the conduct or communication is used or threatened to be used as a basis for educational decisions affecting the student; or (iii) the conduct or communication interferes with a student's ability to participate in the district's educational services, or creates an intimidating, hostile, or offensive educational environment.

The district has adopted the below grievance procedures to encourage reporting and ensure that the investigation and resolution of complaints of harassment and discrimination against students are fair, impartial, and prompt.

Allegations of sex-based discrimination or sex-based harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial,

and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint, with an additional thirty day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

Promptly after receiving a complaint, the compliance officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation by contacting the compliance officer. If a student with a disability is a party, the compliance officer will collaborate with the student's 504/IEP team to determine appropriate supportive measures and will discuss these options with the student. Supportive measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; extra time for homework or tests; the opportunity to resubmit homework or retake a test; remedying an impacted grade; excused absences; the opportunity for home instruction; modifications to class schedules; and restrictions on contact between the parties to a report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided equal opportunity to present evidence. Any questions that arise during the investigation should be directed to or forwarded to the compliance officer. The compliance officer will provide regular written updates about the status of the investigation to both parties and their parents/legal guardians at the end of each stage of the investigation, but at least every fifteen business days.

1. Making a Complaint

Any person who witnesses or experiences bullying on the basis of protected class, harassment, discrimination, or retaliation against students are encouraged to report the conduct to school staff by making a complaint with the district's compliance officer.

Any staff member who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to the compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged event(s) occurred, and name(s) of the party/parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:** [Enter name of Compliance Officer; Phone Number; Address; and Email]
- **Complaint Form Link:** [Enter online form link]

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct, or if they are alleged to have participated in prohibited conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- **[Employee Title]:** [Enter name of Employee; Phone Number; Address; and Email]

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.

2. Evaluation by Compliance Officer

The compliance officer will review the complaint to determine whether the alleged conduct constitutes harassment or discrimination. The compliance officer will refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence shared by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- Initial meeting with Reporting Party, if any, and Complainant:* Within [three - five] school days following receipt of the complaint, the compliance

officer will meet with the complainant and any reporting party and their parents or guardians.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute prohibited discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

If the complainant does not want to proceed with the next steps of the investigation, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the school environment.

b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians, in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.

c. *Information Provided at the Initial Meetings:* The compliance officer will provide to both the complainant and respondent the same basic information, including:

- i. available supportive measures;
- ii. copies of Board Policy AC and this regulation;
- iii. timeline for the investigation process and the district's legal obligations;
- iv. the possibility of resolving the complaint informally upon agreement of all parties;
- v. that the information collected is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct;
- vi. all parties have a right to have an advisor present during all stages of the investigation; and
- vii. parties will be granted excused absences for any therapy, medical, legal, or victim's services appointment associated with the report.

4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. Informal resolution is not appropriate in all circumstances. It may only be used if both parties are students and both parties agree, with agreement voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within [six - seven] school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution.

- a. *Collect Evidence*: The compliance officer will collect evidence. Evidence may be collected by interviews with parties and witnesses, reviewing any available physical or documentary information, requesting written statements, or other appropriate methods at the compliance officer's discretion. Evidence may include, but is not limited to: evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct.
- b. *Determination*: No later than [forty-five to fifty] school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred. The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:
 - i. the degree to which the conduct affected the complainant's ability to participate in or benefit from the school environment;
 - ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment;

- iii. the identity of and relationship between the respondent and the complainant;
- iv. the context of the incident, including school size and location of the incident and/or other incidents at the school;
- v. whether the conduct was threatening;
- vi. the use of epithets, slurs or other conduct that is humiliating or degrading;
- vii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- viii. ages and number of respondents and complainants involved;
- ix. patterns of misconduct of the respondent;
- x. real or perceived power differentials between the parties;
- xi. any other relevant circumstances.

The decision must include a written determination regarding responsibility, explain how and why the compliance officer reached the conclusions outlined in the report, detail any supportive measures or disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer's report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer's findings and recommendations, the superintendent or designee must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

Students will not be disciplined for any of the following acts, if they are connected to the reported incident: truancy, late arrival, drug or alcohol use, consensual sexual activity, expressing a trauma symptom, unauthorized access to facilities, reasonable self-defense against the respondent, or talking publicly about the reported harassment or discrimination.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be concurrently notified in writing of the final outcome of the investigation and any corrective or restorative action

taken by the district within [three - five] school days following the superintendent's determination.

