

Policy Type: Executive Limitations**Global Executive Constraint**

The Superintendent shall take reasonable steps to avoid causing or allowing any practice, activity, decision or organizational circumstance that is either unlawful, unethical, unsafe, disrespectful, imprudent or in violation of Board policy, as further defined in these policies.

Revised 1/22/2004

Monitoring Method: Internal report

Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Emergency Superintendent Succession**

In order to protect the Board in the event of sudden loss of Superintendent services, the Superintendent shall assure that no fewer than one other staff member is familiar with Board and Superintendent issues and processes and is capable of assuming Superintendent responsibilities on an interim basis, should the unexpected need arise.

Revised 1/22/2004

Monitoring Method: Internal report

Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Development of Administration Policy**

The Superintendent shall not operate without written policies that are consistent with law and Board policy and that ensure reasonable progress toward achieving the Board's *Directional Policies*.

Accordingly the Superintendent shall not fail to develop and promulgate administrative policies that:

1. Are designed to achieve the Board's *Directional Policies*
2. Are consistent with constraints set forth in the Board's *Executive Limitations* policies
3. Are consistent with federal and state law
4. Contain all legally required and recommended policies

The Superintendent shall not fail to communicate to the Board:

1. Circumstances which indicate the need to draft new administrative policy or revise existing administrative policy
2. Suggestions from CASB or other recognized education policy experts regarding new policy language or revisions to existing policy
3. Administrative policies that are inconsistent with current law or Board policy

The Superintendent shall not fail to consult, when appropriate and at his or her discretion, with staff, students, parents and other community members in the development of administrative policy.

The Superintendent shall not fail to provide copies of all newly promulgated or revised administrative policies to the Board, when appropriate, to staff, parents or students.

Adopted 1/22/2004

Monitoring Method: Internal Report:
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Communication and Counsel to the Board**

With respect to providing information and counsel to the Board, the Superintendent shall not fail to give the Board as much information as necessary to allow Board members to be adequately informed.

Accordingly, the Superintendent may not:

1. Fail to submit monitoring data required by the Board (see policy *B/SR-5—Monitoring Superintendent Performance*) in a timely, accurate and understandable fashion, directly addressing provisions of the Board policies being monitored
2. Fail to submit to the Board monitoring data required by the State Board of Education regarding accreditation, accountability and safety
3. Fail to advise the Board in a timely manner of relevant trends, facts and information
4. Fail to advise the Board of significant transfers of moneys within funds or other changes substantially affecting the district's financial condition
5. Fail to advise the Board of changes in assumptions upon which Board policy has been established
6. Fail to provide for the Board as many staff and external points of view and opinions as needed for fully informed Board choices
7. Fail to advise the Board of anticipated or potential adverse media coverage or negative citizen or employee reaction to actual, proposed or anticipated decisions, circumstances, policies, procedures or practices.
8. Fail to advise the Board if, in the Superintendent's opinion, the Board is not in compliance with its own policies on *Governance Process* and *Board-Superintendent Relationship*, particularly in the case of Board or Board member behavior which is detrimental to the work relationship between the Board and the Superintendent
9. Present information in unnecessarily complex or lengthy form
10. Fail to provide a mechanism for official Board, officer or committee communications
11. Fail to work with the Board as a whole on Board policy issues except when
 - a. Fulfilling individual requests for information as long as such requests do not require a material amount of staff time or resources or are not disruptive

- b. Working with officers or committees duly charged by the Board
 - c. Communicating with the president
12. Fail to report in a timely manner any actual or anticipated noncompliance with any Board *Directional* or *Executive Limitations* policy
13. Fail to supply for the consent agenda all items delegated to the Superintendent that are required by law or contract to be Board-approved, along with the minimum amount of supporting data necessary to keep the Board informed

Revised 1/22/2004

LEGAL REFS.: C.R.S. 22-7-205 (2) and (5) (*reports to state board*)
C.R.S. 22-11-101 *et seq.* (*state accreditation*)

Monitoring Method: *Internal report*
Monitoring Frequency: *Annually in January*

Policy Type: Executive Limitations

Commitment to Accomplishment and Accountability

The Superintendent shall take reasonable steps so that the school district maintains an effective accountability program.

Accordingly, the Superintendent may not:

1. Fail to take reasonable steps to ensure that an accountability committee is appointed to serve as both the district and school level accountability committee to fulfill the responsibilities inherent in the Educational Accountability Act and the Educational Accreditation Act.
2. Fail to take reasonable steps so that accountability committee meetings are open to the public and that meeting notices are posted in the same place and manner as notices of Board meetings and in the school building, as appropriate, one week in advance and sent to the local news media
3. By October 1 each year, fail to annually report to the public the district's goals and objectives for the improvement of education in the district and the district's plan to improve educational achievement, maximize graduation rates, and increase the ratings for the school's accreditation category.
4. Fail to gather and accurately report data, as required by law, to the Colorado Department of Education for the state-generated report card.

Revised 1/22/2004

Revised 3/25/2004

LEGAL REFS.: C.R.S. 22-2-117 (*waivers from State Board of Education*)
 C.R.S. 22-7-101 through 22-7-107 (*Educational Accountability Act of 1971*) (*local accountability programs*)
 C.R.S. 22-7-205 (*local goals and objectives*)
 C.R.S. 22-7-207 (*building-level committee recommendations*)
 C.R.S. 22-11-101 *et seq.* (*Educational Accreditation Act of 1998*)
 C.R.S. 22-32-109.1(2)(b) (*safe school reporting requirements*)
 1 CCR 301-1, Rules 2202-R-2.01 *et seq.* (*applicable regulations*)

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Educational Program**

The Superintendent shall not fail to adapt and develop the educational program of the district as necessary to make reasonable progress toward meeting academic standards, fulfilling the Board's *Directional* policies and meeting the general academic educational needs of each student in the district.

