

**PROFESSIONAL DISCRETIONARY AND BEREAVEMENT LEAVE**

**Discretionary Leave**

Full-time employees shall be granted discretionary days as follows:

Nine (9) month employees	11 days
Ten (10) month employees	12 days
Eleven (11) month employees	13 days
Twelve (12) month employees	15 days

The number of leave days shall be prorated on contracts less than a full year or full-time. Days may be used for sick or personal purposes. Any unused days shall be transferred into accumulative leave not to exceed a total of 60 days.

The SFTBOCES will buy back all unused days over the 60 days maximum at a rate of \$25.00. Employee will be paid \$25.00 per day for days accumulated upon retirement. Employee must have been with the district a minimum of 5 years to qualify for this benefit.

**Bereavement Leave**

Employees of the SFTBOCES shall be allowed two bereavement days in state and three bereavement days out-of-state in case of death in the immediate family. More days needed may be taken from discretionary leave.

Immediate family shall be defined as wife or husband, son or daughter, mother or father, sister or brother, grandparent, or grandchild of the employee or the employee's spouse or any other person living in the family home.

Use of up to three days accumulated discretionary leave may be granted by the Special Education Director in case of death of an individual not in the employee's immediate family. The employee shall name the person for whom such leave is asked at the time the leave is requested.

Adopted: October 23, 2002

## **SUPPORT DISCRETIONARY AND BEREAVEMENT LEAVE**

### **Discretionary Leave**

The same discretionary leave policy established for certificated staff shall apply to all other employees.

### **Bereavement Leave**

The same bereavement leave policy established for certificated staff shall apply to all other employees.

Adopted: October 23, 2002

**OPEN HIRING/EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

The Board subscribes to the fullest extent to the principles of the dignity of all people and of their labors. It also recognizes that it is both culturally and educationally sound to have persons of diverse backgrounds on the SFTBOCES staff.

Therefore, the SFTBOCES shall promote and provide for equal opportunity in recruitment, selection, promotion and dismissal of all personnel. Total commitment on the part of the SFTBOCES towards equal employment opportunity shall apply to all people without regard to race, color, religion, national origin, marital status, sex, age or handicap.

Every available opportunity shall be taken to insure that the district does not discriminate in any area of employment including job advertising, pre-employment requirements, recruitment, compensation, fringe benefits, job classifications, promotion and termination.

Adopted: October 13, 1999

- LEGAL REFS.: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681  
Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*  
Age Discrimination in Employment Act of 1967, as amended, 29  
U.S.C.  
621 *et seq.*  
29 U.S.C. 701 *et seq.* (Section 504 of the Rehabilitation Act of  
1973)  
Americans with Disabilities Act, 42 U.S.C. 1201 *et seq.*  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d  
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
2000e  
C.R.S. 22-32-110 (1) (k)  
C.R.S. 22-61-101  
C.R.S. 24-34-301 through 24-34-308  
C.R.S. 24-34-402
- CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
ACA, Nondiscrimination on the Basis of Sex  
ACE, Nondiscrimination on the Basis of Handicap/Disability

## **SEXUAL DISCRIMINATION AND HARASSMENT**

Harassment of employees and students will not be tolerated in the SFTBOCES. SFTBOCES includes agency facilities, agency premises, and non-agency property if the employee or student is at any agency sponsored, agency approved or agency related activity or function where students are under the control of the SFTBOCES or where the employee is engaged in agency business.

Harassment includes, but is not limited to, racial, religious, national origin, age, disability and sexual harassment. Harassment by board members, administrators, employees, parents, students, vendors, and others doing business with the school district is prohibited. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the Special Education Director or board.

Sexual harassment shall include, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational development;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment as defined above may also include but is not limited to:

1. Sex-oriented verbal "kidding," abuse or harassment
2. Pressure for sexual activity
3. Repeated remarks to a person with sexual or demeaning implications
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body

5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns
6. Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Employees and students who believe they have suffered harassment may file a formal grievance of sexual harassment to the Title IX Coordinator who shall be the investigator for harassment complaints. However, formal claims regarding harassment may also be reported to the Board President who shall be the alternate investigator for harassment complaints.

Formal grievance of sexual harassment must follow the accompanying grievance procedure.

All matters involving sexual harassment complaints shall remain confidential to the extend possible.

Filing of a grievance or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect future employment or work assignments.

