



10850 East Woodmen Road • Falcon, CO 80831
Tele: 719-495-3601 • Fax: 719-495-0832 • E-mail: d49@d49.org

Mission Statement

To prepare students, in a safe and caring environment, to be successful, competent and productive citizens in a global society.

REVISED ANNOUNCEMENT/NOTICE

BOARD OF EDUCATION WORK SESSION

January 27, 2010

3:00 p.m.

Student Services Center – Board Room

WHAT: Board of Education Work Session
WHEN: Wednesday, January 27, 2010
TIME: 3:00 p.m.
PLACE: Board Room
Central Administration Office
10850 E. Woodmen Road
Falcon, Colorado 80831

Purpose:

- 1. District Strategic Plan**
- 2. 2011-2012 School Calendar**
- 3. Review Board of Education Policies**
Revision to Board of Education Policy DB- Annual Budget, DBC-Budget Planning, Preparation, and Schedules, DBC-E Deadlines in Budgeting Process Set by Statute, DBD-Determination of Budget Priorities, DBE/DBF-Communication of Budget Recommendations/Budget Hearings and Reviews and DBG-Budget Adoption, DM-Cash in Buildings, Policy BEDH – Public Participation at Board Meetings, JK-Student Discipline, IHA-Basic Instructional Program, IHAE-Physical Education, EF-Food Services. GCQA-Instructional Staff Reduction in Force, GCQA-R-Instructional Staff Reduction in Force Regulation, GDQA-Educational Support Personnel Reduction in Force, GDQA-R-Educational Support Personnel Reduction in Force Regulation.

Review of Board of Education Policy JICB-Care of School Property by Students, JLF-Reporting Child Abuse/Child Protection, JLF-R- Reporting Child Abuse/Child Protection Procedure Regulation, JLF-E Reporting Child Abuse/Child Protection Exhibit, JLIA-Supervision of Students, EFC- Free and Reduced Price Food Services, EFC-R Free and Reduced Price Food Services Regulation, EFEA-Nutritious Food Choices, IGF-Curriculum Review, IHAC-History and Civil Government Education, CHD-Administration in the Absence of Policy, KLB-Relations with Election Authorities(Voter Registration), LB-Relations with Other Schools and School Systems, LDA-Student Teaching and Internships.

4. District Committees & Taskforces

DATE OF POSTING: January 24, 2010



10850 East Woodmen Road • Falcon, CO 80831
Tele: 719-495-3601 • Fax: 719-495-0832 • E-mail: d49@d49.org

BOARD OF EDUCATION
Work Session
January 27, 2010
3:00 p.m.

EDUCATION SERVICE CENTER —
BOARD ROOM



Mission Statement

To prepare students, in a safe and caring environment, to be successful, competent and

ANNOUNCEMENT/NOTICE

BOARD OF EDUCATION WORK SESSION

January 27, 2010

3:00 p.m.

Student Services Center – Board Room

WHAT: Board of Education Work Session

WHEN: Wednesday, January 27, 2010

TIME: 3:00 p.m.

**PLACE: Board Room
Central Administration Office
10850 E. Woodmen Road
Falcon, Colorado 80831**

**Purpose: 1. District Strategic Plan
2. 2010-2011 School Calendar
3. Review Board of Education Policies**

Revision to Board of Education Policy DB- Annual Budget, DBC-Budget Planning, Preparation, and Schedules, DBC-E Deadlines in Budgeting Process Set by Statute, DBD-Determination of Budget Priorities, DBE/DBF- Communication of Budget Recommendations/Budget Hearings and Reviews and DBG-Budget Adoption, DM-Cash in Buildings, Policy BEDH – Public Participation at Board Meetings, JK-Student Discipline, IHA-Basic Instructional Program, IHAE-Physical Education, EF-Food Services. GCQA-Instructional Staff Reduction in Force, GCQA-R-Instructional Staff Reduction in Force Regulation, GDQA-Educational Support Personnel Reduction in Force, GDQA-R-Educational Support Personnel Reduction in Force Regulation.

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4. District Committees & Taskforces

DATE OF POSTING: January 23, 2010

Loretta Branham Executive Administrative Assistant to the BOE

1. District Strategic Plan

**2. 2010-2011 School
Calendar**

**3. Review Board of
Education Policies**



BOARD OF EDUCATION AGENDA ITEM

BOARD MEETING OF: January 27, 2010

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: Revision to Board of Education Policy DB- Annual Budget, DBC-Budget Planning, Preparation, and Schedules, DBC-E Deadlines in Budgeting Process Set by Statute, DBD-Determination of Budget Priorities, DBE/DBF-Communication of Budget Recommendations/Budget Hearings and Reviews and DBG-Budget Adoption, DM-Cash in Buildings,

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

A policy should be reviewed on a regular basis to ensure that it is in line with current law as well as in clear language that communicates the Board of Education's directives. These policies have not been reviewed or updated since 1999. Minor changes in wording have been made to reflect current practices and directives and to use language that is measurable and is recommended by CASB.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro:

Con:

COST OR COST ESTIMATION:

No additional costs.

MOTION REQUESTED:

N/A

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** January 21, 2009

Annual Budget

The annual budget is the financial plan for the operation of the school system. It provides the framework for both expenditures and revenues for the year and translates into financial terms the educational programs and priorities of the district.

Public school budgeting is regulated and controlled by statutes and by requirements of the State Board of Education, which shall prescribe the form of district budgets in order to ensure uniformity throughout the state.

The budget shall be presented in a summary format which is understandable by any lay person reviewing the district's budget. The budget format shall itemize expenditures of the district by fund and by student. It shall describe the expenditure and show the amount budgeted for the current fiscal year and the amount budgeted for the ensuing fiscal year.

The budget also shall disclose planned compliance with spending limitations outlined in Article X, Section 20, of the Colorado constitution.

~~The Superintendent and CFO shall direct the development and administration of the annual budget for presentation to the Board and community. The Board assigns to the superintendent overall responsibility for budget preparation, budget presentation, and budget administration, but the superintendent shall have the authority to delegate portions of this responsibility to the chief financial officer.~~

Insofar as possible, the budget adopted by the Board shall be sufficient to implement all programs and policies that have had Board approval.

Adopted: September 1, 1977.

Revised: July 19, 1984.

Revised: December 21, 1989.

Revised: August 4, 1994.

Revised: November 4, 1999.

Revised:

LEGAL REFS.: C.R.S. 22-44-101 through 22-44-116 (*School District Budget Law*)

C.R.S. 29-1-103 (3) (*budget to reflect lease-purchase payment obligations*)

CROSS REF.: DB subcodes (all relate to the budget)

NOTE: The "Financial Policies and Procedures Handbook" adopted by the State Board of Education must be used by all school districts in the development of the budget. [C.R.S. 22-44-204 (3)]

Budget Planning, Preparation, and Schedules

The Board of Education encourages all employees to continually plan for the improvement in the effectiveness of the district's operations at all times and to include these plans in the budget preparation process. With limited resources, it is difficult to implement new and/or expanded programs without prior planning, and that planning should be reflected in the district's annual budget.

Each year the superintendent or superintendent's designee ~~shall cause to be prepared a budget preparation calendar which~~ create a schedule to ensure that all deadlines established by law for budget presentation, hearings, and adoption and for certification of amounts to be raised by school tax levies are met by the school district.

The budget ~~schedule calendar~~ shall take into consideration the possible need to submit a request to raise additional local revenue to a vote by the district's electorate.

The Board encourages involvement in the budget process from all levels of the school organization and expects all responsible administrators to involve their subordinates in the budget preparation process. The Board directs the superintendent and/or designee to provide a system which requires administrators, staff members, and district patrons to participate in the process. All individuals involved in the process should make recommendations for budget allocations based on budget priorities.