Accordingly, the Superintendent may not:

1. Fail to develop a plan to implement academic standards that meets or exceeds the state academic standards, ensure that educational programs of the district actively address the needs of exceptional students, consciously avoid gender or cultural bias, and conform with all timelines established by law
2. Fail to take reasonable steps to involve educators, parents, students, business persons, members of the community and the district accountability committee in the review and revision of academic standards, curriculum, and programs of instruction as necessary to ensure maximum effectiveness
3. Fail to revise curriculum and programs of instruction to align them with the district's adopted academic standards to provide students with educational experiences and opportunities to achieve the district's standards.
4. Fail to develop assessments that will adequately measure each student's progress toward achievement of the academic standards
5. Fail to include both formal studies to meet the general academic needs of each student and, to the extent possible, opportunities for individual students to develop specific talents and interest in more specialized fields
6. Fail to take reasonable steps to address the different learning styles and needs of students of various backgrounds and abilities and eliminate barriers to equity
7. Fail to include all legally required courses and programs
8. Fail to seek waivers of state law and regulation that impede the district's progress toward achieving its mission
9. Fail to develop a plan to implement No Child Left Behind

Revised 1/22/2004

1st reading 6/13/2013

Approved 2nd reading 6/27/2013

LEGAL REFS.: Colo. Const. Art. IX, Sec. 15 (*school board directors have control of instruction in district*)
20 U.S.C. 1001 *et seq.* (*No Child Left Behind Act of 2001*)
20 U.S.C. 7101 *et seq.* (*safe and drug-free schools and communities act of 1994*)
C.R.S. 22-1-104 (*teaching of history, culture and civil government required*)
C.R.S. 22-1-108 through 109 (*teaching of federal constitution required*)
C.R.S. 22-1-110 (*teaching effects of alcohol and controlled substances required*)
C.R.S. 22-2-117 (*state board power to grant waivers*)
C.R.S. 22-7-407 (*adoption of content standards by districts*)
C.R.S. 22-20-101 through 114 (*exceptional children's education act*)
C.R.S. 22-25-101 *et seq.* (*health education act*)
C.R.S. 22-25-104.5 (*law related education required*)
C.R.S. 22-26-101 *et seq.* (*gifted and talented students*)
C.R.S. 22-32-109(1)(t) (*Board duty to determine educational program and prescribe textbooks*)
C.R.S. 23-60-301 through 305 (*vocational technical education*)
1 CCR 301-1, Rules 2202-R-2.07(2) (*variety of programs/strategies will be offered*)

Monitoring Method: Internal Report

Monitoring Frequency: Annually in January

Policy Type: Executive Limitations

Instructional Materials Selection and Adoption

The Superintendent shall not fail to recommend to the Board for approval the instructional materials and textbook programs to be used in the district.

Accordingly, the Superintendent may not:

1. Fail to take reasonable steps to obtain appropriate input from the following groups as instructional materials are reviewed: teachers who will use the materials, staff members who are involved in developing the educational program, and students, parents and community members.
2. Fail to recommend textbooks and instructional materials that advance the achievement of the Board's *Directional* policies and contribute toward continuity, integration and articulation of the curriculum by course and program.
3. Fail to consider the needs of all learners, including slower learners and the exceptionally able, when recommending textbooks and instructional materials.
4. Fail to include, insofar as possible, multiethnic materials which depict a pluralistic society.
5. Fail to provide for a procedure for the re-evaluation of materials or textbooks upon formal request by a parent of a student using the materials or textbook.
6. Fail to develop and implement appropriate policies governing access to and utilization of electronic means of communication

Revised 1/22/2004

LEGAL: REFS.: Colo. Const. Art. IX, Sect. 15 (*Board has control of instruction within the district*)
 C.R.S. 22-1-104(2) (*history, culture and contributions of minorities must be taught*)
 C.R.S. 22-20-101, et seq. (*education of exceptional children*)
 C.R.S. 22-26-101 et seq. (*gifted and talented students*)
 C.R.S. 22-32-109 (1)(t) (*Board duty to determine educational program and prescribe textbooks*)
 C.R.S. 22-32-110 (1) (o), (p), (q) (*duty to provide textbooks, require supplies, procure equipment*)
 C.R.S. 22-32-110 (1)(r) (*exclude immoral or pernicious materials and books*)
 C.R.S. 22-54-105 (1) (*budgeting for instructional supplies and materials*)

Monitoring Method: Internal Report

Monitoring Frequency: Annually in January

Policy Type: Executive Limitations

School Year Calendar

The Superintendent shall not fail to prepare and adopt a district calendar for the next school year that provides for the number of instruction and contact hours/days determined by the Board and include the dates for all staff in-service programs that best meet the instructional needs of students.

