

## Mission Statement

*Develop responsible and  
productive members of  
society*

Strasburg School District  
31-J

**August 12<sup>th</sup> @ 6:00 p.m.**

### Board of Education

Julie Winter, President

Michael Marrero, 1<sup>st</sup> Vice  
President

Ryan Dwyer, 2<sup>nd</sup> Vice President

Diana Elliott, Secretary

Dillon Kent, Treasurer

*Strasburg School Board strives to  
follow our guiding principles:*

**T** – Transparency

**R** – Respect

**U** – Unity

**T** – Trust

**H** – Honesty

## Agenda

### SCHOOL DISTRICT BOARD ROOM

Board members will meet in person at the high school video conference room. Audience may participate via zoom

Meeting ID 7193845670

Audience members will need to identify themselves to be admitted into the meeting.

### Board Procedures:

Board meeting time is dedicated to the mission and goals of the Strasburg 31J School District. Public opinion is valuable to the Board, and there is an opportunity during request from patrons to address the Board. Individuals who try to address the Board outside of public comment may not be recognized.

Members of the public who intend to offer public comment to the Board must sign up for comment before each Board meeting. The Board President has discretion to call on those who have signed up and set the order of speakers.

Presentations must be no more than three minutes.

- I. Opening of the Meeting**
  - a. Call to Order
  - b. Roll Call
  - c. Pledge of Allegiance
  - d. Adoption of Agenda
- II. Public Hearing & Public Participation**
- III. Board Correspondence/Reports/Discussion**
  - a. Ballot Question Memo
- IV. Board Action items**
  - a. Personnel
    - i. Kim Terry, Leave of Absence-FMLA (1<sup>st</sup> quarter)
    - ii. 2020-2021 Fall Coaches
    - iii. New Hires:
      - 1. Andrew Winkler, Bus Driver
      - 2. Ronda Lee, 6<sup>th</sup> Grade Teacher
      - 3. Alexandra Rice, Kindergarten Teacher
      - 4. Annah Michaelis-Welch, Volunteer Softball Coach
      - 5. Dawna Miller, SHS Assistant Volleyball Coach
      - 6. Olga Gomez, Custodian
      - 7. Jarrad Williams, Custodian
    - iv. Resignations:
      - 1. Monique Mathews, Bus Driver
      - 2. Stacy McElvaney, SHS Counselor
      - 3. Teri Boon, Health Aide
  - b. Policy Revision (one requires one read)
    - i. AC-Nondiscrimination-Equal Opportunity
    - ii. EBBA-Prevention of Disease-Infection Transmission (Handling Body Fluids)
    - iii. EBCE-School Closing and Cancelations
    - iv. GBGA-Staff Health (And Medical Examination Requirements)
    - v. JBB-Sexual Harassment
    - vi. JH-Student Absences and Excuses
    - vii. JII-Student Concerns, Complaints, Grievances
    - viii. JLCC-Communicable-Infection Diseases
    - ix. KI-Visitors to School
  - c. Policy New (requires two reads)
    - i. GBAB-Workplace Health and Safety Protection
  - d. Approve Board Resolution on Instruction-Attendance Resolution
  - e. Approval of the minutes of the July 28<sup>th</sup>, 2020 Work Session Board Meeting.
  - f. Approval of claims, accounts, and financial statements, as appropriate.
- V. Agenda Setting**
  - a. Discuss agenda topics for future board meetings
  - b. Meeting times and dates – set work-session
    - i. August 25<sup>th</sup> Special Meeting
- VI. Adjourn**

I have been asked by Ms. Johnson, the Strasburg School District (the “District”) superintendent, to provide a legal explanation for specific portions of the ballot question in order to provide context to the Board of Education and the general public with respect to a ballot question that the District is considering placing before the voters in November 2020.

As you know, Article X, Section 20 of the Colorado Constitution (TABOR) is very specific as to what must be included in a ballot questions for a debt and tax increase. Also, Colorado law provides legal requirements for the issuance of school all of those various factors must be considered in a ballot question. The only “variable” section is the description of what the District intends to do with the money (although State law requires that bond proceeds only be spent on capital assets).

I have set forth the form of the ballot question below, in all caps as required by State law, and have broken it down into sections with the explanation following the sentence or section in red lower case font.

SHALL STRASBURG SCHOOL DISTRICT 31J DEBT BE INCREASED BY \$19.8 MILLION, WITH A REPAYMENT COST OF NOT TO EXCEED \$36.5 MILLION (WHICH REPRESENTS THE PRINCIPAL OF AND INTEREST ON THE DEBT OVER TIME), AND SHALL DISTRICT TAXES BE INCREASED NOT MORE THAN \$1.59 MILLION ANNUALLY, this language is directly from TABOR and is required of all debt and tax increase ballot questions in the State. The highlighted language is not required by TABOR, but has been inserted to explain to the voters that the higher amount is the principal and interest on any debt at an assumed rate over time. Assumed rate in this situation is 5% over 25 years.

BY THE ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS TO PROVIDE, AMONG OTHER THINGS, LOCAL MATCHING MONEY REQUIRED FOR THE DISTRICT TO RECEIVE \$3,699,808.71 IN STATE GRANT FUNDS (WHICH ARE NOT REQUIRED TO BE REPAYED) UNDER THE BUILDING EXCELLENT SCHOOLS TODAY (“BEST”) PROGRAM, ALL FOR PROVIDING CAPITAL ASSETS FOR DISTRICT PURPOSES, INCLUDING:

- PROVIDING DISTRICT MATCHING FUNDS IN THE AMOUNT OF \$6,299,674.29 IN ORDER TO RECEIVE THE BEST GRANT WHICH HAS BEEN AWARDED BY THE STATE IN THE AMOUNT OF \$3,699,808.71 (THE RECEIPT OF WHICH IS CONTINGENT UPON THE DISTRICT’S ABILITY TO PROVIDE THE MATCHING AMOUNT) TO CONSTRUCT HEALTH, SAFETY AND SYSTEM UPGRADES AT THE HIGH SCHOOL INCLUDING MECHANICAL, ELECTRICAL, FIRE ALARM, PUBLIC ADDRESS SYSTEMS AND ROOFING UPGRADES;
- CONSTRUCTING, RENOVATING, REMODELING AND EQUIPPING AN ADDITION TO THE ELEMENTARY SCHOOL TO ADD CLASSROOMS AND CONSTRUCTING A NEW GYMNASIUM TO ADDRESS OVERCROWDING DUE TO GROWTH, HEALTH, SAFETY AND SECURITY ISSUES;
- EXPANDING AND RECONFIGURING BUS AND PARENT DROP OFF AREAS, PLAYGROUND EXPANSION AND OTHER SITE IMPROVEMENTS TO IMPROVE TRAFFIC FLOW, SAFETY AND SECURITY OF THE ELEMENTARY SCHOOL AND MIDDLE SCHOOL SITES;

□

The above language is the “purposes” section that tells the voters what they intend to do with the funds, and, in this specific ballot question, describes that the District has obtained a grant from the State of Colorado under the Building Excellent Schools Today program that the District will only receive if it can provide a specific “matching money” amount.

WITH SUCH GENERAL OBLIGATION BONDS TO BE SOLD, TO BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM OF NOT MORE THAN THREE PERCENT, AND BE ISSUED AT SUCH TIME, AT SUCH PRICE (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS NOT INCONSISTENT WITH THIS BALLOT ISSUE, AS THE BOARD OF EDUCATION MAY DETERMINE, This section sets out parameters that need to be met for State law.

AND SHALL AD VALOREM PROPERTY TAXES BE LEVIED WITHOUT LIMIT AS TO THE MILL RATE TO GENERATE AN AMOUNT SUFFICIENT IN EACH YEAR TO PAY THE PRINCIPAL OF, PREMIUM IF ANY, AND INTEREST ON SUCH DEBT AND ANY DEBT ISSUED TO REFUND SUCH DEBT WHEN DUE, OR TO CREATE A RESERVE FOR THE SAME, PROVIDED THAT ANY REVENUE PRODUCED BY SUCH MILL LEVY SHALL NOT EXCEED \$1.59 MILLION ANNUALLY; This language also is required by State law for the District to issue “unlimited tax general obligation bonds”. Ad valorem property taxes are what the District imposes, and has been imposing, for the purpose of funding its school finance required amount and to fund the payment of debt service on the District’s existing bonds. In order for the bonds to be “unlimited general obligation bonds” – which are the only kind of bonds that school districts are allowed to issue – the TAX RATE must be able to move, either up or down, to pay the debt service on the bonds. For example, if the District needs 15 mills to pay its annual principal and interest requirements in one year, that is what is imposed, or levied, for that year. However, if the assessed value declines, the next year the District may need 20 mills to pay the bonds back. So that mill levy rate may change, but the District cannot ever impose a mill levy that produces revenue greater than \$1.59 million annually as set out in the first sentence under TABOR. The District added the highlighted portion to explain to voters that the mill levy RATE may change, but the annual tax revenue cannot exceed the \$1.59 million annually.

AND SHALL THE DISTRICT’S DEBT LIMIT BE INCREASED FROM AN AMOUNT EQUAL TO 20% OF THE DISTRICT’S ASSESSED VALUE TO AN AMOUNT EQUAL TO 6% OF THE DISTRICT’S ACTUAL VALUE, AS CERTIFIED BY THE COUNTY ASSESSORS OF ADAMS AND ARAPAHOE COUNTIES? State law provides that the District’s debt limit is 20% of its certified assessed valuation for the prior year. However, State law also provides that the debt limit may be 6% of the statutory actual value of the District if that debt limit change is approved by the voters. Because the assessed valuations are not certain in August when a ballot question is approved for the ballot, and in particular this year because the counties are not required to provide a preliminary assessed value until October, this sentence allows the District to opt in to the higher debt limit for flexibility purposes.

I am happy to provide further explanation or clarification as needed.

**Kim Crawford**  
**Butler Snow LLP**

## Revised Sample Policy

File: AC

*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 Board is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment, or member of the public shall/may be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation (which includes transgender), disability ancestry, 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.

For purposes of this policy, these term have the following meanings:

- “Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.
- “Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps.
- “Sexual Orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof.

~~This policy and supporting regulation shall(s) will, be used to address all concerns regarding unlawful discrimination and harassment, except these. Alleged conduct regarding sex-based discrimination and sexual harassment which are addressed in other Board policies listed in this policy's cross references will follow the complaint and investigation procedures specific to this conduct.~~

1 of 6

File: AC

In keeping with these statements, the following ~~shall be~~are objectives of this school district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation, and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial, and ethnic groups.
3. To consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which ~~he or she lives~~they live.
5. To initiate a process of reviewing all policies and practices of this school district in order to achieve the objectives of this policy to the greatest extent possible.
6. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of Board policy.

#### Annual notice

The district ~~shall~~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 (which includes marital status),~~ sexual orientation, ~~marital status, (which includes transgender), religion,~~ national origin, ~~religion,~~ ancestry, ~~creed, disability,~~ or need for special education services. With respect to employment practices, the district ~~shall~~will also issue written notice that it does not discriminate on the basis of age, genetic information, or conditions related to pregnancy or childbirth. The announcement ~~shall~~will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX ~~and~~, Section 504, and ADA compliance activities.

The notice ~~shall~~will be disseminated to persons with limited English language skills in the person's own language. It ~~shall~~will also be made available to persons who are visually or hearing impaired.

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

### Harassment is prohibited

Harassment based on a person's ~~disability, race, creed, color, sex, sexual orientation, marital status, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation (which includes transgender), disability~~ancestry, or need for special education services, is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work, and members of the public can access and receive the benefit of district facilities and programs. All such harassment, by district employees, students, and third parties, is strictly prohibited.