The superintendent and/or designee shall prepare or cause to be prepared the annual budget in sufficient time to allow the Board to review and modify the budget in conformance with the Board's goals and objectives.

Current practice codified: 1980.

Adopted: date of manual adoption.

Revised: July 19, 1984.

Revised: August 7, 1986.

Revised: December 21, 1989.

Revised: November 4, 1999.

LEGAL REFS.: See citations on page coded DBC-E.

CROSS REF.: DBGA, Budget Referenda.

NOTE: No later than July 1, 1998, the State Board of Education with the assistance of the Financial Policies and Procedures Committee will establish and implement a statewide financial, student management, and human resource electronic data communications and reporting system that is based on a redesigned standard chart of accounts, a standard information system, and a standard personnel classification system. Once it is complete, the Colorado Department of Education and all school districts and boards of cooperative services must use the system to report and obtain necessary financial information [C.R.S. 22-44-105 (4)]. The financial student management and human resources system will be available on a pilot basis by July 1, 1995 and completely implemented by July 1, 1996.

Deadlines in Budgeting Process Set by Statute

NOTE: The Colorado Department of Education annually notifies each district of critical dates in accordance with statutory requirements below.

By December 15 of	Board of Education must certify to Board of County Commissioners the separate amounts necessary to be raised by taxes for the school district's general, bond redemption, transportation, and special building funds [C.R.S. 22-40-102 (1); C.R.S. 39-5-128].
By June 1	Proposed budget must be submitted to Board of Education for tentative approval [C.R.S. 22-44-108 (1)].
Within 10 days of above	Notice of proposed budget must be published; budget must be made available for public inspection [C.R.S. 22-44-109 (1)].
Before final adoption	Public hearings must be held [C.R.S. 22-44-110 (1)].
Before end of fiscal year (June 30)	Board must adopt official budget and appropriations resolution [C.R.S. 22-44-103 (1), 22-44-107 (1), 22-44-110 (4)].
Before October 15 January 31 budget	Board may review and change the budget with respect to both revenues and expenditures [C.R.S. 22-44-110 (5)].

Additional deadlines if district seeks authorization to raise additional local revenues at an election.

At least 55 days prior to election county	Ballot question must be delivered to clerk and recorder [C.R.S. 1-1-110 (3)].
First Tuesday in November in odd-numbered years; general election date in even-numbered years	District may request authorization to raise additional local revenues subject to limitations set forth in law [Colorado

Constitution, Article X, Section 20;
C.R.S. 22-54-108].

Following election

If the district is authorized to raise and
spend additional local revenues, Board
may adopt a supplemental budget
[C.R.S. 22-44-110 (6)].

Adopted: August 4, 1994.

Revised: November 4, 1999.

Revised:

Determination of Budget Priorities

Each school-level accountability committee shall make recommendations to the principal relative to priorities for expenditures of district funds by the school. A copy of these recommendations shall be sent to the district accountability committee and to the Board. The superintendent shall consider these recommendations when formulating budget requests to be presented to the Board of Education.

The Budget Committee, a subcommittee of the district accountability committee, shall make recommendations to the administration Board relative to priorities for expenditures of district funds. The Board and administration shall consider these recommendations priorities during the budget development process when it adopts the annual budget.

The 3% Emergency Reserve required by Article X Section 20 of the Colorado Constitution shall be fully funded and recorded in the General Fund of the District.

The preliminary budget shall be prepared using the Generally Accepted Accounting Principles (GAAP) basis of accounting to ensure full funding of salary, benefit and early retirement liabilities.

Budget authorizations from the preceding fiscal year shall lapse on June 30 with the exception of unfulfilled purchase obligations outstanding on June 30.

Adopted: July 19, 1984.

Revised: December 21, 1989.

Revised: November 4, 1999.

Revised:

LEGAL REFS.:

Communication of Budget Recommendations/ Budget Hearings and Reviews

Within 10 days of submission of the proposed budget to the Board, a notice shall be published in a newspaper having general circulation within the school district and on the District website that:

1. The proposed budget is available for inspection by the public at the central administrative office during business hours.
2. The Board will consider the adoption of the proposed budget at a hearing to be held at the date, time and place specified in the notice.
3. Any ~~interested~~ taxpayer may ~~inspect the proposed budget and~~ file or register any objections thereto at any time prior to final adoption of the budget by the Board.

At the budget hearing specified in the notice, the Board and its representatives will present and explain the proposed budget, inviting questions and discussion from the audience. The proposed budget shall be reviewed and may be modified by the superintendent and the Board. If the budget is to be adopted at a future meeting, the date, time, and place of such meeting shall be entered in the minutes of the hearing.

Current practice codified: 1980.

Revised: July 19, 1984.

Revised: December 21, 1989.

Revised: November 4, 1999.

Revised:

LEGAL REFS.: C.R.S. 22-44-109 (*Notice of budget-publication*)
C.R.S. 22-44-110 (*Budget-consideration-adoption*)

Budget Adoption

Following consideration of the budget proposal presented by the administration, the Board shall approve a proposed budget and so notify the public.

The proposed budget shall be available for inspection in the office of the superintendent, and public notices shall be published to that effect.

The Board also may conduct one or more public hearings on the budget proposal, at which time any member of the public may comment.

The Board shall officially adopt the budget and an accompanying appropriations resolution prior to the end of the fiscal year.

After adoption of the budget, the Board may review and change the budget with respect to both revenues and expenditures at any time prior to October 15 of the fiscal year for which adopted. By February each year, the administration shall present to the Board a midyear budget update that will incorporate October certified pupil counts, final audited fund balances and revised revenue and expenditure estimates. Appropriation levels shall be adjusted for these revisions. ~~After October 15, the Board shall not review or change the budget except as otherwise authorized by state law including declaration of a fiscal emergency.~~

If money for a specific purpose other than *ad valorem* taxes becomes available to meet a contingency after October 15, the Board may adopt a supplemental budget for expenditures not to exceed that amount.

The adopted budget and appropriation resolution shall be placed on file in the administration building.

If the district is authorized to raise and expend additional local property tax revenues at an election, the Board may adopt a supplemental budget and appropriation resolution to cover the remainder of the fiscal year following the election based on the additional dollar amount authorized.

Current practice codified: 1980.

Revised: July 19, 1984.

Revised: December 21, 1989.

Revised: August 4, 1994.

Revised: November 4, 1999.

Revised:

LEGAL REFS.:

C.R.S. 22-44-103 (*Budget and appropriation-required*)

C.R.S. 22-44-107 (*Appropriation resolution-required*)

C.R.S. 22-44-108 (*Preparation of budget*)

C.R.S. 22-44-110
C.R.S. 22-44-111
C.R.S. 22-44-115
C.R.S. 22-44-115.5

CROSS REFS.: DBE/DBF, Communication of Budget Recommendations/Budget
Hearings and Reviews
DBGA, Budget Referenda
DBK, Fiscal Emergencies

Cash in Buildings

School employees shall assume responsibility for funds in their care. All funds in the care of an employee shall be turned into the office each day. Once an employee has turned the funds in to the office, he/she shall be relieved of the responsibility for the funds.

School administrators shall ensure that only small amounts of cash are kept in their buildings and that all cash is kept in a locked safe at the end of each day. No more than one-hundred dollars (\$100) in cash may be kept overnight in a school safe. If \$100 or more in cash is accumulated, those funds must be deposited that day. No matter how small the amount of cash or checks, deposits must be made at least weekly.

Adopted: August 21, 1980.

Revised: July 19, 1984.

Revised: November 4, 1999.