Accordingly, the Superintendent may not:

1. Fail to take reasonable steps to allow for public input from parents and teachers prior to scheduling the dates for staff in-service programs
2. Fail to take reasonable steps to provide a copy of the calendar to all parents/guardians of students enrolled in the district school
3. Fail to give adequate and timely notice to students, parents and teachers of no less than 30 days of any change in the calendar, except for emergency closings or other unforeseen circumstances
4. Implement a school calendar that plans for fewer than 990 (minimum) hours of student instruction/contact time for elementary students and 1,080 (minimum) hours of instructional/contact time for secondary students, including provisions under state law for staff development and parent-teacher conferences
5. Implement a school year calendar that provides for fewer than 160 (minimum) instruction/contact days without approval from the commissioner of education
6. Fail to consider a reasonable balance between the instructional needs and the extracurricular obligations of students

Amended: July 14, 1999

Revised 1/22/2004

LEGAL REFS.: C.R.S. 22-1-112 (*school year and national holidays*)
 C.R.S. 22-32-109 (1)(n) (*Board duty to determine number of instructional/contact hours/days*)
 C.R.S. 22-32-109(n)(l) (*prior approval of the commissioner of education*)
 C.R.S. 22-33-101 *et seq.* (*school attendance law*)

Monitoring Method: Internal report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Treatment of Students, Parents and Community**

With respect to staff interactions with students, parents and the community, the Superintendent shall take reasonable steps to avoid causing or allowing conditions, procedures, actions or decisions that are or have the potential of being unlawful, unethical, unsafe, disrespectful, disruptive, undignified or in violation of Board policy.

Accordingly, the Superintendent may not:

1. Use methods of collecting, reviewing, transmitting or storing information that fail to reasonably protect confidential information
2. Fail to provide for effective handling of grievances and complaints
3. Fail to take reasonable steps to protect against illegal conditions and procedures
4. Fail to establish policies and procedures that comply with applicable federal and state laws
5. Fail to take reasonable steps to inform students, parents and the community of district policies, procedures and school choices within the district
6. Fail to meaningfully and timely respond to concerns raised by students, parents and community members and timely report on any serious or repeated concerns and responses to the Board

Revised 1/22/2004

LEGAL REFS.: Constitution of Colorado, Article II, Section 4 (*religious freedom*)
 20 U.S.C. 1232c (*parent consent for non-emergency physical examination or screening*)
 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)
 20 U.S.C. 1232h (*protection of pupil rights*)
 20 U.S.C. 6301et seq. (*No Child Left Behind Act of 2001*)
 Title 1, Part A, Section 1118 (*Title I parent involvement requirements*)
 Title I, Part A, Section 1114 (b)(1)(F) (*Schoolwide Reform Program must include strategies to increase parent involvement*)
 Title 1, Part A, Section 1115 (c)(1)(g) (*Targeted Assistance Program must include parent involvement strategies*)
 Title I, Part A, Section 1116 (a)(1)(D) (*school districts receiving Title I funds must review effectiveness of parent involvement actions and activities at schools*)
 Title I, Part F, Section 1606 (a)(7) (*Comprehensive School Reform Grant Program parent involvement requirements*)

- Title II, Part A, Section (a)(3)(B)(IV) (preparing and training for highly qualified teachers and principals Grant Program parent involvement provisions)
- Title I, Part A, Section 1112(g) (parent involvement and notifications in districts using Title I funds to provide language instruction to limited English proficient students)
- Title I, Part C, Section 1304 (b)(3) (parent involvement and notifications in districts using Title I funds for the education of migratory children)
- Title I, Part A, Section 1114 (b)(2) (eligible school that desires to operate a schoolwide program must develop a comprehensive reform plan)
- 20 U.S.C. 7904 (No Child Left Behind Act of 2001)
- 20 U.S.C. 7906 (prohibition against the use of Title I Funds to operate a program of contraception in the schools contained in the No Child Left Behind Act of 2001)
- 20 U.S.C. 7908 (military recruiter information contained in No Child Left Behind Act of 2001)
- Pub.L. 100-360, July 1, 1998 (Medicare Catastrophic Coverage Act of 1988)
- 34 C.F.R. 99.1 et seq. (regulations)
- C.R.S. 13-22-101 (18 is age of competence for certain purposes)
- C.R.S. 18-6-101 (abortion definition)
- C.R.S. 19-1-303 and 304 (records and information sharing under Colorado Children's Code)
- C.R.S. 22-1-110.5 (required exemption when curriculum includes discussion or instruction concerning human sexuality)
- C.R.S. 22-1-120 (rights of free expression for public school students)
- C.R.S. 22-1-122 (district shall comply with FERPA)
- C.R.S. 22-1-123 (district shall comply with federal law on protection of pupil rights; Colorado provisions regarding survey, analysis and evaluation of students)
- C.R.S. 22-7-101 through 22-7-107 Educational Accountability Act of 1971) (local accountability programs)
- C.R.S. 22-7-407 (5) (informing parents about standards-based education)
- C.R.S. 22-11-201 (4)(b)(l) (accreditation contract must bind district to administer community involvement, including processes for parents)
- C.R.S. 22-30.5-109 (publicity regarding educational options)
- C.R.S. 22-32-109 (1)(ee) (duty to adopt policy prohibiting personnel from recommending certain drugs for students or ordering behavior tests without parent permission)
- C.R.S. 22-32-109(1)(ff) (duty to establish policy to disclose names and addresses of eighth grade students to the Colorado Commission on Higher Education (CCHÉ) and to establish policy to notify parents of these same students of the courses that satisfy CCHÉ's requirements)
- C.R.S. 22-32-109.1 (6) (duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe)
- C.R.S. 22-32-109.2 (screening and treatment of emotional/mental disorders or disabilities)
- C.R.S. 22-32-109.3 (confidentiality of student records)