All district employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any district curricular or non-curricular activity or event.

~~For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, national origin, ancestry, creed, religion, sex, sexual orientation (which includes transgender), disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment will apply to complaints alleging sexual harassment.~~

Harassing conduct may take many forms, including but not limited to:

- ~~1. verbal acts and name calling;~~
- ~~2. graphic depictions and written statements, which may include use of cell phones or the Internet;~~
- ~~3. other conduct that may be physically threatening, harmful or humiliating.~~

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### Reporting unlawful discrimination and harassment

Any student who believes ~~he or she has~~ they have been a ~~victim~~ target of unlawful discrimination or harassment, as defined in Board policy and supporting regulations, or who has witnessed such unlawful discrimination or harassment, ~~shall~~ must immediately report it to an administrator, counselor, teacher, or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment, or member of the public who believes ~~he or she has~~ they have been a ~~victim~~ target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, ~~shall~~ must file a complaint with either an immediate supervisor or the district's compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, an alternate compliance officer ~~shall~~ will be designated to investigate the matter in accordance with this policy's accompanying regulation.

### District action

All district employees who witness unlawful discrimination or harassment ~~shall~~ must take prompt and effective action to stop it, as prescribed by the district.

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

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

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

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

In cases involving potential criminal conduct, the ~~compliance officer shall~~ district will determine whether appropriate law enforcement officials should be notified.

### Notice and training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process ~~shall be~~ must be prominently posted on the district's website, referenced in student and employee handbooks and made otherwise available to all students, staff, and members of the public through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sexual harassment are available to the public on the district's website.

Students and district employees ~~shall will~~ receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees ~~shall receive must~~ receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be limited to:

- awareness of groups protected under state and federal law and/or targeted groups;
- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

(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)

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34 C.F.R. Part 100 through Part 110 *(civil rights regulations)*.

C.R.S. 2-4-401 (13.5) (definition of sexual orientation, which includes transgender)

C.R.S. 18-9-121 (*bias-motivated crimes*)

C.R.S. 22-32-109 (1)(II) (Board duty to adopt written policies prohibiting discrimination)

C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)

C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)

C.R.S. 24-34-301 (7) (definition of sexual orientation, which includes transgender)

C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)

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*)

C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)

C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity

## GBAA, Sexual Harassment

## JB, Equal Educational Opportunities

JBB\*, Sexual Harassment

NOTE: State law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof." C.R.S. 2-4-401 (13.5), 24-34-301 (7).

[Revised ~~August 2016~~ July 2020]

COLORADO SAMPLE POLICY 1992©

6 of 6

*NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, CASB believes this policy 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.*

### **Prevention of Disease/Infection Transmission** (Handling Body Fluids)

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

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

The procedures ~~shall~~must be published as school district regulations and distributed to all staff on a regular basis. Training and appropriate supplies ~~shall~~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 ~~shall~~must be placed in those areas of school district operation that potentially present a greater need for these precautions. Under no circumstances ~~shall~~may students be directed or knowingly be allowed to handle body fluids other than their own.

(Adoption date)

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

*NOTE: See “Guidelines for Infectious Diseases in Child Care and School Settings: Guidelines for Child Care Providers, School Nurses and Other Personnel” published by the Colorado Department of Public Health and Environment (CDPHE). Visit CDPHE’s Division of Disease Control and Environmental Epidemiology’s website, [www.cdphe.state.co.us](http://www.cdphe.state.co.us), or call 303-692-~~2700~~2000 to access these guidelines and other information applicable to schools.*

**[Revised ~~February 2016~~ July 2020]**

COLORADO SAMPLE POLICY 1993©

*NOTE: While Colorado school districts are not required by law to adopt a policy 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.*

## **School Closings and Cancellations**

The superintendent is empowered to close the schools or to dismiss them early in 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.

To ensure all students have the ability to access their lessons via remote instruction, the district will provide students with access to Schoology in order to access course work and instruction for the time of the closure. The District will ensure that students have adequate access to technology to access instruction given online.

During days of remote instruction, teachers will take attendance and monitor student participation through recording students logging into Schoology and group meetings. 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.

(Adoption date)

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

**[Revised July 2020]**  
COLORADO SAMPLE POLICY 1988©

*NOTE: While Colorado school districts are not required by law to adopt a policy 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.*

### **Staff Health** (And Medical Examination Requirements)

Through its overall safety program and various policies pertaining to school personnel, the Board ~~shall~~will seek to ensure the safety of employees during working hours and assist them in the maintenance of good health. It ~~shall~~will encourage all its employees to maintain good health and practice good health habits.

Under the following circumstances, the Board may require medical examinations of its employees or applicants for employment. The district ~~shall~~will pay for all such medical examinations. Results of such examinations ~~shall~~must be maintained in separate medical files and not in the employee's personnel file and may be released only in limited circumstances.

#### **Routine medical examinations**

*NOTE: The following paragraph is not required by law. It is an optional policy decision.*

Subsequent to a conditional offer of employment and prior to commencement of work, the district may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The district may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subject to such examination. A 30-day grace period may be allowed if approved by the district.

School transportation vehicle operators ~~shall be~~are required to have a medical examination once every two years in accordance with applicable state and federal law.

#### **Special examinations**

The Board recognizes that an individual's medical diagnosis is privileged information between the patient and medical professionals. However, whenever a staff



member's medical condition is such that it interferes with the ability to perform required duties or there is an unacceptable risk to the health and safety of the employee or others, the district ~~shall~~must take necessary steps to evaluate the employee's condition and make appropriate employment decisions.

The Board may request physical examinations and/or mental health examinations of any employee at any time to determine if the employee has a physical and/or mental condition, disease, or illness which may interfere with the employee's ability to perform required duties or which may pose an unacceptable risk to the health, safety, or welfare of the employee or others. The school district ~~shall~~will select the medical professional to conduct such examination and ~~shall~~will pay the costs associated with such examination.

