

Section A contains policies, regulations, and exhibits on the district's legal role in providing public education and the basic principles underlying School Board governance. These policies provide a setting for all of the School Board's other policies and regulations. Included in this section are policies on nondiscrimination, educational philosophy, and accountability.

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## **Nondiscrimination/Equal Opportunity**

The Board is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public may be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information and conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

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

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

This policy and supporting regulation(s) will be used to address all concerns regarding unlawful discrimination and harassment. Alleged conduct regarding sex-based discrimination and sexual harassment will follow the complaint and investigation procedures specific to this conduct.

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

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

violation of Board policy.

### **Annual notice**

The district will issue a written notice prior to the beginning of each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the district will also issue written notice that it does not discriminate on the basis of age, genetic information or conditions related to pregnancy or childbirth. The announcement will also include the name, address, email address and telephone number of the person(s) designated to coordinate Title IX, Section 504 and ADA compliance activities.

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

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

### **Harassment is prohibited**

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

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

### **Reporting unlawful discrimination and harassment**

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

Any employee, applicant for employment or member of the public who believes they have been a target of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, must file a complaint with either an

immediate supervisor or the district's compliance officer.

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

### **District action**

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

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

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

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

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

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

### **Notice and training**

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

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

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

Adopted: March 27, 2000  
Revised: September 12, 2012  
Revised: February 5, 2020  
Revised: September 2, 2020

LEGAL REFS.: 20 U.S.C. §1681 (*VII, Education Amendments of 1972*)  
20 U.S.C. §1701-1758 (*Equal Employment Opportunity Act of 1972*)  
29 U.S.C. §621 *et seq.* (*Age Discrimination in Employment Act of 1967*)  
29 U.S.C. §701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)  
42 U.S.C. §12101 *et seq.* (*Title II of the Americans with Disabilities Act*)  
42 U.S.C. §2000d (*Title VI of the Civil Rights Act of 1964, as amended in 1972*)  
42 U.S.C. §2000e (*Title VII of the Civil Rights Act of 1964*)  
42 U.S.C. §2000ff *et seq.* (*Genetic Information Nondiscrimination Act of 2008*)  
34 C.F.R. Part 100 through Part 110 (*civil rights regulations*)  
C.R.S. 2-4-401 (13.5) (*definition of sexual orientation, which includes transgender*)  
C.R.S. 18-9-121 (*bias-motivated crimes*)  
C.R.S. 22-32-109 (1) (II) (*Board duty to adopt written policies prohibiting discrimination*)  
C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)  
C.R.S. 24-34-301 *et seq.* (*Colorado Civil Rights Division*)  
C.R.S. 24-34-301 (7) (*definition of sexual orientation, which includes transgender*)  
C.R.S. 24-34-402 *et seq.* (*discriminatory or unfair employment practices*)  
C.R.S. 24-34-402.3 (*discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees*)  
C.R.S. 24-34-601 (*unlawful discrimination in places of public accommodation*)  
C.R.S. 24-34-602 (*penalty and civil liability for unlawful discrimination*)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity  
GBAA, Sexual Harassment  
JB, Equal Educational Opportunities  
JBB\*, Sexual Harassment

## **Nondiscrimination/Equal Opportunity**

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law, Weld County School District RE-5J does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment, or members of the public on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth, is also prohibited in accordance with state and/or federal law.

Complaint procedures have been established for students, parents, employees, and members of the public. The following person(s) have been identified as the compliance officer for the district:

Ms. Brandi Trevino, Title IX Coordinator  
Weld County School District RE-5J  
110 S. Centennial Dr., Ste. A  
Milliken, CO 80543  
Telephone number: 970-587-6158  
Email: [btrevino@weldre5j.org](mailto:btrevino@weldre5j.org)

### **Outside agencies**

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex, gender), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

Issued: prior to 2018  
Revised and recoded: February 19, 2020  
Reviewed and revised: November 9, 2022

**Nondiscrimination/Equal Opportunity**  
(Complaint Form)

Date: \_\_\_\_\_

Name of complainant: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Please check here for allegations of sex-based discrimination and/or sexual harassment. (Note: Investigator will use investigation procedures consistent with allegations of sex-based discrimination and/or sexual harassment).

Summary of alleged unlawful discrimination or harassment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of individual(s) allegedly engaging in prohibited conduct:

\_\_\_\_\_  
\_\_\_\_\_

Date(s) alleged prohibited conduct occurred:

\_\_\_\_\_

Name(s) of witness(es) to alleged prohibited conduct:

\_\_\_\_\_

If others are affected by the possible unlawful discrimination or harassment, please give their names:

\_\_\_\_\_

Your suggestions regarding resolving the complaint: \_\_\_\_\_

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Please describe any corrective action you wish to see taken with regard to the alleged unlawful discrimination or harassment. You may also provide other information relevant to this complaint.

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\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person receiving complaint

\_\_\_\_\_  
Date

Issued: February 5, 2020  
Revised: September 2, 2020



## **Nondiscrimination/Equal Opportunity** (Complaint and Compliance Process)

The district is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The district must promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint will be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

### **Definitions**

1. **“Compliance officer”** means a district employee designated by the Board to receive complaints of alleged unlawful discrimination and harassment. The compliance officer must be identified by name, address, telephone number, and email address (see exhibit AC-E-1). If the designated individual is not qualified or is unable to act as such, the superintendent must designate another district employee who will serve until a successor is appointed by the Board.
2. **“Aggrieved individual”** means a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.

### **Compliance officer’s duties**

The compliance officer is responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment. The compliance officer’s duties include: providing notice to students, parents/guardians of students, employees, and the general public concerning the compliance process; providing training for district staff regarding the prohibition of discrimination/harassment in all district programs, activities, and employment practices; disseminating information concerning the forms and procedures for the filing of complaints; ensuring the prompt investigation of all complaints; coordinating hearing procedures; and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

## **Complaint procedure**

An aggrieved individual is encouraged to promptly report the incident as provided in Board policy and this regulation. All reports received by teachers, counselors, principals, or other district employees must be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint must be forwarded to the superintendent.

Any aggrieved individual may file with the compliance officer a complaint charging the district, another student, or any district employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint are encouraged to use the district's complaint form in AC-E-2.

All complaints must include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint must be made as soon as possible after the incident.

All Reports and complaints shall not be accepted for investigation more than one-hundred eighty (180) calendar days after the last date on which the alleged harassment or discrimination occurred. Extensions may be granted upon showing that the aggrieved individual was prevented from timely filing as a result of circumstances beyond his/her control.