Notice of this policy shall be circulated to all SFTBOCES employees and departments and incorporated in employee handbooks.

Adopted:        October 13, 1999

LEGAL REFS.:        Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*  
                              Title IX of the Education Amendments of 1972, U.S.C. 1681 *et seq.*  
                              C.R.S. 24-34-401 *et seq.*

**SEXUAL HARASSMENT**  
(Grievance Procedure)

1. Any person who believes he or she has been subject to sexual harassment will file a written grievance with the official (Title IX Coordinator, Special Education Director, or Board President) responsible for compliance.
2. Upon listening to the facts and allegations, the official will advise the person bringing the complaint on how to:
  - (a) attempt to resolve the matter directly and informally, or
  - (b) present the complaint in writing with supporting detail.
3. Upon written receipt of a grievance, the grievance officer will attempt to resolve the problem, if warranted, in an informal manner through the following process:
  - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of the basis of the complaint.
  - b. The grievance officer will then attempt to meet with the charged party in order to obtain a response to the complaint.
  - c. The grievance officer may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.
4. After reviewing the record made by the grievance officer, the Special Education Director or designee may attempt to gather any additional evidence necessary to decide the case and thereafter impose any sanctions deemed appropriate including a recommendation to the Board for disciplinary or other action.

Adopted:        October 13, 1999

## **STAFF INVOLVEMENT IN DECISIONMAKING**

The Board shall encourage employee participation in decision making for the agency in accordance with the following statements:

### Staff Advisory Functions

In the development of regulations and arrangements for the operation of the school system, the Special Education Director shall include at the planning stage, whenever feasible, those employees who will be affected by such provisions.

The Special Education Director shall be involved with certificated and classified employees channels for the ready intercommunication of ideas and feelings regarding the operation of the agency. The Special Education Director shall consider the counsel given by employees, especially that given by groups designated to represent large segments of the staff, and shall inform the Board of all such counsel in presenting reports of administrative action and recommendations for Board action.

### Staff Advisory Committees

To the end that joint advice may be readily available for the purpose described above, the staff shall be encouraged to elect advisory committees to work with Program Directors and the Special Education Director in the areas of concern to the staff. Furthermore, the Special Education Director shall, at his/her own discretion, appoint additional committees for such functions as are not being performed by existing groups.

Each elected staff committee shall act in an advisory capacity to the administrative officer responsible for the area in which the committee was elected to operate. Each appointed committee shall act in an advisory capacity to the administrative officer by whom it was appointed.

### Accountability Committees

The staff is encouraged to volunteer to serve on accountability committees as these are being formed. The advice of staff is important in such a formalized planning process.

Adopted:        October 13, 1999

**DRUG-FREE WORKPLACE**  
(Drug and Alcohol Use by Staff Members)

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited on the premises of Santa Fe Trail BOCES. The definition of a controlled substance shall be the same as that found in the policy regarding employee alcohol use/drug abuse.

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action which may include termination and referral for prosecution. Alternatively, the employee may be allowed to participate in an approved drug or alcohol abuse assistance or rehabilitation program in appropriate circumstances in accordance with Board policy.

An employee knowingly in the possession of or under the influence of alcohol or any controlled substance shall be suspended immediately by the Special Education Director if such use or possession is:

1. On SFTBOCES grounds, whether or not work is in session
2. At any SFTBOCES sponsored or sanctioned activity or event off SFTBOCES property or enroute thereto
3. On the way to work

An employee shall be suspended immediately after arrest for possession or for being under the influence of a controlled substance.

After investigation, the Special Education Director may reinstate the employee if it appears to be in the best interests of the individual and the agency. The matter must be reported in full to the Board of Directors.

If the investigation causes the Special Education Director to continue the suspension in excess of 10 working days, the employee may request a hearing by the Special Education Director or designee to be conducted in a manner to insure that the individual suspended receives a fair, impartial hearing.

The Special Education Director shall establish an awareness program to inform employees about:

1. The dangers of drug and alcohol abuse
2. The Board's policy of maintaining a drug-free workplace



3. Available drug and alcohol counseling, rehabilitation and employee assistance programs
4. Penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace

Information about the standards of conduct required by this policy and a statement of disciplinary sanctions shall be communicated to employees in an appropriate manner on an annual basis. All employees who specifically work under a contract or grant which is federally funded shall acknowledge receipt of this policy and related information.