Revised:



BOARD OF EDUCATION AGENDA ITEM 3.02

BOARD MEETING OF: January 27, 2010

PREPARED BY: Loretta Branham, Executive Administrative Assistant to the Board of Education

TITLE OF AGENDA ITEM: Revision of Board of Education Policy BEDH – Public Participation at Board Meetings

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

The Board of Education has the responsibility of reviewing and revising Board policies on a regular basis. It is the goal of this Board to bring policies up for revision and are starting with Section B: School Board Governance and Operations.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pros – Reviewing and revising Board of Education policies on a regular basis keeps all policies current.

COST OR COST ESTIMATION:

N/A

MOTION REQUESTED:

N/A

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** January 15, 2010

Public Participation at Board Meetings

All regular and special meetings of the Board shall be open to the public. Because the Board desires to hear the viewpoints of all citizens throughout the district and also needs to conduct its business in an orderly and efficient manner, it shall schedule time during regular Board meetings one or more periods during each meeting for brief comments and questions from the public. ~~The Board may schedule an interim public discussion period on a particular item.~~ The Board shall normally set a time limit on the length of public participation to thirty minutes ~~this period~~ and/or a time limit for individual speakers of three minutes.

During times of general public comment at a regular meeting, comments and questions may deal with any topic related to the Board's conduct of the schools. Comments at special meetings must be related to the call of the meeting. During times of public comment on specific agenda items, comments shall be confined to the topic of the agenda item during considered by the Board. Speakers may offer such criticism of school operations and programs as concern them, but are encouraged to exercise their speech rights responsibly. The Board encourages the discussion of all personnel matters to be conducted in executive session.

Members of the public wishing to make formal presentations before the Board must notify the administration fourteen days prior to the Board meeting date and receive approval from the Board president. ~~Should make arrangements in advance with the superintendent so that such presentations may be scheduled on the agenda.~~

Comments and questions at a regular meeting may deal with any topic related to the Board's conduct of the schools. Comments at special meetings must be related to the call of the meeting. Speakers may offer such criticism of school operations and programs as concern them. But in public session, the Board will not hear personal complaints against any person connected with the school system.

The Board president shall be responsible for recognizing all speakers who shall properly identify themselves, for maintaining proper order and for adherence to any time limits set. Questions asked by the public ~~will be shall, when possible, be answered immediately by the president or~~ referred to appropriate staff members for consideration ~~present for reply.~~ ~~Questions requiring investigation shall be referred to the superintendent for consideration and later~~ and response.

Members of the public will not be recognized by the president during Board meetings except as noted in this policy.

In addition to public participation time during Board meetings, the Board is committed to engaging members of the community on an ongoing basis

regarding community values about education during times other than the Board's regular meetings.

Adopted: September 3, 1998.

Revised:

LEGAL REFS.: C.R.S. 24-6-401 et seq. (open meetings law)

CROSS REF.: KE, Public Concerns and Complaints



BOARD OF EDUCATION AGENDA ITEM 3.03

BOARD MEETING OF: January 27, 2010

PREPARED BY: Mary Guinn, Ed. D., Deputy Superintendent

TITLE OF AGENDA ITEM: Review Board of Education Policy JICB-Care of School Property by Students, JLF-Reporting Child Abuse/Child Protection, JLF-R-Reporting Child Abuse/Child Protection Regulation, JLF-E-Reporting Child Abuse/Child Protection Exhibit, JLIA-Supervision of Students, EFC-Free and Reduced Price Food Services, EFC-R-Free and Reduced Price Food Services Regulation, EFEA-Nutritious Food Choices, IGF-Curriculum Review, IHAC-History and Civil Government Education, CHD-Administration in the Absence of Policy, KLB-Relations with Election Authorities (Voter Registration), LB-Relations with Other Schools and School Systems, LDA-Student Teaching and Internships. Revision of Board of Education Policy IHA-Basic Instructional Program, IHAE-Physical Education, JK-Student Discipline, EF-Food Service

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

- Administrative teams and Cabinet members reviewed all of these policies and regulations and found no need to change or revise JICB, JLF, JLF-R, JLF-E, JLIA, EFC, EFC-R, EFEA, IGF, IHAC, CHD, KLB, LB, LDA. There were no Colorado Association of School Board recommended changes either.
- Administrative team members have revised policies IHA, IHAE, and EF comparing them to district needs and also Colorado Association of School Board recommendations and Cabinet members have reviewed and approved these revisions.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

COST OR COST ESTIMATION:

No additional cost

MOTION REQUESTED:

None

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** January 21, 2010

Care of School Property by Students

When school property is damaged through the negligence of students, it shall be the responsibility of the parent and student to pay for the damages. The school either shall contract for repairs and bill the parents for the amount of the repairs, or repairs shall be made by school staff with a record of time and materials used and parents billed accordingly. When an item must be replaced, the school shall secure the item and bill the parents for the replacement cost. Payments shall be made to Falcon School District #49. A receipt shall be issued at the time payment is received in the central office.

Adopted: November 3, 1977.

Revised: August 10, 2000.

Reviewed:

CROSS REF.: ECAC, Vandalism

Reporting Child Abuse/Child Protection

It is the policy of the Falcon School District Board of Education that this school district comply with the Child Protection Act.

To that end, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately upon receiving such information, report or cause a report to be made to the El Paso County Department of Social Services or appropriate law enforcement agency. Failure to report promptly may result in civil and/or criminal liability. A person who reports child abuse or neglect in good faith is immune from civil or criminal liability.

Reports of child abuse or neglect, the name and address of the child, family or informant or any other identifying information in the report shall be confidential and shall not be public information.

The Board shall provide periodic inservice programs for all teachers in order to provide them with information about the Child Protection Act, to assist them in recognizing and reporting instances of child abuse, and to instruct them on how to assist victims and their families.

School employees and officials shall not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school official or employee to prove that the child has been abused or neglected.

The superintendent shall submit such procedures as are necessary to the Board for approval to accomplish the intent of this policy.

Current practice codified: 1980.

Adopted: date of manual adoption.

Revised: March 13, 1985.

Revised to conform with practice: date of manual revision.

Revised: September 2, 1993.

Revised: September 2, 1999.

Revised: August 10, 2000.

Revised: October 3, 2002.

Reviewed:

LEGAL REFS.: C.R.S. 19-1-120 (1) (*definition of child abuse or neglect*)
C.R.S. 19-3-102 & 103 (*definition of neglected or dependent child*)
C.R.S. 19-3-304 (*persons required to report abuse*)
C.R.S. 19-3-307 (*reporting procedures*)

C.R.S. 19-3-309 (*immunity from liability for persons reporting*)

C.R.S. 22-32-109 (1)(z) (*providing inservice for teachers*)

CROSS REF.: GBEB, Staff Conduct

GBGB, Staff Personal Security and Safety

NOTE: The law cited above grants school employees and other persons who report or facilitate investigation of child abuse immunity from any liability that might otherwise be incurred, except for making maliciously false statements.

Reporting Child Abuse/Child Protection

1. Definition of abuse or neglect

Child abuse or neglect is defined in law as “an act or omission which seriously threatens the health or welfare of a child.” Specifically, this refers to:

- a. Evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and such condition or death which is not justifiably explained or where the history given concerning such condition or death is at variance with the condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
- b. Any case in which a child is subject to unlawful sexual behavior as defined in state law.
- c. Any case in which a child is in need of services because the child’s parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.
- d. Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk or impairment of the child's intellectual or psychological functioning or development.
- e. Any act or omission described as neglect in state law as follows:
 - i) A parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
 - ii) The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
 - iii) The child's environment is injurious to his or her welfare.
 - iv) A parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his her health, guidance, or wellbeing.

- v) The child is homeless, without proper care or not domiciled with his or her parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian.
- vi) The child has run away from home or is otherwise beyond the control of his or her parent, guardian, or legal custodian.