A copy of the compliance officer's report, and any corrective, disciplinary or restorative actions shall be provided to the Board of Education.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Violence Free Colorado: <https://www.violencefreecolorado.org/>

The Crisis Center 24/7 Hotline: 303-688-8484

Local resources for use by students include: [Insert local Resources: E.g., local sheriff's office]

Outside Agencies

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

Denver Office for Civil Rights (OCR)

U.S. Department of Education

1244 Speer Blvd., Suite 310, Denver, CO 80204-3582

Telephone: 303-844-5695

Fax: 303-844-4303

TTY: 303-844-3417

Email: OCR. Denver @ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC)

303 E. 17th Avenue, Suite 410, Denver, CO 80203

Telephone: 800-669-4000

Fax: 303-866-1085

TTY: 800-669-6820

ASL Video Phone: 844-234-5122

Website: <https://publicportal.eeoc.gov/portal/>

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

NOTE 1: Training for employees on discrimination and harassment against students is required pursuant to Colorado state law, beginning no later than July 1, 2024. Training is required for all new employees, and at least every three years afterwards. Training is also required if an employee switches from working primarily with secondary students to elementary students, or vice versa.

A pending bill in the Colorado Legislature (SB24-162) would extend the training deadline to the 2025-2026 school year and no later than December 31, 2025. As of the date of the publication of this SPU, the bill has not passed, so check C.R.S. 22-1-143(1)(4) to determine the training deadline or check with CASB.

Training must be provided during an employee's normal working hours, and include the following content:

- *recognizing harassment or discrimination, including indicators of grooming and child sexual abuse and distinguishing harassment and discrimination from bullying;*
- *the appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee; and*
- *reporting harassment or discrimination to the public school or school district.*

For all employees who have direct supervision of students, the training must be specific to the age of the students they supervise and must also include:

- *the procedure for responding to allegations of discrimination or harassment;*
- *the difference between the requirements of the policy, mandatory reporting laws, and federal laws including Title IX, Section 504, Title VI, and Title VII;*
- *best practices for avoiding victim-blaming; the effect of trauma on victims of harassment or discrimination;*
- *communicating with victims sensitively, compassionately, and in a gender-inclusive and culturally responsive manner;*
- *the impact of harassment or discrimination on students with disabilities; and*
- *the types of supportive measures available to students and the provision of effective academic, mental health, and safety accommodations for students who report harassment or discrimination.*

C.R.S. 22-1-143(1)(4)

NOTE 2: State law requires local education providers to retain the records of a harassment or discrimination report or complaint concerning a student(s) for at least 7 years. C.R.S. 22-1-143. The record of a report includes any accommodations or supportive measures taken in response to a report or complaint and documentation of

the basis for the local education provider's action and response. This documentation likely includes all evidence reviewed and/or considered in the report.

Note 3: SB23-296 also has reporting requirements. By July 1, 2025, schools must report the below information to the district for the previous 12 months. The district will then report the information to the Colorado Department of Education by August 1, 2025. The information must be aggregated and must not include personally identifiable information about the parties.

- Number of formal harassment or discrimination reports received by the school and the type of bias reported when harassment or discrimination was found
- The time to complete each investigation and make findings related to each report.

[May 2024]

COLORADO SAMPLE POLICY 2024©

NOTE: Colorado school districts are required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

NOTE: State law requires districts to make a good faith effort to complete an investigation into discrimination and harassment against students within sixty days after receiving a report. C.R.S. 22-1-143(2)(d)(I). There is a possible thirty-day extension for good cause with prior written notice of the reasons for the delay, or at the request of a law enforcement agency. Although law governing discrimination against staff members does not include any time requirement, CASB recommends mirroring the sixty-day requirement into student investigations, because this is also consistent with Title IX guidance. Based on a sixty day timeline, this sample regulation includes suggested timelines for completion of various parts of the investigation. Districts may deviate from CASB's recommendations.

NOTE: The district must select a compliance officer who is responsible for a variety of discrimination and harassment compliance tasks. The district may choose (i) a district employee, or (ii) the superintendent to be the compliance officer.

Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment and Members of the Public

The district prohibits discrimination against any employee, applicant for employment, and members of the public. It is a violation of policy for any staff member or student to harass employees, applicants for employment, or members of the public, or to retaliate against those who report harassment or discrimination or participate in an investigation of harassment or discrimination. For the purposes of this regulation, "harassment" is any unwelcome conduct or communication directed at an individual because of their protected class, as described in Policy AC. The conduct or communication must be subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment; (ii) submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or (iii) the conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

The below grievance procedures provide for the fair, impartial, and prompt resolution of complaints of harassment or discrimination against employees, applicants for employment and members of the public.

