

# Revised Sample Regulation

File: GDE/GDF-R

*NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Support Staff Recruiting/Hiring**

### **Background checks**

Prior to hiring and in accordance with state law, the personnel office shall:

1. Conduct a background check through the Colorado Department of Education (the department) to determine the applicant's fitness for employment.

The department's records shall indicate if the applicant has been convicted of, pled *nolo contendere* to or received a deferred sentence for a felony or misdemeanor crimes involving unlawful sexual behavior, unlawful behavior involving children or domestic violence. The department shall provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior which was supported by a preponderance of evidence according to information provided to the department by a school district and confirmed by the department in accordance with state law. The department shall also provide information regarding whether the applicant's license or certification has ever been denied, suspended, revoked or annulled in any state, including but not limited to any information gained as a result of an inquiry to a national teacher information clearinghouse.

Information of this type that is learned from a different source shall be reported by the district to the department.

The department will not disclose any information reported by a school district unless and until the department confirms that the allegation resulted in the person's name being placed on the state central registry of child protection.

2. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

### **Credit reports**

The personnel office will not obtain a credit report on an applicant unless the office has first notified the individual in writing, in a document consisting solely of the notice, that the district would like to obtain a credit report and requesting the individual's written authorization to obtain the report. A credit report will only be requested when the applicant submits a written authorization.

The personnel office will not rely on a credit report in denying an application unless the office has first supplied the applicant with a disclosure that includes a copy of the credit report and a summary of the applicant's rights. If an application for employment is denied because of the credit report, the personnel office will give the applicant notice that the action has been taken, as well as:

1. the name, address and phone number of the credit bureau supplying the report;
2. a statement that the credit bureau was not involved in the decision to deny the application; and
3. a notice of the applicant's right to dispute the information in the report.

### **Fingerprinting**

1. All applicants selected for employment in a support staff position must submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized district or BOCES employee or any third party approved by the Colorado Bureau of Investigation.
2. Applicants selected for employment must also submit a completed form, as required by state law, to certify, under penalty of perjury, either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The form must specify the felony or misdemeanor, the date of conviction and the court entering judgment.
3. The school district will release the fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. When the results of the fingerprint-based criminal history record check reveal a record of arrest without a disposition, the district shall require the employee to submit to a name-based criminal history record check.
4. Although an applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. In accordance with state law, the employee or applicant shall be terminated or disqualified from district employment if the results disclose a conviction for any of the following offenses:
  - a. felony child abuse, as described in C.R.S. 18-6-401;
  - b. a crime of violence, as defined in C.R.S. 18-1.3-406 (2);
  - 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. a felony drug offense, as described in C.R.S. 18-18-401 *et seq.*, committed on or after August 25, 2012;
  - f. felony indecent exposure, as described in C.R.S. 18-7-302;

- g. attempt, solicitation or conspiracy to commit any of the offenses described in items a-f; or
- h. an offense committed outside of this state, which if committed in this state would constitute an offense described in items a-g.

The district shall notify the district attorney of inconsistent results for action or possible prosecution.

- 5. The school district will charge the applicant a nonrefundable fee to be determined by the Board to cover the direct and indirect costs of fingerprint processing. *[NOTE: This fee shall be an amount equal to the direct and indirect costs to the district of fingerprint processing.]*

The applicant may pay the fee over a period of 60 days after employment. The fee will be credited to the fingerprint processing account.

#### Information report to state

- 1. In accordance with federal and state law, the personnel office will report the name, address and social security number of every new employee to Colorado State Directory of New Hires, P.O. Box 2920, Denver, Colorado 80201-2920.
- 2. This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, shall be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address, the fact of the termination, and the name and address of the employee's new employer, if known, shall be reported to the applicable court or agency.
- 3. Upon receiving a Notice of Wage assignment, the district shall remit the designated payment within seven days of withholding the income according to instructions contained in the Notice. Child support withholding takes priority over other legal actions against the same wages.

(Approval date)

*NOTE 1: District personnel shall submit the name, date of birth and social security number for each nonlicensed employee to the Colorado Department of Education (CDE) as required by state law. C.R.S. 22-32-109.8 (11). The district shall notify CDE at the beginning of each semester about nonlicensed persons who are no longer employed by the district. The purpose of this reporting requirement is to keep a central database at CDE so the Colorado Bureau of Investigation (CBI) can communicate with the district about any criminal activity involving school district employees whose fingerprints are on file with the CBI.*

*NOTE 2: Regarding the requirement that an applicant submit a completed form certifying his or her criminal history, state law defines "convicted" as: "[A] conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred sentence or suspended sentence by the court." C.R.S. 22-32-109.8 (8)(a). Any district form used to certify an applicant's criminal history should reflect this broad definition of "convicted" to ensure that applicants disclose the legally required information.*

*NOTE 3: When CBI provides an update to CDE regarding those school employees previously subject to a fingerprint-based background check, CDE must provide that update to school districts. Each school district must then cross-check its employee list with the update and take appropriate action if necessary. C.R.S. 22-2-119 (4)(b).*

*NOTE 4: An employee who is terminated or an applicant who is disqualified from district employment for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment. Other exceptions to this provision allow the district to conduct an assessment to determine if the applicant poses a risk to district students or staff, and also allow the applicant to submit a written request for reconsideration by the district. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the district must consider. Id.*

original

File: GDE/GDF-R

## Support Staff Recruiting/Hiring

### Background checks

Prior to hiring, the personnel office will:

1. Check with the Colorado Department of Education to determine if there is any information on record indicating the applicant has been convicted of a crime involving unlawful sexual behavior or unlawful behavior involving children.

The department's records will indicate if the applicant has been convicted of, pled *nolo contendere* to or received a deferred sentence for such crimes. The department also will provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior which was supported by a preponderance of evidence according to information provided to the department by a school district and confirmed by the department in accordance with state law.

The department will not disclose any information reported by a school district unless and until the department confirms that the allegation resulted in the person's name being placed on the state central registry of child protection.

2. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

### Fingerprinting

1. All applicants selected for employment in a support staff position except as noted in #6 below must submit a complete set of fingerprints taken by a qualified law enforcement agency or an authorized district employee and a notarized, completed form as required by state law.
2. On the form the applicant must certify either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The certificate must specify the felony or misdemeanor, the date of conviction and the court entering judgment.
3. The school district will release the fingerprints to the Colorado Bureau of Investigation for processing.

4. Although an applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. The district will notify the district attorney of such inconsistent results for action or possible prosecution.
5. The school district will charge the applicant a nonrefundable fee to be determined by the Board to cover the direct and indirect costs of fingerprint processing. *(NOTE: This fee shall be an amount equal to the direct and indirect costs to the district of fingerprint processing.)*

The applicant may pay the fee over a period of 60 days after employment. The fee will be credited to the fingerprint processing account.

6. These requirements will not apply to any person who has submitted a set of fingerprints to any other Colorado school district during the two-year period immediately preceding the date of receipt of written notification requesting fingerprints and who has consented by written notice to the transfer of a copy of the previously submitted fingerprints to the requesting district.
7. The personnel office will process the transfer request and place the applicant's fingerprints on file after receipt.

#### **Information report to state**

1. In accordance with federal and state law, the personnel office will report the name, address and social security number of every new employee to Child Support Enforcement, 1375 Sherman Street, Denver, Colorado 80203.
2. This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, shall be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address and the fact of the termination shall be reported to the applicable court or agency.
3. Upon receiving a Notice of Wage assignment, the district shall remit the designated payment within 7 days of withholding the income according to instructions contained in the Notice. Child support withholding takes priority over other legal actions against the same wages.



**Legislative Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

**Memorandum**

Room 029 State Capitol, Denver, CO 80203-1784  
Phone: (303) 866-3521 • Fax: (303) 866-3855  
lcs.ga@state.co.us • leg.colorado.gov/lcs

June 21, 2019

**TO:** Interested Persons

**FROM:** Natalie Mullis, Director, 303-866-4778

**SUBJECT:** Colorado Open Records Act Maximum Hourly Research and Retrieval Fee

**Summary**

Pursuant to Section 24-72-205 (6) (b), C.R.S., the maximum hourly fee for the research and retrieval of public documents in response to a Colorado Open Records Act request will increase from \$30.00 to \$33.58 as of July 1, 2019.

**Methodology**

The \$3.58 increase resulted from inflating \$30 by the percentage change in the Denver-Aurora-Lakewood consumer price index for all items and all urban consumers, published by the U.S. Bureau of Labor Statistics, between the first half of calendar year 2014 and the first half of calendar year 2019. Because the U.S. Bureau of Labor Statistics has not yet released the index for the first half of 2019, the index used for the first half of 2019 represents the average of indices published for January, March, and May 2019.

original

File: KDB

## Public's Right to Know/Freedom of Information

The Board is a public servant, and its meetings and records shall be matters of public information, subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The official minutes of the Board, its written policies and its financial records shall be open for inspection at the office of the superintendent by any citizen desiring to examine them during hours when the office of the superintendent is open. However, no records shall be released for inspection by the public or any unauthorized persons—either by the superintendent or any other person designated as custodian for school district records—if such disclosure would be contrary to the public interest as described in state law.

The Board wishes to support the right of the people to know about the programs and services of their schools and shall make every effort to disseminate information. Each principal is authorized to use all means available to keep parents/guardians and others of that particular school's community informed about the school's program and activities.

The district may charge reasonable fees for furnishing copies of such public records in accordance with the accompanying regulations.

CUSTER COUNTY SCHOOL DISTRICT C-1

Adoption date November 11 1999

LEGAL REFS.: C.R.S. 22-9-109  
C.R.S. 22-32-109 (1)(c)  
C.R.S. 24-72-201 *et seq.*





Handwritten scribbles or marks in the upper central area of the page.



## LEGALLY REQUIRED TO BE POSTED ON DISTRICT WEBSITE

### School Board

Minutes of any board meeting at which the board of education holds an executive session, including the amount of time the board discussed each topic while in executive session. C.R.S. 22-32-108(5)(d). CASB Sample Policy BEC, Executive Sessions.

An image of each school district director candidate's written notice of intention and each candidate's contact information, *if* the school district has at least one thousand enrolled pupils. C.R.S. 22-31-107(2.5)(a)(I).

### Finances

Specific financial information under the "Financial Transparency" template as required by the "Public School Financial Transparency Act." C.R.S. 22-44-301, *et seq.* CASB Sample Exhibit DAB\*-E, Financial Administration (Online Posting of Financial Information).

A list of the statutes for which the district has received a waiver from the State Board of Education and a copy of the plan that explains how the district will meet the intent of the waived statute. The list must be posted in accordance with the "Public School Financial Transparency Act." C.R.S. 22-44-301, *et seq.* The list must include waivers granted to the school district as a whole and waivers granted to one or more schools in the district, other than charter schools. The district must list separately each waiver granted to an innovation school or schools in an innovation zone. C.R.S. 22-44-305(1)(a)&(c). CASB Sample Policy AEE\*, Waiver of State Law and Regulation and Sample Exhibit DAB\*-E, Financial Administration (Online Posting of Financial Information).

Notice of certain financial information, prior to an election at which the district is submitting a ballot issue concerning creation of debt or other financial obligation. C.R.S. 1-7-908(1)(a). CASB Sample Policy DEA, Funds from Local Tax Sources.

A plan or statement of intent related to distribution of additional mill levy override revenue. C.R.S. 22-32-108.5(9)(a)&(b). CASB Sample Policy DEA, Funds from Local Tax Sources and Sample Exhibit DAB\*-E, Financial Administration (Online Posting of Financial Information).

