

Discipline, Suspension, Dismissal and Resignation of Professional Staff

The Board shall comply with the reporting requirements concerning allegations of unlawful behavior involving a child and other offenses, in accordance with state law and as explained below.

The executive director shall be authorized to suspend with pay or place a professional staff member on administrative leave as a disciplinary measure and/or pending an internal investigation when a professional staff member is accused of serious misconduct. The executive director shall report all such suspensions to the Board at its next meeting and shall make a recommendation if further disciplinary action is warranted, including but not limited to termination. The Board shall make the final decision regarding the dismissal of any professional staff member.

Mandatory reporting requirements – unlawful behavior involving a child

If an employee is dismissed or resigns 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 executive director shall notify the Colorado Department of Education (CDE) as soon as possible but no later than ten (10) business days after the employee's dismissal or resignation. The executive director shall provide any information requested by CDE concerning the circumstances of the dismissal or resignation. The BOCES also shall notify the employee that information concerning the dismissal or resignation is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the BOCES learns that a current employee has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the executive director shall immediately report this information to CDE.

In addition, the executive director shall immediately notify CDE when a dismissal action against a licensed employee or resignation is based upon the employee's conviction, guilty plea, plea of nolo contendere, or deferred sentence for any of the following offenses:

- a. felony child abuse, as specified in C.R.S. 18-6-401;
- b. felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- c. a felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);

- d. a crime of violence, as defined in C.R.S. 18-1.3-406;
- e. indecent exposure, as described in C.R.S. 18-7-302;
- f. contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;
- g. felony domestic violence, as defined in C.R.S. 18-6-800.3;
- h. misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;
- i. misdemeanor sexual assault, as described in C.R.S. 18-3-402;
- j. misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;
- k. misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;
- l. misdemeanor child abuse, as described in C.R.S. 18-6-401;
- m. misdemeanor involving the illegal sale of controlled substances;
- n. physical assault;
- o. battery;
- p. a drug-related offense; or
- q. an offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above; or
- r. a misdemeanor committed outside of this state, the elements of which are substantially similar to sexual exploitation of children as described in C.R.S. 18-16-403 (3)(b.5).

The executive director shall also immediately notify CDE when the BOCES learns:

- a. the employee has forfeited any bail, bond or other security deposited to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or
- b. the employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The executive director shall also notify CDE when:

- a. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the BOCES employee is the suspected perpetrator and was acting in an official capacity as an employee of the BOCES.
- b. The BOCES reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Adopted: Northwest Colorado BOCES

Revised: September 9, 2010
May 12, 2016
November 8, 2018

LEGAL REFS.: C.R.S. 19-3-301 *et seq.* (*Child Protection Act of 1987*)
1 CCR 301-37, Rules 2260.5-R-15.00 *et seq.* (*mandatory reporting requirements*)
C.R.S. 22-32-110 (1)(h) (*power to discharge/terminate employment*)

CROSS REF.: GCA, Professional Staff Positions