Allegations of sex-based discrimination or sexual harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

[Optional language: The procedures detailed herein, when coupled with the training requirements included in Policy AC, are designed to satisfy the statutory requirements for the affirmative defense to claims of harassment brought under C.R.S. 22-34-402.]

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint is made, with an additional thirty day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

All parties will be treated equitably and will be provided equal opportunity to present evidence.

1. Making a Complaint

Any person who witnesses or experiences harassment, discrimination, or retaliation against employees, applicants for employment or community members, is encouraged to report the conduct by making a complaint with the district's compliance officer.

Any staff member who receives information about, witnesses, or experiences harassment, discrimination or retaliation must report the incident to the district's compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged events occurred, and name(s) of the parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:** [Enter name of Compliance Officer; Phone Number; Address; and Email]
- **Complaint Form Link:** [Enter online form link]

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- **[Employee Title]:** [Enter name of Employee; Phone Number; Address; and Email]

Retaliation against the complainant, respondent, or any other 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.

2. Evaluation by Compliance Officer

Before proceeding with the investigation, the compliance officer will review the complaint to determine whether the alleged conduct constitutes potential discrimination or harassment. The compliance officer may refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence collected by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- a. *Initial meeting with Reporting Party, if any, and Complainant:* Within [three - five] school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

b. Initial Meeting with Respondent: As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.

c. Information Provided at the Initial Meetings: The compliance officer will provide to both the complainant and respondent the same basic information, including:

- i. available supportive measures
- ii. copies of Board Policy AC and this implementing regulation;
- iii. timeline for the investigation process and the district's legal obligations;
- iv. the possibility of resolving the complaint informally upon agreement of all parties;
- v. that information collected in the investigation is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct; and
- vi. all parties have a right to have an advisor present during all stages of the investigation.

4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. The informal resolution process may involve [Insert District's methods, i.e.: mediation, arbitration, restorative justice, or settlement] but may only be used if both parties are non-students and both parties agree. Agreement must be voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within [six - seven] school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided,

including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution. The compliance officer will proceed as follows:

- a. *Collect Evidence*: The compliance officer will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or other appropriate ways.
- b. *Determination*: No later than [forty-five to fifty] school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred.

The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:

- i. the degree to which the conduct affected the complainant's ability to participate in or benefit from the school or work environment;
- ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment, and that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
- iii. the number of individuals engaged in the conduct or communication;
- iv. the identity of and relationship between the respondent and the complainant;
- v. the location of the incident and context in which it occurred;
- vi. whether the conduct was threatening;
- vii. the use of epithets, slurs or other conduct that is humiliating or degrading;
- viii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- ix. any power differentials between the parties;

x. any other relevant circumstances.

Whether harassment has previously occurred in the district is not relevant as to whether the conduct or communication is discriminatory. Petty slights, minor annoyances, and lack of good manners do not constitute harassment, unless, combined, they impact an individual's employment or create a hostile environment as described in the definition of harassment.

The decision must include a determination of whether the respondent engaged in harassment or discrimination, an explanation of how and why the compliance officer reached the conclusions outlined in the report, a description of any supportive measures/disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer's report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer's findings and recommendations, the superintendent must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

To the extent permitted by federal and state law, all parties must be notified in writing of the final outcome of the investigation no later than seven days following the superintendent's final determination.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Colorado Department of Human Resources Domestic Violence Program:

<https://cdhs.colorado.gov/dvp>

Violence Free Colorado: <https://www.violencefreecolorado.org/>

The Crisis Center 24/7 Hotline: 303-688-8484

Local resources for use by staff include: [Insert local Resources]

Outside Agencies

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

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

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

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

NOTE 1: State law requires employers to maintain a repository of all written or oral complaints of discriminatory or unfair employment practices, including sexual harassment complaints. C.R.S. 24-34-408. The following information must be kept: date of the complainant, identity of the complaining party (if complainant was not made anonymously), the identity of the perpetrator, and the substance of the complaint. Additionally, districts must retain any related personnel or employment records for at least five years. This includes requests for accommodation, complaints, application forms submitted by applicants for employment, other records relating to

hiring, promotion, demotion, transfer, layoff, termination, rates of pay or other terms of compensation, and selection for training or apprenticeship; and records of training provided to or facilitated for employees.