When the employee cannot perform the essential functions of the job with reasonable accommodation, or medical evidence establishes that the employee's condition poses a significant risk to the health, safety, or welfare of the employee or others, the school district may suspend and/or terminate the employee in accordance with applicable policies and regulations and applicable law.

### **Readily-transmitted communicable diseases**

An employee with an acute, common communicable disease ~~shall~~must not report to work during the period of time when contagious/infectious. The district reserves the right to require a physician's statement prior to the employee's return to work.

An employee diagnosed with a serious, readily-transmissible disease or condition ~~shall be~~is encouraged to report the existence of the condition or illness in case there are precautions that must be taken to protect the health of others.

### **Confidentiality**

In all instances, district personnel ~~shall~~must respect the individual's right to privacy and treat any information regarding the medical condition or medical history of an employee or applicant as confidential information. The superintendent ~~shall~~must develop procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality ~~shall~~will be subject to appropriate disciplinary measures.

(Adoption date)

LEGAL REFS.: 29 U.S.C. 794 (1983) (*Section 504 of the Rehabilitation Act*)  
42 U.S.C. 12101 *et seq.* (*Americans with Disabilities Act*)  
49 C.F.R. 391.43 (*medical examination requirements for commercial driver's license holders*)  
C.R.S. 8-2-118 (*employer must bear cost of medical exam*)

C.R.S. 22-32-110 (1)(k) *(board's power to adopt policy related to safety, conduct and welfare of employees)*  
C.R.S. 22-63-301 *(grounds for teacher dismissal)*  
C.R.S. 24-34-401 *et seq. (discriminatory or unfair employment practices)*  
C.R.S. 25-4-101 *et seq. (disease control and sanitary regulations)*  
1 CCR 301-26, Rules 4204-R-5.00 *(regulations regarding operation of school transportation vehicles; medical exam requirements)*

CROSS REFS.: EBBA, Prevention of Disease/Infection Transmission (Handling Body Fluids)  
GBA, Open Hiring/Equal Employment Opportunity  
GBGG, Staff Sick Leave  
GBJ, Personnel Records and Files  
GCQF, Discipline, Suspension and Dismissal of Professional Staff (And Contract Nonrenewal)  
GDQD, Discipline, Suspension and Dismissal of Support Staff

**[Revised ~~June 2018~~ July 2020]**  
COLORADO SAMPLE POLICY 1993©

*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.*

## **Sexual Harassment**

The Board recognizes that sexual harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sexual 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 harassment. It ~~shall be~~ 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 sexual harassment or participates in a harassment investigation.

~~The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.~~

### **Sexual harassment prohibited**

~~Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:~~

- ~~1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.~~
- ~~2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.~~

- ~~3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.~~

~~Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.~~

~~Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.~~

~~Sexual 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 the body of another,~~
- ~~5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns,~~
- ~~6. sexual violence.~~

### **Sexual harassment defined**

Pursuant to Title IX of the Educational Amendments of 1972, "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, "harassment" means creating a hostile environment based on an individual's sex.

### **Reporting, investigation, and sanctions**

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor, or principal in their school building and file a complaint, through the district's complaint ~~and compliance~~ process addressing sex-based discrimination. All reports and indications from students, district employees, and third parties ~~shall~~must be forwarded to the ~~compliance officer~~. Title IX Coordinator.

The district will initiate and conduct an investigation in accordance with the appropriate procedures addressing sex-based discrimination and sexual harassment.

All matters involving sexual harassment reports ~~shall~~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 ~~of~~ a complaint or otherwise reporting sexual harassment ~~shall~~will not reflect upon the individual's status or affect grades.

~~In determining whether alleged conduct constitutes sexual~~

~~The district will take appropriate corrective action to: make the harassed student whole by restoring lost educational opportunities; prevent harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.~~

~~Any student found to have engaged in from recurring; or prevent retaliation against anyone who reports sexual harassment shall be subject to discipline, including, but not limited to, being placed under or participates in a remedial discipline plan, suspension or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for harassment investigation by appropriate authorities in conformity with applicable law and Board policy.~~

## Notice and training

~~Notice~~To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy shall be circulated and complaint procedures to all district schools and departments and incorporated. The policy and complaint procedures must be referenced in all 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 ~~shall~~will receive periodic training related to recognizing and preventing sexual harassment. District employees ~~shall~~must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district's website.

(Adoption date)

LEGAL REF.: 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. 24-34-402 (definition of "harass" in employment practices)

CROSS REFS.: 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

**[Revised ~~March 2012~~ July 2020]**  
COLORADO SAMPLE POLICY 1991©



*NOTE: Colorado school boards 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 policy contains the content/language that CASB believes best meets the intent of the law. However, the board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Student Absences and Excuses**

One criteria of a student's success in school is regular and punctual attendance. Frequent absences may lead to poor academic work, lack of social development, and possible academic failure. Regular attendance is of utmost importance for school interest, social adjustment, and scholastic achievement. No single factor may interfere with a student's progress more quickly than frequent tardiness or absence.

According to state law, it is the obligation of every parent/guardian to ensure that every child under ~~his/her~~their care and supervision receives adequate education and training and, if of compulsory attendance age, attends school.

Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. In most situations, the work missed cannot be made up adequately. Students who have good attendance generally achieve higher grades, enjoy school more, and are more employable after leaving school. For at least these reasons, the Board believes that a student must satisfy two basic requirements in order to earn full class credit: -(1) satisfy all academic requirements and (2) exhibit good attendance habits as stated in this policy.

### **Excused absences**

The following ~~shall~~will be considered excused absences:

1. A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance on a prearranged basis. Prearranged absences ~~shall~~will be approved for appointments or circumstances of a *serious nature only* which cannot be taken care of outside of school hours.
2. A student who is absent for an extended period due to a physical, disability or a mental or ~~emotional disability.~~behavioral health disorder.
3. A student who is pursuing a work-study program under the supervision of the school.