The compliance officer must confer with the aggrieved individual and/or the alleged target of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 10 school days following the compliance officer's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 10 school days following the initial meeting with the aggrieved individual and/or alleged target, the compliance officer must attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. Such person(s) must be informed of all allegations that, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the compliance officer must explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the target and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer must also explain that whether or not the individual files a written complaint or otherwise requests action, the district is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment, or retaliation against anyone who makes a report or

participates in an investigation. The compliance officer must also explain that any request for confidentiality will be honored so long as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

### **Informal action**

If the aggrieved individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the compliance officer believes that the matter is suitable to such resolution, the compliance officer may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party may be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution may not be used to process complaints against a district employee and may not be used between students where the underlying offense involves sexual assault or other acts of violence.

### **Formal action**

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer must promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The compliance officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

- a. statements by any witness to the alleged incident;
- b. evidence about the relative credibility of the parties involved;
- c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;
- d. evidence of the aggrieved individual and/or alleged target's reaction or change in behavior following the alleged prohibited conduct;
- e. evidence about whether the alleged target and/or aggrieved individual took action to protest the conduct;
- f. evidence and witness statements or testimony presented by the parties involved;
- g. other contemporaneous evidence; and/or
- h. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances must be considered by the compliance officer, including:

- a. the degree to which the conduct affected one or more student's education or one or more employee's work environment;
- b. the type, frequency, and duration of the conduct;

- c. the identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged target
- d. the number of individuals alleged to have engaged in the prohibited conduct and number of targets of the prohibited conduct;
- e. the ages of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged target
- f. the size of the school, location of the incident, and context in which it occurred; and
- g. other incidents at the school.

The compliance officer must prepare a written report containing findings and recommendations, as appropriate, and submit the report to the superintendent within 10 school days following the compliance officer's receipt of the complaint or 10 school days following the termination of the informal resolution process.

The compliance officer's report must be advisory and must not bind the superintendent or the district to any particular course of action or remedial measure. Within five school days after receiving the compliance officer's findings and recommendations, the superintendent or designee must determine any sanctions or other actions deemed appropriate, including appropriate recommendations to the Board for disciplinary or other action.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be notified in writing of the final outcome of the investigation and all steps taken by the district within five school days following the superintendent's and/or Board's determination.

### **Hearing procedure**

For allegations under Section 504 and as otherwise required by law, the aggrieved individual may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences, which are instead governed by the Board's discipline policies and procedures.

The district must retain a person to serve as the impartial hearing officer, who must be knowledgeable about Section 504 and/or the ADA, if applicable. The hearing must be informal and must be recorded. Formal rules of evidence do not apply. A student is entitled to be represented by their parent/legal guardian or by an attorney. An employee is entitled to be represented by an attorney or other representative of their choice. The complainant may appear at the hearing and is entitled to present testimony and other evidence. A district representative is likewise entitled to present testimony and other evidence. The hearing must be closed to the public.

Within 10 school days after the hearing, the hearing officer must issue a written decision based upon evidence presented at the administrative hearing, including any remedial or

corrective action deemed appropriate. Remedial actions include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

After the hearing officer has issued the decision, the recording of the hearing, all physical and documentary evidence, and all other items comprising the record of the hearing must be returned to the district.

Either party may seek review of the hearing officer's decision in a court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

Nothing contained herein may be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation, or agreement expressly conferring such right. This process applies, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation, or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement will govern.

### **Outside agencies**

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR), U.S. Department of Education, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582. Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Federal Office of Equal Employment Opportunity Commission (EEOC), 303 E. 17th Avenue, Suite 410, Denver, CO 80203. Telephone: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. ASL Video Phone: 844-234-5122. Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD), 1560 Broadway, Suite 825, Denver, CO 80202. Telephone: 303-894-2997 or 800-886-7675. Fax: 303-894-7830. Email: [DORA\\_CCRD@state.co.us](mailto:DORA_CCRD@state.co.us) (general inquiries), [DORA\\_CCRDIntake@state.co.us](mailto:DORA_CCRDIntake@state.co.us) (intake unit)

Adopted: September 2, 2020

## **Sexual Harassment Investigation Procedures** (Title IX)

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including sexual harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sex-based discrimination or harassment or participates in a harassment investigation.

### **Definitions**

For purposes of this regulation, these terms have the following meanings:

- **“Complainant”** means an individual who is alleged to be the target of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Decision Maker”** means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged sexual harassment. The decision maker may not be the Title IX Coordinator or the investigator.
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control over both the complainant and respondent and the context in which the sexual harassment occurs.
- **“Investigator”** means an individual trained to objectively evaluate the credibility of parties and witnesses, synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each situation. The investigator may be the Title IX Coordinator, but cannot be the decision maker.
- **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Sexual Harassment”** means conduct on the basis of sex that
  - satisfies one or more of the following:
    1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
  3. Sexual assault, dating violence, domestic violence, or stalking.
- **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.
  - **“Title IX Coordinator”** means the employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities.

### **Filing a complaint**

A complainant, or a parent or guardian with the legal right to act on the complainant's behalf, may file a complaint. Complaints must be filed in writing and signed by the complainant. Forms for this purpose are available at the district website or administration building at 110 S. Centennial Drive, Milliken, CO 80543. Completed forms must be filed with the Title IX Coordinator. If a complaint form is given to a district employee, the district employee will promptly forward the complaint to the Title IX Coordinator. An alternate will be designated in the event it is claimed that the respondent is the one who committed the alleged discrimination or some other conflict of interest exists. Complaints must be filed within 180 days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence. The complainant will receive assistance as needed in filing a complaint.

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation, is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

### **Investigation**

Once a complaint is received, the Title IX Coordinator or investigator (“investigator”) will first determine if the alleged conduct occurred in the district's education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.

Following this determination, the investigator will begin the investigation in a reasonably prompt manner and adhere to the following:

- The investigator must apply the “presumption of innocence” standard during the course of the investigation.
- The investigator must adhere to all timeframes. If a timeframe cannot be met, the investigator will notify the complainant, respondent, and decision maker.
- The investigator will protect the complainant from inappropriate questions and evidence about the complainant’s prior sexual history.
- The investigator must provide written notice of the allegations to the parties involved.
- The investigation may also include, but is not limited to, the following:
  - Implementation of supportive measures for both the complainant and the respondent;
  - A request for the complainant to provide a written statement regarding the nature of the complaint;
  - A request for respondent to provide a written statement;
  - A request for witnesses identified during the course of the investigation to provide a written statement;
  - Interviews of the complainant, respondent, or witnesses; and
  - Review and collection of documentation or information deemed relevant to the investigation.
- Within a reasonably prompt timeframe, the investigator must issue a report to the decision maker. After finalizing the report, the investigator will provide a copy to the complainant and respondent and will wait ten days prior to providing the report to the decision. The investigator’s report must be advisory and must not bind the decision maker to any particular course of action or remedial measure.