- C.R.S. 22-32-109.3 (2) *(duty to share disciplinary and attendance information with criminal justice agencies)*
- C.R.S. 22-33-106.5 *(court to notify of conviction of crime of violence and unlawful sexual behavior)*
- C.R.S. 22-33-107.5 *(school district to notify of failure to attend school)*
- C.R.S. 24-72-204 (3)(a)(VI) *(schools cannot disclose address and phone number without consent)*
- C.R.S. 24-72-204 (3)(d) *(information to military recruiters)*
- C.R.S. 24-72-204 (3)(e)(I) *(certain FERPA provisions enacted into Colorado Law)*
- C.R.S. 24-72-204 (3)(e)(II) *(disclosure by staff of information gained through personal knowledge or observation)*
- C.R.S. 25-4-402 *(venereal disease diagnosis and reporting)*
- C.R.S. 25-6-102 *(prohibitions against restrictions regarding contraceptives)*
- C.R.S. 26-4-531 *(districts who contract to receive federal funds for health services for students receiving Medicaid benefits may share information as allowed by parent/guardian)*
- C.R.S. 27-10-103 *(voluntary applications for mental health services)*
- 1 CCR 301-1, Rules 2202-R.2.01 (4)(j) *(accreditation contract must include goals and processes for informing and involving parents, families, community and accountability committees)*

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Student Conduct, Discipline and Attendance**

The Superintendent shall not fail to take reasonable steps to create a school environment that is reasonably safe, conducive to the learning process and free from unnecessary disruption.

Accordingly, the Superintendent may not:

1. Fail to adopt a comprehensive written student conduct and discipline code in accordance with state and federal law
2. Fail to consult with teachers, administrators, students and the community in developing the code
3. Fail to report on each denial of admission or expulsion at the next meeting of the Board, briefly describing the circumstances and the reasons for the action
4. Fail to make reasonable arrangements to have the code distributed once to each student in elementary, middle and high school, once to each new student in the district, and to each student when there are significant changes in the code
5. Fail to post a copy of the code, and any significant change to the code, in each school building
6. Fail to take reasonable steps to uniformly, fairly and consistently enforce the code in accordance with state and federal law
7. Fail to take reasonable steps to identify students at risk for suspension or expulsion and provide them with the necessary support services to help them avoid expulsion, except that such failure shall not be grounds to prevent school personnel from suspending or expelling any student and may not be used in any way as a defense in suspension or expulsion proceedings.
8. Fail to offer in accordance with state law, an alternative to suspension that allows the pupil to remain in school
9. Fail to take reasonable steps to provide information to an expelled student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion or fail to provide services as determined by the district to any expelled student when requested to do so by the student or the student's parent/guardian
10. Fail to establish procedures for use of physical intervention for student interrogations, searches and arrests that conform to state and federal law

11. Fail to adopt a written policy setting forth the district's attendance requirements in accordance with state law
12. Fail to establish procedures to afford students, parents and school personnel due process with regard to student conduct and discipline issues
13. Fail to establish procedures for written appeal to the Board from a decision of the Superintendent to expel or deny admission to a student
14. Fail to establish enrollment/re-enrollment procedures consistent with state law to protect victims of previously expelled students
15. Fail to take reasonable steps to communicate appropriate disciplinary information to teachers/counselors who have direct contact with the student
16. Fail to take reasonable steps to discipline, suspend or expel students when required by law or district policy
17. Fail to adopt policy that allows for the removal of disruptive students from the classroom in accordance with state law
18. Fail to take reasonable steps to discipline a student with disabilities in accordance with the student's IEP or Section 504 plan or if the disciplinary measure is not authorized by the student's IEP or Section 504 plan, contact the special education director or Section 504 coordinator prior to imposing any such measure
19. Operate outside of the delegation of authority with regard to student discipline ⁽¹⁾

⁽¹⁾Pursuant to Colorado law, the Board delegates authority to the Superintendent to:

- a. Delegate to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in his or her school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1) (a), (1) (b), (1) (c) or (1) (e) or not more than 10 school days on the grounds stated in (1) (d) unless expulsion is mandatory under law, but the total period of suspension will not exceed 25 school days;
- b. Suspend a student, in accordance with C.R.S. 22-33-105, for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board;
- c. Deny admission to or expel for any period not extending beyond one year any student whom the Superintendent, in accordance with the limitations imposed

by Title 22, Article 33, of the Colorado Revised Statutes, determines does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee appointed by the Superintendent serving as a hearing officer, the hearing officer will prepare findings of fact and recommendations for the Superintendent at the conclusion of the hearing. The Superintendent will render a written opinion in the expulsion matter within five days after the hearing whether the hearing officer or the Superintendent conducts the hearing.

Revised 1/22/2004

Revised 10/28/2004

LEGAL REFS.:C.R.S. 22-23-101 *et seq.* (*Exceptional Children's Education Act*)

C.R.S. 22-33-101 *et seq.* (*school attendance law*)

C.R.S. 22-32-109.1 (2)(a) (*policy required as part of safe schools plan*)

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

C.R.S. 22-32-126 (5) (*disciplinary information to staff*)

C.R.S. 22-33-106 (1)(a-e) (*grounds for suspension, expulsion and denial of admission*)

C.R.S. 22-33-106.3 (*use of student's written statements in expulsion hearings*)

C.R.S. 22-33-106 (1)(c.5) (*habitually disruptive students*)

C.R.S. 22-33-202 (*identification of at-risk students*)

C.R.S. 22-33-203 (*educational alternatives for expelled students*)

C.R.S. 26-20-102 *et seq.* (*protection of persons from restraint*)

20 U.S.C. § 1401 *et seq.* (*Individuals with Disabilities Education Act*)

29 U.S.C. § 794 (*Section 504 of the Rehabilitation Act of 1973*)

Monitoring Method: Internal report

Monitoring Frequency :Annually in January

Policy Type: Executive Limitations**School Safety**

The Superintendent shall not cause or allow any condition in the district that is or has a reasonable potential of being unsafe.

