

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

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

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

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

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

Mandatory reporting requirements

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but no later than ten (10) business days after the employee's dismissal. The superintendent shall provide any information requested by the department concerning the circumstances of the dismissal. The district also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

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

1. The employee has been determined by a court to be mentally incompetent.
2. The individual is convicted, pleads nolo contendere or receives a deferred sentence for sexual offences against a child as specifically set forth in the state board rules.
3. The individual pleads guilty or nolo contendere or is found guilty of a felony which renders the person unfit to be a licensed professional including but not limited to

drug possession, felonies involving the use of firearms or deadly weapons, theft or fraud, child exploitation or pornography.

4. When the county department of social services or the local law enforcement agency reasonable believes that an incident of child abuse or neglect has occurred and the school employee is the suspected perpetrator and was acting in his official capacity as an employee of the district.
5. When the Board reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Current practice codified 1996

Adopted: date of manual adoption

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)

C.R.S. 19-3-301 *et seq.* (Child Protection Act of 1987)

C.R.S. 22-2-119 (duty to make inquiries prior to hiring)

C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)

C.R.S. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)

C.R.S. 22-63-202 (3) (temporary suspension during contract period)

C.R.S. 22-63-202 (4) (disclosure of reasons why left employment)

C.R.S. 22-63-203 (renewal and non-renewal of probationary teacher contracts)

C.R.S. 22-63-301 *et seq.* (dismissal of licensed staff)

1 CCR 301-37, Rules 2260.5-R-15.00 *et seq.* (mandatory reporting requirements)

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

NOTE 1: State law prohibits school districts from entering into a settlement agreement that would restrict the district's ability to share any relevant information related to a conviction for child abuse or a sexual offense against a child and that pertains to the incident upon which the employee's dismissal or resignation is based. C.R.S. 22-32-109.7 (3).

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

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CONTRACT REF: Telluride Education Association master Agreement, Article Eight, General Terms and Conditions of Employment, Just Cause Provision