## **Decision**

The decision maker will apply the preponderance of the evidence standard when making a decision and must notify the complainant and respondent of the decision. The decision must include a written determination regarding responsibility, explain how and why the decision maker reached the conclusions outlined in the report, and detail any disciplinary measures taken in response to the conduct. The decision of the decision maker in no way prejudices either the complainant or the respondent from seeking redress through state or federal agencies, as provided in law.



## **Appeal**

The investigation is closed after the decision maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the decision maker detailing why the decision should be reconsidered.

## **Notice and training**

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

All students and district employees will receive periodic training related to recognizing and preventing sexual harassment. District employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district's website.

Adopted: September 2, 2020  
Revised: February 1, 2023

## **School District Mission**

In the spirit of cooperation with our communities, the Johnstown-Milliken School District, Weld County RE-5J shall strive to provide a safe environment and dedicates itself to providing all students challenging, meaningful learning experiences that will lead to life-long achievement and productivity in society.

Adopted: February 25, 1985

Reviewed: March 23, 1998

Revised: July 9, 2001

Revised: February 5, 2020

LEGAL REF.: C.R.S. 22-32-109.1 (1.5) *(requirement that mission statement reflect safety for students and staff as a priority)*

CROSS REF.: ADA, School District Educational Objectives

## **School District Educational Objectives**

In keeping with its belief that the achievement of significant education outcomes shall be a major goal as well as a measure of success for each student, the Board of Education adopts the following:

- Students shall demonstrate the skills and attitudes of critical thinking, problem solving, decision-making, intellectual curiosity and artistic expression which form the foundation of life-long learning.
- Students shall demonstrate the social skills, academic knowledge and attitudes required to be productive citizens in a culturally diverse society.
- Students shall demonstrate proficiency in the basic academic skills of reading competency and comprehension, communication (including writing, speaking and listening), social science, scientific knowledge and processes, mathematics and technology.
- Students shall demonstrate the job acquisition, job retention and marketable job skills necessary to be effective, productive workers in the 21st century.

Adopted: August 15, 1994

Reviewed: March 23, 1998

Revised: February 5, 2020

CROSS REFS.: AD, School District Mission  
IHBK\*, Preparation for Postsecondary and Workforce Success

## **Tobacco-Free Schools**

To promote the general health, welfare and well-being of students and staff, smoking, chewing or any other use of any tobacco products by staff, students and members of the public is prohibited on all school property.

Possession of any tobacco product by students is also prohibited on school property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented, or otherwise used or contracted for by a school, including but not limited to the following:
  - a. All indoor facilities and interior portions of any building or other structure used for students or children under the age of 21 for instruction, educational or library services, routine health care, daycare, or early childhood development services, as well as for administration, support services, maintenance, or storage. The term does not apply to buildings used primarily as residences *such as*, i.e., teacherages.
  - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking areas.
  - c. All vehicles used by the district for transporting students, staff, visitors, or other persons.
  - d. At a school-sanctioned activity or event.
2. "Tobacco" product" means:
  - a. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to e-cigarettes, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or liquid nicotine/e-liquids; and
  - b. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
  - c. "Tobacco" product" does not include product that has been approved by the appropriate federal agency as a tobacco use cessation product.
3. "Use" means lighting, chewing, inhaling or smoking, ingesting, inhaling, vaping, or application of any tobacco product.

Signs will be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with

state law and district policy. This policy will be published in all employee and student handbooks, posted on bulletin boards and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

Adopted: March 27, 2000  
Reviewed: August 14, 2000  
Revised: February 19, 2020  
Revised: September 16, 2020

LEGAL REFS.: 20 U.S.C. §60837971 *et seq.* (*prohibits smoking in any indoor facility used to provide educational services to children*)  
C.R.S. 18-13-121 (*furnishing tobacco products to persons under 21 years old*)  
C.R.S. 22-32-109 (1)(bb) (*policy required prohibiting use of tobacco products on school grounds*)  
C.R.S. 22-32-109.1 (2)(a)(I)(H) (*policy required as part of safe schools plan*)  
C.R.S. 25-14-103.5 (*tobacco use prohibited on school property*)  
C.R.S. 25-14-301 (*Teen Tobacco Use Prevention Act*)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
KFA, Public Conduct on District Property

## Safe Schools

The Board of Education recognizes that effective learning and teaching takes place in a safe, secure and welcoming environment and that safe schools contribute to improved attendance, increased student achievement and community support. Safe schools are a priority of the district and the district is committed to providing a safe environment in school, on school vehicles and at school-sponsored activities. To that end, the Board directs the superintendent to develop and maintain a safe schools plan that includes:

1. Procedures that address the supervision and security of school buildings and grounds.
2. Procedures that address the safety and supervision of students during school hours and school-sponsored activities.
3. Procedures that address persons visiting school buildings and attending school-sponsored activities.
4. Training programs for staff and students in crisis prevention and management.
5. Training programs for staff and students in emergency response procedures that include practice drills.
6. Training programs for staff and students in how to recognize and respond to behavior or other information that may indicate impending violence or other safety problems.
7. Training and support for students that aims to relieve the fear, embarrassment and peer pressure associated with reporting behavior that may indicate impending violence or other safety problems.
8. Procedures for safe, confidential reporting of security and safety concerns at each school building.
9. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security needs of each school building and to provide recommendations for improvements if necessary.
10. Procedures for regular assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate at each district building.
11. Procedures to provide for regular communications between district officials, law enforcement officers, fire department officials, city and county officials and local medical personnel to discuss crisis prevention and management strategies, including involvement by these parties in the development and revision of crisis prevention and management plans.
12. Training programs for staff and students in safety precautions and procedures related to fire prevention, natural disaster response, accident prevention, public health, traffic, bicycle and pedestrian safety,

environmental hazards, civil defense, classroom and occupational safety, and special hazards associated with athletics and other extracurricular activities.

13. Procedures for the reporting of criminal activity to law enforcement.
14. A child sexual abuse and assault prevention plan, including comprehensive, age-appropriate curricula regarding child sexual abuse and assault awareness and prevention and professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault.
15. Procedures for notifying parents of an employee's criminal charges when such notification is required by state law.

Each building principal shall be responsible for the supervision and implementation of the safe schools program at his or her school. The principal shall submit annually, in the manner and by the date specified by the State Board of Education, a written report to the Board of Education concerning the learning environment in the school during that school year. The report shall contain, at a minimum, the information required by law.

The annual safety reports from every school in the district shall be compiled and submitted to the state department of education in a format specified by the State Board of Education. The report shall be made available to the public.

