

Parental Notification of Felony Charges Against Employees

- 1.0 The purpose of this policy is to promote a safe school environment by complying with the state law enacted as HB18-1269 effective August 15, 2018.
- 2.0 **Definitions.** For purposes of this policy:
 - 2.1 “Employee” means a District employee 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 the employee was employed by the District at any time within twelve months before an offense is charged.
 - 2.1 “Parent” means the biological or adoptive parents or the legal guardian or legal custodian of a student enrolled in the District at the time notification is made pursuant to this policy.
- 3.0 If the District receives a report from the Colorado Bureau of Investigation that includes information that an employee has been arrested for an offense listed below in this policy, the District shall monitor the criminal proceedings to determine whether the employee is charged with an offense described below in this policy and whether a preliminary hearing has been held if the charge is eligible for a preliminary hearing. The District shall notify parents if an employee is charged with any of the following offenses:
 - 3.1 Felony child abuse as specified in Colorado Revised Statutes (C.R.S.) 18-6-401;
 - 3.2 A crime of violence, as defined in C.R.S. 18-1.3-406 not including assault in the second degree unless the victim is a child;
 - 3.3 A felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
 - 3.4 A felony, where it is alleged that the underlying factual basis of which includes an act of domestic violence, as defined in C.R.S. 18-6-800.3;
 - 3.5 Felony indecent exposure, as described in C.R.S. 18-7-302; or
 - 3.6 A felony drug offense described in Part 4 of Article 18 of Title 18 of the C.R.S., that is a level 1 or level 2 drug felony.
- 4.0 The District shall provide the notification to parents within two school days after the preliminary hearing is held or deemed waived by the employee, or within two school days after the date on which the employee is charged. The District shall provide the required notice to the parents of a student:
 - 4.1 Enrolled in the public school in which the employee is employed or was employed at the time of the alleged offense;
 - 4.2 With whom the District has reason to believe the employee may have had contact as part of his or her employment with the District.
- 5.0 The District shall provide the notice to parents in the same manner which the District notifies parents of important school business, which may include e-mail notification or other electronic communication sent directly to parents or by first-class mail.
- 6.0 Within two school days after the District confirms the disposition of the charge, the District shall provide notice to parents of the disposition of the charge using the same notification method used in the original notice to parents.
- 7.0 If a delay in parent notification is requested by the appropriate law enforcement agency, the District shall delay notification to parents until the request is withdrawn.
- 8.0 The District shall notify parents regardless of whether the actions giving rise to the charge occurred while the employee was on duty.

- 9.0 When school is not in session the required notice to parents shall occur within a reasonable time and shall not be delayed until school is back in session.
- 10.0 The notice to parents must include the following:
 - 10.1 The name of the employee;
 - 10.2 The employee's position;
 - 10.3 Whether the employee continues to be employed by the school District;
 - 10.4 The alleged offense set forth in the charging document, including the violation of statute or code; and,
 - 10.5 A statement that, under state and federal law, a person is presumed innocent until proven guilty.
 - 10.6 The District 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.

LEGAL REFERENCES:

- C.R.S. 18-6-401
- C.R.S. 18-1.3-406
- C.R.S. 16-22-102(9)
- C.R.S. 18-6-800.3
- C.R.S. 18-7-302
- C.R.S. 22-1-130
- Part 4 of Article 18 of Title 18 of the C.R.S.

CROSS REFERENCES:

- Code 4100
- Code 4110
- Code 4130
- Code 4135
- Code 4210
- Code 8400
- Code 4185
- Code 4130
- Code 4210