4. A student who is attending any school-sponsored activity or activities of an educational nature with advance approval by the administration.

5. A student who is suspended or expelled.

As applicable, the district may require suitable proof regarding the above exceptions, including written statements from medical sources.

*NOTE: While the definition of “student in out-of-home placement” in state law closely tracks the federal law’s definition of a student in foster care, the state law’s definition is slightly broader. Thus, the use of the term “student in out-of-home placement” is intentional in the following paragraph, as state law requires the district to excuse the absences of a student in an out-of-home placement due to court appearances and participation in court-related activities. C.R.S. 22-32-138 (6).*

If a student is in out-of-home placement (as that term is defined by C.R.S. 22-32-138 (1)(h)), absences due to court appearances and participation in court-ordered activities shall will be excused. The student’s assigned social worker shall must verify the student’s absence was for a court appearance or court-ordered activity.

### **Unexcused absences**

An unexcused absence is defined as an absence that is not covered by one of the foregoing exceptions. Each unexcused absence shall will be entered on the student's record. The parents/guardians of the student receiving an unexcused absence shall will be notified orally or in writing by the district of the unexcused absence.

In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while unexcused. [Optional language: Penalties may include a warning, school detention, or in-school suspension. Academic penalties, out-of-school suspensions, or expulsion shall will not be imposed for any unexcused absence.]

The administration shall will develop procedures to implement appropriate penalties. [Optional language: The school administration shall will consider the correlation between course failure, truancy, and a student dropping out of school in developing these procedures and shall will implement research-based strategies to re-engage students with a high number of unexcused absences.]

Students and parents/guardians may petition the Board of Education for exceptions to this policy provided that no exception shall will be sustained if the student fails to abide by all requirements imposed by the Board as conditions for granting any such exception.

The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is \_\_\_\_\_ days during any calendar year or school year.

*NOTE: The following section on “chronic absenteeism” is optional. C.R.S. 22-33-104 (4)(b.5) (boards are “encouraged” to establish procedures for identifying students who are chronically absent). If the school district initiates a court proceeding to compel a student’s compliance with the state’s compulsory attendance law, the district must submit evidence to the court regarding the district’s efforts, strategies, etc. to encourage the student to attend school, including “evidence regarding whether the student was identified as ‘chronically absent’ and if so, the strategies used to address the student’s chronic absences.” C.R.S. 22-33-108 (5)(d)(II). Thus, it may prove helpful to the district in a truancy court proceeding to have a policy or procedure regarding chronic absenteeism. We recommend the board consult with district administrators to determine how to approach this issue.*

### Chronic absenteeism

When a student has an excessive number of absences, these absences negatively impact the student’s academic success. For this reason, a student who has \_\_\_\_\_ total absences in a school year, whether the absences are excused or unexcused, may be identified as “chronically absent” by the principal or designee. Absences due to suspension or expulsion ~~shall~~will not be counted in the total number of absences considered for purposes of identifying a student as “chronically absent.”

*NOTE: Research indicates that an absenteeism rate of 10 percent results in an increased likelihood that the student will struggle academically and potentially drop out of school. Accordingly, the board may choose to set the “chronic absenteeism” rate at 10 percent, or 16 days total (i.e. 10 percent ~~of 160~~of 160 days, per C.R.S. 22-32-109 (1)(n)(I)).*

If a student is identified as “chronically absent,” the principal or designee ~~shall~~will develop a plan to improve the student’s attendance. The plan ~~shall~~will include best practices and research-based strategies to address the reasons for the student’s chronic absenteeism, including but not limited to *[insert district’s strategies and interventions to address the student’s chronic absenteeism here.]* When practicable, the student’s parent/guardian ~~shall~~will participate in the development of the plan.

Nothing herein ~~shall~~will require the principal or designee to identify a student as “chronically absent” prior to declaring the student as a “habitual truant” and pursuing court proceedings against the student and his or her parents/guardians to compel the student’s attendance in accordance with state law.

### Make-up work

Make-up work shall will be provided for any class in which a student has an excused absence unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school. It is the responsibility of the student to pick up any make-up assignments permitted on the day returning to class. There shall will be (\_\_\_\_) day(s) allowed for make-up work for each day of absence.

Make-up work shall will be allowed following an unexcused absence or following a student's suspension from school with the goal of providing the student an opportunity to keep up with the class and an incentive to attend school. This work may receive full or partial credit to the extent possible as determined by the building administrator.

Unless otherwise permitted by the building administrator, make-up work shall will not be provided during a student's expulsion. Rather, the district shall will offer alternative education services to the expelled student in accordance with state law. The district shall will determine the amount of credit the expelled student will receive for work completed during any alternative education program.

## **Tardiness**

Tardiness is defined as the appearance of a student without proper excuse after the scheduled time that a class begins. Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy student to uninterrupted learning, appropriate penalties may be imposed for excessive tardiness. Parents/guardians shall will be notified of all penalties regarding tardiness.

In an unavoidable situation, a student detained by another teacher or administrator shall will not be considered tardy provided that the teacher or administrator gives the student a pass to enter the next class. Teachers shall will honor passes presented in accordance with this policy. The provisions of this policy shall be are applicable to all students in the district, including those above and below the age for compulsory attendance as required by law.