Certain information about the amount of additional mill levy override revenue shared with the district's charter schools and innovation schools, if applicable. C.R.S. 22-32-108.5(9)(b). CASB Sample Exhibit DAB\*-E, Financial Administration (Online Posting of Financial Information).



Personnel

Collective bargaining agreements, if any. C.R.S. 22-32-109.4(3)(a). CASB Sample Policy H, Negotiations.

Instruction

Local board policy regarding whether students will use pencil and paper to complete certain state assessments. C.R.S. 22-7-1013(6). CASB sample policy IKA, Grading/Assessment Systems.

Information about state and local assessments, including the district's student assessment calendar. C.R.S. 22-7-1013(7)(a)&(b)(II). CASB Sample Regulation IKA-R, Grading/Assessment Systems (Exemption Procedure and Information to Parents/Guardians).

Students

Local board policy regarding student information privacy and protection. C.R.S. 22-16-107(4)(c). CASB Sample Policy JRCB\*, Privacy and Protection of Confidential Student Information.

Information explaining the data elements of student personally identifiable information that the district collects and maintains, including an explanation of how the district uses and shares the student personally identifiable information. C.R.S. 22-16-107(1)(a). CASB Sample Policy JRCB\*, Privacy and Protection of Confidential Student Information.

A link to the student data inventory and dictionary or index of data elements published by the State Board of Education. C.R.S. 22-16-107(1)(a).

Information provided by a school service contract provider to the district or school concerning student personally identifiable information collected and how the provider uses and shares the data. C.R.S. 22-16-108(1). CASB Sample Policy JRCB\*, Privacy and Protection of Confidential Student Information.

A list of the school service contract providers with which the district contracts and a copy of each contract. C.R.S. 22-16-107(1)(b). CASB Sample Policy JRCB\*, Privacy and Protection of Confidential Student Information.

A list of the school service on-demand providers that the district or a district employee uses for school services. C.R.S. 22-16-107(3)(a). CASB Sample Policy JRCB\*, Privacy and Protection of Confidential Student Information.

Notice to on-demand school service providers that, if the district ceases using or refuses to use an on-demand provider due to noncompliance with the "Student Data Transparency and Security Act" or with the provider's privacy policy, the district will post on its website the name of the providers not used (with any written response the provider may submit) and will notify the



Colorado Department of Education (CDE). C.R.S. 22-16-107(3)(d). CASB Sample Policy JRCB\*, Privacy and Protection of Confidential Student Information.

A list of the on-demand school service providers not used by the district per C.R.S. 22-16-107(3)(d).

#### Health and Safety

Notice of policy suspension and prohibition of administration of medical marijuana to students, *only if* the federal government indicates that district federal funding is in jeopardy. C.R.S. 22-1-119.3(3)(d)(IV). CASB Sample Policy JLCDB\*, Administration of Medical Marijuana to Qualified Students.

A plan for the management of students with life-threatening allergies, *only if* the district or school maintains a supply of epinephrine auto-injectors. C.R.S. 22-1-119.5(5.5)(e). CASB Sample Policy JLCD, Administering Medications to Students.

#### Charter Schools

Notice that a list of underused and vacant buildings and land is available to interested persons upon request, *only if* the district authorizes a charter school and has or expects to have one or more vacant or underused buildings or vacant or underused land available during the next school year. C.R.S. 22-30.5-104(7.5)(a).

### **HIGHLY RECOMMENDED TO BE POSTED ON WEBSITE**

#### District Foundations and Basic Commitments

Local board's statement regarding prohibition against unlawful discrimination and harassment and notice concerning the district's compliance officer(s). State and federal nondiscrimination laws. CASB Sample Policy AC, Nondiscrimination/Equal Opportunity and Sample Exhibit AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice).

#### Students

Student conduct and discipline code. C.R.S. 22-32-109.1(2)(a). CASB Sample Policies, codes JIC through JK.

### **ENCOURAGED. BUT NOT REQUIRED. TO BE POSTED ON WEBSITE**

#### School Board

Notice of school board meetings may be posted on the district's website and shall meet the notice of requirements of Colorado's Open Meetings Law if posted online at least 24 hours prior to the meeting. C.R.S. 24-6-402(2)(c)(III).



School boards may charge a fee for research and retrieval of public documents pursuant to the *Colorado Open Records Act*. Before charging an increased fee, as set forth in the statute, a school board must revise its policy to include the new fee and post the updated policy on its website or otherwise publish the written policy. C.R.S. 24-72-205(6). CASB Sample Policy KDB, Public's Right to Know/Freedom of Information.

#### Students

Updated standardized immunization document developed by the Colorado Department of Public Health and Environment. C.R.S. 22-32-140. CASB Sample Policy JLCB, Immunization of Students.

#### Health and Safety

A statement identifying where and the procedures by which community members may obtain information collected by law enforcement about registered sex offenders. C.R.S. 22-1-124. CASB Sample Policy JLFF\*, Sex Offender Information

Local board policy on wellness and the results of the district Wellness Advisory Council's triennial assessment. 7 C.F.R. 210.30(e)(2). CASB Sample Policy ADF, School Wellness.

If the district chooses to adopt an internet safety plan, an annual report summarizing the internet safety plan implementation report (if any). C.R.S. 22-32-109.1(2)(c)(I)(H)(IV). CASB Sample Policy JS\*, Student Use of the Internet and Electronic Communications.

*Updated November 2019*

COLORADO ASSOCIATION OF SCHOOL BOARDS  
2253 S. Oneida Street, Suite 300, Denver, CO 80224  
(303) 832-1000 or 1-800-530-8430  
[www.casb.org](http://www.casb.org)

## Revised Sample Policy

File: KDB

*NOTE: Colorado school districts are required by law to adopt a policy regarding the fee for research and retrieval of public records, if the district chooses to impose such a fee. The law contains specific direction regarding the content of such policy. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

### **Public's Right to Know/Freedom of Information**

The Board is a public servant, and its meetings and records shall be matters of public information, subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The official minutes of the Board, its written policies and its financial records shall be open for inspection at the office of the superintendent by any citizen desiring to examine them during hours when the office of the superintendent is open. However, no records shall be released for inspection by the public or any unauthorized persons—either by the superintendent or any other person designated as custodian for school district records—if such disclosure would be contrary to the public interest as described in state law or otherwise prohibited by law. The district's financial information shall be posted online in accordance with the Public School Financial Transparency Act.

*NOTE: State law permits school districts to charge up to ~~\$3033.58~~ per hour for staff time spent in the research and retrieval of public records after the first hour of staff time spent. C.R.S. 24-72-205 (6)(a). This sample policy imposes the maximum hourly fee. Districts may choose to impose a lower hourly fee, so long as the first hour is free. The ~~\$30~~ hourly fee ~~may be increased~~ on July 1, 2019 and may be increased by July 1 of every five-year period thereafter, as determined by the director of research of the legislative council "in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder-Greeley" or its successor index. C.R.S. 24-72-205 (6)(b). Once determined, the director of research must post the adjusted maximum hourly fee on the state legislature's website.*

In responding to a request for the district's public records, the district may charge a fee for staff time spent in excess of one hour for the following: researching and retrieving the requested records; conducting searches for requested records; reviewing records to determine whether they are responsive to the request; and identifying and separating those records that are not public and/or are privileged or confidential. Such fee shall be ~~\$3033.58~~ per hour, which may be increased from time to time as permitted by applicable state law. The district may also charge other reasonable fees in responding to a request for the district's public records, in accordance with the accompanying regulation.

The Board wishes to support the right of the people to know about the programs and services of their schools and shall make reasonable efforts to disseminate information. Each principal is authorized to use all means available to keep parents/guardians and others of that particular school's community informed about the school's program and activities.

(Adoption date)

LEGAL REFS.: C.R.S. 22-9-109 (*exemption from public inspection*)  
C.R.S. 22-32-109 (1)(c) (*documents available for public inspection*)  
C.R.S. 22-44-301 *et seq.* (*Public School Financial Transparency Act*)  
C.R.S. 24-72-201 *et seq.* (*access to public records*)  
C.R.S. 24-72-205 (6)(a) (*must adopt policy regarding the fee for research and retrieval of public records, if the district imposes such a fee: policy must be posted on website or otherwise published*)  
C.R.S. 24-72-205 (6)(b) (maximum hourly fee for research and retrieval of public documents adjusted on July 1, 2019, and every five-year period thereafter)

CROSS REFS.: BEDA, Notification of School Board Meetings  
BEDG, Minutes  
DAB\*, Financial Administration  
EGAEA, Electronic Communication  
GBJ, Personnel Records and Files  
JRA/JRC, Student Records/Release of Information on Students

# Revised Sample Policy

File: CBF

*NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Superintendent's Conduct**

The superintendent shall observe rules of conduct established in law which specify that a school district employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially the superintendent's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the superintendent's duties or which the superintendent knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the superintendent supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the superintendent has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for the superintendent to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

(Adoption date)

LEGAL REFS.: C.R.S. 18-8-308 (*disclosure of pecuniary conflicts of interest*)  
C.R.S. 22-32-110 (1)(k) (*power to adopt conduct rules*)  
C.R.S. 24-18-104 (*government employee rules of conduct*)  
C.R.S. 24-18-109 (*local government employee rules of conduct*)



*NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the district employee's personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104 (2). However, state law permits a district employee to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the employee does not receive any substantial benefit resulting from the employee's status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).*

*NOTE 2: State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a district employee to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than \$~~65~~<sup>59</sup>), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.*

*NOTE 3: The amount of the gift limit (~~\$65~~<sup>\$59</sup>) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2019. Colo. Const. Art. XXIX, Section 3 (6).*

*original*

File: CBF

## **Superintendent's Conduct**

The superintendent shall observe rules of conduct established in law which specify that a school employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position or which the superintendent knows or should know is primarily for the purpose of a reward for action taken in which discretionary authority was exercised.
3. Engage in a substantial financial transaction for private business purposes with a person whom the superintendent supervises.
4. Perform any action in which the superintendent has discretionary authority which directly and substantially confers an economic benefit on a business or other undertaking in which there is substantial financial interest or in which the superintendent is engaged as a counsel, consultant, representative or agent.

The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for the superintendent to receive:

1. An occasional nonpecuniary gift which is insignificant in value.
2. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the superintendent is scheduled to participate.
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the position.

5. Items of perishable or nonpermanent value including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.
6. Payment for speeches, appearances or publications reported as honorariums.

It shall not be considered a breach of conduct for the superintendent to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

A superintendent may request an advisory opinion from the secretary of state concerning issues relating to conduct that is proscribed by state law.

#### CUSTER COUNTY SCHOOL DISTRICT C-1

Adoption date March 11, 1999

LEGAL REFS.: C.R.S. 18-8-308  
C.R.S. 22-32-110 (1)(k)  
C.R.S. 24-18-104  
C.R.S. 24-18-109  
C.R.S. 24-18-111

# Revised Sample Policy

File: BC

*NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **School Board Member Conduct**

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards.