[May 2024]

COLORADO SAMPLE POLICY 2024©

Sexual ~~Sex-based~~ Harassment Investigation Procedures (Title IX)

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

Definitions

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

- **“Complainant”** means an individual who is alleged to ~~have been subjected to conduct that would constitute sex-based discrimination or sex-based harassment under Title IX. be the target of conduct that could constitute sex-based discrimination or sexual harassment.~~
- **“Decision Maker”** means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged ~~sexual sex-based~~ harassment. ~~The decision maker may not be the Title IX Coordinator or the investigator. The district’s decision maker may be the superintendent, another designated administrator or a third-party. is the Board of Education.~~
- **“Disciplinary Sanction”** means ~~a consequence imposed by the district on a respondent who is found to have violated this policy. Sanctions are designed to remedy and prevent the recurrence of discrimination, harassment, and/or retaliation. Disciplinary sanctions may include: [List possible disciplinary sanctions, such as no-contact orders, required training, loss of privileges, suspension, or expulsion.]~~
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control, ~~including disciplinary authority,~~ over both the complainant and respondent and the context in which the ~~sexual sex-based~~ 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 have violated the district’s prohibition on sex discrimination. to be the perpetrator of conduct that could constitute sex-based discrimination or sexual harassment.

- **“Sex Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

- **“Sexual Sex-bnased Harassment”** ~~means~~ is a form of sex discrimination and includes sexual harassmt and other harassmt conduct on the basis of sex that satisfies one or more of the following:
 1. Quid pro quo harassmt. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
 2. Hostile environment harassmt. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity; 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. Specific offenses. 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 to restore or preserve the party’s access to the education program/activity, including safety measures, or provide support during the grievance procedures, before or after the filing of a formal complaint or where no formal complaint has been filed. [List possible supportive measures, such as academic support, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives, leaves of absence, changes in work/school locations, access to identified trusted adults at school, increased monitoring of locations, safety planning and referral to outside agencies and supports.]

- **“Remedies”** means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the education program or activity after the district determines that sex discrimination occurred. Remedies may include: *[List possible remedies, such as counseling, updating policies, staff or student training, accommodations.]*
- **“Retaliation”** means threats, intimidation, coercion, discrimination, or other adverse action against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this policy.
- **“Title IX Coordinator”** means the employee designated by ~~the district -a recipient~~ to coordinate its efforts to comply with Title IX responsibilities. ~~The Title IX Coordinator will also objectively evaluate the credibility of parties and witnesses and synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each situation.~~
- The district's Title IX Coordinator is ~~Jeff Fuller~~ ~~Brian Crowther~~, 7090 N. Cty Rd 2 E., Monte Vista, CO 81144, email ~~jafuller~~ ~~bcrowther~~@sargent.k12.co.us, phone 719-852-4028.

Complaint Resolution Process

Investigations into complaints alleging violations of Title IX will proceed as described below. The investigation will be adequate, reliable, and impartial. All parties will be treated equitably and will be provided equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. Throughout the investigation, the district will take reasonable steps to protect the privacy of the parties and witnesses during the investigation, provided this does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The district will make a good faith effort to complete the investigation and make any findings within sixty days after the complaint, and the Title IX Coordinator will adhere to all timeframes. Reasonable extensions of timeframes will be granted on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.

No person can serve as a Title IX Coordinator or decisionmaker if they have a conflict or interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. An alternate will be designated in the event it is claimed that an employee with responsibilities under this regulation is the one who committed the alleged discrimination. Additionally, the Title IX Coordinator may assign any or all aspects of the complaint response process to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters. As used in this regulation, the term "Title IX Coordinator" refers to the compliance officer or their alternate.

The Title IX Coordinator must offer and coordinate supportive measures, as appropriate, for both the complainant and the respondent. A complainant may request modification of supportive measures if circumstances have changed materially, or they disagree with the district's decision to provide, deny, modify, or terminate supportive measures. Challenges of a district's decision must be submitted to the Title IX Coordinator within ten (10) days of the decision, and an impartial employee other than the Title IX Coordinator will review the challenge.