Pursuant to law, any employee who is convicted or pleads **nolo contendere** under any criminal drug statute for a violation occurring in the workplace shall notify the Special Education Director no later than five days after the conviction. The agency has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the agency and the convicted employee's work site.

The Board shall conduct a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes and to insure that disciplinary sanctions are consistently enforced.

Adopted:        October 13, 1999

LEGAL REFS.:        20 U.S.C. 7117 (Safe and Drug-Free Schools and Communities Act of 1994)  
                              21 U.S.C. 812 (definition of controlled substance)  
                              41 U.S.C. 701 and 702

**EMPLOYEE ACKNOWLEDGEMENT FORM**  
Drug-Free Workplace Policy Statement

Santa Fe Trail Board of Cooperative Educational Services

I, THE UNDERSIGNED EMPLOYEE OF Santa Fe Trail BOCES, have received a copy  
of the  
Drug-Free Workplace policy and:

1. I agree to abide by the terms of the policy.
2. I agree to notify my supervisor if I am convicted of violating a criminal drug statute  
in the workplace no later than five days after the date of such conviction.

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Employee name (typed)

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Employee signature

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Date

## **PROFESSIONAL STAFF POSITIONS**

All certificated, administrative and supervisory positions shall be established initially by the Board. All changes in the titles and/or responsibilities of administrative and supervisory positions shall be approved by the Board.

In each case, the Board shall approve the broad purpose and function of the position in harmony with state laws and regulations and approve a statement of job requirements as recommended by the Special Education Director.

The Board shall employ a qualified director of special education who shall be responsible for the development, implementation and administration of special education services and programs.

The Board shall employ sufficient certificated and properly endorsed instructional and related services personnel for provision of adequate identification, programming, implementation and consultative services necessary for the education of handicapped students in accordance with state program standards.

The Board delegates to the Special Education Director the task of writing job descriptions, which must include any physical capabilities required for specific positions.

Adopted:        October 13, 1999

LEGAL REFS.:        C.R.S. 22-5-107  
                          C.R.S. 22-5-108 (1) (a)  
                          C.R.S. 22-32-109 (1) (f)  
                          C.R.S. 22-32-110 (1) (h)  
                          1 CCR 301-8, Rules 2220-R-2.01 (3)

*Note: Job descriptions all personnel staff are filed  
in a job description manual available at the  
SFTBOCES office.*

## **SUPPORT STAFF POSITIONS**

All support staff positions in the SFTBOCES system shall be established initially by the Board.

Support staff employees, unless otherwise designated by contract or Board policy, shall serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Support staff members shall be employed for such time as the SFTBOCES is in need of or desirous of the services of such employees.

In each case, the Board shall approve a statement of job requirements as presented by the Special Education Director. This shall be in the form of a job description setting forth the qualifications for the job, a detailed list of performance responsibilities and any required physical capabilities.

Only the Board may abolish a position that it has created.

Adopted:        October 13, 1999

LEGAL REFS.:        C.R.S. 22-32-109 (1) (f)  
                              C.R.S. 22-32-110 (1) (h) (ee)

*Note:    Job descriptions for support staff positions are  
          filed in a job description manual available at the  
          SFTBOCES office.*

**STAFF CONDUCT**  
(And Responsibilities)

All staff members have a responsibility to make themselves familiar with and abide by the laws of the state as these affect their work, the policies of the Board and the regulations designed to implement them.

**Rules of Conduct**

Each staff member 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 staff member knows or should know is primarily for the purpose of a reward for action taken in which the staff member exercised discretionary authority.
3. Engage in a substantial financial transaction for private business purposes with a person whom the staff member supervises.
4. Perform any action in which the staff member has discretionary authority which directly and substantially confers an economic benefit on a business or other undertaking in which the staff 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 an employee 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 he or she 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.

All staff members shall be expected to carry out their assigned responsibilities with conscientious concern.

It shall not be considered a breach of conduct for a staff member 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.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the school administration in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern and attention toward their own and the school system's legal responsibility for the safety and welfare of students including the need to insure that students are supervised at all times.