In carrying out his/her fiduciary duties, a Board member shall not:

1. Disclose or use confidential information acquired in the course of official duties to further substantially the member's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the Board member's public duties or which the member knows or should know is primarily for the purpose of a reward for official action taken.
3. Engage in a substantial financial transaction for the member's private business purposes with a person whom the member supervises in the course of official duties.
4. Perform an official act which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for a Board member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

(Adoption date)

LEGAL REFS.: C.R.S. 1-45-101 *et seq.* (Fair Campaign Practices Act)  
C.R.S. 22-32-110 (1)(k) (specific powers of boards)  
C.R.S. 24-6-201 *et seq.* (Public Official Disclosure Law)

C.R.S. 24-18-104 (rules of conduct for all public officers, general assembly, local government officials and employees)

C.R.S. 24-18-109 (rules of conduct for local government officials and employees)

**NOTE 1:** State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the Board member's personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104 (2). However, state law permits a Board member to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the Board member does not receive any substantial benefit resulting from the Board member's status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).

**NOTE 2:** State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a Board member to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than ~~\$65-59~~), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. *Id.*; see also, Colo. Const. Art. XXIX, Section 3.

**NOTE 3:** The amount of the gift limit (~~\$65-59~~) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of ~~2023~~ 2019. Colo. Const. Art. XXIX, Section 3 (6).

original

File: BC

## School Board Member Conduct

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards.

In carrying out his fiduciary duties, a Board member shall not:

1. Disclose or use confidential information acquired in the course of official duties to further substantially personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position or which it is known or should be known is primarily for the purpose of a reward for official action taken.
3. Engage in a substantial financial transaction for the member's private business purposes with a person whom the member supervises in the course of official duties.
4. Perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which the member has a substantial financial interest or is engaged as a counsel, consultant, representative or agent.

The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for a Board member to receive:

1. Campaign contributions and contributions in kind which are reported in accordance with state law.
2. An occasional nonpecuniary gift which is insignificant in value.
3. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
4. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the member is scheduled to participate.

5. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the position.
6. Items of perishable or nonpermanent value including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events. Tickets to these events may have to be reported in accordance with the public official disclosure law.
7. Payment for speeches, appearances or publications reported in accordance with the public official disclosure law..

It shall not be considered a breach of conduct for a Board member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

#### CUSTER COUNTY SCHOOL DISTRICT C-1

Adoption date 2/9/1999

LEGAL REFS.: C.R.S. 1-45-101 et seq. (*Fair Campaign Practices Act*)  
C.R.S. 24-6-203 (*Public Official Disclosure Act*)  
C.R.S. 24-18-104  
C.R.S. 24-18-109

NEW

## Revised Sample Regulation

File: BC-R

*NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, the content in this sample reflects legal requirements school districts must follow.*

### **School Board Member Financial Disclosure**

Board members are required by law to disclose certain items received in connection with serving on the Board. If Board members receive such items, they must file a report with the secretary of state on forms prescribed by the secretary of state. Such report must be filed on or before January 15, April 15, July 15 and October 15 of each year, and shall cover the period since the last report. The report must contain the name of the person from whom the reportable item was received, its value and the date of receipt. Board members who do not receive any items that must be reported are not required to file a report.

Items which must be reported include the following:

1. Any money received, including a loan, pledge, advance, guarantee of a loan or any forbearance or forgiveness of indebtedness from any person with a value greater than ~~\$65~~-~~59~~.
2. Any gift of any item of real or personal property other than money with a value greater than ~~\$65~~-~~59~~.
3. Any loan of real or personal property if the value of the loan is greater than ~~\$65~~~~59~~. "Value of the loan" means the cost saved or avoided by the Board member by not borrowing, leasing or purchasing comparable property from a source available to the general public.
4. Any payment for a speech, appearance or publication.
5. Tickets to a sporting, recreational, educational or cultural event with a value greater than ~~\$65~~-~~59~~ for any single event.
6. Payment of or reimbursement for actual and necessary expenses for travel and lodging for attendance at a convention, fact-finding mission or trip, or other meeting if the Board member is scheduled to deliver a speech, make a presentation, participate on a panel or represent the school district unless the payment for such expenditures is made from public funds or from the funds of any association of public officials or public entities such as the Colorado Association of School Boards (CASB).
7. Any gift of a meal to a fund-raising event of a political party.

To avoid misunderstandings about the value of an item, the donor must furnish the Board member with a written statement of the dollar value of the item when it is given.



(Approval date)

LEGAL REF.: C.R.S. 24-6-201 *et seq.* (Public Official Disclosure Law)

*NOTE 1: The amount of the gift limit (~~\$65-69~~) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2023 ~~2019~~. Colo. Const. Art. XXIX, Section 3 (6).*

*NOTE 2: The gifts and items that do not require a disclosure report are listed in C.R.S. 24-6-203 (4). They include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than ~~\$65-69~~), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. *Id.*; see also, Colo. Const. Art. XXIX, Section 3.*

# Revised Sample Policy

File: IHBIB

*NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Primary/Preprimary Education**

### **Kindergarten programs**

The district shall establish and maintain a kindergarten program or programs. A kindergarten program may be a half-day or full-day program, and the district shall receive state funding for students enrolled in these programs on a half-day or full-day basis, in accordance with state law.

### **Preschool programs**

All district preschool programs shall comply with the rules established by the Department of Education and with the rules for child care centers established by the Department of Human Services.

### **Children with disabilities**

In meeting its obligation to offer an individualized program for children with disabilities at age three, the district shall provide a special education preschool program at no cost to students who have been identified as children with disabilities pursuant to applicable law.

### **Colorado preschool program**

In addition, when the district receives funding from the state to do so, the district shall provide a preschool program as part of the Colorado Preschool Program for three-, four- and five-year-old children who lack learning readiness due to significant family risk factors, who are in need of language development or who are receiving services from the Department of Human Services as neglected or dependent children. All enrolling three-year-olds must lack overall learning readiness that is attributable to at least three of the significant family risk factors.

Parents/guardians wishing to have their children participate in this program shall make application to the district. Participants then shall be selected on the basis of greatest need.

### **Other children who wish to enroll on tuition basis**

In an effort to offer a well-rounded learning experience, the preschool program may be open on a tuition basis to students who have not been identified as children with disabilities pursuant to applicable law or who are not eligible for the program because of the factors listed above. The administration shall develop admission procedures that take into consideration space and staffing requirements.

(Adoption date)

LEGAL REFS.: C.R.S. 22-20-101 *et seq.* (Exceptional Children's Educational Act)  
C.R.S. 22-28-101 *et seq.* (Colorado Preschool Program Act)  
C.R.S. 22-32-119 (1) (requires establishment of kindergarten program)  
C.R.S. 22-32-119.5 (full-day kindergarten phase-in plan)  
C.R.S. 22-43.7-201 *et seq.* (full-day kindergarten capital construction funding)  
C.R.S. 22-44-118 (full-day kindergarten reserve)  
C.R.S. 22-54-103 (9.5) (definition of preschool enrollment)  
C.R.S. 22-54-103 (10) (funding for kindergarten)  
C.R.S. 22-54-108.5 (mill levy to fund full-day kindergarten)  
C.R.S. 22-54-130, 131 (full-day kindergarten funding)  
C.R.S. 26-6-102 (1.5) (definition of child care center)  
1 CCR 301-8, Rules 2220-R-1.00 *et seq.* (Rules for the Administration of the Exceptional Children's Educational Act)

CROSS REFS.: BDFC\*, Preschool Council  
IHBA, Special Education Programs for Students with Disabilities

**NOTE 1:** If the district has incorporated a Head Start program as part of its preschool, this policy needs to be revised accordingly. See, C.R.S. 22-28-109.

**NOTE 2:** Pursuant to C.R.S. 22-28-106, the term "significant family risk factors" is defined to mean any of the following:

- The child is eligible to receive free or reduced-cost lunch pursuant to the National School Lunch Act
- Homelessness of the child's family
- An abusive adult residing in the home of the child
- Drug or alcohol abuse in the child's family
- Either parent of the child was less than eighteen years of age and unmarried at the time of the birth of the child
- The child's parent or guardian has not successfully completed a high school education or its equivalent
- Frequent relocation by the child's family to new residences
- Poor social skills of the child

*NOTE 3: School districts participating in the Colorado Preschool Program (CPP) may only use CPP funds to pay the district's costs of providing preschool services directly to enrolled children (for example teacher and paraprofessional salaries and benefits, supplies, home visits, and the like). Any moneys remaining in the preschool program budget at the end of any fiscal year must remain in the preschool program budget for use in subsequent budget years. C.R.S. 22-28-108 (5.5).*

*NOTE 4: Pursuant to C.R.S. 22-54-103, school districts participating in the Colorado Preschool Program may choose to determine the number of students enrolled in such preschool program(s), including those students with disabilities enrolled in such program(s), on November 1 within the applicable budget year or the school date nearest to November 1, instead of on the pupil enrollment count day. These preschool students shall be counted as half-day pupils.*

*NOTE 5: If a school district establishes a preschool program pursuant to the Colorado Preschool Program Act ("Act"), state law specifies that a district may count and receive funding only for students enrolled in a preschool program who are three or four years old on or before October 1 of the applicable budget year. C.R.S. 22-28-104 (3).*

*NOTE 6: Pursuant to C.R.S. 22-54-103 (10), a district may receive funding for highly advanced gifted children enrolled in kindergarten who are four years old on or before October 1 of the applicable budget year. The determination of whether a child qualifies as a highly advanced gifted child shall be in accordance with Colorado Department of Education's rules. C.R.S. 22-20-204 (2)(b).*

*NOTE 7: Pursuant to HB19-1262, school districts that provide full-day kindergarten are prohibited from charging fees for students to attend full-day kindergarten, other than fees routinely charged to enrolled students in other grades and that are applicable to the kindergarten educational program. If the General Assembly stops funding kindergarten students as full-time pupils, a district may resume charging a fee or tuition for the unfunded portion of the school day. The district should consult with its own legal counsel to determine the approach that best meets local circumstances and needs.*



original

File: IHBIB

## **Primary/Preprimary Education**

### **Kindergarten programs**

The district shall establish and maintain a kindergarten program or programs. A kindergarten program may be a half-day or full-day program, and the district shall receive state funding for students enrolled in these programs on a half-day or full-day basis, in accordance with state law. A child must be five years of age by August 1 to be eligible for enrollment in any kindergarten program, unless the child is otherwise enrolled in the program pursuant to applicable law.

### **Preschool programs**

All district preschool programs shall comply with the rules established by the Department of Education and with rules for child care centers established by the Department of Human Services. However, full-day kindergarten components of the district's preschool program are not required to comply with the Department of Human Services' rules regarding child care centers. A child must be three or four years of age by August 1 to be eligible for enrollment in all district preschool programs.

### **Children with disabilities**

In meeting its obligation to offer an individualized program for children with disabilities at age three, the district shall provide a special education preschool program at no cost to students who have been identified as disabled pursuant to applicable law.

### **Colorado state preschool program**

In addition, when the district receives funding from the state to do so, the district shall provide a preschool program as part of the Colorado Preschool Program for three, four, and five-year-old children who lack learning readiness due to significant family risk factors, who are in need of language development or who are receiving services from the Colorado Department of Social Services as neglected or dependent children. All enrolling three-year-olds must lack overall learning readiness that is attributable to at least three of the significant family risk factors. A child must be the requisite age by August 1 of the applicable budget year to be eligible for enrollment, unless the child is otherwise enrolled in the program pursuant to applicable law.

Parents/guardians wishing to have their children participate in this program shall make application to the district. Participants then shall be selected on the basis of greatest need.

### Other children who wish to enroll on tuition basis

In an effort to offer a well-rounded learning experience, the preschool program may be open on a tuition basis to students who have not been identified as disabled pursuant to applicable law or who are not eligible for the program because of the factors listed above. The administration shall develop admission procedures that take into consideration space and staffing requirements.