Filing Making a complaint

A complainant, or a parent or guardian with the legal right to act on the complainant's behalf, may file a complaint with the Title IX Coordinator. Complaints are an oral or written request that objectively can be understood as a request for the school to investigate and make a determination about alleged discrimination. ~~Complaints must be filed in writing and signed by the complainant. Forms for this purpose are available on the district website, <https://www.sargent.k12.co.us/sargent-schools-board-of-education/board-of-education-policy-book#93-a-foundations-basic-commitments>. Completed forms must be filed with the Title IX Coordinator.~~ If a complaint ~~form~~ is given to a district employee, the district employee will promptly forward all information regarding 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 ~~sanctions~~ measures.

Investigation Evaluation and Dismissal by Title IX Coordinator

~~Once a complaint is received, Within [three-five] school days after a complaint is received,~~ the Title IX Coordinator ~~or investigator (“investigator”)~~ will ~~first~~ determine if the alleged conduct occurred in the district’s education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures.

At any point throughout the investigation, the Title IX Coordinator may dismiss the complaint if the respondent cannot be identified or is not participating/employed in district programs or activities or the complainant voluntarily withdraws the complaint and the Title IX coordinator declines to initiate a complaint.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant as to the basis of the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the respondent will also be notified. Additionally, the district will provide both parties with an opportunity to appeal the dismissal. Dismissals may be appealed on one of the following bases, if it would change the outcome: new evidence, procedural irregularities, or a conflict of interest.

Allegations in a dismissed complaint may constitute discrimination or harassment prohibited by Policy AC, in which case the investigation will continue under the associated regulations: AC-R-1 or AC-R-2. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.

If the dismissal is appealed, the district will: notify the parties of any appeal, including notice of the allegations if not already provided; implement appeal procedures equally for the parties; ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint; ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations; provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will offer supportive measures to the complainant and respondent, and take other prompt and effective steps to ensure that prohibited sex discrimination does not occur, including directing the parties to AC-R-1.

Initial Meetings with the Parties

Following this determination, the ~~investigator~~ Title IX Coordinator will begin the investigation in a reasonably prompt manner and ~~adhere to the following~~ take the following steps:

- A. Initial meeting with Reporting Party, if any, and Complainant: The Title IX Coordinator will meet with the complainant to provide the information detailed in paragraph (c) below. If the complainant does not want to proceed with their complaint, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the school environment.

- B. Initial Meeting with Respondent: As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will provide the respondent written notice as to the allegations against them and give the respondent a chance to respond to those allegations.

The compliance officer may meet with the respondent to advise them of the allegations even if the compliance officer determines, after meeting with the Complainant and any reporting party, that there is no merit to the allegations.

- C. Notice of Allegations. At the initial meetings, the Title IX Coordinator will provide to both the complainant and respondent notice of the allegations, which includes the following information:

i. Available supportive measures;

ii. Copies of Board Policy AC and this implementing regulation;

iii. Timeline for the investigation process and the district's legal obligations';

iv. Information on the informal resolution process, if offered;

v. Sufficient information regarding identities to allow parties to respond;

vi. Retaliation is prohibited;

vii. Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or a description of the evidence; and

viii. Additional notice will be provided if the district decides to investigate additional allegations.

If the complainant or respondent is a student with a disability, the Title IX Coordinator must consult with the student's IEP/504 Plan Team to determine supportive measures and other actions that comply with the requirements of federal law.

NOTE 1: Informal resolution is not required, but a district is free to provide an informal process, and must comply with certain regulations if it is offered. The optional language in #4 below provides the parameters for informal resolution. If offered, the facilitator for the informal resolution process CANNOT be the same person as the investigator or the decision maker. Districts should appoint a designated employee within the district, who is not involved in the complaint resolution process, to act as the informal resolution facilitator. Alternatively, they may opt to engage a qualified third party for this purpose.

4. [OPTIONAL: Informal Resolution]

When the Title IX Coordinator deems it appropriate, an informal resolution process may be instituted with an impartial facilitator who is not the Title IX Coordinator or decision maker. Informal resolution is not appropriate in all circumstances. It may only be used if both parties must agree, with agreement voluntary, non-coerced, and documented in writing. Informal resolution is not available in cases where a district employee is alleged to have sexually harassed a student.

Prior to initiating an informal resolution process, both parties must be provided written notice explaining the allegations, the requirements of the informal resolution process, that either party has the right to withdraw from the informal resolution process, that an agreement at the conclusion of the informal resolution process

would prevent the parties from initiating grievance procedures arising from the same allegations; the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and what information the district will maintain and whether/how that information could be disclosed for use in the investigation, if informal resolution is not successful and the investigation resumes.

Generally, the informal resolution process should be completed within sixty school days from the parties' agreement to the process, unless good cause is shown.]