- vii) A parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse and the parent, guardian, or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or has determined that such parent's, guardian's, or legal custodian's abuse or neglect caused the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

2. Reporting requirements

Any school employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information, report such fact to the El Paso County Department of Human Services or the appropriate law enforcement agency. The employee must follow any oral report with a written report sent to the appropriate agency.

In cases where the suspected or known perpetrator is a school employee, the report should be made to the law enforcement agency and the office of the superintendent. (Reports made to social services will be referred to law enforcement.)

If a child is in immediate danger, the employee should call 911. "Immediate" refers to abuse that occurs in the employee's presence or has just occurred.

The employee reporting suspected abuse/neglect to social services or law enforcement officials must inform the school principal as soon as possible orally or with a written memo. The ultimate responsibility for seeing that the oral and written reports are made to social services or law enforcement agencies lies with the school official or employee who had the original concern.

3. Contents of the report

The following information should be included to the extent possible in the initial report:

- a. Name, age, address, sex, and race of the child.
- b. Name and address of the child's parents, guardians, and/or persons with whom the student lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or neglect.
- d. The nature and extent of the child's injury or condition, as well as any evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings—all with dates as appropriate.
- e. The family composition, if known.
- f. Any action taken by the person making the report.
- g. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the school official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. School personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. School personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A school employee's reasonable cause to suspect that the child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry or from an explanation which does not fit the injury.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

4. After filing reports

After the report is made to the agency, district and school staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The school will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the school will provide supportive aid and counseling services for the child.

Once a report of child abuse is given to the agency, the responsibility for investigation and follow-up lies with the agency. It is not the responsibility of the school staff to investigate the case. Therefore, the school staff will not engage in the following activities:

- a. Make home visits for investigative purposes.
- b. Take the child for medical treatment. (This does not preclude taking action in an emergency situation.)
- c. Convey messages between the agency and the parents/guardian.

Authorized school and district personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

5. Guidelines for consideration

- a. If any school employee has questions about reasonable cause of child abuse and the need for making a report, the employee may consult with the building principal or the executive director of human resources. If the appropriate administrator is not available, a direct call to the county department of social services about concerns is advisable.

Note that consultation with another school official or employee will not absolve the school official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise a court order must be obtained to legally withhold a child from his parent or guardian.
- c. When any school official or employee has a question about the thorough investigation of suspected abuse/neglect following the filing of a report, the employee or official should contact the executive director of human resources.
- d. While all school officials and employees are reminded of their legal responsibility to report suspected cases of abuse or neglect, they may be assured that reports will be investigated by trained professionals and that there are more supportive and therapeutic treatment alternatives

available for parents/guardians, and/or other persons with whom the student lives than there have been in the past.

- e. The confidential nature of information pertinent to child abuse or neglect cases is a matter to be emphasized both legally and humanely.

Current practice codified: 1980.

Approved: date of manual adoption.

Revised to conform with practice: date of manual revision.

Revised: September 2, 1993.

Revised: September 2, 1999.

Revised: August 10, 2000.

Revised: October 3, 2002.

Reviewed:

LEGAL REF.: C.R.S. 18-3-412.5(1)(b) (*definition of unlawful sexual behavior*)

Supervision of Students

During all times that a teacher is on district property and is performing services on behalf of the school district and while performing such services at school-sponsored activities off district property, the teacher shall be responsible for the control of all students that fall within the assigned supervision and to other students physically present.

Adopted: November 4, 1999.

Reviewed:

Free and Reduced-Price Food Services

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

The administration shall establish regulations which conform with state and federal (or other) requirements regarding participation in programs for free and reduced price meals and supplementary food. Such regulations shall be presented to the Board from time to time for its approval.

Current practice codified: 1980.

Adopted: date of manual adoption.

Reviewed: March 4, 1999.

Reviewed:

LEGAL REFS.: 42 U.S.C. 1751 *et seq.* (*National School Lunch Act*)
C.R.S. 22-32-120

Free and Reduced-Price Food Services (Regulation)

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

1. The food service director has been designated as the official to determine which individual students are eligible for a reduced-price or a free meal.
2. The district will provide forms to parents or guardians on which application for consideration of eligibility of their children for reduced-price or free lunches can be made. This application form and its content are considered part of policy and regulations.
3. The district will provide a free lunch to the students upon receipt of the application and will continue to do so until the determination is made as to whether the students qualify for a reduced-price or a free lunch.
4. If the application is denied, the parents or guardians may appeal this decision to the business manager and a hearing will be conducted under the hearing procedure prescribed in Section 9 of the National School Lunch Act, as amended. Prior to the hearing, the student will continue to receive a reduced-price or free lunch.
5. The district will abide by the income poverty guidelines based on the U.S. Office of Management and Budget guidelines as adjusted by the secretary of the U.S. Department of Agriculture.
6. The district will notify the parents at the beginning of the school year of the availability of the reduced-price or free lunch. This will be a notice sent home with students or a letter mailed to the students' home. This notice is considered part of policy and regulations.
7. The district will provide a release to all informational media in the area at the same time the notice is sent to the home.
8. Students receiving free or reduced-price meals will not be required as a condition of receiving such meals to use a separate lunchroom or section of the lunchroom, to go through a separate serving line, to enter the lunchroom through a different entrance, to work for their meals, to use a different medium of exchange or to eat lunch at a different time from paying students. The names will not be made public, but shall be confidential information.
9. In order to protect the anonymity of the student receiving the reduced price or free lunch, meal tickets for all students will be issued by a carefully selected staff member.

Adopted: July 21, 1977.

Revised: December 20, 1984.

Revised: March 4, 1999.

Reviewed:

Nutritious Food Choices

Nutritious Food Choices

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

Schools are encouraged to take steps to ensure:

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

The emphasis on healthy food choices applies to all on-campus activities:

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

Each beverage/snack offered for sale to students from any source, including the school cafeteria, vending machines, school stores and fund-raising activities conducted on school grounds, shall satisfy the minimum nutritional standards for beverages/snacks adopted by the State Board of Education or Falcon School District Wellness Policy guidelines. This applies to beverages/snacks sold on campus during the regular school day and time spent by students after the school's regular hours of operation for any purpose, including participation in child care programs or extracurricular activities.

NOTE 1: All schools participating in the School Breakfast and/or National School Lunch program(s) must also comply with any federal rules or regulations regarding competitive food service or the service of Foods of Minimal Nutritional Value, as defined by USDA. Schools that participate in these federal programs must prohibit the sale of foods in the categories of minimal nutritional value in food service areas during designated meal periods.

Adopted: May 27, 2009

Reviewed:

LEGAL REF.: C.R.S. [22-32-134.5](#) (healthy beverage requirement)

Curriculum Review

The curriculum shall be reviewed at least once every five years by administrators, teachers, parents, accountability committee members, and others deemed appropriate by the Board of Education. The reviews shall determine if the established curriculum and educational programs in the district are effective and reflect relevant content standards and district goals as adopted by the Board of Education.

Regulations shall be developed that outline the courses to be reviewed, the sequence of course review, the specific activities involved in curriculum review, and the areas to be included in the review.

The review shall include consideration of achievement results for all student populations, educational equity, curriculum breadth and depth, and congruence of instructional strategies and assessments with Board-adopted student outcome and performance standards.

Current practice codified: 1992.

Adopted: date of manual revision.

Revised: September 2, 1999.

Reviewed:

LEGAL REF.: C.R.S. 22-54-101 *et seq.*
C.R.S. 22-573-401 *et seq.*

CROSS REFS.: AEA, Standards Based Education
IA, Instructional Goals and Learning Objectives
IL, Evaluation of Instructional Programs, and subcodes
KB, Parent Involvement in Education

History and Civil Government Education

The Board of Education recognizes the importance of teaching history and civil government in a framework of standards-based education. The Board also acknowledges that a vital part of educating students is the creation of a climate within the schools which enhances the dignity and importance of each individual through examination of the contributions of all peoples to history and civil government.