Adopted: July 5, 2005

Revised: April 14, 2015

LEGAL REFS.: C.R.S. 22-20-101 *et seq.* (Exceptional Children's Educational Act)  
C.R.S. 22-28-101 *et seq.* (Colorado Preschool Program Act)  
**C.R.S. 22-32-119(1)** (requires establishment of kindergarten program)  
C.R.S. 22-45-103(1)(g) (Preschool program fund)  
C.R.S. 22-54-103(9.5) (definition of preschool enrollment)  
**C.R.S. 22-54-103(10)** (funding for kindergarten)  
C.R.S. 22-54-105(4) (At-risk funding)  
C.R.S. 26-6-102 (1.5) (definition of child care center)  
1 CCR 301-8, Rules 2220-R-1.00 *et seq.* (Rules for the Administration of the Exceptional Children's Educational Act)

CROSS REFS.: BDFC\*, Preschool Council  
IHBA, Special Education Programs for Handicapped/Disabled/Exceptional Students with Disabilities

*NOTE 1: Pursuant to C.R.S. 22-28-106, the term "significant family risk factors" is defined to mean any of the following:*

- *The child is eligible to receive free or reduced-cost lunch pursuant to the National School Lunch Act*
- *Homelessness of the child's family*
- *An abusive adult residing in the home of the child*
- *Drug or alcohol abuse in the child's family*
- *Either parent of the child was less than eighteen years of age and unmarried at the time of the birth of the child*
- *The child's parent or guardian has not successfully completed a high school education or its equivalent*
- *Frequent relocation by the child's family to new residences*
- *Poor social skills of the child*

*NOTE 2: School districts participating in the Colorado Preschool Program must budget an amount equal to the district's per pupil operating revenues multiplied by the district's preschool enrollment. This amount must be allocated to the preschool program fund and may be expended only to pay costs of providing preschool services directly to enrolled children (for example teacher and paraprofessional salaries and benefits, supplies, home visits, and the like). Any moneys remaining in the fund at the end of any fiscal year must remain in the fund.*

***NOTE 3: Pursuant to C.R.S. 22-54-103, school districts participating in the Colorado Preschool Program may choose to determine the number of students enrolled in such preschool program(s), including those students with disabilities enrolled in such program(s), on November 1 within the applicable budget year or the school date nearest to November 1, instead of on October 1. These preschool students shall be counted as half-day pupils.***



# Revised Sample Policy

File: KFA

*NOTE: Colorado school boards 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 board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## **Public Conduct on District Property**

Persons using or upon school district property, including all district buildings, parking lots, and any district vehicle used to transport students, shall not engage in the conduct described below.

Any person considered by the superintendent or designee to be in violation of this policy shall be instructed to leave district property and law enforcement may be contacted. Any person who has engaged or district officials reasonably believe will engage in conduct prohibited by this policy may be excluded from district property.

The following conduct by any person is prohibited:

1. Any conduct that obstructs, disrupts or interferes with or threatens to obstruct, disrupt or interfere with district operations or any activity sponsored or approved by the district.
2. Physical abuse or threat of harm to any person or school district property.
3. Damage or threat of damage to district property regardless of the location, or property of a member of the community when such property is located on district property.
4. Forceful or unauthorized entry to or occupation of district facilities, including both buildings and grounds.
5. Use, possession, distribution or sale of drugs and other controlled substances, alcohol and other illegal contraband on district property, at district or school-sponsored functions or in any district vehicle transporting students. For purposes of this policy, "controlled substances" means drugs identified and regulated under federal law, including but not limited to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine).

*NOTE: The following paragraph contains language stating that the Board has adopted a policy regarding the administration of medical marijuana to qualified students. State law requires school districts to allow "primary caregivers" to administer medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event. C.R.S. 22-1-119.3 (3)(d)(I). State law permits boards to adopt a policy regarding "who may act as a primary caregiver" and establishing "reasonable parameters" upon the administration and use of medical marijuana. C.R.S. 22-1-119.3 (3)(d)(III). State law also permits schools to adopt policies authorizing designated school personnel to administer medical marijuana to qualified students. C.R.S. 22-1-119.3 (3)(d.5)(IV). Federal law regards any form of marijuana as a controlled substance. Given that federal law regards marijuana as illegal, CASB highly recommends that the Board adopt a policy establishing parameters upon caregiver administration of medical marijuana to qualified students and prohibiting staff administration of medical marijuana, unless the staff member is the student's parent/guardian. That way, the Board's policies will be consistent and clear regarding when and how the administration of medical marijuana to qualified students is permitted.*

If, however, the administration of medical marijuana is in accordance with the Board's policy on administration of medical marijuana to qualified students, such possession shall not be considered a violation of this policy.

6. Distribution, manufacture or sale of controlled substances or the possession of controlled substances with intent to distribute them within 1,000 feet of the perimeter of school grounds.
7. Entry onto district buildings or grounds by a person known to be under the influence of alcohol or a controlled substance.
8. Unlawful use of any tobacco product.
9. Unlawful possession of a deadly weapon, as defined in state law, on school property or in school buildings, unless such possession is in accordance with C.R.S. 18-12-105.5 or 18-12-214(3). For the purposes of this policy, "deadly weapon" means:
  - a. a firearm, whether loaded or unloaded;
  - b. a fixed blade knife with a blade that exceeds three inches in length;
  - c. a spring-loaded knife or pocket knife with a blade exceeding three and one-half inches in length; or
  - d. any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury including, but not limited to, a BB gun, a slingshot, bludgeon, nunchucks, brass knuckles or artificial knuckles of any kind.
10. Profanity or verbally abusive language.
11. Violation of any federal, state or municipal law or Board policy.

(Adoption date)

LEGAL REFS.: 21 U.S.C. 860 (*crime to distribute or manufacture controlled substances within 1,000 feet of a school*)  
C.R.S. 12-47-901 (1)(h) (*prohibits consumption of alcohol in any public place without a license or permit*)  
~~C.R.S. 18-1-901 (3)(e) (*definition of deadly weapon*)~~  
C.R.S. 18-9-106 (*disorderly conduct*)  
C.R.S. 18-9-108 (*disrupting lawful assembly*)  
C.R.S. 18-9-109 (*interference with staff, faculty or students of educational institutions*)  
C.R.S. 18-9-110 (*public buildings – trespass, interference*)  
C.R.S. 18-9-117 (*unlawful conduct on public property*)  
C.R.S. 18-12-105.5 (*unlawful carrying/possession of weapons on school grounds*)  
C.R.S. 18-12-214 (3)(a) (*person with valid concealed handgun permit may have a handgun on school property as long as hand gun remains in his or her vehicle and if, while the person is not in vehicle, the gun is kept in a compartment and the vehicle is locked*)  
C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess with intent to distribute any controlled substance on or near school grounds or school vehicles*)  
C.R.S. 22-1-119.3 (3)(c), (d) (*no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event*)  
C.R.S. 25-1.5-106 (12)(b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)  
C.R.S. 25-14-103.5 (*boards of education must adopt policies prohibiting tobacco and retail marijuana use on school property*)  
C.R.S. 25-14-301 (*Teen Tobacco Use Prevention Act*)

CROSS REFS.: ADC, Tobacco-Free Schools  
GBEB, Staff Conduct (And Responsibilities)  
GBEC, Alcohol and Drug-Free Workplace  
JICH, Drug and Alcohol Involvement by Students  
JICI, Weapons in School  
JLCDB\*, Administration of Medical Marijuana to Qualified Students  
KI, Visitors to Schools

NOTE: The exceptions in state law that permit possession of a deadly weapon on school property are that the person:

- a. has legal authority to carry or possess a deadly weapon. C.R.S 18-12-105.5 (3).
- b. is presenting an authorized public demonstration or exhibition for the school or an organized class. C.R.S. 18-12-105.5 (1).
- c. is carrying out duties for the school district which require the use of a deadly weapon. C.R.S 18-12-105.5 (1).
- d. is participating in an authorized extracurricular activity or on an athletic team. C.R.S. 18-12-105.5 (1).
- e. has possession of the weapon for use in an approved educational program which includes but is not limited to any course designed for the repair and maintenance of weapons. C.R.S. 18-12-105.5 (3)(h).
- f. is a school resource officer or peace officer on duty. C.R.S. 18-12-105.5 (3)(e).

[Revised ~~March 2019~~ November 2019]  
COLORADO SAMPLE POLICY 1993©

## Public Conduct on District Property

Persons using or upon school district property, including all district buildings, parking lots, and any district vehicle used to transport students, shall not engage in the conduct described below.

Any person considered by the superintendent or designee to be in violation of this policy shall be instructed to leave district property and law enforcement may be contacted. Any person who has engaged or district officials reasonably believe will engage in conduct prohibited by this policy may be excluded from district property.

The following conduct by any person is prohibited:

1. Any conduct that obstructs, disrupts or interferes with or threatens to obstruct, disrupt or interfere with district operations or any activity sponsored or approved by the district.
2. Physical abuse or threat of harm to any person or school district property.
3. Damage or threat of damage to district property regardless of the location, or property of a member of the community when such property is located on district property.
4. Forceful or unauthorized entry to or occupation of district facilities, including both buildings and grounds.
5. Use, possession, distribution or sale of drugs and other controlled substances, alcohol and other illegal contraband on district property, at district or school-sponsored functions or in any district vehicle transporting students. For purposes of this policy, "controlled substances" means drugs identified and regulated under federal law, including but not limited to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine).  
  
If, however, the administration of medical marijuana is in accordance with state law regarding the administration of medical marijuana to qualified students, such possession shall not be considered a violation of this policy.
6. Distribution, manufacture or sale of controlled substances or the possession of controlled substances with intent to distribute them within 1,000 feet of the perimeter of school grounds.
7. Entry onto district buildings or grounds by a person known to be under the influence of alcohol or a controlled substance.
8. Unlawful use of any tobacco product.

9. Unlawful possession of a deadly weapon, as defined in state law, on school property or in school buildings.
10. Profanity or verbally abusive language.
11. Violation of any federal, state or municipal law or Board policy.