(Adoption date)

LEGAL REFS.: C.R.S. 22-14-101 *et seq.* (dropout prevention and student re-engagement)  
C.R.S. 22-32-109 (1)(n) (length of school year, instruction & contact time)  
C.R.S. 22-32-109.1 (2)(a) (conduct and discipline code)  
C.R.S. 22-32-138 (6) (excused absence requirements for students in out-of-home placements)  
C.R.S. 22-33-101 *et seq.* (School Attendance Law of 1963)

C.R.S. 22-33-105 (3)(d)(III) (*opportunity to make up work during suspension*)

C.R.S. 22-33-108 (*judicial proceedings to enforce school attendance laws*)

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

1 CCR 301-78 Rules 1.00 *et seq.* (*standardized calculation for counting student attendance and truancy*)

CROSS REFS.: [EBCE, Closing and Cancellations](#)  
[IC/ICA, School Year/School Calendar/Instruction Time](#)

JEA, Compulsory Attendance Ages

JFABE\*, Students in Foster Care

JFC, Student Withdrawal from School/Dropouts

JHB, Truancy

JK, Student Discipline

JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)

JLIB, Student Dismissal Precautions

~~NOTE~~**NOTE** 1: *State law requires the local board of education to designate an attendance officer for the district to enforce the provisions of the compulsory attendance law, counsel students and parents, and investigate the causes of nonattendance and report those findings to the Board. C.R.S. 22-33-107 (1). State law allows the board by resolution to authorize one or more school employees to represent the school district in judicial proceedings to enforce compulsory attendance. C.R.S. 22-32-110 (1)(mm).*

**NOTE 2:** *Penalties for unexcused absences may be approved by the Board or administration.*

*NOTE 3: State law requires that the attendance policy specify the maximum number of unexcused absences that it takes to trigger enforcement of compulsory attendance. In determining that number, it may be helpful to refer to the rules of the State Board of Education, which define “habitual truant” as a child who has attained the age of six on or before August 1 of the school year in question and is under the age of 17 and who has four total days of unexcused absences from school in a month or 10 total days of unexcused absences during the school year. 1 CCR 301-78, Rule 2.00 (7). Districts must report the number of students identified as “habitually truant” to the Colorado Department of Education (CDE), in accordance with the State Board of Education’s rules regarding the calculation of student attendance and truancy, 1 CCR 301-78. CDE must then make this information accessible to the public by posting it on its website. The State Board’s rules also specify how districts shall record and aggregate student absences.*

*NOTE 4: State law requires boards to consider absences due to suspension or expulsion as excused absences. See C.R.S. 22-33-102 (3.5); 22-33-104 (4)(a). CASB recommends that the district’s philosophy regarding make-up work be consistent throughout the attendance and discipline policies. In accordance with state law on educational opportunities during suspension, a student is entitled to full or partial credit to the extent possible for work completed satisfactorily. The objective should be to reintegrate the student back into the classroom and this objective should be considered when determining the amount of credit the student receives for the makeup work. See C.R.S. 22-33-105 (3)(d)(III). In accordance with state law on educational opportunities during expulsion, the school district shall determine the amount of credit the student shall receive toward graduation for educational services provided during the student’s expulsion. See C.R.S. 22-33-203 (2)(a). Educational services provided shall be designed to provide a second chance for the student to succeed in achieving an education. C.R.S. 22-33-203 (2)(b).*

*NOTE 5: State law provides that court proceedings to compel compliance with the compulsory attendance law shall only be used as a last-resort approach for addressing the problem of truancy. The district shall first have attempted other options for addressing truancy that employ best practices and research-based strategies to minimize the need for court action. Before initiating court proceedings, the district shall provide written notice to the student and his or her parent that the district will initiate court proceedings if the student doesn’t comply with the compulsory attendance law. C.R.S. 22-33-108 (5). State law limits the court’s ability to sentence a truant student to juvenile detention. C.R.S. 22-33-108 (7).*

NOTE 6: In the event school is physically closed due to a public health emergency and remote instruction is utilized, days of remote instruction will be treated with the same exceptions as an excused absence in regard to work assigned for situations that are out of the control of the student. If local boards utilize remote learning during closures, policy EBCE, School Closings and Cancellations, needs to be updated to align with the practice outlined in this policy.

**[Revised ~~April 2019~~ July 2020]**  
COLORADO SAMPLE POLICY 1994©



*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.*

### **Student Concerns, Complaints, and Grievances**

Decisions made by school personnel which students believe are unfair or in violation of pertinent Board policies or individual school rules may be appealed to the principal or a designated representative or by following the specific appeal process created for particular complaints.

Grievance and investigation procedures are available for students to receive prompt and equitable resolution of allegations of discriminatory actions on the basis of disability, race, ~~color, national origin, ancestry~~, creed, color, sex, sexual orientation (~~which includes transgender~~), marital status, national origin, religion, ~~disability~~ancestry, or need for special education services, ~~which students are encouraged to report.~~

(Adoption date)

CROSS REFS.: AC-~~R~~, Nondiscrimination/Equal Opportunity  
AC-R1, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)  
AC-R2, Sex-Based Discrimination and Sexual Harassment Investigation Procedures  
IHCD, Concurrent Enrollment  
JB, Equal Educational Opportunities  
JBB\*, Sexual Harassment  
JICEA, School-Related Student Publications  
JICEC\*, Student Distribution of Noncurricular Materials

**[Revised ~~August 2016~~ July 2020]**  
COLORADO ~~SAMPLE POLICY~~ SAMPLE POLICY 1991©

*NOTE: While Colorado school districts are not required by law to adopt a policy 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.*

### **Communicable/Infectious Diseases**

The Board of Education recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. This school district ~~shall~~will rely on the advice of the medical community in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff. The risk of transmitting HIV/AIDS is extremely low in school settings when current guidelines and preventative measures are followed.

Management of common communicable diseases ~~shall~~will be in accordance with Colorado Department of Public Health and Environment or local public health department guidelines. A student who exhibits symptoms of a readily-transmissible communicable disease may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse and may be sent home as soon as the parent/guardian or person designated on the student's emergency medical authorization form has been notified.

The district reserves the right to require a physician's statement authorizing the student's return to school.