In order to achieve a greater level of awareness, understanding, and knowledge of the contribution of all peoples, and pursuant to state law, the instruction program of the district shall include the teaching of:

1. The history and civil government of the state of Colorado.
2. The history and civil government of the United States.

The teaching of the history and civil government of the United States shall include the history, culture, and contributions of minorities, including, but not limited to, American Indians, Hispanic Americans, and African Americans.

Adopted: September 2, 1999.

Reviewed:

LEGAL REF.: C.R.S. 22-1-104.

Administration in the Absence of Policy

In cases when action must be taken and the Board has provided no guides in policy for such action, the superintendent shall have the power to act.

The superintendent's decisions, however, shall be subject to review by the Board at its next regular meeting. It shall be the duty of the superintendent to inform the Board promptly of such action and of the need for policy.

Current practice codified: 1980.

Revised: September 3, 1998.

Reviewed:

**Relations with Election Authorities
(Voter Registration)**

In order to encourage voter registration, the Board authorizes all high school principals or their designees to serve as deputy registrars for voter registration purposes only.

Students, district employees, persons attending school functions, or any other person who is eligible to vote may be registered by a high school deputy registrar.

In accordance with law, voter registration may be available at school facilities at any time the school building is open for classes or any other school or community function.

Adopted: August 4, 1994.

Revised: September 7, 2000.

Reviewed:

LEGAL REF.: C.R.S. 1-2-401 *et seq.*

Relations with Other Schools and School Systems

The Board shall cooperate whenever possible with other school districts, with boards of cooperative services, and with other local, state, and regional agencies and organizations in matters of common concern.

This cooperation may extend to such areas as joint educational services, research, exchange of data and information, coordination of curriculum, coordination of school activities and calendars, and cooperative use of school facilities.

Before joining any cooperative programs or participating in joint educational services with other districts, the Board shall carefully weigh the desirability and feasibility of such cooperation and shall make sure that in all instances the best interests of the district's students are served.

Adopted: date of manual revision.

Reviewed:

LEGAL REFS.: C.R.S. 22-32-122

CROSS REF.: LBB, Cooperative Educational Programming

Student Teaching and Internships

The district may accept student teachers. However, while recognizing the responsibilities of the district in training student teachers, the first concern is that quality of the educational program is maintained.

Any compensation or tuition waivers shall be paid to the supervising teacher.

Adopted: April 17, 1977.

Revised to conform with practice: date of manual revision.

Reviewed:

LEGAL REFS.: C.R.S. 22-60-103
C.R.S. 22-60-113
C.R.S. 22-62-101 through 22-62-105

Basic Instructional Program

The educational program shall provide both formal studies to meet the general academic needs of all students and, to the extent possible, opportunities for individual students to develop specific talents and interests in more specialized fields.

An atmosphere shall prevail in which healthy growth is fostered, in which ability is recognized and excellence encouraged, and in which a productive life is held before students as a model to emulate.

The various instructional programs shall be developed with the view toward maintaining balanced, integrated, and sequentially articulated curricula which will serve the educational needs of all school-age children in the district.

Modifications in curriculum will be provided as required by state and/or federal law.

Elementary program

At the elementary level, schools shall provide yearly instruction and assessment in content standards in English, language arts (reading, spelling, and oral and written expression), the social sciences, mathematics, science, physical education, music, and visual arts. Each of the subject matter fields shall embrace, insofar as is practical, instruction in study and work habits, library usage, safety, conservation, health and hygiene, citizenship, and the development of character. Schools will provide interventions to prepare students for middle level education. In addition, as part of building citizenship skills, the elementary schools will instruct students about, and expect students to adhere to, the student code of conduct.

Middle school program

At the middle level, schools will continue to provide instruction and assessment in content standards. This instruction shall include a minimum of two years of English language arts, two years of mathematics, two years of science, and two years of social studies, including instruction in civics, geography, history, and economics. Middle schools with grades six through eight will provide three years of instruction in English language arts, mathematics, science, and social studies. Students will also have the opportunity to expand their talents and interests through an exploratory/electives program that provides instruction in content standards. As determined by each middle school, this exploratory/electives program may include any combination of the following courses: visual arts, music, technical education, world languages, physical education, health, consumer and family studies, computer/keyboarding/business, and other appropriate middle level course offerings. Schools will provide interventions to

prepare students for high school. In addition, the middle schools will instruct students about, and expect students to adhere to, the student code of conduct.

Senior high school program

The senior high school program shall include a variety of courses in the fields of language arts, mathematics, science, social studies, foreign language, home economics, vocational/technical education, health and physical education, visual arts, and music. High school has been designed to serve the needs of students in grades nine through twelve. High school will balance core academic expectations for all students in the achievement of content standards while serving the diverse talents and interests of our students.

High school will provide students with the academic skills to pursue further education and to be a competent member of the workforce. In addition, students will be instructed about, and be expected to be, participating citizens. Students will adhere to the student code of conduct up to and including the day of graduation. Graduation shall be the culminating event for students after they have met the requirements for a high school diploma.

Preparation for postsecondary opportunities

Students are encouraged to begin planning for postsecondary opportunities throughout their high school career so they will be adequately prepared upon graduation from high school. The Colorado Commission on Higher Education (CCHE) will provide information to the parents/guardians of eighth grade students about the admission requirements for institutions of higher education in Colorado. In addition, the district will make information available to these same parents/guardians about the courses the district offers that meet the CCHE admission requirements. This information will be made available to parents/guardians prior to the student's enrollment in his or her ninth grade courses.

Beginning in ninth grade, District personnel shall assist students to develop and maintain individual career and academic plans. The student's career and academic plan will be designed to assist the student and the student's parent/guardian in exploring the postsecondary career and educational opportunities available to the student, aligning course work and curriculum, applying to postsecondary education institutions, securing financial aid and ultimately entering the workforce.

adopted: November 3, 1997.

Revised: September 2, 1999.

Revised: October 6, 2005.

Revised:

LEGAL REFS.: C.R.S. 22-1-104 (*Teaching of history, culture, and civil government*)

C.R.S. 22-1-108 through 22-1-110 (*instruction on the federal constitution and the effect of use of alcohol and controlled substances*)

C.R.S. 22-25-101 *et seq.* (*Colorado Comprehensive Health Education Act*)

C.R.S. 22-32-109 (1)(ff) (*notice of courses that satisfy higher education admission guidelines*)

C.R.S. 22-32-109(1)(nn) (*career and academic planning for students beginning in ninth grade*)

C.R.S. 22-35-101 *et seq.* (*Concurrent Enrollment Programs Act*)

CROSS REFS.: IKF, Graduation Requirements
JIC, Student Conduct, and Subcodes

Physical Education

~~The Board of Education believes that a coordinated physical education program should be developed for grades 1 through 12 with supervision appropriate for each level.~~

~~The physical education program in the district shall:~~

- ~~1. Promote organic and physical development which is fitness in terms of speed, strength, power, endurance, agility, and body efficiency.~~
- ~~2. Encourage motor skill development of the individual through drill and correct practice of fundamentals which can be applied to an activity or game situation.~~
- ~~3. Develop knowledge of the rules, strategies, and historical aspects of various sports.~~
- ~~4. Instill proper attitudes toward play such as sportsmanship, ethics, and personal relationships of the participants.~~
- ~~5. Establish desirable habits of personal health and safety and a concern for the welfare of others.~~
- ~~6. Offer opportunities for participation in activities which will be useful and enjoyable in adult life.~~

~~Ideally, daily physical education and/or physical fitness activities shall be provided for all students, including those with special medical or physical needs.~~

The Board, recognizing the importance of physical education for all students, is committed to providing adequate funds for facilities, equipment, personnel, and supplies within the district's financial ability ~~to do so and with due recognition to the necessity for balancing available funds among all areas of the curriculum.~~ The Board also recognizes the need to balance available funds among all areas of the curriculum.