Accordingly the Superintendent may not fail to develop a safe schools plan, following consultation with accountability committee, parents, teachers, administrators, students and when appropriate, members of the community, that includes:

1. Procedures that address the supervision and security of school buildings and grounds
2. Procedures that address the safety and supervision of students during school hours, during transportation by the school district to and from school and during school-sponsored activities
3. Training programs for staff and students in crisis prevention and management and emergency response
4. Procedures for safe, confidential reporting of security and safety concerns at each school building
5. Procedures for making inquiries, upon good and legal cause, to the Colorado Department of Education for the purposes of screening employees
6. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security and safety needs of each school building and to provide recommendations for improvements if necessary
7. Procedures for regular assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate
8. Procedures to provide for regular communications between district officials, law enforcement officers, fire department officials, city and county officials and local medical personnel to discuss crisis prevention and management strategies, including involvement by these parties in the development and revision of crisis prevention and management plans
9. Training programs for staff and students in safety precautions and procedures related to fire prevention, natural disaster response, accident prevention, public health, traffic, bicycle and pedestrian safety, environmental hazards, civil defense, classroom and occupational safety, and special hazards associated with athletics and other extracurricular activities

10. Procedures for the reporting of criminal activity to law enforcement

11. Procedures for compiling safety information required by the state and submitting it to the Board annually

In addition, the Superintendent shall not fail to develop and adopt, consistent with the *Executive Limitations* policy on Development of Administration Policy, all policies required as part of the safe schools plan.

Adopted 1/22/2004

LEGAL REFS.: C.R.S. 9-1-101 through 9-1-106 (*construction requirements, fire escapes*)
C.R.S. 22-3-101 through 22-3-104 (*eye protective devices*)
C.R.S. 22-32-109.1 (*safe schools plan*)
C.R.S. 22-32-109.1 (8) (*inquiries to Colorado Department of Education regarding employees*)
C.R.S. 22-32-110 (1)(k)
C.R.S. 22-32-124 (2).(3) (*building inspections*)
C.R.S. 24-~~20~~¹⁰-106.5 (*duty of care*)

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Staff Treatment**

With respect to treatment of paid and volunteer staff, the Superintendent shall take reasonable steps to avoid causing or allowing conditions, procedures, actions or decisions which are unlawful, unethical, unsafe, disrespectful, disruptive, undignified or in violation of Board policy.

Accordingly, the Superintendent may not:

1. Fail to make inquiries required by law prior to hiring personnel and during employment
2. Fail to recommend candidates to the Board for staff positions that meet all qualifications required by federal and state law
3. Operate without written personnel policies that:
 - a. Comply with state and federal law
 - b. Clarify personnel rules and procedures for staff
 - c. Provide for effective handling of grievances
 - d. Protect against illegal conditions
 - e. Include adequate job descriptions for all district positions
 - f. Include adequate salary and compensation plans that comply with state law
 - g. Include a personnel performance evaluation system that complies with state law
 - h. Comply with statutory requirements regarding reductions in force and other termination processes
4. Prevent staff from grieving to the Board when internal grievance procedures have been exhausted and the employee alleges that policy has been violated
5. Discriminate against staff members for alleging a violation of law or civil rights
6. Fail to provide staff with an opportunity to become familiar with their rights and responsibilities under this policy

7. When appropriate and at the discretion of the Superintendent, fail to meaningfully and timely respond to concerns raised by staff and timely report on such concerns and responses to the Board
8. Use methods of collecting, reviewing, transmitting or storing information that fail to reasonably protect confidential information
9. Fail to model and require behaviors of mutual respect and support

Revised 1/22/2004

Revised 1/27/2005

LEGAL REFS.:

- 15 U.S.C. 1681 et seq. (*Fair Credit Reporting Act*)
- 20 U.S.C. 1119 (*definition of highly qualified teacher contained in No Child Left Behind Act of 2001*)
- 20 U.S.C. 2361 through 2368 (*Coverdell Teacher Protection Act contained in No Child Left Behind Act of 2001 limits the liability of school personnel*)
- 42 U.S.C. 653 (a) (*Personnel Responsibility and Work Opportunity Reconciliation Act*)
- 34 C.F.R. 200.55 (*federal regulations regarding highly qualified teachers*)
- 34 C.F.R. 200.58, 200.59 (*federal regulations regarding paraprofessional qualifications*)
- C.R.S. 14-14-111.5 (*Child Support Enforcement procedures*)
- C.R.S. 22-2-119 (*duty to make inquiries prior to hiring*)
- C.R.S. 22-9-103 (1.5) (*definition of licensed personnel*)
- C.R.S. 22-12-101 *et seq.* (*Teacher and School Administrator Protection Act*)
- C.R.S. 22-32-109 (1)(cc) (*district required to adopt staff dress code*)
- C.R.S. 22-32-109 (1)(f) (*Board duty to employ personnel to carry out educational programs of the district*)
- C.R.S. 22-32-109.1 (8) (*inquiries to Colorado Department of Education regarding employees*)
- C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)
- C.R.S. 22-32-109.7 (*inquiries prior to hiring*)
- C.R.S. 22-32-110 (1)(h) (*Board power to be exercised in its judgment to discharge personnel*)
- C.R.S. 22-32-110 (ee)
- C.R.S. 22-32-126 (*employment and authority of principals*)
- C.R.S. 22-32-126 (5) (*disciplinary information to staff*)
- C.R.S. 22-60.5-101 (*Colorado Educator Licensing Act*)
- C.R.S. 22-60.5-114 (3) (*State Board can waive some requirements for initial license applicants upon request of school district*)
- C.R.S. 22-60.5-201 (*licensure reciprocity for out-of-state applicants*)
- C.R.S. 22-61-101 (*discrimination in employment of teachers prohibited*)
- C.R.S. 22-61-103
- C.R.S. 22-63-201 (*all teachers must hold a teacher's license or letter of authorization*)
- C.R.S. 22-63-202 (*teacher employment contracts*)