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

### **Felony/misdemeanor convictions**

If the SFTBOCES has good cause to believe that any licensed/certificated staff member employed on or after January 1, 1991, has been convicted of any felony or misdemeanor (not including misdemeanor traffic offenses or infractions) subsequent to employment, the SFTBOCES may ask the person to provide information about the offense. In addition or as an alternative, the SFTBOCES may require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency unless the employee has submitted a set of fingerprints to another Colorado school district within the last two years and has given written consent for their transfer to the requesting district. Fingerprints or the written notice of consent shall be submitted within 20 days of receipt of written notification. The fingerprints shall be released to the Colorado Bureau of Investigation (CBI) for processing. Disciplinary action may be taken against certificated personnel if the results of fingerprint processing provide information about a conviction.

If the SFTBOCES has good cause to believe that any non-licensed/certificated staff member employed on or after January 1, 1991, has been convicted of a felony or misdemeanor subsequent to employment, the SFTBOCES may release that employee's fingerprints to the CBI for processing. Depending on the results of the fingerprint check, disciplinary measures may be necessary.

Employees shall not be charged fees for processing fingerprints under these circumstances.

### **Unlawful behavior involving children**

The Board may make an inquiry with the Department of Education concerning whether any current employee of the SFTBOCES has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

### **Child abuse**

All SFTBOCES employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must report such fact in accordance with policy JLF.

The Special Education Director is authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a SFTBOCES employee. Such information shall remain confidential except that the Special Education Director shall notify the Colorado Department of Education of the child abuse investigation.

**Possession of deadly weapons**

The provisions of the policy regarding public possession of deadly weapons on SFTBOCES property or in SFTBOCES buildings also shall apply to employees of the SFTBOCES. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

Adopted: November 10, 1999

LEGAL REFS.: C.R.S. 18-12-105.5  
C.R.S. 19-3-308 (5.7)  
C.R.S. 22-32-109.7  
C.R.S. 22-32-109.8 (6)  
C.R.S. 22-32-109.8 (10)  
C.R.S. 22-32-109.9  
C.R.S. 22-32-110 (1)(k)  
C.R.S. 22-65-105  
C.R.S. 24-18-104  
C.R.S. 24-18-109



## **DISCLOSURE OF INFORMATION TO PROSPECTIVE EMPLOYERS**

Pursuant to state law, the SFTBOCES shall, upon request, disclose to another BOCES, school district or school, the reasons for a teacher's separation from employment with the SFTBOCES. This information shall only be disclosed to personnel authorized to review the personnel file in the requesting district and the person applying for a position as a teacher.

With regard to all other former or current district employees, the district shall disclose to prospective employer information relative to the employee's suitability for reemployment, including his or her work-related skills, abilities and habits. In the case of a former employee, the district shall also disclose the reason for the employee's separation.

The SFTBOCES, and its employees, agents and representatives authorized by the SFTBOCES to make such disclosures, shall be immune from civil liability for disclosing such information unless the SFTBOCES knows or should have reasonably known that the information was false.

When the SFTBOCES provides written information about a current or former employee to a prospective employer, it shall send a copy of that information to the employee upon request. The SFTBOCES shall also make such written information available to the current or former employee upon request during normal business hours. A fair and reasonable price shall be charged by the SFTBOCES for any copies of the written information requested by the employee.

Adopted: November 10, 1999

LEGAL REFS.: C.R.S. 8-2-114 (2), (3) and (5)  
C.R.S. 22-63-202

CROSS REFS: GCE/GCF, Professional Staff Recruiting/Hiring  
GDE/GDF, Support Staff Recruiting/Hiring

## PROFESSIONAL STAFF

*NOTE: Policies and regulations in the GC section (Professional Staff) pertain only to instructional and administrative staff members.*

Teachers shall be in one of these classifications according to the terms of their employment.

1. Teacher. Teacher means any person who holds a provisional or professional teacher's license and who is employed to instruct, direct or supervise an instructional program. "Teacher" does not include persons holding letters of authorization or the Special Education Director.
2. Teacher-in-residence. A person who does not have a teacher's license or authorization, who is hired to teach pursuant to a teacher-in-residence program implemented by the SFTBOCES. A resident teacher is considered a probationary teacher when he or she begins the second year in the teacher-in-residence program.
3. Probationary teacher. A teacher in an annual contract who has not completed three full years of continuous employment in the SFTBOCES and who has not been re-employed for the fourth year. A year of required service for probationary teachers is defined as a full school year if it includes the last 120 days of the academic year.
4. Substitute teacher. A teacher who performs services for a BOCES for four hours or more during each regular school day, but works on one continuous assignment for a total of less than 90 regular school days, or for less than one semester or equivalent time as determined by the annual school year calendar of the BOCES. Substitute teacher does not include a nonprobationary or probationary teacher who is assigned as a permanent substitute teacher within the BOCES.
5. Itinerant teacher. An itinerant teacher who is employed by a BOCES on a day to day or similar short-term basis as a replacement teacher for a nonprobationary teacher, a probationary teacher or a part-time teacher who is absent or otherwise unavailable (no limit on the number of days worked).
6. Part-time teacher. A teacher who normally works less than four hours per day.