Adopted: August 13, 2001

Revised: February 5, 2020

Revised: November 18, 2020

LEGAL REFS.: C.R.S. 9-1-101 through 9-1-106 (*construction requirements, fire escapes, etc.*)  
C.R.S. 22-1-130(6) (*safe school plan must include parent notification of employee criminal charges*)  
C.R.S. 22-3-101 through 22-3-104 (*eye protective devices*)  
C.R.S. 22-32-109.1 (1)(b.5) (*definition of "community partners" that board may wish to consult with in developing and implementing its safe schools plan*)  
C.R.S. 22-32-109.1 (2) (*safe school plan*)  
C.R.S. 22-32-109.1 (2)(b) (*detailing information required in annual principal reports on the learning environment*)  
C.R.S. 22-32-109.1 (2.5) (*districts are "encouraged" to adopt a child sexual abuse and assault prevention plan as part of a safe school plan*)  
C.R.S. 22-32-110 (1)(k) (*board authority to adopt policies related to employee safety and official conduct*)  
C.R.S. 22-32-124 (2), (3) (*building inspections*)  
C.R.S. 24-10-106.5 (*duty of care*)

CROSS REFS.: ECA/ECAB, Security/Access to Buildings  
KDE, Crisis Management (Safety, Readiness and Incident Management Planning)  
KDBA\*, Parent Notification of Employee Criminal Charges

KI, Visitors to Schools



## Safe Schools

Pursuant to C.R.S. 22-32-109.1 (2)(b), the following information shall be included in the annual safe schools report from the principal to the Board of Education for the preceding school year:

1. total enrollment for the school
2. average daily attendance rate at the school
3. dropout rates for grades seven through twelve, if such grades are taught at the school
4. average class size for each public elementary, middle school or junior high school, and senior high school calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school
5. the school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying programs
6. number of conduct and discipline code violations, which shall be reported only in the most serious category applicable to each violation, including but not limited to specific information on identifying the number of and the action taken with respect to each of the following types of violations:
  - a. possessing a dangerous weapon on school grounds, in a school vehicles, or at a school activity or sanctioned school events without the authorization of the school or the school district
  - b. use or possession of alcohol on school grounds, in a school vehicles, or at a school activity or sanctioned event
  - c. use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicles, or at a school activity or sanctioned event
  - d. unlawful use, possession, or sale of marijuana on school grounds, in a school vehicles, or at a school activity or sanctioned event
  - e. use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event
  - f. being willfully disobedient, openly and persistently defiant, or repeatedly interfering with the school's ability to provide educational opportunities to and a safe environment for other students
  - g. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that if committed by an adult would be considered first or second degree assault or vehicular assault
  - h. behavior on school grounds, in a school vehicle, or at a school activity or

sanctioned event that is detrimental to the welfare or safety of other students or school personnel, including but not limited to incidents of bullying, and other behavior that creates a threat of physical harm to the student or to other students

- i. willful destruction or defacement of school property
- j. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault or disorderly conduct
- k. commission of an act on school grounds, in a school vehicle or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery
- l. the number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event *[NOTE: Any information provided as a part of this subparagraph must be reported as aggregate data and must not include any personally identifying information. Sexual violence is defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.]*
- m. other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record

For purposes of the report, "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:

- in-school suspension
- out-of-school suspension
- classroom removal in accordance with board policy
- expulsion
- referral to a law enforcement (including any law enforcement agency, law enforcement officer or school resource officer)
- any other form of discipline, which shall be officially identified as part of a board policy

Issued: prior to 2018  
Revised: February 5, 2020

## Innovation in Education

The Board commits to focus its attention and energy on the quality of education provided in the school district. The Board also believes in and supports student learning through a menu of educational options that meet the needs of all students. These two priorities set the context for the Board's comprehensive plan to improve student achievement for all district students.

One way the Board may improve student achievement and also provide a broader range of educational options is by encouraging its schools to seek designation as an "innovation school" or "innovation school zone." In accordance with state law, the Board may delegate to its schools a high degree of autonomy in implementing curriculum, making personnel decisions, organizing the school day, determining the most effective use of resources, and generally organizing the delivery of high-quality educational services. That autonomy is reflected in the Board's designation of a school as an "innovation school." A group of schools within the district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary or secondary education, may jointly submit a plan to the Board to create an "innovation school zone."

Pursuant to the Board's constitutional authority to control instruction in its schools, as well as the Board's duty to determine the educational programs to be carried on in its schools, the decision to approve or deny a request to become an innovation school or innovation school zone lies exclusively with the Board. The Board shall continue to govern all approved innovation schools or schools in an innovation school zone in accordance with the Board's constitutional and statutory role.

The Board may initiate and collaborate with one or more district schools to create an innovation school or innovation school zone. When initiating an innovation school or innovation school zone, the Board shall ensure that each public school that would be affected has an opportunity to participate in the creation of the plan. The Board may also approve or create an innovation school zone that includes all of the district's schools.

To seek designation as an innovation school or innovation school zone, the applicant shall follow the procedures prescribed in the regulation accompanying this policy. These procedures require the applicant to provide, among other information, evidence that a majority of the administrators and teachers employed at each school consent to designation as an innovation school or school zone, as well as evidence that a majority of the school accountability committee at each affected school consent to designation as an innovation school or school zone. The applicant must also provide a statement of the level of support for designation as an innovation school or school zone, including input from school employees other than teachers and administrators; students and parents of students enrolled in the school(s); and

the community surrounding the school(s).

### **Focus areas**

The Board encourages the development of an innovation school or innovation school zone that will:

- serve the needs of students at risk of educational failure, as evidenced by student performance on state assessments and other evidence used by the district.
- improve student achievement.
- provide an educational program with student performance standards and curriculum that meets or exceeds the district's academic standards.
- provide diverse approaches to learning and education to best meet its student population.
- better allocate resources for the benefit of students served.

### **Limitations**

The Board shall not approve an application for an innovation school or school zone that will:

- exclusively serve high-performing students, as evidenced by student performance on state assessments and other evidence used by the district.
- provide an educational program with student performance standards and curriculum that fails to meet or exceed the district's academic standards.
- fail to meet the needs of the students served.

An innovation school or innovation school zone shall start at the beginning of the school year following the date the application is approved, unless another starting time is agreed upon by the Board and the applicant school(s). The period for which a new innovation school or innovation school zone may be approved is three years academic year(s). In accordance with state law, the Board shall review any approved innovation school or innovation school zone's performance at least every three years. Renewal of an innovation school or innovation school zone shall be for specified periods of time.

Once the Board approves an application to become an innovation school or innovation school zone, the Board may seek designation as a district of innovation from the State Board of Education. This step may be necessary to obtain the waivers of state law or regulation identified in the plan or to waive selected provisions of a collective bargaining agreement as provided in state law.