5. Formal Complaint Grievance Process

[OPTIONAL: If informal resolution is inappropriate, unavailable, or unsuccessful, the] Title IX Coordinator or their qualified designee will investigate the complaint and provide a report to the decision-maker, who will determine whether discrimination occurred. Any designee must be free of bias and able to act with independence. Either party may raise a concern regarding lack of qualification or bias by contacting the Title IX Coordinator (identified in AC-E-1).

The burden is on the district - not on the parties - to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

a *Collect Evidence*: The Title IX Coordinator will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or ways as appropriate.

During the investigation, the Title IX Coordinator will presume that the respondent is not responsible for the alleged sex discrimination until a determination is made (the "presumption of innocence" standard). The

Title IX Coordinator may question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. However, the Title IX Coordinator will protect the complainant from inappropriate questions and evidence about the complainant's prior sexual history and will not make credibility determinations based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence protected under legal privilege or provided to a confidential employee, unless waived voluntarily;
- A party's or witness's records that are made or maintained by a recognized health professional or paraprofessional in connection with the provision or treatment, unless voluntary, written consent for use in the grievance procedures is obtained;
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless offered to prove someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

b .Report: Within [sixty] calendar days of the receipt of the complaint, the Title IX Coordinator must issue a report to the decision maker. The Title IX Coordinator's report must be advisory and must not bind the decision maker to any particular course of action or remedial measure.

c. Determination: The decision maker will determine whether discrimination or harassment occurred, by applying the preponderance of the evidence standard. In making the determination, the decision maker will consider the following:

- i. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within the district's education program or activity, previous interactions, and other relevant factors;
- iv. Location and context of the conduct;
- v. Other sex-based harassment in the district's education program or activity;
- vi. Any other relevant considerations.

The decision maker will notify the parties in writing of the determination that sex discrimination occurred under Title IX including the rationale for such determination [OPTIONAL LANGUAGE IF DISTRICT OFFERS AN APPEAL: and the procedures and permissible bases for the complainant and respondent to appeal.]

6. Disciplinary Sanctions and Remedies

If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other impacted individuals; coordinate any disciplinary sanctions and notify the complainant; and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

Disciplinary sanctions will not be imposed until the grievance procedures are completed, and parties will not be disciplined under Title IX for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

NOTE 2: Appeals: The 2024 amendments do not require a district to offer an appeal process of a determination as to whether sex-based discrimination occurred. However, if a district offers an appeal process in other comparable proceedings, such as other discrimination proceedings, the district is required to offer a similar appeal process to Title IX. CASB Sample Policy does not include an appeal process for other comparable proceedings (See AC-R-1 and AC-R-2.)

If the district does not have an appeal process in other comparable policies, they may still choose to offer an appeal process for Title IX. If the district does offer an appeal process in other policies, the district **must** offer a similar appeal process for Title IX. Please consult legal counsel for more information. If the district wishes to include an appeal process, insert Section 7 below with recommended parameters for the process. Keep in mind the parameters should be the same as offered in any other comparable proceedings the district has adopted.

7. [OPTIONAL: **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.

Grounds for appeal will be limited in accordance with applicable law, to either a: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or the Title IX Coordinator or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

Both parties shall receive written notice of any appeal and both shall have the opportunity to submit written statements either in support of or challenging the written determination. The superintendent or designee shall have up to ten (10) school days to arrange for and hold a meeting with each of the parties if the party so desires. Following the meeting, the superintendent or designee shall have ten (10) school days to provide a written decision to the parties. Appeal decisions defer to the original decision, making changes to the determination only when there is clear error and to the

sanction(s)/responsive action(s) only if there is a compelling justification to do so. The Superintendent or designee may 1) affirm the written determination; 2) overturn the written determination, or 3) send the report back for additional investigation. The Superintendent or designee's decision to affirm or overturn the report is final.]

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

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

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

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

Decision

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

Appeal

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

Notice and training

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

All students and district employees will receive periodic training related to recognizing and preventing ~~sex-based sexual~~ harassment. District employees must receive additional periodic training related to handling reports of ~~sex-based sexual~~ harassment. Title IX Coordinators, Decision Makers, Informal Resolution Facilitators, and other persons involved in the grievance procedures or with authority to modify or terminate supportive measures must receive additional periodic training specific to their role relating to handling reports of sex-based harassment as required by law.