The Board shall approve all classifications upon the recommendation of the Special Education Director.

Adopted:

LEGAL REFS.: C.R.S. 22-9-103 (1.5) (*definition of certificated personnel*)  
C.R.S. 22-32-109 (1)(f) (*board duty to employ personnel*)  
C.R.S. 22-32-109.7 (*specific board duties regarding personnel*)  
C.R.S. 22-63-103 (*definitions in Teacher Employment Act*)  
C.R.S. 22-63-210 (2) (*hiring of person in teacher-in-residence  
program*)  
C.R.S. 22-63-203 (2)(a)(II) (*definition of probationary teacher*)  
C.R.S. 22-32-110.3 (*teacher in residence programs*)  
C.R.S. 22-60.5-201 (*types of teacher licenses*)

## **PROFESSIONAL STAFF RECRUITING/HIRING**

Applications of all regular certificated personnel to be employed by the SFTBOCES will be processed according to this procedure. Short-term, temporary or interim appointments may be made directly by the Special Education Director, subject to the approval of the Board, without following the advertising procedure.

### **1. Vacancies**

All regular vacancies will be advertised by the personnel office.

### **2. Applications**

All applications will be submitted to the personnel office.

Current employees may apply for supplemental pay positions by submitting a letter outlining their qualifications for the position they are seeking.

All applicants will report to the personnel office and complete an application form.

### **3. Initial screening**

The personnel office will screen applications of all applicants. The objectives of the screening process are to:

- a. Determine the suitability of the applicant for the specific position.
- b. Determine those applicants who are most qualified for the position, giving due consideration to the SFTBOCES affirmative action plan.

### **4. Background checks**

Prior to hiring the personnel office will:

- a. Check with the Colorado Department of Education to determine if there is any information on record indicating the applicant has been convicted of a felony or misdemeanor 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, received a deferred sentence or deferred prosecution, or had his or her certificate annulled, suspended or revoked 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. Information of this type that is learned from a different source shall be reported by the SFTBOCES to the department.

The department will not disclose any information reported by a BOCES 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.

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

**5. Placement interview**

- a. Determine whether the applicant can handle the specific assignment.
- b. Determine the best applicant for the position, giving due consideration to the SFTBOCES' affirmative action plan.
- c. Discuss with the candidate any building or departmental regulations pertinent to the job.

**6. Selection**

In the selection of teachers, the Special Education Director, Coordinator of specific program and other applicable persons will interview the qualified applicants, and the decision regarding selection will be made by the Special Education Director, Coordinator and other applicable persons present.

**7. Contract or job offer**

Only the Special Education Director is authorized to offer new or supplemental pay contracts and/or jobs to current employees or applicants.

**8. Information report to state**

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.

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.

Upon receiving a Notice of Wage assignment, the SFTBOCES 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.

Adopted:            November 10, 1999

## **PROFESSIONAL STAFF LEAVES AND ABSENCES**

The Board shall provide a plan for leaves and absences designed to help members of the certificated staff maintain their physical health, take care of family and other personal emergencies, improve professionally, and discharge important and necessary obligations.

Such leaves and absences shall be granted in accordance with the law and Board policies pertaining to specific types of leaves.

Adopted:        December 8, 1999

## **PROFESSIONAL STAFF SICK LEAVE**

Full-time employees shall be granted one day per contract month (credited as of the first day the employee reports for the school year) of sick leave per school year without reduction in pay for personal illness or for illness in the immediate family. The number of leave days shall be prorated on contracts less than a full year or full-time. At the end of the year, any unused sick leave shall be transferred into accumulated sick leave not to exceed a total of 60 days. Immediate family shall be defined as wife or husband, son or daughter, mother or father, sister or brother, grandparent, or grandchild of the employee or the employee's spouse or any other person living in the family home.

Up to five days per year of the employee's accumulated sick leave may be granted by the Special Education Director for the purpose of serious illness of an individual not included in the employee's immediate family and for other situations at his/her discretion. The BOCES reserves the right to require medical verification of any illness.