The superintendent, or designee, shall develop a coordinated physical education program for district students that is aligned with state physical education standards.

Ideally, daily physical education and/or physical fitness activities shall be provided for all students, including those with special medical or physical needs.

Adopted: September 2, 1999.

Revised:

LEGAL REFS.: C.R.S. 22-25-101 through 22-25-112

CROSS REFS.: IMBB, Exemptions from Required Instruction
JLCA, Physical Examinations of Students

Student Discipline

The Board believes that effective student discipline is a prerequisite for sound educational practice and productive learning. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline and socially acceptable behavior.

~~The superintendent or his/her designee shall develop and the Board approve procedures for handling general and major discipline problems at each level. When all alternatives have been exhausted at the building level, the student shall be referred to the superintendent/or designee with appeal process to the Board of Education for appropriate action.~~

All policies and procedures for handling general and major student discipline problems shall be designed to achieve ~~these~~ this broad objectives. Disorderly students shall be dealt with in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruptions.

The Board in accordance with state law has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable, and may result in disciplinary action.

All Board-adopted policies and Board-approved regulations containing the letters "JK" in the file name constitute the discipline section of the legally-required code.

Immunity for enforcement of discipline code

An act of a teacher or other employee shall not be considered child abuse if the act was performed in good faith and in compliance with Board policy and procedures.

A teacher or any other person acting in good faith and in compliance with the discipline code adopted by the Board ~~shall~~ may be immune from civil liability unless the person is acting willfully or wantonly. ~~It is an affirmative defense in any criminal action that a person is acting in good faith and in compliance with the discipline code.~~

~~Disciplinary information to school personnel~~

~~In accordance with state law, the principal or designee is required to communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. The purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.~~

~~For purposes of this policy, “disciplinary information: means confidential records maintained by or in possession of the principal or designee on an individual student which indicate the student has committed an overt and willful act which constitutes a violation of the district’s code of student conduct and/or there is reasonable cause to believe, through information provided to the principal from another credible source, that the student could pose a threat to the health and safety of other students and school personnel based on prior misbehavior.~~

~~“Disciplinary information” is intended to include only that information of a serious nature that is not otherwise available to teachers and counselors as part of the education records maintained on students or other reports of disciplinary actions. It is appropriate for instructional staff members to request disciplinary information from the principal or designee on students in their classrooms if there is concern that the student poses a threat to the safety of other students or school officials.~~

~~Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student’s parent/guardian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student’s parent/guardian may challenge the accuracy of disciplinary information through the administrative regulations which accompany this policy.~~

Remedial discipline plans

The principal may develop a remedial discipline plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events. The goal of the remedial plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.

Discipline of habitually disruptive students

Students who have been suspended three times for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events ~~three times~~ during the school year ~~in violation of their individual remedial discipline plans may~~ shall be declared habitually disruptive students. Declaration as a habitually disruptive student shall result in the students ~~expulsion is possible consequence for habitually disruptive~~

~~students. Any student enrolled in the district's schools may be subject to being declared a habitually disruptive student and thus may be eligible for expulsion.~~

Discipline of special education students

Appropriate discipline for special education students shall be in accordance with the student's individual education plan (IEP), any behavior intervention plan, and policy JK-2, Discipline of Students with Disabilities. In order to comply with all state and federal laws, the special education director shall be contacted prior to the use of any disciplinary measure which is not authorized by the student's IEP or behavior intervention plan.

Distribution of conduct and discipline code

The superintendent shall arrange to have the conduct and discipline code distributed once to each student in elementary, middle, and high school and once to each new student in the district. Copies shall be posted in each school of the district. In addition, any significant change in the code shall be distributed to each student and posted in each school.

The Board shall consult with administrators, teachers, parents, students, and other members of the community in the development of the conduct and discipline code.

Adopted: date of manual adoption.

Revised: August 16, 1984.

Revised: May 19, 1994.

Revised: August 13, 1998.

Revised: August 10, 2000.

Revised: July 10, 2003.

Revised: February 15, 2006.

Revised:

LEGAL REFS.: C.R.S. 18-6-401 (1) (*definition of child abuse*)
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)

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. 22-32-109.1 (9) (*immunity provisions in safe schools law*)

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

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

CROSS REFS.: JIC, Student Conduct, and subcodes

JK subcodes (all relate to student discipline)

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

Food Services

The district will operate a school lunch program in its schools which shall be under the overall supervision of the ~~supervisor~~ Director of food services.

The supervisor of food services shall cooperate with each school principal in matters essential to the proper functioning of the food service program. The responsibility for control of students using the school cafeteria shall rest with the building principal.

Food services shall include hot lunches and breakfasts at participating schools through participation in the National School Lunch Program.

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

As required for participation in the National School Lunch Program, the Board agrees to the following regulations:

1. That the food service programs be operated on a nonprofit basis.
2. That an approved lunch be made available for students to meet at least one-third of their daily food requirements.
3. That free and reduced-price lunches be provided students who cannot afford to pay the price of the approved lunch.

Students shall be permitted to bring their lunches from home.

Current practice codified: 1980.

Revised: March 4, 1999.

Revised:

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



BOARD OF EDUCATION AGENDA ITEM 3.04

BOARD MEETING OF: January 27, 2010

PRESENTED BY: Mark A. McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Revision to Board of Education Policies and approval of regulations:

Policy GCQA Instructional Staff Reduction in Force
Policy GCQA-R Instructional Staff Reduction in Force Regulation
Policy GDQA Education Support Personnel Reduction in Force
Policy GDQA-R Education Support Personnel Reduction in Force Regulation

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

These are recommended policy revisions and approval of a regulation as they pertain to reduction in force. Policies have been compared with CASB versions and reviewed for legal sufficiency.

These policy revisions are updates for legal sufficiency for any potential downsizing required as a result of fiscal constraints or program changes under conditions of fiscal exigency. GCQA-R is a revised regulation that describes RIF procedures for licensed staff. GDQA-R is a new regulation that describes RIF procedures for ESP.

ALTERNATIVE COURSES OF ACTION: None

COST OR COST ESTIMATION: None

MOTION REQUESTED:

None

APPROVED BY: Bradley Schoeppey, Ed. D. Superintendent **DATE:** 21 January 2010

Instructional Staff Reduction in Force

Cancellation of employment may take place when the Board of Education determines and declares that a fiscal exigency exists or that a program change is to be made which may require the cancellation of one or more teaching positions. Such a decision will be made and any cancellation will be effected only in accordance with this policy and the accompanying regulations.