C.R.S. 24-10-102 *et seq.* (governmental immunity)
C.R.S. 24-34-402 (1) (discriminatory or unfair employment practices)
C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Staff Compensation**

With respect to employment compensation and benefits for employees, the Superintendent shall take reasonable steps to avoid causing or allowing jeopardy to the fiscal integrity of the district.

Accordingly, the Superintendent may not:

1. Change his or her own compensation and benefits
2. Promise or imply permanent or guaranteed employment
3. Create obligations over a longer term than revenues can be safely projected, in no event longer than one year
4. Fail to develop and implement salary schedules and pay plans for licensed personnel that:
 - a. Compensate the district's regular teaching personnel commensurate with at least the teacher's education and prior experience
 - b. Condition salary increments upon evidence of the continued professional growth of the teacher
 - c. Recognize that, within the framework of state statutes, employees who do not comply with the requirements of the district and state may not be granted salary increases or be retained on the staff
 - d. Comply with all requirements of state law
5. Fail to develop and implement compensation plans to attract and maintain top quality staff

Revised 1/22/2004

LEGAL REF.: C.R.S. 22-32-110 (5) (*salaries/benefits subject to reopening*)
C.R.S. 22-63-202 (*teacher employment contracts and RIF*)
C.R.S. 22-63-401 through 403 (*teacher employment, compensation and dismissal*)

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Staff Evaluation**

With respect to evaluation of employees, the Superintendent shall take reasonable steps to develop an evaluation system that links employee performance with the district's vision, mission and values statements and *Directional* policies, complies with state law and measures employee performance in terms of achieving the Colorado Academic Standards and the Board's *Directional* policies.

Accordingly, the Superintendent may not:

1. Fail administer the district-adopted Colorado State Model Evaluation System for licensed personnel
2. Fail to develop and administer an evaluation system for classified personnel
3. Fail to provide to the Board an annual report on the effectiveness of the evaluation system and its alignment with the Board's *Directional* policies.

Revised 1/22/2004

1st reading 6/13/2013

Approved 2nd reading 6/27/2013

LEGAL REFS: C.R.S. 22-9-101 *et seq.* (licensed personnel performance evaluation act)
C.R.S. 22-63-301 and 302 (8) (grounds for teacher dismissal and burden of proof)

Monitoring Method: Internal report

Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Budgeting**

Financial planning for any fiscal year shall not deviate materially from the Board's *Directional* policies, risk fiscal jeopardy or fail to be derived from a multi-year plan.

Accordingly, the Superintendent may not present to the Board a recommended budget which:

1. Is not in a summary format understandable by a lay person
2. Fails to itemize district expenditures by fund and by student
3. Fails to adequately describe expenditures
4. Fails to show the amount budgeted for the current fiscal year and the amount budgeted for the ensuing fiscal year
5. Fails to take into consideration spending limitations in the state constitution
6. Was developed without the Superintendent having first considered recommendations made by the district accountability committee relative to priorities for expenditures of district funds
7. Contains too little information to enable credible projection of revenue and cash flow expenses
8. Relies excessively on nonrecurring revenue
9. Fails to disclose budget-planning assumptions and fails to include contingency plans in the event budget assumptions prove erroneous
10. Does not provide for expenditures, interfund transfers or reserves in excess of available revenues and beginning fund balances
11. Does not include the use of beginning fund balance unless the Board has adopted a resolution as described in state law specifically authorizing such use
12. Reduces without approval of the Board, the current cash reserves at any time to less than the minimum amount required by the spending limitations set forth in the state constitution
13. Fails to achieve and maintain a year-end fund balance of 2%

14. Fails to provide adequate and reasonable budget support for Board development and other governance priorities, including the costs of fiscal audits, Board and committee meetings, Board memberships and development and district legal fees
15. Fails to take into consideration fiscal soundness in future years or ignores the building of organizational capabilities sufficient to achieve *Directional* policies in future years
16. Fails to reflect anticipated changes in employee compensation including inflationary adjustments, step increases and benefits
17. Fails to comply with state and federal law
18. Fails to provide a brief narrative that relates the annual budget to annual *Directional* policy focus

Revised 1/22/2004

LEGAL REFS: C.R.S. 22-7-205 and 207 (*school level accountability committee recommendations*)
C.R.S. 22-11-101 *et seq.* (*state accreditation*)
C.R.S. 22-44-101 through 117 (*school district budget law, Board shall cause a proposed budget to be prepared and shall adopt a budget for each fiscal year*)
C.R.S. 22-44-105 (1.5)(a) (*budget parameters regarding expenses not exceeding revenue and use of beginning fund balance*)
C.R.S. 29-1-103 (3) (*budget to reflect lease-purchase payment obligations*)

Monitoring Method: Internal report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Financial Administration**

With respect to the actual, ongoing condition of the district's financial health, the Superintendent shall take reasonable steps to avoid causing or allowing any fiscal condition that is inconsistent with achieving the Board's *Directional* policies, disregards the Board's ultimate authority to determine financial matters of the district, places the long-term financial health of the district in jeopardy or causes a material deviation in spending from the annual budget or budget policy adopted by the Board.

