

Discipline, Suspension and Dismissal of Professional Staff

(And Contract Nonrenewal)

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

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

This provision also shall apply to teachers employed on a part-time continuous basis by the district.

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

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

The district shall not obtain consumer credit reports on a current employee unless the district is evaluating the employee for promotion, reassignment or retention. In all cases where credit information or 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 and applicable state law.

The district shall comply with the mandatory reporting requirements concerning allegations of unlawful behavior involving a child and other offenses, in accordance with state law and the regulation accompanying this policy.

Adopted: 09/26/91

Revised: 08/12/95, 03/09/95, 11/11/99, 08/21/03, 08/21/08, 11/13/08, 02/13/14

LEGAL REFS.: 15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)
20 U.S.C. 7926 (ESSA prohibition against employment assistance for school employees who have engaged in sexual misconduct with a student or minor)
C.R.S. 8-2-126 (limits employers' use of consumer credit information)
C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
C.R.S. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)
C.R.S. 22-63-202 (3) (temporary suspension during contract period)
C.R.S. 22-63-202 (4) (disclosure of reasons why left employment)
C.R.S. 22-63-203 (renewal and non-renewal of probationary teacher contracts)
C.R.S. 22-63-301 et seq. (dismissal of licensed staff)
1 CCR 301-37, Rule 2260.5-R-10.05

NOTE 1: State law prohibits school districts from entering into a settlement agreement that would restrict the district's ability to share any relevant information related to a conviction for child abuse or a sexual offense against a child and that pertains to the incident upon which the employee's dismissal or resignation is based. C.R.S. 22-32-109.7 (3). Further, school districts are not authorized to enter into a settlement agreement that would prohibit the district from sharing any other information required by law to be available to CDE, another school district, or a charter school—including information related to an allegation of a sexual act involving an employee and a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act upon which the employee's dismissal or resignation is based. Id.

NOTE 2: An employee who is terminated for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment.

NOTE 3: The Every Student Succeeds Act (ESSA) requires school districts that receive ESEA funds to have policies in place that prohibit the district from assisting an employee in obtaining a new job if the district knows, or has probable cause to believe, that such employee engaged in sexual misconduct regarding a student or minor in violation of the law. The district is not prohibited from following routine procedures regarding the transmission of administrative or personnel files, but is prohibited from doing more than that to help the employee obtain new employment. 20 U.S.C. 7926. This provision is intended to prevent teachers or other school staff who have engaged in sexual misconduct with a student or minor at one school from obtaining employment at another school, without that school's knowledge of the prior misconduct. In sum, districts must ensure that they comply with state law mandatory reporting requirements as well as not offer employment assistance as prohibited by the ESSA when contacted by another school for information regarding an applicant's fitness for employment.