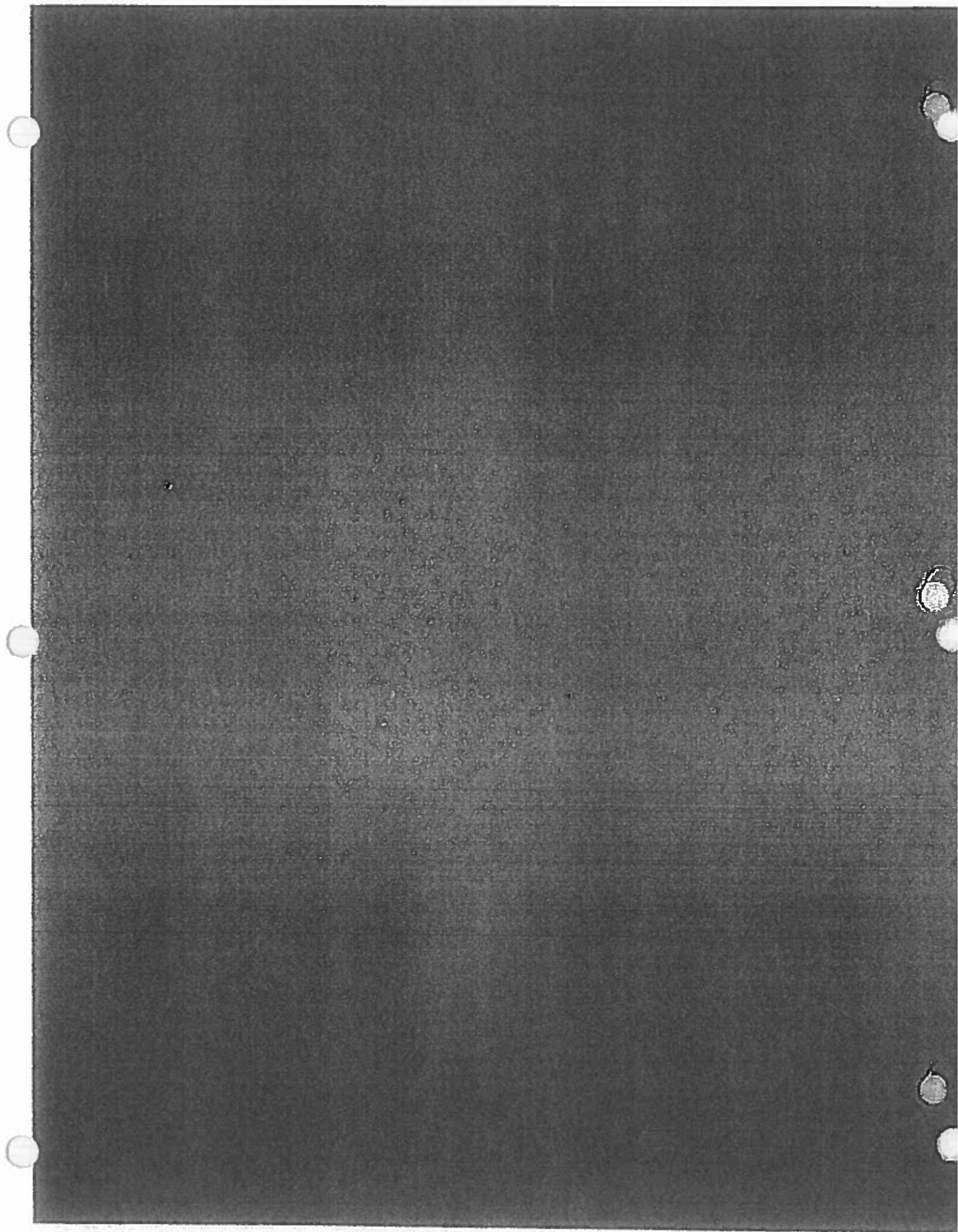
Adopted: 9/13/2016

**LEGAL REFS:** 21 U.S.C. 860 (crime to distribute or manufacture controlled substances within 1000 feet of a school)  
C.R.S. 18-1-901 (3)(e) (definition of deadly weapon)  
C.R.S. 18-9-103 (disorderly conduct)  
C.R.S. 18-9-103 (disrupting lawful assembly)  
C.R.S. 18-9-109 (interference with staff, faculty or students of educational institutions)  
C.R.S. 18-9-110 (public buildings - trespass, interference)  
C.R.S. 18-9-117 (unlawful conduct on public property)  
C.R.S. 18-12-105.5 (unlawful carrying/possession of weapons on school grounds)  
C.R.S. 18-12-214 (3)(a) (person with valid concealed handgun permit may have a handgun on school property as long as handgun remains in his or her vehicle and if, while the person is not in vehicle, the gun is kept in a compartment and the vehicle is locked)  
C.R.S. 18-18-407 (2) (crime to sell, distribute or possess with intent to distribute any controlled substance on or near school grounds or school vehicles)  
C.R.S. 22-1-119.3 (3)(c), (d) (no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)  
C.R.S. 25-15-106 (12)(b) (possession or use of medical marijuana in or on school grounds or in a school bus is prohibited)  
C.R.S. 25-14-103.5 (boards of education must adopt policies prohibiting tobacco and retail marijuana use on school property)  
C.R.S. 25-14-301 (Teen Tobacco Use Prevention Act)

**CROSS REFS:** ADG, Tobacco-Free Schools  
GBEB, Staff Conduct (And Responsibilities)  
GBEC, Alcohol and Drug-Free Workplace  
JICH, Drug and Alcohol Involvement by Students  
JIGI, Weapons in School  
KI, Visitors to Schools

**NOTE:** The exceptions in state law that permit possession of a deadly weapon on school property are that the person:

- a. has legal authority to carry or possess a deadly weapon, C.R.S. 18-12-105.5 (g).
- b. is presenting an authorized public demonstration or exhibition for the school or an organized class, C.R.S. 18-12-105.5 (f).
- c. is carrying out duties for the school district which require the use of a deadly weapon, C.R.S. 18-12-105.5 (f).
- d. is participating in an authorized extracurricular activity or on an athletic team, C.R.S. 18-12-105.5 (f).
- e. has possession of the weapon for use in an approved educational program which includes but is not limited to any course designed for the repair and maintenance of weapons, C.R.S. 18-12-105.5 (3)(h).
- f. is a school resource officer, or peace officer on duty, C.R.S. 18-12-105.5 (3)(a).





# Revised Sample Policy

File: JLCD

*NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, this policy reflects legal requirements school districts must follow. This sample policy contains the policy content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate policy language that meets local circumstances and needs.*

## **Administering Medications to Students**

School personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours.

Medication may be administered to students by school personnel whom a registered nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical marijuana.

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy shall be considered a violation of Board policy concerning drug and alcohol involvement by students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

*NOTE: The following paragraph contains language stating that the Board has adopted a policy regarding the administration of medical marijuana to qualified students. State law requires school districts to allow "primary caregivers" to administer medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event. C.R.S. 22-1-119.3(3)(d)(I). State law permits boards to adopt a policy regarding "who may act as a primary caregiver" and establishing "reasonable parameters" upon the administration and use of medical marijuana. C.R.S. 22-1-119.3(3)(d)(III). State law also permits schools to adopt policies authorizing designated school personnel to administer medical marijuana to qualified students. C.R.S. 22-1-119.3(3)(d.5)(IV). Federal law regards any form of marijuana as a controlled substance. Given that federal law regards marijuana as illegal, CASB highly recommends that the Board adopt a policy establishing parameters upon caregiver administration of medical marijuana to qualified students and prohibiting staff administration of medical marijuana, unless the staff member is the student's parent/guardian. That way, the Board's policies will be consistent and clear regarding when and how the administration of medical marijuana to qualified students is permitted.*

The administration of medical marijuana shall be in accordance with the Board's policy on administration of medical marijuana to qualified students.

The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements.

NOTE: CASB sample policy JLCD<sup>\*</sup>. Administration of Medical Marijuana to Qualified Students. defines "medical marijuana" as cannabis products with a THC concentration greater than 0.3 percent, in accordance with state and federal law. As a result, administration of cannabis products with a THC concentration of 0.3 percent or less to students is covered by this policy, not CASB sample policy JLCD<sup>\*</sup>. As provided below, a local board of education may elect to limit the administration of a nonprescription cannabis product with a THC concentration of 0.3 percent or less to only those products that have been approved by the federal Food and Drug Administration.

Medication may be administered to students only when the following requirements are met:

1. Medication shall be in the original properly labeled container. If it is a prescription medication, the student's name, name of the medication, dosage, how often it is to be administered, and name of the prescribing health care practitioner shall be printed on the container.
2. The school shall have received written permission from the student's parent/guardian to administer the medication to the student and either:
  - a. written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law; or
  - b. a standing medical order, if the medication is an over-the-counter medication such as Advil or Tylenol.
3. The parent/guardian shall be responsible for providing all medication to be administered to the student, unless it is an over-the-counter medication such as Advil or Tylenol.

[Optional language if Board elects to limit the administration of nonprescription medications to those approved by the federal Food and Drug Administration (FDA):

4. The nonprescription medication is a product that has been approved by the federal Food and Drug Administration (FDA).

*NOTE: State law permits local boards of education to adopt a policy authorizing a student to possess and self-administer any medication prescribed by a licensed health care practitioner on school grounds, upon a school bus, or at any school-sponsored event. C.R.S. 22-1-119.3; 1 CCR 301-68, Rule 6.00. However, such policy must prohibit students from possessing or self-administering medical marijuana on school grounds or at any school-sponsored event. C.R.S. 22-1-119.3(3)(c). A board that chooses to adopt such a policy is then exempt from the requirements of the Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act (the "Act"). C.R.S. 22-1-119.3(5).*

*This sample policy does not permit students to self-carry any prescription medication and instead reflects the Act's requirements for self-administration of medication for asthma, allergy or anaphylaxis only. Districts should consult with their own legal counsel if they wish to permit students to self-carry and self-administer any prescription medication.*

### **Self-administration of medication for asthma, allergies or anaphylaxis**

A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition may possess and self-administer medication to treat the

student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with the regulation accompanying this policy.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or other related, life-threatening condition may be limited or revoked by the school principal after consultation with the school nurse and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

*[Optional language if Board elects to stock epinephrine and allow district staff to administer epinephrine to students in emergency situations:*

### **Use of stock epinephrine auto-injectors in emergency situations**

The district shall have a stock supply of epinephrine auto-injectors for use in emergency anaphylaxis events that occur on school grounds. Any administration of a stock epinephrine auto-injector to a student by a district employee shall be in accordance with applicable state law, including applicable State Board of Education rules.

The district's stock supply of epinephrine auto-injectors is not intended to replace student-specific orders or medication provided by the student's parent/guardian to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition.]

*[Optional language if Board elects to stock "opiate antagonists" (i.e. naloxone) and allow district staff to administer opiate antagonists to students, staff or others in emergency situations:*

The district shall have a stock supply of opiate antagonists to assist a student who is at risk of experiencing an opiate-related drug overdose event. For purposes of this policy, an opiate antagonist means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose.

The stock supply of opiate antagonists may also be used to assist a district employee or any other person who is at risk of experiencing an opiate-related drug overdose event.

Administration of an opiate antagonist by a district employee to a student or any other person shall be in accordance with applicable state law.]

(Adoption date)

LEGAL REFS.: C.R.S. 12-38-132 (*delegation of nursing tasks*)  
C.R.S. 12-38-132.3 (*school nurses - over-the-counter medication*)  
C.R.S. 22-1-119 (*no liability for adverse drug reactions/side effects*)  
C.R.S. 22-1-119.1 (*board may adopt policy to acquire a stock supply of opiate antagonists*)

C.R.S. 22-1-119.3 (3)(c), (d) *(no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)*

C.R.S. 22-1-119.5 *(Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act)*

C.R.S. 22-2-135 *(Colorado School Children's Food Allergy and Anaphylaxis Management Act)*

C.R.S. 24-10-101 *et seq. (Colorado Governmental Immunity Act)*

1 CCR 301-68 *(State Board of Education rules regarding student possession and administration of asthma, allergy and anaphylaxis management medications or other prescription medications)*

6 CCR 1010-6, Rule 6.13 *(requirements for health services in schools)*

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCDA\*, Students with Food Allergies  
JLCDB\*, Administration of Medical Marijuana to Qualified Students  
JLCE, First Aid and Emergency Medical Care

**NOTE:** *The Colorado Department of Education (CDE), in collaboration with various school districts and other organizations, has created numerous guidelines regarding medication administration in the school setting. These guidelines are available on CDE's website.*

**NOTE:** While Colorado school districts are not required by law to adopt a policy on this subject, this policy reflects legal requirements school districts must follow. This sample policy contains the policy content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate policy/language that meets local circumstances and needs.