Accordingly, the Superintendent may not:

1. Expend more funds than have been received in the fiscal year to date unless authorized by the Board through use of reserves or unless revenues are made available through other legal means
2. Expend funds beyond amounts set forth in the budget without the Board's approval
3. Fail to follow state law with regard to indebting the organization, special elections for bonded indebtedness, expending contingency reserves and transferring unencumbered moneys from one fund to another
4. Fail to settle payroll and debts in a timely manner
5. Allow reports or filings required by any state or federal agency to be overdue or inaccurately filed
6. Fail to arrange for the annual audit of all district funds and accounts following the close of the fiscal year in accordance with state law
7. Fail to aggressively pursue receivables after a reasonable grace period
8. Fail to keep complete and accurate financial records by funds and accounts in accordance with generally recognized principles of governmental accounting
9. Fail to make quarterly financial reports and year-end reconciliation reports to the Board as required by law
10. Fail to publish and post financial condition statements, notices and information required by law
11. Fail to seek all federal and state funds to which the district is or may be entitled

12. Fail to seek, after completing a cost/benefit analysis and obtaining Board approval, all non-public funds which may benefit the district
13. Seek any loan without approval of the Board

Revised 1/22/2004

Revised 10/28/2004 to update legal references

LEGAL REFS.: Constitution of Colorado, Article X, Section 20
C.R.S. 1-1-101 through 1-13-108 *et seq.* *Uniform Election Code of 1992)*
C.R.S. 1-7-908 *(financial information district must post prior to any financial election)*
C.R.S. 1-45-117 *(Fair Campaign Practices Act)*
C.R.S. 11-10.5-101 *et seq.*
C.R.S. 11-47-101 *et seq.*
C.R.S. 22-32-109 (1) (i), (j), (k), (l) *(Board policy must ensure proper record keeping and annual audit)*
C.R.S. 22-40-107 *(short term loans)*
C.R.S. 22-42-101 *et seq.* *(bonded indebtedness)*
C.R.S. 22-44-105 (1.5)(b) *(itemized reconciliation)*
C.R.S. 22-45-102 (1)(b) *(quarterly financial reports)*
C.R.S. 22-45-103 *(bond redemption fund trustee or escrow requirement)*
C.R.S. 22-45-112(2)(a) *(sale of real property if fiscal emergency)*
C.R.S. 22-54-103 (9.5), (10) *(sets October 1 date regarding entrance age)*
C.R.S. 22-54-108
C.R.S. 22-54-110 *(loans to alleviate cash flow problems)*
C.R.S. 22-54-110(2)(d) *(loans in form of lease-purchase agreements with state treasurer if fiscal emergency)*
C.R.S. 24-18-201 *(employees of district may not be interested in contract made by district)*
C.R.S. 24-75-601 *et seq.*
C.R.S. 24-75-701 *et seq.*
C.R.S. 29-1-601 *et seq.* *(local government audit law)*
C.R.S. 29-15-101 *et seq.* *(Tax Anticipation Note Act)*

Monitoring Method: Internal Report:

Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Asset Protection**

The Superintendent shall not allow assets to be unreasonably unprotected, inadequately maintained, inappropriately used nor unnecessarily risked.

Accordingly, the Superintendent may not:

1. Fail to obtain insurance coverage against theft and casualty losses to 100% of replacement value and against liability losses to Board members, staff or the district itself in an amount that is reasonable for school districts of like size and in accordance with state law
2. Allow unbonded personnel access to funds in excess of \$50
3. Fail to take reasonable steps to ensure that the facilities and equipment are not subject to improper wear and tear or insufficient maintenance
4. Knowingly or recklessly expose the district, its Board or staff to a substantial risk of legal liability
5. Commit to any single, non-budgeted purchase or expenditure of greater than \$2,500 without approval of the Board
6. Make any purchase:
 - a. Wherein normally prudent protection has not been given against conflict of interest
 - b. Without having obtained comparative prices based on similar quality
 - c. Without considering a balance between long-term quality and cost
7. Fail to use a competitive bidding procedure for all contracted services, except professional services, and purchases of supplies, materials and equipment in the amount of \$5,000 or more
8. Fail to protect intellectual property, information and files from loss or significant damage
9. Fail to preserve and dispose of all records related to affairs or business of the district in accordance with state and federal law

10. Receive, process or disburse funds under controls which are insufficient under generally accepted accounting procedures
11. Invest funds in securities where contrary to state law
12. Acquire, encumber or dispose of real property
13. Knowingly or recklessly endanger the district's public image or credibility, thereby jeopardizing the district's ability to accomplish its mission.
14. Allow the district to enter into a contract in which an employee of the district has an interest unless one or more of the following apply:
 - a. The contract is awarded to the lowest responsible bidder based on competitive bidding procedures set forth in district administrative policies
 - b. The merchandise is sold to the highest bidder at a public auction
 - c. The transaction involves investing or depositing money in a financial institution which is in the business of loaning money or receiving money
 - d. If, because of geographic restrictions, the district could not otherwise reasonably afford the contract because the additional cost to the district would be greater than 10 percent of the contract with the interested member or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services
 - e. If the contract is one in which the Board member has disclosed a personal interest and is one on which the member has not voted or has voted as allowed in state law following disclosure to the secretary of state and to the Board

