

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

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

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

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

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

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

Mandatory report requirements

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for immediately notifying the Colorado Department of Education (CDE) and for providing any information requested by the department concerning the circumstances of the dismissal. The district also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

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

The superintendent shall notify CDE whenever a licensed/certificated employee is dismissed for any of the following reasons:

1. The employee has been determined by a court to be mentally incompetent.
2. The individual is convicted, pleads nolo contendere or receives a deferred sentence for sexual offenses against a child as specifically set forth in the state board rules.
3. The individual pleads guilty or nolo contendere or is found guilty of a felony which renders the person unfit to be a licensed professional including but not limited to drug possession, felonies involving the use of firearms or deadly weapons, theft or fraud, child exploitation or pornography.
4. When the county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the school employee is the suspected perpetrator and was acting in his official capacity as an employee of the district.
5. When the Board reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

ADOPTION DATE: January 15, 1985

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LEGAL REFS.: C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.7
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
C.R.S. 22-63-103
C.R.S. 22-63-202 (3)
C.R.S. 22-63-203
C.R.S. 22-63-301 et seq.
1CCR 301-1, Rules 2202-R-15.05
15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)

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