Adopted: February 19, 2020

LEGAL REFS.: Colo. Const. Art. IX, Sect. 15 (*board has control of instruction within the district*)  
C.R.S. 22-11-101 *et seq.* (*Education Accountability Act of 2009*)  
C.R.S. 22-32-109 (1)(f)(l) (*board may delegate duty to employ personnel to innovation school*)  
C.R.S. 22-32-109 (1)(t) (*board duty to determine educational program and prescribe textbooks*)  
C.R.S. 22-32-110 (1)(h) (*board may delegate authority to terminate personnel to innovation school*)  
C.R.S. 22-32.5-101 *et seq.* (*Innovation Schools Act of 2008*)

CROSS REF.: AEE\*, Waiver of State Law and Regulation

## **Innovation in Education**

The Innovation Schools Act of 2008 “strongly encourages” local boards of education to consider innovations in the following areas:

1. Curriculum and academic standards and assessments.
2. Accountability measures, including but not limited to expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted by an innovation school or an innovation school zone may include, but need not be limited to:
  - a. use of graduation or exit examinations;
  - b. use of end-of-course examinations;
  - c. use of student portfolio reviews;
  - d. use of national and international accountability measures such as the national assessment of educational progress and the program for international student assessment;
  - e. measuring the percentage of students continuing into higher education; and
  - f. measuring the percentage of students simultaneously obtaining a high school diploma and an associate’s degree or a career and technical education certificate.
3. Provision of services, including but not limited to special education services; services for gifted students; services for English language learners; educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the department of human services or county social services agencies.
4. Teacher recruitment, training, preparation and professional development.
5. Teacher employment.
6. Performance expectations and evaluation procedures for teachers and principals.
7. Compensation for teachers, principals and other school building personnel, including but not limited to performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits.
8. School governance and the roles, responsibilities and expectations of principals in innovation schools or schools within an innovation school zone.
9. Preparation and counseling of students for transition into higher education or the work force.

Issued: February 5, 2020

## **Innovation in Education**

(Procedures for Establishment and Review of  
Innovation Schools and Innovation School Zones)

### **A. Review by school accountability committee**

Prior to submission of an application to the Board of Education, the innovation school applicant shall submit the application to the school accountability committee for review and comment. If the application is to become an innovation school zone, the applicant shall submit the application to each school accountability committee within the proposed zone for review and comment. The school accountability committee(s) shall have 14 days to review the proposal.

### **B. Date for submission of application**

Applications will be accepted prior to August 30<sup>th</sup> for school(s) beginning the following academic year. However, the Board and the applicant may mutually waive this deadline. Applications are to be submitted to the Superintendent.

### **C. Contents of the application**

In accordance with state law, the application to become an innovation school or innovation school zone shall include:

#### **1. Mission**

Provide a statement of the school's mission and why designation as an innovation school or innovation school zone would enhance the school's ability to achieve its mission.

#### **2. Innovations**

Describe the innovations the school or school zone would implement. If the application is to become an innovation school, indicate whether the school will operate as a community school, in accordance with the requirements of state law.

#### **3. Affected programs, policies and operational documents**

List the programs, policies and operational documents within the school or school zone that would be affected by the identified innovations and the manner in which they would be affected. These may include, but not be limited to, the following:

- a. the research-based educational program the school or school zone would implement;
- b. the length of school day and school year at the school or school zone;
- c. the student promotion and graduation policies to be implemented at the school or school zone;
- d. the assessment plan for the school or school zone;
- e. the proposed budget for the school or school zone; and
- f. the proposed staffing plan for the school or school zone.

#### **4. Academic performance**

Identify the improvements in academic performance the school or school zone expects to achieve in implementing its identified innovations.

#### **5. Cost savings and efficiencies**

Provide an estimate of the cost savings and increased efficiencies, if any, the school or school zone expects to achieve in implementing its identified innovations

#### **6. Support**

- a. Provide evidence that a majority of the administrators and teachers employed at each school consent to designation as an innovation school or school zone.
- b. Provide evidence that a majority of the school accountability committee at each school consent to designation as an innovation school or innovation school zone.
- c. Provide a statement of the level of support for designation as an innovation school or innovation school zone, including input from school employees other than teachers and administrators; students and parents of students enrolled in the school(s); and the community surrounding the school(s).
- d. If the application is to become an innovation school zone, the statement of support shall include specific input regarding the selection of schools included in the innovation school zone and input regarding the strategies and procedures that would be used to implement and integrate the innovations within the schools.

#### **7. Waivers**

- a. Provide a description of any statutory sections or any regulatory or district policy requirements that would need to be waived for the school or school zone to implement its identified innovations.
- b. Provide a description of any provision of the collective bargaining agreement(s) in effect for the personnel at the school or school zone that would need to be waived for the school or school zone to implement its identified innovations.

#### **8. Additional information**

Provide any additional information that supports the request to become an innovation school or innovation school zone. A plan for creating an innovation school zone shall also include:

- a. A description of how innovations in the schools would be integrated to achieve results that would be less likely to be accomplished in each school working alone.



- b. An estimate of the economies of scale that would be achieved by innovations implemented jointly by the schools within the innovation school zone.

#### **D. Submission procedures**

No application fee will be charged by the Board.

The applicant must provide two original copies of the completed application printed single-sided on white paper, not stapled.

#### **E. Incomplete application**

If the application is incomplete, the Board will request additional information from the applicant and give the applicant a reasonable opportunity to provide additional information to the Board for review. The parties may mutually agree to waive any deadlines during the application process, including extending the deadline for Board consideration of the application.

#### **F. Decision on the application**

The Board shall make a decision, by resolution, on the application to become an innovation school or innovation school zone in a regular or special meeting. The Board's decision shall be made within 60 days after receipt of the official application, unless the parties have mutually agreed in writing to extend this deadline.

If the Board denies the plan, it shall provide a written explanation of the basis for its denial.

A new innovation school or innovation school zone may be approved for a period of 3 academic year(s).

#### **G. Amending the application**

If the Board denies the application, the applicant shall have 7 days to amend the application and resubmit it to the Board. The Board will then have 30 days to make a decision on the amended application.

If the application is denied again, the Board's decision shall be final and no further appeal or amendments may be submitted.

#### **H. Negotiations**

All negotiations between the Board and an approved innovation school or innovation school zone shall be concluded by and all terms agreed upon no later than 14 days after the Board resolution approving the innovation school or innovation school zone.

#### **I. Review**

The Board shall review the level of performance of the innovation school or innovation school zone within three years after the Board's approval of the plan and every three years thereafter. The Board's review shall include, but not be limited to, a determination whether the innovation school or innovation school zone is

achieving or making adequate progress toward achieving the academic performance results identified in its innovation plan.

If the Board determines the academic performance of students enrolled in the innovation school or innovation school zone is not improving at a sufficient rate, the Board may revoke the innovation status of the school or school zone or remove the underperforming school or schools from the innovation school zone.

The Board reserves the right to request information from an innovation school or innovation school zone and/or to review the performance of an innovation school or innovation school zone at any time. In addition, the Board reserves the right to revoke the innovation status or remove a school from an innovation school zone at any time and for any reason deemed sufficient by the Board.

