

New Sample BOCES Regulation

File: GBEB-R-2

NOTE: While Colorado BOCES are not required by law to adopt a regulation on this subject, CASB believes this sample contains the content/language that reflects "best practices" and assists in making the BOCES aware of criminal charges against BOCES employees that may trigger required notification to parents under state law. However, the BOCES should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Conduct (And Responsibilities)

Notice upon arrest for specific criminal offenses

An employee's criminal misconduct may constitute a violation of Board policy. Such criminal misconduct may also necessitate disciplinary action against the employee and require the BOCES to notify students' parents/guardians of the employee's criminal charges in accordance with state law.

In an effort to keep the BOCES apprised in a timely manner of potentially concerning behavior by its employees, an employee who is arrested for any of the following criminal offenses shall provide written notice to the executive director or designee. Such notice shall be provided prior to reporting to duty in the BOCES and no later than five days after the employee's arrest.

The required notice applies to the following criminal offenses:

1. felony child abuse, as specified in C.R.S. 18-6-401;
2. a crime of violence, as defined in C.R.S. 18-1.3-406(2), except second degree assault, unless the victim is a child;
3. a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
4. felony domestic violence, as defined in C.R.S. 18-6-800.3;
5. felony indecent exposure, as described in C.R.S. 18-7-302; or
6. a level 1 or level 2 felony drug offense, as described in C.R.S. 18-18-401 *et seq.*

Disciplinary action and parental notification

Upon receiving notification of an employee's arrest for one or more of the above-listed criminal offenses, the BOCES may conduct further investigation as it deems necessary and/or refer the matter to the Colorado Department of Education. Disciplinary action, including dismissal, may be taken against the employee as deemed appropriate by the BOCES, in accordance with applicable law and Board policy.

The BOCES may also notify students' parents/guardians when an employee is charged with any of the above-listed criminal offenses, in accordance with state law and applicable Board policy.

(Approval date)