In all proceedings related to this policy, the district ~~shall~~will respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious, readily-transmissible disease, the staff member or volunteer ~~shall~~will promptly notify the school nurse or principal to determine appropriate measures to protect student and staff health and safety. The principal, after consultation with the student and parent/guardian, ~~shall~~will determine which additional staff members, if any, have need to know of the affected student's condition- and whether the Colorado Department of Public Health and Environment or the local public health department must be notified. Only those ~~persons~~staff

members with direct responsibility for the care of the student ~~shall~~will be informed of the specific nature of the condition if it is determined there is a need for such individuals to know this information.

The superintendent ~~shall~~will initiate procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality ~~shall~~will be subject to appropriate disciplinary measures.

(Adoption date)

LEGAL REFS.: C.R.S. 22-33-104 (2)(a) (*compulsory attendance law not applicable to a student who is temporarily ill and such absence is approved*)  
C.R.S. 22-33-106 (2) (*grounds for suspension, expulsion and denial of admission*)

CROSS REFS.: EBBA, Prevention of Disease/Infection Transmission (Handling Body Fluids)  
IC/ICA, School Year, School Calendar, Instructional Time  
JLCA, Physical Examinations of Students  
JLCE, First Aid and Emergency Medical Care  
JRA/JRC, Student Records/Release of Information on Students

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~~NOTE: See the Colorado Department of Public Health and Environment (CDPHE) guidelines, "Infectious Disease in School Settings: Guidelines for School Nurses and Personnel," available on CDPHE's website, [www.cdphe.state.co.us](http://www.cdphe.state.co.us).~~

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NOTE: See "Guidelines for Infectious Diseases in Child Care and School Settings: Guidelines for Child Care Providers, School Nurses and Other Personnel" published by the Colorado Department of Public Health and Environment (CDPHE). Visit CDPHE's Division of Disease Control and Environmental Epidemiology's website, [www.cdphe.state.co.us](http://www.cdphe.state.co.us), or call 303-692-2000 to access these guidelines and other information applicable to schools.

**[Revised ~~August 2011/Reviewed April 2015~~July 2020]**

COLORADO SAMPLE POLICY 1993©

*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.*

### Visitors to Schools

The district will make reasonable efforts to accommodate requests to visit the district's schools, yet also recognizes concerns for the welfare of students. Therefore, the district limits visitors to:

1. Parents/guardians of current students;
2. Other family members of current students who are approved by the student's parent/guardian; and
3. Board members and other persons invited by the district for official business purposes.

To ensure visitors do not disrupt the educational process or other school operations and that no unauthorized persons enter schools, all visitors ~~shall~~must report to the school office immediately when entering a school. Authorized visitors may: (1) be required to sign in and out; (2) be given name-tags to wear identifying themselves as visitors; and (3) be accompanied by a district employee for some or all of the visit. School administrators may approve additional building procedures pertaining to school visitors to preserve a proper and safe learning environment.

Unauthorized persons ~~shall~~may not loiter on school property at any time. Law enforcement authorities may be called to enforce this policy provision.

Visiting schools is a privilege, not a right, which may be limited, denied, or revoked by a school administrator or designee based on considerations of student and/or staff health, safety, efficient school operations, maintenance of a proper educational environment, or failure to comply with this policy.

(Adoption date)

LEGAL REFS.: C.R.S. 18-9-109 (*interference with school staff or students*)  
C.R.S. 18-9-110 (*trespass, interference at or in public buildings*)  
C.R.S. 18-9-112 (*definition of loitering*)  
C.R.S. 18-9-117 (*unlawful conduct on public property*)

C.R.S. 18-12-105.5 (*unlawful possession of weapons on school property*)

C.R.S. 22-32-109.1 (7) (*Board must adopt open school policy*)

CROSS REFS.: ADC, Tobacco-Free Schools  
CF, School Building Administration  
EBBA, Prevention of Disease/Infection Transmission  
ECA/ECAB, Security/Access to Buildings  
JLCC, Communicable/Infectious Diseases  
KFA, Public Conduct on District Property

*NOTE: In May 2020, the Centers for Disease Control and Protection issued "Considerations for Schools" in response to the COVID-19 global pandemic. This information stated that one strategy schools may use to reduce the spread of COVID-19 is to "[l]imit any nonessential visitors, volunteers, and activities involving external groups or organizations as possible." The language included in the final paragraph of the policy addresses the discretion districts have in limiting visitors based on safety concerns.*

*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.*

## **Workplace Health and Safety Protection**

The Board is committed to providing a safe work environment for all employees. When district employees know or have reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency, they should report such concerns following the district’s concerns, complaints, or grievances procedure.

### **Public health emergency**

For the purposes of this policy, a public health emergency means a public health order issued by a state or local public health agency or a disaster emergency declared by the governor based on a public health concern.

### **Nondiscrimination**

The Board, the superintendent, other administrators, and district employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who, in good faith, raises any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency if the district controls the workplace conditions giving rise to the threat or violation. Discrimination against an employee who opposes any practice they reasonably believe is unlawful or who participates in an investigation, proceeding, or hearing on such matter is also prohibited.

The Board, the superintendent, other administrators and district employees will also not unlawfully discriminate, take adverse action, or retaliate against any employee who voluntarily wears their own personal protective equipment, such as a mask, faceguard, or gloves, if the personal protective equipment:

1. provides a higher level of protection than the equipment provided by the district;



2. is recommended by a federal, state, or local public health agency with jurisdiction over the district; and
3. does not render the employee incapable of performing their job or fulfilling their job duties.

## **Notice**

To reduce unlawful discrimination and ensure a safe workplace environment, the administration is responsible for providing notice of this policy to all district employees. This policy will be referenced in employee handbooks and otherwise available to all staff through electronic or hard-copy distribution.