## Administering Medications to Students

School personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours, and the student's parent/guardian is not available to administer the medication during the school day.

Medication may be administered to students by school personnel whom a registered nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical marijuana.

**NOTE:** The Board should choose one of the following options. Choose option 1 if the Board has adopted a policy regarding the administration of medical marijuana to qualified students. Choose option 2 if the Board has not adopted such a policy.

**[Option 1: The administration of medical marijuana shall be in accordance with the Board's policy on administration of medical marijuana to qualified students.]**

**[or]**

**[Option 2: The administration of medical marijuana shall be as required by in accordance with state law regarding the administration of medical marijuana to qualified students.]**

The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements.

Medication may be administered to students by the school nurse or other school designee only when the following requirements are met:

1. Medication shall be in the original properly labeled container. If it is a prescription medication, the student's name, name of the medication, dosage, how often it is to be administered, and name of the prescribing health care practitioner shall be printed on the container.

2. #Re-deret-SP: #Eg-w-35-#v-6

- 4.2. The school shall have received written permission from the student's parent/guardian to administer the medication to the student and either:
- a. written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law, or
  - b. a standing medical order, if the medication is an over-the-counter medication such as Advil or Tylenol.
- 4.3. The parent/guardian shall be responsible for providing all medication to be administered to the student, unless it is an over-the-counter medication such as Advil or Tylenol.

**NOTE:** State law permits local boards of education to adopt a policy authorizing a student to possess and self-administer any medication prescribed by a licensed health care practitioner on school grounds, upon a school bus, or at any school-sponsored event. C.R.S. 22-1-119.3; 1 CCR 301-68, Rule 6.00. However, such policy must prohibit students from possessing or self-administering medical marijuana on school grounds or at any school-sponsored event. C.R.S. 22-1-119.3(3)(c). A board that chooses to adopt such a policy is then exempt from the requirements of the Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act (the "Act"), C.R.S. 22-1-119.3(5).

*This sample policy does not permit students to self-carry any prescription medication and instead reflects the Act's requirements for self-administration of medication for asthma, allergy or anaphylaxis only. Districts should consult with their own legal counsel if they wish to permit students to self-carry and self-administer any prescription medication.*

### **Self-administration of medication for asthma, allergies or anaphylaxis**

A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition may possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with the regulation accompanying this policy.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or other related, life-threatening condition may be limited or revoked by the school principal after consultation with the school nurse and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

*[Optional language: If Board elects to stock epinephrine and allow district staff to administer epinephrine to students in emergency situations:*

### **Use of stock epinephrine auto-injectors in emergency situations**

The district shall have a stock supply of epinephrine auto-injectors for use in emergency anaphylaxis events that occur on school grounds. Any administration of a stock epinephrine auto-injector to a student by a district employee shall be in

accordance with applicable state law, including applicable State Board of Education rules.

The district's stock supply of epinephrine auto-injectors is not intended to replace student-specific orders of medication provided by the student's parent/guardian to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition.]

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy shall be considered a violation of Board policy concerning drug and alcohol involvement by students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

(Adoption date)

**LEGAL REFS.:** C.R.S. 12-38-132 (delegation of nursing tasks)  
C.R.S. 12-38-132.3 (school nurses - over-the-counter medication)  
C.R.S. 22-1-119 (no liability for adverse drug reactions/side effects)  
C.R.S. 22-1-119.5 (Colorado School Children's Asthma, Food Allergy, and Anaphylaxis Health Management Act)  
C.R.S. 22-1-119.3 (3)(c), (d) (no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)  
C.R.S. 22-2-135 (Colorado School Children's Food Allergy and Anaphylaxis Management Act)  
C.R.S. 24-10-101 et seq. (Colorado Governmental Immunity Act)  
1 CCR 301-68 (State Board of Education rules regarding student possession and administration of asthma, allergy and anaphylaxis management medications or other prescription medications)  
6 CCR 1010-6, Rule 6.13 (requirements for health services in schools)

**CROSS REFS.:** JIGH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCDA\*, Students with Food Allergies  
JLCE, First Aid and Emergency Medical Care

**NOTE 1:** If the Board adopts a policy addressing the administration of medical marijuana to qualified students, a cross reference to the policy should be added here.

**NOTE 2:** The Colorado Department of Education (CDE), in collaboration with various school districts and other organizations, has created numerous guidelines regarding medication administration in the school setting. These guidelines are available on CDE's website.

[Revised June 2016-2017]





# Revised Sample Policy

File: JLCDB\*

*NOTE: State law requires school districts to allow "primary caregivers" to administer medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event. C.R.S. 22-1-119.3(3)(d)(I). Federal law continues to regard any form of marijuana as an illegal controlled substance. While Colorado school boards are not legally required to adopt a policy on this subject, state law permits local boards of education to adopt a policy regarding "who may act as a primary caregiver" and establishing "reasonable parameters" on the administration and use of medical marijuana on school grounds, on a school bus and at a school-sponsored event. C.R.S. 22-1-119.3(3)(d)(III). This sample policy contains the policy content/language that CASB believes best meets the intent of the law. CASB strongly recommends that the district consult with its own legal counsel prior to the local board's adoption of a policy on this issue.*

*NOTE: State law permits schools to adopt policies authorizing designated school personnel to administer medical marijuana to qualified students. C.R.S. 22-1-119.3(3)(d.5)(IV). Given that federal law regards marijuana as illegal, this sample policy prohibits school personnel from administering medical marijuana to qualified students, unless the staff member is the student's parent/guardian. CASB highly recommends that the Board adopt a policy on this subject so that the Board's policies will be consistent and clear regarding when and how the administration of medical marijuana to qualified students is permitted.*

## **Administration of Medical Marijuana to Qualified Students**

The Board strives to honor families' private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, the district restricts the administration of medications, including medical marijuana, during school hours unless administration cannot reasonably be accomplished outside of school hours.

Administration of medical marijuana to qualified students shall be in accordance with this policy. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and the Board's policy concerning the administration of medications to students.

### **Definitions**

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

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.
2. "Medical marijuana" means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.

NOTE: This sample policy limits the definition of "medical marijuana" to cannabis products with a THC concentration greater than 0.3 percent because cannabis products with a THC concentration of 0.3 percent or less are not considered marijuana under state law and are not considered a controlled substance under federal law. See, C.R.S. 35-61-101(7) and the federal Agriculture Improvement Act of 2018. Given this policy's definition of medical marijuana, administration of cannabis products with a THC concentration of 0.3 percent or less to students is covered by CASB sample policy JLCD, Administering Medications to Students, and not this policy.

3. "Permissible form of medical marijuana" means nonsmokeable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the superintendent, who may authorize such a request after consultation with appropriate medical personnel chosen by the district.
4. "Primary caregiver" means the qualified student's parent, guardian or other responsible adult over eighteen years of age who is identified by the student's parent/guardian as the qualified student's primary caregiver. In no event shall another student or a staff member be recognized as a primary caregiver, unless the staff member is the student's parent/guardian. Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.
5. "Qualified student" means a student who holds a valid registration from the state of Colorado (license issued by the Colorado Department of Public Health and Environment) for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

#### **Permissible administration of medical marijuana to a qualified student**

A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all of the following parameters are met:

1. The qualified student's parent/guardian provides the school with a copy of the student's valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student's parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;

3. The qualified student's parent/guardian or primary caregiver shall be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. After administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver shall remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan shall be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

#### **Additional parameters**

School personnel shall not administer or hold medical marijuana in any form.

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy shall not apply to school grounds, school buses or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Student possession, use, distribution, sale or being under the influence of marijuana inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

If the federal government indicates that the district's federal funds are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

(Adoption date)

LEGAL REFS.: Colo. Const. Art. XVIII, Section 14 (*establishing qualifications for use of medical marijuana*)  
C.R.S. 22-1-119.3 (3)(c), (d) (*no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event*)  
C.R.S. 22-1-119.3 (3)(d)(III) (*board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event*)

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCD, Administering Medications to Students  
JLCE, First Aid and Emergency Medical Care

**NOTE:** *If the policy's provision for automatic suspension is triggered, the school district must post a statement on its website "in a conspicuous place" regarding its decision not to continue to implement this state law. C.R.S. 22-1-119.3(3)(d)(IV).*

Handwritten mark at top right corner.

Original

File: JLCDB

**NOTE:** State law requires school districts to allow "primary caregivers" to administer medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event. C.R.S. 22-1-119.3(9)(d)(i). Federal law continues to regard any form of marijuana as an illegal controlled substance. While Colorado school boards are not legally required to adopt a policy on this subject, state law permits local boards of education to adopt a policy regarding "who may act as a primary caregiver" and establishing "reasonable parameters" on the administration and use of medical marijuana on school grounds, on a school bus and at a school-sponsored event. C.R.S. 22-1-119.3(9)(d)(iii).

**Administration of Medical Marijuana to Qualified Students**

The Board strives to honor families' private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, the district restricts the administration of medications, including medical marijuana, during school hours unless administration cannot reasonably be accomplished outside of school hours.

Administration of medical marijuana to qualified students shall be in accordance with this policy. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and the Board's policy concerning the administration of medications to students.

**Definitions**

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

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado. Custer County School District C-1 has identified the "designated location" as the Administration Building Conference Room located on school and district grounds, but medical marijuana shall not be administered or observed by any school personnel; administration of medical marijuana shall be the sole responsibility of the identified primary caregiver. If the location is a school bus, such administration of medical marijuana shall occur with the following protocols: (1) medical marijuana shall not be administered or observed by any school personnel, including the bus driver, or any students, (2) administration will take place after the bus is empty and only by that individual who is identified by the student's parent/guardian as the qualified student's primary caregiver, and (3) administration on the bus shall be considered an emergency situation and to be used if no other location is available.

2. "Permissible form of medical marijuana" means non-smokeable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the superintendent, who may authorize such a

request after consultation with appropriate medical personnel chosen by the district.

3. "Primary caregiver" means the qualified student's parent, guardian or other responsible adult over eighteen years of age who is identified by the student's parent/guardian as the qualified student's primary caregiver. In no event shall another student be recognized as a primary caregiver. Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.

4. "Qualified student" means a student who holds a valid registration from the state of Colorado (license issued by the Colorado Department of Public Health and Environment) for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

#### **Permissible administration of medical marijuana to a qualified student**

A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location (identified previously in this policy) if all of the following parameters are met:

1. The qualified student's parent/guardian provides the school with a copy of the student's valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student's parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver shall be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. After administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver shall immediately remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan shall be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

#### **Additional parameters**

No school personnel, no matter their position or status, shall not administer or hold medical marijuana in any form. This policy conveys no right to any student or to

the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy shall not apply to school grounds, school buses or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters. Student or adult possession, use, distribution, sale or being under the influence of marijuana inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

If the federal or state government indicates that the district's federal funds are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

Adopted: *NOVEMBER 3, 2015*

**LEGAL REFS:** Colo. Const. Art. XVIII, Section 14 (establishing qualifications for use of medical marijuana).

**C.R.S. 22-1-119.3 (3)(c), (d)** (no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)

**C.R.S. 22-1-119.3 (3)(d)(III)** (board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event)

**GROSS REFS:** JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)

JLGD, Administering Medications to Students

JLGE, First Aid and Emergency Medical Care

**NOTE:** If the policy's provision for automatic suspension is triggered, the school district must post a statement on its website in a conspicuous place regarding its decision to continue to implement this state law, C.R.S. 22-1-119.3 (3)(d)(IV).

