

Parent Notification of Employee Conduct Policy For Colorado Military Academy

The Colorado Military Academy (hereafter referred to as “CMA”) Board of Directors (“the Board”) is committed to maintaining a professional workforce whose conduct conveys respect for themselves, their peers, our students, and the greater community we serve. While federal and state laws, regulations and other district policies impose expectations of staff and prohibitions on their actions, the purpose of this policy is to ensure timely notification to parents of students when CMA learns that an employee has been convicted of certain felony crimes.

The Colorado legislature has provided a list of disqualifying offenses that it determined pose a risk to the educational setting. CMA recognizes that employees accused of committing these offenses are presumed innocent until proven guilty, but CMA understands and respects that these charges can be very concerning to our students and families. Consequently, when CMA receives notice that a current or former employee has been charged or convicted of any of the statutory enumerated offenses, CMA will provide parents and guardians information regarding the charge or conviction. The CMA may partner with relevant law enforcement agencies to determine what information should be included in the notice regarding the charge or conviction.

Additionally, when CMA receives notice that an employee has been charged with one of these offenses and the underlying allegation implicates or poses an ongoing risk to students, CMA will place the employee on administrative leave. In accordance with state law, all employees convicted of one of these enumerated offenses will immediately be disqualified from continued employment.

Definitions

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

- (a) "Employee" means an employee of CMA whose employment requires or required the employee to be in contact with students or whose work area gives or gave the employee access to students. "Employee" includes a former employee if CMA employed the individual at any time within 12 months before an offense is charged.
- (b) "Parent" means the biological or adoptive parent or the legal guardian or legal custodian of a student enrolled in a CMA at the time notification is made.

CMA's Responsibility to Monitor Criminal Proceedings

CMA routinely receives reports from the Colorado Bureau of Investigation (“CBI”) relating to employees who have previously been subject to a background check.

If CMA receives a report from the CBI that includes information that an employee has been arrested for any of the crimes listed below, the CMA Headmaster and/or Human Resources Manager shall monitor the criminal proceedings to determine whether the employee is charged with an offense listed below and whether a preliminary hearing has been held if the charge is eligible for a preliminary hearing.

In addition, any time CMA finds good cause to believe that an employee has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction subsequent to such employment, CMA shall require the person to submit a complete set of his or her fingerprints for a fingerprint-based criminal history record check.

Crimes that require further monitoring and potential notification to parents are:

1. Felony child abuse;
2. A crime of violence, not including assault in the second degree unless the victim is a child;
3. A felony offense involving unlawful sexual behavior;
4. A felony, where it is alleged that the underlying factual basis of which includes an act of domestic violence;
5. Felony indecent exposure; or
6. A felony drug offense that is a Level 1 or Level 2 drug felony.

Notification Procedure

Within two school days after the preliminary hearing is held, waived or deemed waived by the employee, or within two school days after the date on which the employee is charged if the charged offense is not eligible for a preliminary hearing, CMA shall provide notice to parents.

Notice should be sent to parents of all students who:

1. Were enrolled in CMA in which the employee is employed or was employed at the time of the alleged offense; or
2. CMA has reason to believe that the employee may have had contact with the student as part of the employee's employment with CMA.

The notification shall contain:

1. The name of the employee;
2. The employee's position;
3. Whether the employee continues to be employed by the local education provider;
4. The length of employment with CMA
5. The alleged offense as set forth in the charging document, including the violation of statute or code; and
6. A statement that, under state and federal law, a person is presumed innocent until proven guilty.

If CMA has already provided notice to parents about the employee's charge which substantially conforms to these notice requirements, CMA need not provide additional notice of the charge.

A second notification is required within two school days after CMA confirms the disposition, or outcome of the charge. The disposition notification shall provide notice to parents of the disposition of the charge and shall be in the same manner as the original notification.

Additional Parameters

Notifications shall be in the same manner by which CMA notifies parents of important CMA business, which may include email, other electronic communication, or by first-class mail.

CMA may provide additional information to parents regarding the underlying facts or circumstances relating to the charge but shall not disclose the identity of the alleged victim.

Parental notification may be delayed if requested by law enforcement.

Notification must be sent regardless of whether or not the circumstances of the charge occurred when the employee was off duty.

Notification When CMA is Out of Session

The duty to notify parents of qualifying charges and convictions against employees continues while CMA is out of session. Accordingly, the Headmaster and/or Human Resources Manager shall continue to monitor CBI reports and criminal proceedings during scheduled breaks to ensure notification requirements are met.

Reporting to CDE and CSI

If an employee of CMA is dismissed or resigns because of an allegation of any one of these enumerated crimes, and such allegation is supported by a preponderance of the evidence, the Board shall notify the Colorado Department of Education ("CDE") and the Colorado Charter CMA Institute ("CSI"). The Board shall provide any information requested by CDE or CSI concerning the circumstances of the dismissal or resignation. CMA shall notify the employee that information concerning the employee's dismissal or resignation is being forwarded to CDE and CSI unless the notice would conflict with the confidentiality requirements of the "Child Protection Act of 1987", part 3 of article 3 of title 19, C.R.S.

If CMA learns from a source that a current or past employee of CMA has been convicted of, pled guilty to, pled no contest, or has received a deferred sentence or deferred prosecution for any of the above-enumerated crimes, CMA shall notify CDE and CSI.

Safe School Plan

This policy is incorporated into CMA'S Safe School Plan.

Adopted: Nov. 6, 2018

References:

C.R.S. 22-1-130 (Notice to parents of alleged criminal conduct by CMA employees – legislative declaration – definitions)

C.R.S. 22-30.5-110.5 (information provided to department)

C.R.S. 22-30.5-511.5 (Background investigations – prohibition against employing persons – institute charter CMA employees' information provided to department)

C.R.S. 22-32-109.8(6.5) (Prohibition against employing persons)