(Adoption date)

LEGAL REFS.: C.R.S. 8-14.4-101 (*definition of public health emergency*)  
C.R.S. 8-14.4-102 (*prohibition against discrimination based on claims related to a public health emergency*)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunities  
GBK, Staff Concerns/Complaints/Grievances  
GBK-R, Staff Concerns/Complaints/Grievances – Regulation

*NOTE: H.B.20-1415 prohibits employers from discriminating, retaliating, or taking adverse action against any worker who, in good faith, raises any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency, if the employer controls the workplace conditions giving rise to the threat or violation. It also prohibits employers from discriminating against employees who voluntarily wear their own personal protective equipment, if certain conditions are met, and requires employers to post notice of a worker's rights under this provision. It further allows an employee to bring a civil action against an employer after exhausting administrative remedies.*

COLORADO SAMPLE POLICY 2020©

***Note:** Local boards must utilize a governance document (e.g., board policy or resolution) if the board wishes to use a form of remote learning for the 2020-21 academic year, as a result of the public health and safety measures. Local boards do not need to adopt multiple governance documents and should be cognizant of the way in which they authorize changes for the 2020-2021 school year, as the changes outlined by the Colorado Department of Education are only applicable for the upcoming school year. If a local board decides to amend board policies for the 2020-2021 school year, the board will need to update board policy again prior to the start of the 2021-2022 school year to remove the language specific to the 2020-2021 school year.*

## **Resolution to Define “Actively Engaged in the Educational Process” and Student Attendance for the 2020-2021 School Year**

**Whereas**, on March 11, 2020 the World Health Organization (“WHO”) characterized COVID-19 as a pandemic, meaning the WHO identified the worldwide spread of a new disease; and

**Whereas**, on March 10, 2020, Governor Jared Polis declared a state of emergency and issued Executive Order D 2020 003 on March 11, 2020 as a safeguard against the further spread of COVID-19; and

**Whereas**, on July 6, 2020, Governor Jared Polis amended and extended Executive Order D 2020 003 through Executive Order D 2020 125; and

**Whereas** under Colo. Const. art. 9, § 15, the local Board of Education has control of instruction in its public schools; and

**Whereas**, as required by 1 CCR 301-39, the Board of Education defines "educational process," in Board Policy IC/ICA, School Year/School Calendar/Instruction Time; and

**Whereas** the Board of Education finds that the current pandemic creates the need for changes to instructional delivery and the situations under which students are considered in attendance; and

**Whereas** the Colorado Department of Education provided guidance specific for the 2020-2021 school year, stating local boards may define “the educational process” as including instruction delivered electronically and/or other types of independent, remote work time for students that is provided under the supervision of a certified or licensed teacher.

**NOW THEREFORE, BE IT RESOLVED** that the Strasburg 31J Board of Education authorizes the following for the 2020-2021 school year:

1. Expansion of the definition of “actively engaged in the educational process” addressed in Board Policy IC/ICA, School Year/School Calendar/Instruction Time to include, instruction delivered electronically and/or the use of other types of independent, remote work time for students provided under the supervision of a certified or licensed teacher.
2. Attendance will be recorded at least once daily for days when instructional hours are provided, meaning a student is “actively engaged in the educational process.”
3. Student contact days may include remote learning days implemented as a result of public health and safety measures. Remote learning days may include use of: online courses through Edmodum (PLATO), class assignments given through Schoology, pre-recorded classes, assigned and prepared work packets. Teacher-pupil instruction and contact time may occur in the following ways:

***Note:** Local boards must provide an explanation of the ways in which teacher-pupil instruction and contact time will occur outside the classroom during remote learning days. The list below includes some examples of ways in which CDE and Colorado districts have identified how contact time may occur and attendance count. Each local board should carefully evaluate the options below that will be utilized by the district and delete or add to the list based on the local district’s needs.*

***Note:** Local boards have the option to differentiate this list based on the grade level of the students (e.g., the educational process for preschool may be different from that for K-12 or there may be distinctions between elementary and secondary students).*

- a. Presence during in-person instruction;
- b. Assignments completed at home;
- c. Logging into the online learning platform;
- d. Signing an online form attesting to work completed at home;
- e. Student demonstration of learning;
- f. Responding to teacher emails or communication

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the district will make a good faith effort to ensure that the combination of in-person and/or remote learning implemented during the year allows students to learn the same academic content as they would have learned under the in-person bell schedule.

**NOW, BE IT FURTHER RESOLVED** that the Superintendent is directed to keep the Board of Education informed of actions taken under this Resolution.

**NOW, BE IT FURTHER RESOLVED** this Resolution is in effect for the duration of the 2020-2021 school year, unless otherwise rescinded or extended by the Board upon a two-thirds majority vote.

**NOW, BE IT FURTHER RESOLVED** that execution of this Resolution is conclusive evidence of the Board's approval of this action and of the authority granted herein.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President, on behalf of

\_\_\_\_\_  
Date

the \_\_\_\_\_ Board of Education

Strasburg School District 31J  
56729 East Colorado Avenue  
Strasburg, CO 80136  
Minutes of the Board of Education  
July 7th, 2020 (6:00 P.M.) – Video Conference Meeting via Zoom

CALL TO ORDER:

Meeting was called to order at 3:02 P.M. by President Julie Winter

ATTENDANCE: (Roll Call)

Board members present were: Diana Elliott, Ryan Dwyer, Dillon Kent, Michael Marrero and Julie Winter.

Others participating were Monica Johnson (Superintendent of Schools), Stephanie Velez (Secretary to the BOE), School Administration and other members of the school district and public.

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL:

On a motion by Diana Elliott and seconded by Micheal Marrero, it is hereby resolved to approve the Amended Agenda.

**AYE: Dwyer, Elliott, Kent, Marrero, Winter**

**NAY: NONE – MOTION CARRIED 5-0**

INFORMATION FROM SUPERINTENDNET AND DEPARTMENT REPORTS:

Superintendent Johnson turned the floor over to RTA Architects to discuss the district Mater Plan and Bond initiative. After presentation the Board and district administration discussed the reopening plan for the school year.

ADJOURNMENT:

Julie Winter, President	Date
Dillon Kent, Treasurer	Date