#### **J. Revisions to innovation plan**

Once approved, the Board may revise the innovation plan in collaboration with the innovation school or innovation school zone. Revisions may include, but not be limited to, reviewing identified waivers of any collective bargaining agreement.

Any revision to the innovation plan shall require the consent of the majority of teachers and administrators employed at the innovation school or innovation school zone as well as the consent of a majority of each school accountability committee. Revision may also require the approval of members of the collective bargaining unit employed at the school(s), in accordance with state law.

Adopted: February 5, 2020

Revised: November 18, 2020

## School Wellness

The Board promotes healthy schools by supporting student wellness, including good nutrition, and regular physical activity as part of the total learning environment. Schools contribute to the basic health status of students by facilitating learning through the support and promotion of good nutrition and physical activity. Improved health optimizes student performance potential and educational success, as children who eat well-balanced meals and are physically active are more likely to be engaged and learn in the classroom and less likely to be absent.

### Goals

To further the Board's beliefs stated above, the Board adopts the following goals:

Goal #1. The district will provide a comprehensive learning environment to promote the development and practice of lifelong wellness behaviors.

The entire school environment, not just the classroom, will be aligned with healthy school goals to positively influence a student's understanding, beliefs, and habits as they relate to comprehensive wellness, including good nutrition and regular physical activity. Such learning environments will teach students to use appropriate resources and tools to make informed and educated decisions about lifelong healthy eating habits and beneficial physical activity, in accordance with the district's academic standards for comprehensive health education and physical education.

Goal #2. The district will implement and promote nutrition education and proper dietary habits contributing to students' health status and academic performance.

Nutrition education will be in accordance with the district's academic standards for comprehensive health education. All foods and beverages sold or provided to students on the school campus during the school day shall meet or exceed the district's nutrition standards. All schools participating in the School Breakfast and/or National School Lunch Program shall comply with state and federal rules or regulations regarding school meals, competitive food service and the Smart Snacks in School nutrition standards.

Goal #3. The district will promote healthy nutrition choices to create and encourage a healthy learning environment.

In accordance with applicable federal law, schools participating in the National School Lunch and/or Breakfast Programs shall comply with the Smart Snacks in the School nutrition standards in the marketing of any foods or beverages sold to students during the school day.

Goal #4. The district will provide more opportunities for students to engage in physical activity.

Physical activity will be included in a school's daily education program from grades pre- kindergarten through 12. Physical activity includes regular instructional physical education, in accordance with the district's academic standards for physical education, and opportunities throughout the school day, such as exercise programs, fitness

breaks, recess, field trips that include physical activity and classroom activities that include physical activity.

### **Implementation and review**

To help ensure each school's compliance with and implementation of this policy's goals, the Board will designate a district school wellness policy coordinator.

The district will establish and maintain a district-wide wellness advisory council. The council's purposes will be to monitor the implementation of this policy, evaluate the district's progress on this policy's goals, serve as a resource to schools (i.e. provide lists of healthy incentives, snacks, etc.) and periodically review and update this policy in accordance with federal law. The council will meet on a monthly basis.

At least once every three years, the council shall assess this policy and its implementation, which shall include an assessment of each participating school's compliance and progress with this policy's goals. The council may recommend policy revisions for the Board's consideration after conducting its triennial assessment and/or as the council deems appropriate or necessary.

### **Reporting and recordkeeping**

The results of the council's triennial assessments shall be made available to the public, along with a copy of this policy.

The district shall retain records to document compliance with this policy, including but not limited to documentation concerning the council's triennial assessments.

Adopted: June 23, 2006

Revised: December 14, 2016

Revised: June 28, 201

Revised: February 5, 2020

LEGAL REFS.: Section 204 of P.L. 111-296 (*Healthy, Hunger-Free Kids Act of 2010*) 7 C.F.R. Parts 201, 210 and 220 (*local school wellness policy requirements*)  
C.R.S. 22-32-134.5 (*healthy beverages requirement*)  
C.R.S. 22-32-136 (*policies to improve children's nutrition and wellness*)  
C.R.S. 22-32-136.3 (*trans fat ban*)  
C.R.S. 22-32-136.5(3)(a) and (b) (*physical activity requirement*)  
1 CCR 301-79 (*State Board of Education – healthy beverages rules*)

CROSS REFS.: EF, ~~Food Services~~ **School Nutrition Program**  
EFC, Free and Reduced-Price Food Services  
EFEA\*, Nutritious Food Choices  
IHAM and IHAM-R, Health and Family Life/Sex Education  
IHAMA, Teaching About Drugs, Alcohol and Tobacco  
JLJ\*, Physical Activity

## **School Wellness** (Implementing Objectives)

Goal #1. The district will provide a comprehensive learning environment to promote the development and practice of lifelong wellness behaviors.

The goal of providing a comprehensive learning environment will be accomplished by:

- The provision of age-appropriate and culturally sensitive instruction to students that teaches them lifelong healthy eating habits and a healthy level of physical activity.
- The participation of schools in USDA nutrition programs such as “Team Nutrition” and other nutrition education activities and promotions that involve students, parents and the community.
- Active promotion of healthy eating and physical activity to students, parents, school staff, and the community at school registration, parent-teacher meetings, open houses, staff in-services, etc.
- Encouragement to teachers to integrate nutrition education into core curriculum areas such as math, science, social studies, and language arts, as applicable.
- The availability of staff educational opportunities to inform them about nutrition and physical activity, including how to integrate these topics into their core instruction. These educational opportunities may include, but not be limited to, the distribution of educational and informational materials and the arrangement of presentations and workshops that focus on nutritional value and healthy lifestyles, health assessments, fitness activities, and other appropriate nutrition and physical activity-related topics.
- The availability of parent educational opportunities to inform them about nutrition and physical activity, including information about healthful foods and beverages to provide to their child and to bring to school activities and events. These educational opportunities may include, but not be limited to, education provided in the form of handouts, postings on the district’s website, articles and information provided in district or school newsletters, presentations that focus on nutritional value and healthy lifestyles, and through any other appropriate means available for reaching parents.

Goal #2. The district will implement and promote nutrition education and proper dietary habits contributing to students’ health status and positive academic performance.

The goal of implementing and promoting nutrition education proper dietary habits will be accomplished by:

- The availability of nutrition education in the school cafeteria as well as the classroom, with coordination between the district’s nutrition services staff and teachers, in accordance with the district’s academic standards for comprehensive health education.
- A requirement that all students have access to fresh fruits and vegetables throughout the school day.