The Title IX Coordinator must monitor the district for barriers to reporting information that may constitute sex discrimination under Title IX. Additionally, all employees who are not confidential employees must notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under Title IX.

Training materials are available to the public on the district's website.

Adopted: 08/10/20

Reviewed: 11/27/23

NOTE 1: The 2024 Title IX regulations permit more flexibility and informality in the procedures schools must use to “account for variations in school size, student populations, and administrative structures.” The rules dramatically simplified the components of the grievance process. They allow schools to use a single-investigator model. Schools may choose to use a single-investigator model in some, but not all, complaints of sex discrimination as long as it is clear when it will use this model. Decisionmaker can be the same person as the Title IX Coordinator or investigator. The facilitator for informal resolution must not be the same person as the investigator or the decisionmaker. Schools may offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of a student, or unless such a process would conflict with federal, state, or local law.

NOTE 2: The 2024 Title IX regulations require districts to establish “reasonably prompt” time frames for the major stages of the grievance procedures. In the 2011 Dear Colleague Letter, the Office for Civil Rights recommended up to a 60 calendar day time frame based on OCR’s experience that “a typical investigation takes approximately 60 calendar days following receipt of the complaint.” This guidance has since been withdrawn, but may still represent a reasonable time frame depending on the circumstances associated with a specific situation. Additionally, Colorado law requires districts to make a good faith effort to complete investigations of discrimination or harassment in 60 days.

NOTE 3: Districts must keep the following records for seven years: 1) records documenting informal resolution process or investigation for any complaint; 2) for any notification the Title IX Coordinator receives of information about conduct that may constitute sex discrimination, records documenting the actions the district took to meet obligations; and 3) all materials

used to provide training, which must also be available upon request for members of the public.

NOTE 4: Districts may use either the preponderance of the evidence standard or the clear and convincing evidence standard. The clear and convincing evidence standard may only be used if the district uses that standard for code of conduct violations in all other comparable proceedings, including proceedings related to other discrimination complaints (AC-R-1).

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

~~Sexual~~ Sex-based Harassment

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

It ~~shall~~ will be a violation of policy for any member of the district staff to harass another staff member or student through conduct or communications of a sexual nature. Any conduct or communication of a sexual nature directed toward students by teachers or others to whom this policy applies, will ~~shall~~ be presumed to be unwelcome. ~~Sexual Sex-based~~ harassment committed by an employee of the district in the course of employment ~~shall~~ will be deemed a breach of duty, and as such, ~~shall~~ will 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 school authorities.

~~Sexual Sex- based h~~Harassment ~~p~~Prohibited

Pursuant to Title IX of the Educational Amendments of 1972, “sex-based 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. [For #2, select the option based on the time you are adopting the policy:

[Before August 1, 2024: 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

[After August 1, 2024: Unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity]] or

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

Pursuant to state law For purposes of this policy, unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature constitutes ~~sex-based sexual~~ harassment if the conduct or communication is subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class, and if under the totality of the circumstances:

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 ~~sex-based~~ ~~sexual~~ harassment applies whether the harassment is between people of the same or different gender.

~~Sexual~~ Sex-based 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, ~~I~~investigation and ~~S~~sanctions

It is the express desire of the Board to encourage victims of, or witnesses to, ~~sex-based~~ ~~sexual~~ harassment to report such claims through the district's complaint process (AC-R-~~3~~).

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 district's compliance officer.

All reports of ~~sexual~~ sex-based harassment received by any district employee will ~~shall~~ be promptly forwarded to the compliance officer (AC-E-1). The compliance officer will ~~shall~~ ensure that every complaint is promptly investigated and responded

to as set forth in the district's complaint and compliance process (AC-R-3). No reprisals or retaliation ~~will shall~~ be allowed to occur as a result of the good faith reporting of charges of ~~sex-based sexual~~ harassment or participation in an investigation. Requests for confidentiality ~~will shall~~ be honored so long as doing so does not preclude the district from responding effectively to the harassment and preventing such conduct in the future.

Any employee found to have engaged in ~~sex-based sexual~~ harassment ~~will shall~~ be subject to sanctions, including, but not limited to, warning or reprimand, suspension or termination, subject to applicable procedural requirements. Conduct of a sexual nature directed toward students ~~will shall~~, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

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

Notice of ~~P~~olicy

Notice of this policy ~~will shall~~ be circulated to all district schools and departments and incorporated in employee handbooks.