LEGAL REFS.: C.R.S. [22-60.5-101](#) *et seq.* (teacher licensure law)

C.R.S. [22-63-202](#) (3) (cancellation of employment contracts-reduction in force)

Definitions

- ~~1. "District" shall mean Falcon School District 49, El Paso County, State of Colorado.~~
- ~~2. "Teacher" shall mean any certificated staff who is regularly certified by the teacher certifying authority for the State of Colorado, including counselors, librarians, and teachers, and who is employed by the district, except those persons holding letters of authorization and the chief administrative officer of the district.~~
- ~~3. "Fiscal exigency" shall mean any significant decline in the Board of Education's financial resources that compels a reduction in the district's current or future general fund budget.~~
- ~~4. "Program change" shall mean any elimination, curtailment, or reorganization of curriculum, program, or school operation or a reorganization or consolidation of two or more individual schools. A program change need not be caused by a fiscal exigency.~~
- ~~5. "Cancellation of employment" shall mean the termination of employment of a teacher when there is justifiable reduction in the number of certificated positions in the school district due to financial exigency or program changes.~~
- ~~6. "Days" shall mean working days during which the district conducts normal business operations.~~

General grounds for cancellation of employment

~~Cancellation of employment may take place when the Board of Education determines that a fiscal exigency exists or that a program change is to be made~~

~~which may require the cancellation of one or more certificated positions. Such a decision will be made and any cancellation will be effected only in accordance with this policy and the accompanying regulations.~~

Considerations

~~A decision to reduce certificated staff due to fiscal exigency may differ considerably from a decision necessitated by a program change (i.e., a fiscal exigency might involve a need to reduce ALL staff, including noncertificated staff). Likewise, program changes may differ in scope (i.e., the elimination of a single program as compared to the restructuring of an entire curriculum).~~

Preliminary conditions

~~Before making a recommendation to the Board of Education to reduce certificated staff, the district's representative(s) shall meet with concerned parties to discuss the possibility of a reduction in force. Discussions will include, but not be limited to, the following:~~

- ~~- reduction of other staff~~
- ~~- imposition or increase in fees for students~~
- ~~- imposition or increase in energy saving measures~~
- ~~- reduction or deletion of budgets for supplies, materials, or programs not affecting certificated staff~~
- ~~- areas of endorsement which might be affected by a reduction in force~~
- ~~- the impact on student-teacher ratios within the area of endorsement and the district as a whole~~
- ~~- academic requirements~~
- ~~- federal mandates~~
- ~~- teacher transfers, both voluntary and involuntary~~
- ~~- district educational philosophy~~
- ~~- other relevant matters~~

~~Prior to reducing certificated staff, the district will utilize normal attrition through voluntary retirement, resignations, termination of temporary contracted teachers (i.e., certificated teacher assistants), and teachers who will be on extended leave.~~

~~In order to meet the requirements of a fiscal exigency or program change, and prior to reducing certificated staff, the district shall utilize, whenever possible, voluntary and involuntary transfers of assignments, in accordance with the district's current transfer and vacancy policy, but giving primary consideration to teachers with greater length of continuous service to the district and experience within the area of endorsement to which they would be assigned.~~

Implementation of reduction in force

~~In the event that reductions in force are still necessary, the district will consider the instructional needs of the district, the district's Affirmative Action Plan, area(s) of certification endorsement, education, experience within an affected area of endorsement, and total continuous length of certificated service (including experience as an administrator).~~

~~The district will cancel contracts in the following order:~~

- ~~- persons employed under letters of authorization~~
- ~~- probationary teachers~~
- ~~- nonprobationary teachers~~

~~Cancellation of employment of nonprobationary teachers~~

~~After the district has established its program needs, teachers with the least length of continuous service to the district shall have their contracts canceled first.~~

~~In the event that two or more teachers have the same length of service, the teacher(s) who signed their contracts most recently will have their contract canceled first.~~

~~Nonprobationary teachers whose contracts have been recommended by the district for cancellation shall be notified in writing within 10 days. The notice will include a statement of the conditions requiring such cancellation, the procedures followed in making the decision, a copy of this policy, notification of the teacher's right to request a hearing to review the decision, and the date by which such request must be initiated.~~

~~Request for a hearing to review a cancellation of individual contracts~~

~~Within 15 days of receiving such notification, a nonprobationary teacher may request a hearing to review the action taken by the district. The request must specify the grounds on which the teacher believes the review to be necessary. The request must be in writing, addressed to the president of the Board of Education.~~

~~The Board of Education will consider the request and will schedule a hearing to be held within 10 days after the request was received. The teacher will be given at least 5 days notice of the hearing. The Board of Education may delegate the responsibility of conducting the hearing to an impartial hearing officer.~~

~~Hearing to review cancellations of individual contracts~~

~~The hearing will be conducted informally. The teacher may choose to have a representative present. If either party requests, the hearing will be held in private. A recorded transcript of the proceedings will be maintained.~~

~~The review shall be limited to those grounds specified in the request for a hearing, unless the hearing officer allows additional arguments and/or facts to be presented.~~

~~The hearing officer shall make written findings and recommendations to the Board and the teacher within 15 days of the hearing.~~

~~The Board of Education will take final action on the findings and recommendations at its next regular meeting.~~

Exclusivity

~~This procedure is the only procedure that may be used in a reduction of force of teachers. No other personnel action other than reduction in force must be considered under this procedure.~~

Reviewed: May 11, 2000

Revised:

Instructional Staff Reduction in Force

Definitions

1. "Cancellation of employment" means the cessation of employment of a teacher when there is a justifiable reduction in the number of teaching positions in the school district for reasons of fiscal exigency or program change.
2. "Teacher" means any person who is regularly licensed by the teacher certifying authority for the state of Colorado and who is employed full-time to instruct, direct or supervise the instructional program, except those persons holding letters of authorization.
3. "Fiscal exigency" means any significant decline in the Board of Education's ability to fund the operation of the district.
4. "Program change" means any elimination, curtailment or reorganization of curriculum, program or school operation, or a reorganization of curriculum, program or operation, or a reorganization or consolidation of two or more individual schools. A program change need not be caused by fiscal exigency.
5. "Day" means every day including Saturdays, Sundays and teacher work days, but it does not include official school holidays such as Thanksgiving and Christmas.

The following procedures will be followed in effecting a reduction in the professional staff work force.

Board of Education's preliminary determination and statement

If the Board decides that cancellation of employment of one or more teachers may be required, it shall prepare a statement that identifies with reasonable particularity the reasons for the decision. This statement shall be transmitted to the superintendent of schools and school district faculty. The Board shall establish the actual number of professional staff to be reduced consistent with the Board's authority to establish educational programs within the district.

Superintendent's action

Within 20 days after receiving the statement from the Board, the superintendent shall submit to the Board recommendations for canceling the employment of particular teachers. In making this recommendation, the superintendent shall not be limited to considering only the teachers in the areas or program designated by the Board in its initial statements. The superintendent shall, insofar as possible,

meet the reduction in force by normal attrition such as layoffs, retirements, leaves of absence or transfer of assignments.

When cancellation of a teaching position occurs within any particular endorsement area, the contracts of first-year probationary teachers who are occupying such positions shall be canceled first.

If further reductions are necessary cancellation of contracts of second and third year probationary teachers and nonprobationary teachers then shall be considered as a group. In accordance with state law, this provision shall not create any express or implied property right or contract right for second- and third-year probationary teachers.

The superintendent may consider the following factors in recommending a teacher for cancellation of employment:

1. The needs of the district.
2. Professional experience including experience as an administrator.
3. Education.
4. Length of service.
5. Merit.

Notification Procedures:

1. Notice to individual teacher

Non-probationary teachers whose contracts are recommended by the superintendent to be canceled will be given notice in writing. The notice will include a statement of the conditions requiring such cancellation, a general description of the procedures followed in making the decision and a copy of the accompanying policy and this regulation. Notice will be served upon the teacher personally or by certified or registered mail. The teacher's address as it appears on the school district's record will be deemed to be the correct address. It will be the teacher's responsibility to see to it that the school has the current address on file.

2. Review of individual cancellations

Within 10 days after receiving a notice of termination, a non-probationary teacher may request a review of the action by the Board of Education. The request must be in writing, addressed to the president of the Board. The request for review must specify the grounds on which the teacher relies and a short statement of

facts that the teacher believes support the contention. When appropriate, more than one case may be heard at the same time.