- A requirement that all students have access to healthful food choices in appropriate portion sizes throughout the school day, including healthful meals in the school cafeteria with an adequate time to eat; healthful items in vending machines, and healthful items for fundraisers, classroom parties, and rewards in the schools.
- A prohibition or restriction on student access to vending machines, school stores, and other venues that contain foods of minimal nutritional value.
- The adoption of rules specifying the time and place at which competitive foods may be sold on school property to encourage the selection of healthful food choices by students.
- A prohibition or restriction on using food as a discipline or reward for students.
- Accessible information to students and their parents/guardians concerning the nutritional content of foods and beverages sold by or available to students, as well as the nutritional content of competitive foods sold or available on school district property.
- An assurance that the school cafeteria is as pleasant an eating environment as possible, including displays of student art, plants, natural light if possible, small tables, and reduced noise, if possible.
- A requirement or encouragement that at any school function (parties, celebrations, receptions, festivals, sporting events, etc.), healthy food choice options be made available to students.
- A requirement that schools offer lunch before recess to better support learning and healthy eating.
- A requirement that students be allowed at least 10 minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated.
- The encouragement of nonfood fundraisers, especially those promoting physical activity, such as flowers, gift-wrap, sporting events, walk--a--thons, jump rope for heart and family fun runs.
- A requirement that all students have access to a school facility with a sufficient number of functioning water fountains in accordance with local building codes, or other means to provide students with sufficient water.

Goal #3. The district will promote healthy nutrition choices to create and encourage a healthy learning environment.

The goal of promoting healthy nutrition choices to create and encourage a healthy learning environment will be accomplished by:

- To the greatest extent feasible, the marketing of food and beverage products on the exterior of vending machines and through posters, menu boards and other equipment on the school campus shall meet the Smart Snacks in School nutrition standards.
- Marketing shall encourage participation in school meal programs.

Goal #4. The district will provide daily opportunities for students to engage in physical activity.

The goal of providing daily opportunities for students to engage in physical activity will be accomplished by:

- A requirement that periods of physical activity be provided for elementary students in accordance with policy JLJ\*, Physical Activity and consistent with requirements of state law.
- A requirement or encouragement that periods of physical activity be at least 225 minutes per week for secondary students.
- A requirement that all students have access to age-appropriate daily physical activity.
- Increased opportunities for physical activity through a range of after-school programs including intramurals, interscholastic athletics and physical activity clubs.
- An encouragement that schools follow the recommendations of the National Association of Sport and Physical Education (NASPE), which guide students through a process that enables them to achieve a high personal level of fitness.
- An encouragement that secondary schools administer a health-related fitness assessment to students to help students determine their own level of fitness and create their own fitness goals and plans.
- An encouragement that beginning at an early age, schools introduce developmentally appropriate components of a health-related fitness assessment (i.e. Fitness Gram, Physical Best or President's Council) to students.
- The promotion of walking or bicycling to and from school using programs such as Walking School Bus and Bike Train.
- The availability of health-promotion activities and incentives for students, parents and staff that encourage regular physical activity, such as speakers, recreational demonstrations, and walking clubs.

Approved: June 28, 2017  
Revised: February 5, 2020

## **Accountability/Commitment to Accomplishment**

The Board accepts its ultimate responsibility for the academic accomplishments of district students. Consistent with this responsibility and as required by law, the Board shall adopt and maintain an accountability program to measure the adequacy and efficiency of the educational program.

In accordance with state law, the Board shall appoint or create a process for the election of a district accountability committee and shall determine if members shall be appointed or elected to school accountability committees. If elected, the Board shall create a process for the election of school accountability committees. See the accompanying regulation. The district accountability committee and school accountability committees shall have those powers and duties prescribed by state law. The Board and the district accountability committee shall, at least annually, cooperatively determine the areas and issues, in addition to budget issues, that the district accountability committee shall study and the issues on which it may make recommendations to the Board.

All district accountability committee meetings and school accountability committee meetings shall be open to the public. Meeting notices for district accountability committee meetings shall be posted in the same place and manner as notices of Board meetings. Notices for school accountability committee meetings shall be posted in the school.

Adopted: March 23, 1998  
Revised: August 10, 1998  
Revised: July 9, 2001  
Revised: February 5, 2020

LEGAL REFS.: C.R.S. 22-2-117 (*waivers from State Board of Education*)  
C.R.S. 22-11-101 *et seq.* (*Education Accountability Act of 2009*)  
C.R.S. 22-11-301 and 302 (*district accountability committee*)  
C.R.S. 22-11-401 and 402 (*school accountability committees*)-  
C.R.S. 24-6-402 (*open meetings law*)  
1 CCR 301-1, Rules 2202-R-2.011.00 *et seq.* (*accreditation rules*)

CROSS REFS.: AEA, Standards Based Education  
AED\*, Accreditation  
AEE\*, Waiver of State Law and Regulation  
DBD, Determination of Budget Priorities



## **Standards Based Education**

The Board supports a system of education that develops and teaches standards that enable students to achieve the highest level of knowledge and skills. Academic standards clearly identify what students should know and be able to do at key points in their school careers.

In accordance with state law, the Board has adopted a standards-based education system which focuses on student learning of the district's academic standards. It is the intent of the Board that the district's program of instruction and assessments be aligned with the district's academic standards. In standards-based education, courses and units of study are clearly defined, understood by teachers and students and communicated to staff members, families and the community. The district's standards-based education system will advance equity, promote student learning and reinforce accountability.

The superintendent shall be responsible for developing a plan to implement the district's academic standards that meet or exceed the model state academic standards and revise curriculum and programs of instruction to align them with the district's standards to provide students with the educational experiences necessary to achieve the standards. The plan shall also address the professional development of teachers and administrators to enable successful implementation of standards-based education. The plan shall ensure that the educational programs of the district actively address the needs of exceptional students and, consciously avoid gender or cultural bias and address the different learning styles and needs of students of various backgrounds and abilities and eliminate barriers to equity. The plan shall conform with all timelines established by law.

The district shall work with educators, parents, students, businesspersons, members of the community and the district accountability committee to review and revise the district's academic standards as necessary to ensure maximum effectiveness and develop assessments that will adequately measure each student's progress. Parents shall be kept informed of student progress in achieving the district's academic standards and how such progress will be measured. This information shall also be provided to the district accountability committee and school accountability committees.

Adopted: October 13, 1997

Reviewed: March 23, 1998

Revised: February 5, 2020

LEGAL REFS.: C.R.S. 22-1-104 (6)(a) (*financial assistance to develop and promote programs that address state academic standards for civics*)  
C.R.S. 22-7-4041013 (1) (*adoption of academic standards*)

C.R.S. 22-11-101 *et seq.* (*Education Accountability Act of 2009*)  
C.R.S. 22-32-109 (1)(r), (t) (*duty to comply with state regulations and determine programs*)

CROSS REFS.: AE, Accountability/Commitment to  
Accomplishment

## Accreditation

The Board of Education believes that its primary responsibility is to provide leadership in the area of student achievement. To foster greater accountability and enhance improvement in student achievement, the Board shall enter into an accreditation contract with the State Board of Education regarding district accreditation and shall accredit the schools within the district.