**Medical Marijuana Release of Liability and Waiver Form**

*I/We, the qualifying student's parent(s) or guardian(s) do hereby agree and am providing the following (initial each as line agreement and consent, and provide documents as indicated):*

\_\_\_ The qualified student's parent/guardian is providing the school with a copy of the student's valid registration from the State of Colorado authorizing the student to receive medical marijuana;

\_\_\_ The qualified student's parent/guardian acknowledges assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and hereby releases the district, its staff and administration, from liability for any injury that occurs pursuant to this policy;

\_\_\_ The qualifying student's parent/guardian or primary caregiver is solely responsible for providing and administering the permissible form of medical marijuana to the qualified student;

\_\_\_ The district determined, in its sole discretion, that the Administration Building Conference Room is the only acceptable location for administration of the medical marijuana and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students and are identified in Board Policy JLCDB; likewise – in an emergency/travel situation – a school bus may be utilized as long as the bus is empty of all students and staff; and

\_\_\_ A written plan is attached as an Addendum to this "Release of Liability and Waiver Form".

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

Parent/Guardian Signature \_\_\_\_\_

Administrator/Superintendent Signature \_\_\_\_\_

11/13/15





**Custer County C-1**

**BOE Agenda Item**

Meeting date: Jan 14<sup>th</sup>

Agenda Number & Item: 14d. I, ii, iii First Reading (Response to required policy updates from CDE for SSD grant)

Admin recommendation:

**Pass motion**

Not to pass motion

Amend motion (Suggested below)

Table the motion

**Suggested Motion Format**

To Move (After motion is stated there must be a second or motion will die).

"I move that we approve the readings of:

- i. Policy DID Inventories and Tagging
- ii. Policy DIE Audit
- iii. Policy DJB Federal Procurement

Modifying each one to be specific and to name Custer County School District within the policy where applicable."

2<sup>nd</sup> required

**Discussion / VOTE**

To Amend

"I move to amend the motion (State Main motion) by (inserting or adding; by striking out {words, sentences, or paragraphs}; by striking out and inserting words {with the words inserted replacing the words struck out})

2<sup>nd</sup> required

To Table / Take off the Table

"I move to lay on the table (state motion).

2<sup>nd</sup> required

"I move to take from the table (state motion that was tabled).

2<sup>nd</sup> required

Background Information

As presented - Response to required policy updates from CDE for SSD grant

Person Presenting Information

Mike McFalls

DID

*original*

### Inventories

The school district shall maintain a system for an annual inventory of all real and personal property costing \$5,000 or more and having a life expectancy of five years or more, with the exception of equipment permanently fixed in a building such as heaters or lockers.

The equipment inventory shall serve both the function of control and conservation.

Responsibility for the system shall lie with the Director of Finance to whom principals shall be accountable for the maintenance of proper inventories in their schools.

LEGAL REF.: C.R.S. 29-1-506(1)

Adopted: 5/24/11

Proposed

DID

*Draft*

### Inventories and Tagging

The school district shall maintain a system for an annual inventory of all real and personal property costing \$5,000 or more and having a life expectancy of five years or more, with the exception of equipment permanently fixed in a building such as heaters or lockers.

The district will also annually inventory all furniture, equipment, and technology for the purpose of accountability and scheduling a replacement schedule.

As deemed feasible the district will apply inventory control tags to all inventoried items.

The equipment inventory shall serve both the function of control and conservation.

Responsibility for the system shall lie with the Superintendent and/or the Director of Finance to whom principals shall be accountable for the maintenance of proper inventories in their schools.

LEGAL REF.: C.R.S. 29-1-506(1)

Adopted:

2/19/73

2/19/73

2/19/73

2/19/73

2/19/73

2/19/73

2/19/73

2/19/73

2/19/73

Draft

DIE

**(Annually / yrs, 4yrs, 5yrs) Audit**

In accordance with state law, all funds and accounts of the district shall be audited annually, following the close of the fiscal year.

The Board shall issue a request for proposal (RFP) (Annually / yrs, 4yrs, 5yrs) or use some other similar process for selection of an independent auditor licensed to practice in Colorado and knowledgeable in government accounting to conduct the audit. The independent auditor also shall audit the activities accounts of the district for report to the Board of Education.

The audit report shall contain among other information:

1. Financial statements prepared insofar as possible in conformity with generally accepted governmental accounting principles. (The financial statements are the representation of the district whether prepared by the district or by the auditor.)
2. Disclosures in accordance with the Financial Policies and Procedures Handbook. The supplemental schedules of receipts and expenditures for each fund shall be in the format prescribed by the State Board of Education and shall be in agreement with the audited financial statements of the district.
3. All funds and activities of the school district.
4. A budget to actual comparison for each fund and activity.
5. The auditor's opinion on the financial statements. If the opinion is anything other than unqualified, the reason must be explained. The opinion shall include general fixed assets.
6. Disclosure of all instances of noncompliance with state law, including the Public School Finance Act of 1994, irrespective of materiality.
7. A supplemental listing of all investments held by the district at the date of the financial statement.
8. A calculation of the school district's fiscal year spending in accordance with the state constitution.

The auditor shall meet with the Board to discuss the audit report, make recommendations to the Board concerning its accounting records, procedures and related activities as may appear necessary or desirable and shall perform such other related services as may be requested by the Board.

The audit report shall be completed and submitted by the auditor to the school district within five months after the close of the fiscal year unless a request for an extension of time is granted by the state auditor. Within 30 days after the Board receives the audit, it shall be submitted to the state auditor and the state commissioner of education.

The Board reserves the right to request an audit at more frequent intervals if desired.

Adopted: XXXXX

LEGAL REFS.: C.R.S. 22-32-109(1)(k)

C.R.S. 24-75-601.3

C.R.S. 29-1-601et seq.

Annual Audit (original)

In accordance with state law, all funds and accounts of the district shall be audited annually, following the close of the fiscal year.

The Board shall issue a request for proposal (RFP) or use some other similar process for selection of an independent auditor licensed to practice in Colorado and knowledgeable in government accounting to conduct the audit. The independent auditor also shall audit the activities accounts of the district for report to the Board of Education.

3705  
415

The audit report shall contain among other information:

1. Financial statements prepared insofar as possible in conformity with generally accepted governmental accounting principles. (The financial statements are the representation of the district whether prepared by the district or by the auditor.)
2. Disclosures in accordance with the *Financial Policies and Procedures Handbook*. The supplemental schedules of receipts and expenditures for each fund shall be in the format prescribed by the State Board of Education and shall be in agreement with the audited financial statements of the district.
3. All funds and activities of the school district.
4. A budget to actual comparison for each fund and activity.
5. The auditor's opinion on the financial statements. If the opinion is anything other than unqualified, the reason must be explained. The opinion shall include general fixed assets.
6. Disclosure of all instances of noncompliance with state law, including the Public School Finance Act of 1994, irrespective of materiality.
7. A supplemental listing of all investments held by the district at the date of the financial statement.
8. A calculation of the school district's fiscal year spending in accordance with the state constitution.

The auditor shall meet with the Board to discuss the audit report, make recommendations to the Board concerning its accounting records, procedures and related activities as may appear necessary or desirable and shall perform such other related services as may be requested by the Board.

The audit report shall be completed and submitted by the auditor to the school district within five months after the close of the fiscal year unless a request for an extension of

time is granted by the state auditor. Within 30 days after the Board receives the audit, it shall be submitted to the state auditor and the state commissioner of education.

The Board reserves the right to request an audit at more frequent intervals if desired.

Adopted: September 10, 2013

LEGAL REFS.: C.R.S. 22-32-109(1)(k)

C.R.S. 24-75-601.3

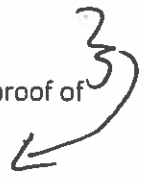
C.R.S. 29-1-601*et seq.*



DJB

*Drafts*

The District's policy on Federal Procurement does not contain information pertaining to a check of debarment or with the Secretary of State. The District does require a criminal background check, proof of liability insurance and workers comp.

*Add* 

DJB\*

*NOTE: Colorado school districts that receive federal funds are required by federal law to adopt procurement procedures and the law contains some specific direction as to the content or language. This sample policy and its accompanying regulation contain the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

*The district may continue to comply with the procurement standards in previous federal guidance for two additional fiscal years following the implementation of the federal Uniform Grant Guidance (UGG), which became effective December 26, 2014. If the district chooses to use previous procurement standards, the district must document this decision in its internal procurement policies and procedures. **As of July 1, 2017, districts that receive federal funds must comply with the UGG for all purchases made with federal funds and must implement procurement procedures that meet the UGG's requirements.***

### Federal Procurement

This policy and its accompanying regulation shall apply to the purchase of services, supplies, equipment or other property with federal funds that are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy or its accompanying regulation conflict or are otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of such laws shall control.

*NOTE: We recommend the following paragraph to clarify that district employees shall follow other applicable Board policies and state law, such as purchasing authority and competitive bidding, to the extent these policies impose additional requirements or procedures. For example, state law requires districts to conduct criminal background checks for any person providing direct services to students pursuant to a written contract. C.R.S. 22-32-122 (4).*

District employees shall follow Board policy concerning employee purchasing authority when making any purchase with federal funds and shall obtain prior Board approval in those instances when it is required by Board policy. District employees shall also follow applicable state law and Board policy concerning competitive bidding, to the extent state law and/or Board policy establish additional requirements that are not inconsistent with this policy and its accompanying regulation.

### Micro-purchases (less than \$3,500)

A "micro-purchase" is a purchase that, in an aggregate amount, is less than \$3,500.

*NOTE: The micro-purchase dollar amount is adjusted periodically by the federal government. The threshold most recently established and published in the Federal Register is \$3,500.*

Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy, "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the district will distribute micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices and other terms.

#### **Small purchases (\$3,500 to under \$150,000)**

A "small purchase" is a purchase that, in an aggregate amount, is \$3,500 or more, but less than \$150,000.

*NOTE: Given that the federal government periodically adjusts the micro-purchase dollar amount as well as the amount that requires competitive bidding, the amount considered to be a "small purchase" is currently \$3,500 or more but less than \$150,000.*

For small purchases, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources, as detailed in this policy's accompanying regulation, unless:

1. a valid basis exists under the federal Uniform Grant Guidance for relying on procurement by a noncompetitive proposal (i.e., "single source" procurement); or
2. the district elects to use a more formal competitive bid or request for proposal process.

#### **Large purchases (\$150,000 or more)**

A large purchase is a purchase that, in an aggregate amount, is \$150,000 or more.

*NOTE: The dollar amount at which competitive bidding is required is adjusted periodically by the federal government. The threshold most recently established and published in the Federal Register is \$150,000.*

The district shall conduct a cost or price analysis for large purchases that, at a minimum, includes making an independent estimate before receiving bids or proposals (including noncompetitive proposals). A cost analysis means evaluating the separate cost elements that make up the price. A price analysis means evaluating the total price, without looking at the individual cost elements.

Whenever appropriate and relevant to the specific transaction, the cost analysis may include life-cycle cost estimates which shall then be incorporated into any solicitations of bids or proposals.

#### **Unnecessary or duplicative items**

The district shall avoid the acquisition of unnecessary or duplicative items.

Consideration shall also be given to consolidating or breaking out purchases to obtain a more economical purchase.

### **Recordkeeping**

The district shall maintain records sufficient to detail the history of procurements made with federal funds. These records may include, but not necessarily be limited to, the following: rationale for the method of procurement, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Retention of such procurement records shall be in accordance with applicable law and Board policy.

