

New Sample BOCES Policy

File: KDBA*

NOTE: Colorado BOCES are required by law to adopt a policy on this subject and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the BOCES should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Parent Notification of Employee Criminal Charges

The BOCES shall notify students' parents when a BOCES employee or former BOCES employee is charged with a specific criminal offense, as required by state law and in accordance with this policy.

Definitions

For purposes of this policy, the following definitions shall apply:

1. "Employee" shall mean a person currently employed by the BOCES or formerly employed by the BOCES at any time within twelve months prior to the person being charged with a specific criminal offense and whose work requires or required the employee to be in contact with students or whose work area gives or gave the employee access to students.
2. "Parents" shall mean a student's biological or adoptive parents or a student's legal guardian or legal custodian.
3. "School day" shall mean a day on which student instruction occurs at the school and school is in session. When school is not in session (e.g. summer break), "school day" shall mean business day and shall not include a Saturday, Sunday or legal holiday.
4. "Specific criminal offense" shall mean:
 - a. felony child abuse, as specified in C.R.S. 18-6-401;
 - b. 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;
 - c. a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
 - d. felony domestic violence, as defined in C.R.S. 18-6-800.3;
 - e. felony indecent exposure, as described in C.R.S. 18-7-302; or
 - f. a level 1 or level 2 felony drug offense, as described in C.R.S. 18-18-401 *et seq.*

Parent notification

The BOCES shall notify parents within two school days after the employee's preliminary hearing for a specific criminal offense is held, waived or deemed waived by the employee. If the specific criminal offense is not eligible for a preliminary hearing, the BOCES shall notify parents within two school days after the date on

which the employee is charged with a specific criminal offense. If the BOCES cannot determine whether a preliminary hearing will be held or has been held or waived, the BOCES shall notify parents within two school days of learning that the employee has been charged with a specific criminal offense.

The notification shall be to those parents of students:

1. enrolled in the school in which the employee is employed or was employed at the time of the alleged specific criminal offense; or
2. with whom the BOCES has reason to believe the employee may have had contact as part of his or her BOCES employment.

Alternatively, the BOCES may provide the parent notification required by this policy upon learning of the employee's arrest for a specific criminal offense from the Colorado Bureau of Investigation.

Within two school days after the BOCES confirms the disposition of the charge against the employee for a specific criminal offense, the BOCES shall notify parents of such disposition using the same notification method used in the initial notice to parents.

If a delay in parent notification is requested by the appropriate law enforcement agency, the BOCES shall delay notification to parents until the request is withdrawn.

(Adoption date)

LEGAL REFS.: C.R.S. 22-1-130 (*parent notification of employee criminal charges*)
C.R.S. 22-2-119 (4)(b) (*BOCES notification of employee arrests*)

CROSS REF.: GBEB, Staff Conduct (And Responsibilities)

NOTE: When the BOCES receives information from the Colorado Bureau of Investigation that an employee has been arrested for a specific criminal offense as defined by this policy, the BOCES "shall monitor the criminal proceedings" to determine whether the employee is charged with a specific criminal offense and whether a preliminary hearing has been held, if the charge is eligible for a preliminary hearing. C.R.S. 22-1-130(3)(a).