



Colorado Department of Education – Communications Office
201 East Colfax Ave.
Room 207
Denver, CO 80203
Phone: 303-866-3898
Fax: 303-866-6938

May 13, 2010

News Release

** Corrected*

State Board of Education Votes Against Rules Requiring Notification of Parents When an Arrest is Filed or When Charges are Brought Against A School District Employee

A majority of the members of the Colorado State Board of Education today voted against a set of new rules that would require school districts to notify parents when an arrest is made or when charges are brought against an employee or former employee of a school if the charges are based on specific offenses.

*The vote was 4 to 3, with board members Randy DeHoff, Jane Goff, Angelika Schroeder and Elaine Gantz Berman opposing the rules.

Chairman Bob Schaffer, who initiated the drafting of the rule in February, explained the rationale for the promulgation of the rules. Schaffer said, "Parents have the right to know when an arrest is made or charges are brought against an employee. This allows them to immediately speak to their children and determine the level of contact with the employee."

State Board Vice-Chairman Randy DeHoff admitted he struggled with the proposal since it was first introduced. "Responding with these rules is over-kill. The message to school districts should be that they need to get more serious about notifying parents," said DeHoff. "This is a matter to be addressed at a local level."

Board Member Angelika Schroeder added, "I'm aware of the individual harm created by false accusations. I would support these proposed rules if notification was based on conviction, not an arrest or charge."

The proposed rule would have required parents be notified when an employee is arrested or charged with any felony offense; a misdemeanor offense or municipal ordinance violation involving unlawful sexual behavior; a misdemeanor offense or municipal ordinance violation involving children; a misdemeanor offense or municipal ordinance violation involving indecent exposure; Driving Under the Influence or Driving While Ability Impaired (if the employee's work with the district involves transporting students via motor vehicles); misdemeanor domestic violence, sexual assault, unlawful sexual conduct, child abuse, sexual exploitation of children; misdemeanor or municipal ordinance violation of any law in Colorado, or any municipality in the state or the United States involving the illegal sale or possession of controlled substances a crime of violence; indecent exposure; or any felony offense in another state.

Under the proposed rule the duty to notify applies to employees or former employees whose employment required them to be in contact with students enrolled in the school.

Also, the rules would require that "notification of parents ~~shall~~ must be made whether the actions giving rise to the arrest or charge were undertaken while the employee or former employee was acting within the scope of his or her employment with the school."

The notice would have included the name of the employee, his or her position at the school, whether or not the employee continues to be employed at the school, the length of his or her employment, the alleged offense and a statement providing that under state and federal laws a person is innocent until proven guilty. The notice shall not describe the underlying facts of the case and shall not disclose the identity of the alleged victim if the alleged victim is a student in the school.

Other Action

Key items the board also considered and approved include:

- Re-designation of Denver Public Schools as a District of Innovation and request for waiver from state statute for the benefit of Denver Green School.

- Requests for emergency initial authorizations (monthly total, 2).
- Disciplinary proceedings concerning a license charge No. 2010EC01.
- Disciplinary proceedings concerning an application for a license charge No. 2010EC03.
- Disciplinary proceedings concerning a license charge No. 2010EC05.
- Disciplinary proceedings concerning a license charge No. 2010EC07.
- Disciplinary proceedings concerning an application for a license and for an authorization charge No. 2010EC12.
- Disciplinary proceedings concerning a license charge No. 2010EC02.
- Disciplinary proceedings concerning a license charge No. 2010EC04.
- Disciplinary proceedings concerning a license charge No. 2010EC06.
- Disciplinary proceedings concerning a license charge No. 2010EC09.
- Request from certain waivers pursuant to C.R.S. 22-2-117 by Delta County School District 50-J on behalf of Vision Coalition Schools.
- A waiver request from certain statutes by Colorado Springs School District 11 on behalf of Academy for Advanced and Creative Learning.
- A waiver request from certain statutes by Colorado Springs School District 11 on behalf of Community Prep School.

The board also held rulemaking hearings for the Rules Pertaining to Educator Licensing and the Rules Governing the Renewable Energy and Energy Efficiency for Schools Loan Program. The board will consider voting on these rules at the June 3 board meeting.

Recognition of Colorado's Outstanding Educators

The board recognized Victoria Montoya, the 2010 "Educator of the Year" recipient from the Office of Language, Culture and Equity. A representative from Congressman Ed Permuter's office also presented Montoya with a surprise Congressional Record for her achievements.

Victoria Montoya is an English language acquisition teacher leader at Sable Elementary in Aurora Public Schools (APS).

The LCE Educator of the Year award is in its third year. Districts from around the state nominate educators who they feel are deserving of this award. The Language Culture and Equity Office, along with its Advisory Council, review the nominees and make a selection.

State Board Retreat

The Colorado State Board of Education will hold a retreat on Thursday, May 13.

The meeting will begin at 9 a.m. at the Denver School of Science and Technology, 2000 Valentia St., in Denver.

The agenda for the Thursday, May 13 retreat includes:

- Discussion of the Alignment of "Forward Thinking" with the Colorado State Board of Education's Strategic Plan.
- Executive session (12:30 p.m.—2 p.m.) which will be closed to the public.
- Charter School Appeals: Overview of charter school appeal procedures and recent developments regarding authorization and draft contractual language.
- Other business

A carry-over item from the May 12 board meeting includes:

- Resolution in support of CDE efforts to improve and support educator effectiveness.

For additional information about each agenda item or to review the proposed rules, please visit the state board's Web page for agendas:

<http://www.boarddocs.com/co/cde/Board.nsf/Public>

For more information, contact Mark Stevens, 303-866-3898, or Megan McDermott, 303-866-2334, in the CDE Office of Communications. To sign up for the CDE e-mail news service, please visit <http://www.cde.state.co.us/Communications/index.html>.

Follow us on Twitter at <http://twitter.com/codepted>

#