(Adoption date)

LEGAL REFS.: 2 C.F.R. Part 200 Subpart D (*post-award requirements under the federal Uniform Grant Guidance*)

. 2 C.F.R. 200.318 (*general standards for procurement supported by federal funds*)

. 2 C.F.R. 200.319 (*written procurement standards required*)

. 2 C.F.R. 200.320 (*methods of procurement to be followed*)

2 C.F.R. 200.323 (*cost or price analysis*)

2 C.F.R. 200.333 (*record retention requirements*)

2 C.F.R. 200.336 (*access to records*)

7 C.F.R. 3016.36 (*USDA's procurement standards*)

7 C.F.R. 3016.37 (*USDA's procurement requirements for subgrants*)

34 C.F.R. Parts 75, 76 (*EDGAR - Education Department General Administrative Regulations*)

48 C.F.R. Subpart 2.1 (*micro-purchase and competitive bidding thresholds*)

CROSS REFS.: BCB, School Board Member Conflict of Interest

DAC\*, Federal Fiscal Compliance

DJ/DJA, Purchasing/Purchasing Authority

---

DJE, Bidding Procedures

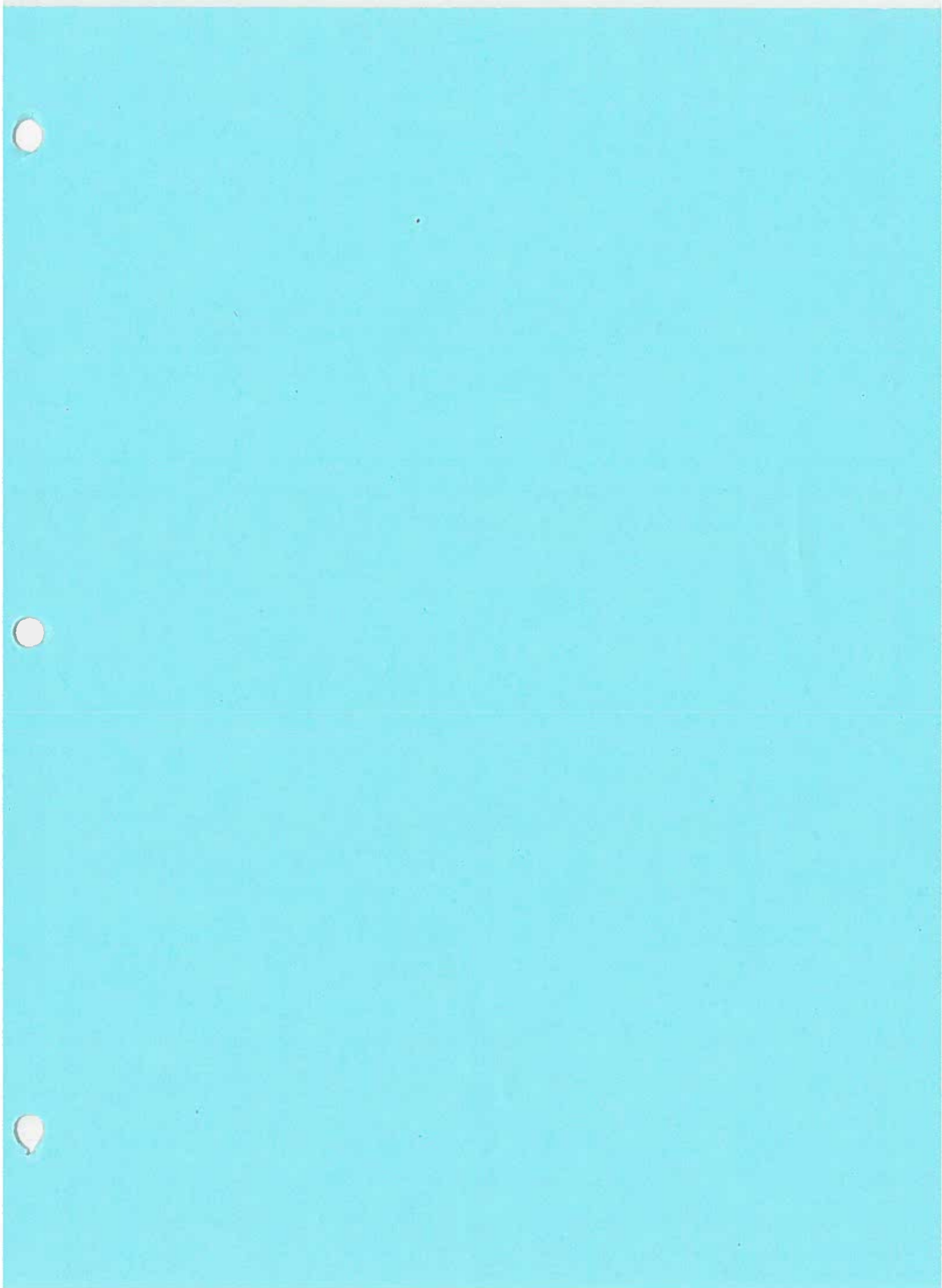
DKC, Expense Authorization/Reimbursement (Mileage and Travel)

EHB, Records Retention

GBEA, Staff Ethics/Conflict of Interest

COLORADO SAMPLE POLICY 2017

---



**AD Report  
1/08/20**

Fall Sports

- Both Volleyball and Football scheduling has finished -- we have the needed games, just working on details

Winter Sports

- Still one girls game short
- Several teams are not fielding JV -- so I am looking to add a few more JV games to the schedule
- Wrestling Tournament on 1/25 -- any and all help is appreciated!
- CHSAA has granted permission for us to be able to practice with other teams for wrestling since we currently only have 2 wrestlers
- MS Boys -- A team finished 2nd place
- MS Wrestling and MS Girls Basketball have started their first week-- participation numbers look good!
  - Looking to add a HOME MS wrestling tournament -- in order to host tournaments, we do need help!!

Spring Sports

- We are seeking a throw coach for HS Track and Field
- Working on finalizing baseball/track schedules

SPL Updates

- Trinidad and Monte Vista will join the Southern Peaks League starting next year-- both have been granted to play down to 2A for the next cycle

CHSAA Updates:

- Discussion at committee meetings with the following:
  - Adding an element to transfers that will include not just the league, but the conference as well
  - Adding a minimum # of participants to start a season with



January 13, 2002

Dear School Board Members,

The Excellence In Education Committee respectfully submits our revised by-laws for your perusal. We will be submitting this document to the Wet Mountain Valley Community Foundation for their approval.

We will have information for the February meeting that will include the money donated through the Spirit Campaign that will continue to fund teacher requests as forwarded to us by the school administration.

Lissa Miller  
Co-chair  
Excellence in Education



# **THE EXCELLENCE IN EDUCATION COMMITTEE FUND OF THE WET MOUNTAIN VALLEY COMMUNITY FOUNDATION**

## **COMMITTEE BY-LAWS**

**Article I - The Committee:** These by-laws pertain to the Excellence in Education Committee (the "Committee") of the Wet Mountain Valley Community Foundation ("WMVCF"), which has been established to raise funds for the Custer County School Educational Excellence Fund (the "Fund"). These funds are designated for the exclusive benefit of the Custer County School District C-1 (the "School District"), its students, parents, teachers, and administrators.

**Article II - Functions of the Committee:**

- A. The Committee shall solicit funding sources to support the mission.
- B. The Committee shall make recommendations to the school administration and the WMVCF concerning prospective funding requests from appropriate funding sources.
- C. The Committee, upon approval from the school administration and WMVCF, shall pursue such funds in the name of either the Fund at WMVCF or the School District directly, as appropriate for the particular funding source. Each potential grant application will be discussed and reviewed by a representative of the school district (Superintendent, Principal, or Business Manager) before being submitted by the Committee. The Committee will also get approval from any school staff member involved in the execution of the grant, to verify school agreement with what is being submitted and that the use of this grant be monitored and sustainable.
- D. The Committee may also solicit other donations and advised funds to become part of the Fund at WMVCF in support of the School District.
- E. The Committee shall be bound by the policies set for it by the School District and policies pertaining to it as set by WMVCF. The Committee shall not have authority to speak for or act on behalf of either the School District or WMVCF unless specifically so authorized.
- F. The Committee shall be responsible for keeping complete records of all its activities, including all communications with donors and prospective donors, and shall be responsible for all necessary reporting required by any funding source. The Committee shall, in particular, assure that all donor intentions and conditions with respect to gifts are fully reported to the school administration.

- G. At least annually, the Committee shall complete a written report of its activities to WMVCF and the School Board.

#### Article III - Membership:

- A. All members of the Committee are voting members. Members may be appointed by WMVCF, the School Board, and the Committee from the community at large.
- B. Any member appointed by WMVCF or the School Board may, at any time, be removed by the appointing authority.
- C. Members who resign or who are removed shall be replaced. The Committee shall have a minimum of five, and a maximum of nine members at all times.
- D. No term limits shall apply to membership on the Committee

#### Article IV - Officers

- A. The members of the Committee shall annually elect from their numbers the following: a chairperson, a vice-chairperson, a secretary, and a treasurer. All officers shall be voting members of the Committee.
- B. Duties of the officers
  - 1. The chairperson shall conduct all meetings of the Committee and shall set the agenda. The chairperson, or his/her designee, shall solely be authorized to speak publicly about the decisions and activities of the Committee.
  - 2. The vice-chairperson shall act as chairperson in the chairperson's absence.
  - 3. The secretary or designated member shall take minutes of each meeting and maintain complete records of the Committee's activities and correspondence, all of which shall be made available to WMVCF, the School Board, or the school administration upon request.
  - 4. The treasurer or designated member shall maintain complete records of the Committee's gift and grand requests and donations, all of which shall be made available to WMVCF, the School Board, or the school administration upon request.
  - 5. The treasurer shall communicate as needed with the bookkeeper of the WMVCF, and will follow proper standard procedures for counting and depositing donations received by the Committee. The treasurer will present a short financial report to the Committee members at each of their regular meetings.

**Article V - Meetings**

- A. Meetings shall be called at the chairperson's discretion or at the request of two members of the Committee.
- B. A majority of the membership shall constitute a quorum.
- C. A vote of the majority of the members present at a meeting at which a quorum is established shall affirm or negate a decision of the Committee.
- D. A member may participate in any meeting of the Committee remotely. A member may also give a written proxy to any other member of the Committee to act on his or her behalf at any Committee meeting. Members communicating remotely or represented by proxy shall be deemed present at the meeting.
- E. The Committee may take action by conducting a telephone or email poll, provided that each member of the Committee is contacted, given reasonable information about the proposed action, and afforded a chance to vote for or against the proposition, or to abstain.

**Article VI - Dissolution:** If WMVCF ceases to exist as a qualified charity, or if at any time either WMVCF or the School Board desires to discontinue the Fund and the Committee within WMVCF, and if there are any funds remaining to be received or being held by WMVCF in the Fund, such funds shall be disbursed either to the School District for the purposes intended by donors of such funds, or to another qualified charity designated by the School Board to be further held and used in accordance with any applicable donor intentions and conditions.

**Article VII - Amendments:** These by-laws may be amended at any time by WMVCF with the approval of the School Board.

**THESE BY-LAWS HAVE BEEN ADOPTED ON \_\_\_\_\_, 2020  
AND SUBMITTED TO THE SCHOOL BOARD ON \_\_\_\_\_,  
2020.**