### District accreditation

The accreditation contract shall bind the Board to manage the district and its schools to meet certain standards, goals and requirements over the term of the contract, in accordance with the Education Accountability Act of 2009 and applicable State Board of Education rules.

In conjunction with accreditation, the Board is committed to adopting academic standards for student learning, achievement performance levels, systems for measuring student achievement and methods for improving student achievement.

### School accreditation

While the state accredits the district, the Board accredits the schools within the district, including district charter schools. The Board directs the superintendent to develop a school accreditation process for the Board's input and approval. Such process shall be developed in accordance with the Education Accountability Act of 2009.

Pursuant to the Board's constitutional and statutory authority to control instruction in its schools and determine the allocation of district resources, the Board shall review and approve all school plans, regardless of whether the plan is a performance, improvement, priority improvement or turnaround plan. Each school plan shall be submitted to the Colorado Department of Education in accordance with the timelines prescribed by applicable State Board of Education rules.

Adopted: October 25, 1999

Revised: August 27, 2001

Revised: February 5, 2020

LEGAL REFS.: Colo. Const. Art. IX, Sect. 15 (*board has control of instruction within the district*)  
C.R.S. 22-7-1013 (1) (*adoption of academic standards*)  
C.R.S. 22-11-101 *et seq.* (*Education Accountability Act of 1998 2009*)  
C.R.S. 22-11-307 (*board accreditation of district schools*)  
C.R.S. 22-30-105 (*school district organization planning process*)  
C.R.S. 22-30.5-104 (2)(b) (*district charter schools subject to accreditation by local board*)  
C.R.S. 22-32-109 (1)(t) (*board duty to determine educational program and prescribe textbooks*)  
C.R.S. 22-32-109 (1)(mm) (*Board duty to adopt policy for accreditation of district schools*)  
C.R.S. 22-32-142 (2) (*parent notice, public meeting and public*)

*hearing requirements for schools on priority improvement or turnaround status)*  
1 CCR 301-1, Rules 2202-R-0.00 (*accreditation rules State Board of Education rules for the Administration of the Accreditation of School Districts*)  
1 CCR 301-71 (*State Board of Education rules for the Administration, Certification and Oversight of Colorado Online Programs*)

CROSS REFS.: AE, Accountability/Commitment to Accomplishment  
AE-R, Accountability/Commitment to Accomplishment  
AEA, Standards-Based Education  
IHBK\*, Preparation for Postsecondary and Workforce Success  
IK, Academic Achievement  
IKA, Grading/Assessment Systems KB,  
Parental Engagement in Education

## **Waiver of State Law and Regulation**

The Board of Education believes that many state laws and regulations impede the district's progress toward achieving its mission. Therefore, the Board directs the superintendent to work with district legal counsel, the district accountability committee and school principals to:

1. Determine which state laws and regulations, if waived, would enhance educational opportunity and quality within the school district and reduce or eliminate costs that are significantly limiting educational opportunity within the district. This determination shall be made on a school-by-school basis and a district-wide basis.
2. Make recommendations to the Board regarding which state laws and regulations the Board should consider for waiver.

The Board must consider whether to apply for waivers in a public meeting that includes a public hearing. The Board shall consult with the district accountability committee concerning the intent to seek waivers at least 60 days prior to the scheduled public hearing.

In the Board meeting, which includes a public hearing, the Board shall adopt a resolution stating the Board's intent to apply for waivers and specifying the statutes or rules for which the Board will request waivers. In the waiver application, the Board shall state the manner in which the district will comply with the intent of the waived rule or statute and be accountable to the State Board of Education.

The Board shall post notice of the public meeting in three public places within the district, not less than 30 days prior to the meeting. The notice shall include a description of the waivers to be considered. If there is a newspaper published in the county, the Board shall also publish notice once a week for four weeks prior to the meeting.

Adopted: **September 10, 2001**

**Revised: February 5, 2020**

LEGAL REFS.: C.R.S. 22-2-117 (state Board power to grant waivers)  
1 CCR 301-35, Rules 2217-R-1.00 et seq. (waiver rules)

CROSS REF.: AE, Accountability/Commitment to Accomplishment

## **Accountability/Commitment to Accomplishment**

### **District accountability committee**

The district accountability committee will (DAC) shall consist of at least:

- three parents of students enrolled in district schools.
- one teacher employed by the district.
- one school administrator employed by the district.
- one person who is involved in business or industry in the community within the district's boundaries

A person may not serve in more than one of the required membership roles on the DAC. A person who is employed by the district or related to a district employee shall not be eligible to serve as a parent on the DAC. "Related" means the person's spouse, son, daughter, sister, brother, mother or father.

If, however, the district makes a good faith effort and is unable to identify a sufficient number of parents that meet these criteria, a person may serve as a parent on the DAC and also be employed by the district or related to a district employee.

The Board shall appoint persons to the DAC. In making these appointments, it shall ensure, to the extent practicable, that:

- the parents appointed reflect the student populations significantly represented within the district;
- at least one of the parents is a parent of a student enrolled in a district charter school authorized by the Board, if one exists; and
- at least one of the persons appointed has a demonstrated knowledge of charter schools.

If the Board chooses to increase the number of persons on the DAC, it shall ensure that the number of parents appointed exceeds the number of representatives from the group with the next highest representation.

Members of the DAC will serve terms of one year. The DAC shall select a parent representative to serve as chair or co-chair, who shall serve terms of 2 year(s). The DAC shall also establish a schedule of meetings and adopt general rules for its operation.

### **School accountability committees**

Each school accountability committee (SAC) shall consist of at least:

- three parents of students enrolled in the school elected by a vote of the parents/guardians of students enrolled in the school.

- one teacher who provides instruction at the school elected by a vote of all licensed professionals who provide instruction at the school or have an office in the school.
- the principal or the principal's designee.
- one person who is involved in business or industry in the community who is appointed by the principal.
- one adult member of an organization of parents, teachers and students recognized by the school.

A person may not serve more than one of the required membership roles on the SAC. If, after making good-faith efforts, a principal or an organization of parents, teachers and students is unable to find a sufficient number of persons who are willing to serve on the SAC, the principal, with advice from the organization of parents, teachers and students, may establish an alternate membership plan for the SAC. Such alternate plan shall reflect the require representation stated above as much as practicable.

The principal shall ensure, to the extent practicable, that the persons appointed or elected to the SAC reflect the student populations significantly represented within the school.

If the principal chooses to increase the number of persons on any SAC, the principal shall ensure that the number of parents elected exceeds the number of representatives from the group with the next highest representation.

Members of the SAC shall serve terms of two years. Vacancies shall be filled by majority action of the remaining members of the SAC. The SAC shall select a parent representative to serve as chair or co-chair, who shall serve a term of 2 years.

Adopted: March 23, 1998  
Revised: August 10, 1998  
Revised: July 9, 2001  
Revised: February 5, 2020