Revised 1/22/2004

LEGAL REFS.: C.R.S. 22-32-109 (1)(b) *(Board must have policy on competitive bidding)*
C.R.S. 22-32-109 (1)(h) *(employees with access to funds in excess of \$50 must be bonded)*
C.R.S. 22-32-109 (m) *(Board policy must ensure preservation of district records)*
C.R.S. 24-18-201 and 202 *(local government officials/employees may not have interest in contract made in their official capacity)*
C.R.S. 24-75-601 *et seq. (legal investments by public entities)*

Monitoring Method: Internal report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Administration of Transportation**

The Superintendent shall be responsible for the administration of student transportation. S/he shall not fail to administer student transportation in a manner consistent with Board policy and shall not fail to provide the Board with regular reports and information regarding the efficiency and conduct of the transportation program, including but not limited to a report in August of each year stating the following:

- The number of students served
- Bus routes
- Current evidence of driver certification and training
- An inventory of safety equipment and report on safety measures in place
- A list of drivers and substitute drivers
- A plan for scheduling drivers and substitute drivers during the school year
- An assessment of concerns and input from parents, students, and community members
- Any other information that would assist the Board in making and enforcing sound transportation policy

Adopted 4/25/02
Revised 1/22/2004

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January

Policy Type: Executive Limitations**Scope of Transportation Services**

The Board has defined the scope of transportation services for the District. The Superintendent shall not fail to meet the following criteria with regard to the scope of transportation services.

Transportation, Defined

Transportation may include bus service, small vehicle service, a Type-C contract or any other form of transportation not in conflict with existing policy.

All Students Residing in Hinsdale County School District and Attending School in Hinsdale County

Transportation to the Hinsdale County School District school shall be offered to students (Kindergarten-12th grade) residing in Hinsdale County School District, who live more than five miles from school. Transportation (to school only) will be offered to half-day students (preschool) if/when space is available on the vehicle. Vehicle space will be offered first to full-day students, then to half-day students on a first come, first served basis. Students weighing less than forty pounds shall be fastened in a DOT approved safety seat, which shall be furnished by the parent. Transportation may be furnished for shorter distances if, in the opinion of the Board:

1. A student lives on an established bus route, or can walk or otherwise come to a bus stop on an established route;
2. Extreme hardship or dangerous conditions prevail.

1st reading: 2/28/02

2nd reading: 3/28/02

3rd reading: 4/25/02

Adopted: 4/25/02

Revised 1/22/2004

1st reading approved as revised: 5/22/2008

Approved, 2nd reading 6/26/2008

1st reading as revised 6/24/2010

2nd reading approved as revised 7/22/2010

1st reading 6/13/2013

Approved 2nd reading 6/27/2013

Monitoring Method: Internal Report

Monitoring Frequency: Annually in January

Note: State law requires children under the age of 8 to be properly restrained in a child restraint system. This applies to small vehicles transporting students. The following are the motor vehicle child restraint requirements:

- *Infants must ride in the back seat in a rear facing car seat until they are at least 1 year old and at least 20 pounds.*
- *A child 1 year old but less than four 4 years old and weighing more than 20 pounds but less than 40 pounds but must ride in a rear-facing or forward-facing child restraint system.*
- *Children 4 to 8 years must continue to ride in a child restraint system. This is typically a booster seat.*
- *Children who are at least 8 years of age but less than 16 years of age shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.*

Policy Type: Executive Limitations

Transportation Orientation for Students/Parents

During the two weeks prior to the start of school each year, the Superintendent shall not fail to hold a transportation meeting, pursuant to the following guidelines:

1. All drivers, substitute drivers, students and parents of students transported to Gunnison, will be notified of the time and place of the meeting, at least one week prior to the meeting and will be required to attend the meeting or meet personally with the Superintendent, in the event they cannot attend the meeting.
2. Each parent and student using such transportation will be given a packet containing the following information:
 - The name, phone number, and address of each driver and substitute driver
 - A schedule and map of bus routes and stops
 - A telephone tree
 - A copy of "Student Conduct on Buses" (See EEAEC) and any other applicable rules and regulations
 - A copy of "Emergency Procedures (See EEAEE)
 - Instructions for proper boarding and exiting the vehicle

The Superintendent will discuss this information with parents and students and answer any questions.

3. Each driver and substitute driver will be given a packet containing the following information:
 - A list of each student who will be riding the vehicle and his/her name, address and phone number together with the name, address and phone number of his/her parents
 - Name, phone number, and address of each driver and substitute driver
 - The name, phone number (including home number) and address of the Superintendent
 - A telephone tree
 - A copy of the full transportation policy of the District.

The Superintendent will discuss this information with the drivers and answer any questions.

4. The Superintendent will obtain from each student/parent a signed copy of "Student Conduct on Buses" and that student's name, current address, phone number and the parent's name, address, and phone number.

5. The Superintendent will obtain from each driver and substitute driver any and all information he/she needs to ensure compliance with the law governing school and activity bus drivers and any and all information he/she will need to complete the transportation reports to the Board required by Board policy.
6. The Superintendent will arrange emergency drills as required by D.O.T. regulations.
7. All questions not answered to satisfaction at this meeting will be recorded and related to the Board for further discussion. Follow up with students/parents on these matters will be scheduled as soon as possible.
8. Parents and students will be given the opportunity to view the vehicles and discuss any safety concerns or questions.

Revised 1/22/2004

Monitoring Method: Internal Report
Monitoring Frequency: Annually in January