Adopted: 04/25/94

Revised: 05/21/01, 11/26/07, 08/27/12, date of manual revision

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. [24-34-301](#) *et seq.* (discrimination or unfair employment practices)

~~C.R.S. [24-34-401](#) *et seq.* (discrimination or unfair employment practices)~~

CROSS REF.: AC, Nondiscrimination/Equal Opportunity
JLF, Reporting Child Abuse/Child Protection

Sex-based Sexual Harassment

The Board recognizes that sex-based harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sex-based harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sex-based harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination, as addressed in the Board's policy concerning unlawful discrimination and harassment.

District's commitment

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

~~Sexual~~ Sex-based ~~H~~harassment Defined

Pursuant to Title IX of the Educational Amendments of 1972, "~~sex-based~~ 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.

Pursuant to state law, sex-based harassment "~~harassment~~" means any unwelcome physical, ~~or~~ verbal, pictorial, or visual conduct or communication directed at a student ~~person~~ ~~or~~ group or group of students based on sex, sexual orientation, gender identity, or gender expression. To be considered sex-based harassment, the because of their membership in a protected class, which conduct or communication ~~is- must be subjectively offensive to the individual alleging harassment and objectively offensive, and must meet one or multiple of the following: to a reasonable individual who is a member of the same protected class. The conduct or communication must satisfy one or more of the following, under the preponderance of the evidence:~~

1. A school employee conditioning educational benefits , services, or opportunities on submission to the or terms of employment on participation in ~~unwelcome sexual~~ conduct or communication, (i.e., quid pro quo)

2. A school employee making educational decisions affecting the student based on submission to, objection to, or rejection of the conduct or communication;
or
3. The conduct or communication unreasonably interferes with the student's access to their educational service or creates an intimidating, hostile, or offensive educational environment.

~~2. The conduct or communication unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive working environment.~~

Reporting, Investigation, and Sanctions

Students are encouraged to report all incidences of sex-based harassment to either a teacher, counselor, or principal in their school building and file a complaint, through the district's complaint process addressing sex-based discrimination. All reports and indications from students, district employees, and third parties must be forwarded to the Title IX Coordinator.

The district will initiate and conduct an investigation in accordance with the appropriate procedures addressing sex-based discrimination and sex-based harassment. If the district determines an act does not qualify as sex-based harassment under Title IX, it may still qualify as a sex-based harassment under state law or district policy, in which case the district will continue the investigation in accordance with the appropriate procedures (AC-R-1; students or AC-R-2: applicants, staff, and members of the public).

All matters involving sex-based harassment reports must remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing a complaint or otherwise reporting sex-based harassment will not reflect upon the individual's status or affect grades.

The district will take appropriate corrective action to: make the harassed student whole by restoring lost education opportunities, prevent harassment from recurring, or prevent retaliation against anyone who reports sex-based harassment or participates in a harassment investigation. A formal report or finding of harassment will not be required before the district takes corrective action.

Notice and Training

To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all district schools and departments. All communications regarding this policy must be written in simple and age-appropriate language. The policy and complaint procedures must be referenced in student and employee handbooks, described in hard-copy notices posted at schools, and otherwise be

made available to all students, staff, and members of the public through electronic or hard-copy distribution.

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

Adopted: 04/25/94

Revised: 12/17/01, 11/26/07, 8/27/12, 08/10/20

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

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

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

C.R.S. 24-34-402(1.3)(a) (definition of "harass" in employment practices)

CROSS REF.: AC, Nondiscrimination/Equal Opportunity

AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)

AC-R2, Sex-Based Discrimination and Sexual Harassment Investigation Procedures

AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)

JLF, Reporting Child Abuse/Child Protection

Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)

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

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

Definitions

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

Compliance officer’s duties

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

systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

Complaint procedure

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

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

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

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

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

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

Informal Action

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

Formal Action

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

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

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

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

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

The compliance officer must prepare a written report containing findings and recommendations for disciplinary or other action, as appropriate, and submit the report to the Board of Education within 5 school days following the compliance officer's receipt of the complaint or 5 school days following the termination of the informal resolution process.

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

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

Hearing Procedure

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

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

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

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

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

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

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

Outside Agencies

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

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

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

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

Approval date: 11/26/07

Revised: 10/27/08, 8/27/12, 08/10/20, date of manual revision



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

Board Charge for-2023-2024

District

Goal #1 Promote a Positive Climate & Culture

1. Implement S-CAP

Goal #2 Improve Student Achievement

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

Goal #3 Data Driven Decision Making

1. Implement S-CAP