Review may be had solely to determine the following:

- a. if there was a rational basis to determine that a fiscal exigency or program change was necessary or appropriate
- b. if the cancellation procedure was arbitrary or capricious
- c. if the decision to cancel the employment of the teacher was arbitrary or capricious

The Board will consider the request and will schedule a hearing to be held within 14 days after the request is received. The teacher will be given at least seven days' notice of the hearing. The Board of Education may delegate the responsibility for conducting a hearing to an impartial hearing officer selected by the Board.

3. Conduct of hearing

The hearing will be conducted informally and, upon request of either party, in private. The teacher may be represented by counsel. The school district will have no obligation to pay for the service of counsel representing the teacher. A recorded transcription of the proceedings will be maintained and copies of the transcript will be made available at the expense of the party who makes the request.

The hearing will begin with the teacher's presentation, limited to those grounds specified in the request for a hearing and supported by testimonial and documentary evidence. The superintendent or counsel may then present testimonial and documentary proof in rebuttal of the teacher's contentions or in general support of the decision to cancel. The Board or hearing officer may establish other procedural rules as appropriate.

After the superintendent or counsel completes the presentation, the Board will consider the matter in executive session or, where there is a hearing officer, the hearing officer may take the matter under advisement. Written findings of fact and conclusions as to the issues raised will be forwarded to the teacher and to the secretary of the Board within 30 days after the close of the hearing.

If the hearing was conducted by a hearing officer, the Board will be bound by the findings of fact of the hearing officer as long as there is support in the record for such findings. However, any conclusions drawn from those findings will not be binding upon the Board.

4. Procedure after hearing

The Board will act on the findings and conclusions at its next regular meeting following receipt of the findings and conclusions.

If the Board determines that the teacher's contention has not been established, it will notify the teacher and the superintendent in writing. Such a determination finally confirms the decision to cancel.

If the Board determines that the teacher's contention has been established, it shall notify the teacher and the superintendent by written notice that states that corrective action will be taken.

5. Exclusive procedure

This procedure is the only procedure that may be used in a reduction in force of teachers. Any existing procedure for reconsidering or examining an employee discharge, non-reappointment or grievance is not available for considering an issue that arises from a reduction in force. Similarly, no other personnel action other than reduction in force must be considered under this procedure.

LEGAL REFS.: C.R.S. 22-60.5-101 et seq. (teacher licensure law)

C.R.S. 22-63-202 (3) (cancellation of employment contracts-reduction in force)

Adopted:

Educational Support Personnel Reduction in Force

Cancellation of employment may take place when the Board of Education determines and declares that a fiscal exigency exists or that a program change is to be made which may require the cancellation of one or more Education Support positions. Such a decision will be made and any cancellation will be effected only in accordance with this policy and the accompanying regulations.

Definitions

- ~~1.— *At will employment* means that in the absence of special consideration or an express stipulation as to the duration of employment, an indefinite hiring is terminable at will. And unless circumstances indicate otherwise, a contract that sets forth an annual salary rate but states no definite term of employment is considered to be indefinite employment, terminable at will.~~
- ~~2.— *Cancellation of employment* means the termination of employment of an employee when there is a justifiable reduction in the number of positions in the school district by reasons of fiscal constraints or program change.~~
- ~~3.— *Fiscal constraints* means any significant decline in the Board of Education's ability to fund the operations of the district resulting from a decline in enrollment or other action or events that cause an effective reduction in the district's current general fund budget.~~
- ~~4.— *Program change* means any elimination, curtailment, or reorganization of curriculum, program, or school operation, or a reorganization or consolidation of two or more individual schools. A program change need not be caused by fiscal constraints.~~

Board of Education's preliminary determination and statement

~~If the Board decides that a state of fiscal constraint exists or is imminent or a program change has occurred or should seriously be considered and cancellation of employment of one or more employees may be required because of either circumstance, it shall prepare a statement that identifies with reasonable particularity the state of fiscal constraint or the program change. This statement shall be transmitted to the superintendent of schools and school district employees.~~

Superintendent's action

~~Within 20 days after receiving the statement from the Board, the superintendent shall submit to the Board recommendations for canceling the employment of particular employees. In making this recommendation, the superintendent shall not be limited to considering only the employees in the areas or program designated by the Board in its initial statement.~~

~~The superintendent shall not make recommendations to the Board of Education until consultation has occurred with each director/supervisor whose department will have an employee terminated. Those affected employees will be given two weeks notice following Board action. (This will give employees lead time to seek new employment.) During the lead time, employees will perform his/her duties as usual. Failure to do so will mean immediate dismissal.~~

~~The superintendent may consider the following factors in recommending an employee for cancellation of employment. In no way should this list be considered as a step by step approach to the solution of the problem. The items listed are only part of the total consideration which a superintendent must make.~~

- ~~1. The needs of the district~~
- ~~2. The needs of the department~~
- ~~3. Length of service.
 - ~~a. Newly hired conditional employees will be dismissed first~~~~
- ~~4. Job performance as demonstrated by evaluations~~
- ~~5. Education
 - ~~a. Interchangeability of skills as demonstrated by employee~~~~
- ~~6. Affirmative action considerations~~

Adopted: date of manual adoption.

Reviewed: May 11, 2000.

Revised

Education Support Personnel Reduction in Force

Definitions

5. At-will employment means that in the absence of special consideration or an express stipulation as to the duration of employment, an indefinite hiring is terminable at will. And unless circumstances indicate otherwise, a contract that sets forth an annual salary rate but states no definite term of employment is considered to be indefinite employment, terminable at will.
6. Cancellation of employment means the termination of employment of an employee when there is a justifiable reduction in the number of positions in the school district by reasons of fiscal constraints or program change.
7. Fiscal constraints means any significant decline in the Board of Education's ability to fund the operations of the district resulting from a decline in enrollment or other action or events that cause an effective reduction in the district's current general fund budget.
8. Program change means any elimination, curtailment, or reorganization of curriculum, program, or school operation, or a reorganization or consolidation of two or more individual schools. A program change need not be caused by fiscal constraints.

Board of Education's preliminary determination and statement

If the Board decides that a state of fiscal constraint exists or is imminent or a program change has occurred or should seriously be considered and cancellation of employment of one or more employees may be required because of either circumstance, it shall prepare a statement that identifies with reasonable particularity the state of fiscal constraint or the program change. This statement shall be transmitted to the superintendent of schools and school district employees.

Superintendent's action

Within 20 days after receiving the statement from the Board, the superintendent shall submit to the Board recommendations for canceling the employment of particular employees. In making this recommendation, the superintendent shall not be limited to considering only the employees in the areas or program designated by the Board in its initial statement.

In the event that a reduction in the number of positions is necessary, the Board shall provide thirty (30) days written notice to the affected ESP employees.

During the lead time, employees will perform his/her duties as usual. Failure to do so will result in immediate dismissal.

The superintendent may consider the following factors in recommending an employee for cancellation of employment. In no way should this list be considered as a step by step approach to the solution of the problem. The items listed are only part of the total consideration which a superintendent must make.

4. The needs of the district
5. The needs of the department
6. Length of service.
4. Job performance as demonstrated by evaluations
5. Education

Normal attrition shall be considered prior to any staff reductions.

Performance may be considered in determining staff reductions or which ESP positions shall be eliminated; seniority does not guarantee that an individual will retain his or her position.

Nothing in this policy shall be construed to imply in any manner the establishment of any property rights, rights to due process of law or expectancy or entitlement not explicitly established by statute or Board Policy. Neither shall anything in this policy be construed to establish any condition prerequisite relative to non-renewal of employment, transfer, assignment, dismissal or any other employment decision relating to Education Support Personnel.

Nothing in this policy or any verbal statements by representatives of the District shall constitute an expressed or implied contract of employment.

Adopted:

4. District Committees & Taskforces