In the event that an employee requires sick leave beyond the number of accumulated days because of serious illness or physical disability, he/she may be granted extended sick leave with the approval of the Board. Personnel who use sick leave beyond their accumulated leave shall do so without pay.

Application for extended sick leave shall be stated when it shall begin, and a leave shall extend no longer than to the beginning of the next regular school year. Upon termination of extended sick leave and before the person returns to work, he/she shall present to the Special Education Director certification by a physician or chiropractor licensed to practice in Colorado that he/she is able to perform the duties required by his/her assignment. Pregnancy and childbirth shall be treated as any other illness.

There shall be no monetary reimbursement for unused sick leave.

Adopted: December 8, 1999



## **PROFESSIONAL STAFF PERSONAL AND BEREAVEMENT LEAVE**

### Personal Leave

Full-time employees shall be granted two personal leave days per year. Personal leave days shall not be accumulative.

Requests for personal leave shall be reported to the Special Education Director prior to the scheduled day of leave. No personal leave shall be granted on days before or after holidays, unless deemed an emergency situation by the Special Education Director or his/her designee.

### Bereavement Leave

Employees of the SFTBOCES shall be allowed two bereavement days in-state and three bereavement days out-of-state in case of death in the immediate family. More days needed may be taken from sick leave.

Immediate family shall be defined as wife or husband, son or daughter, mother or father, sister or brother, grandparent, or grandchild of the employee or the employee's spouse or any other person living in the family home.

Use of up to three days accumulated sick leave may be granted by the Special Education Director in case of death of an individual not in the employee's immediate family. The employee shall name the person for whom such leave is asked at the time the leave is requested.

Adopted: December 8, 1999

LEGAL REFS.: C.R.S. 13-71-119  
C.R.S. 13-71-126  
C.R.S. 13-71-129  
C.R.S. 13-71-132 through 13-71-134

## **PROFESSIONAL STAFF LEGAL LEAVE**

The Governing Board of Directors recognizes the importance of the jury system in a democracy and the obligation of all citizens to serve as jurors under appropriate circumstances.

Employees of the BOCES shall be excused for jury duty with no jeopardy to their employment or compensation.

Substitutes, when necessary, for employees shall be obtained in the usual manner and paid by the district.

Any compensation received by an employee for jury service shall be paid by the employee to the BOCES since the employee will not have been penalized for his/her absence. However, the employee may deduct his/her travel and other out-of-pocket expenses for jury duty before reimbursing the agency.

The Special Education Director shall have the authority to request that an employee be excused from service or his/her service delayed provided the special nature of the employee's qualifications would make it difficult to secure an adequate substitute or if the timing of the proposed jury service affords a threat to the welfare of the agency or the students concerned.

Leave without loss of pay shall be granted to employees who are required to appear in court, except when the employee is a party to a court action.

Adopted: December 8, 1999

LEGAL REFS.: C.R.S. 13-71-119  
C.R.S. 13-71-126  
C.R.S. 13-71-129  
C.R.S. 13-71-132 through 13-71-134

**PROFESSIONAL STAFF PROBATION AND TENURE**

Any teacher transferred from employment in a member district to employment by this agency shall retain tenure or any previously acquired credit toward tenure in that district. Tenure is not granted to teachers employed by Boards of Cooperative Educational Services.

Adopted: December 8, 1999

LEGAL REF.: C.R.S. 22-5-117

## **PROFESSIONAL STAFF MATERNITY/PATERNITY LEAVE**

Sick leave for maternity purposes shall be available to any female employee who becomes pregnant. Such leave shall be allowed during such period of the pregnancy and a reasonable time immediately following termination of the pregnancy as is medically necessary to safeguard the health of the mother and/or the child.

**1. Determination of Necessity**

The determination and designation of the period of time during which leave is necessary may be initiated by either the employee or the agency. Final determination of such period including the beginning, duration and end of the period shall be made by the Governing Board of Directors based on information provided by the employee, the employee's physician, the administration and if deemed necessary by a physician designated by the Board of Governing Board of Directors.

**2. Reinstatement**

Any certificated employee who has taken leave in accordance with this policy shall be assured reinstatement at the beginning of the first semester following the end of the period of time during which leave is necessary. However, any leave granted shall in no way affect the powers or duties of the Board including but not limited to the non-renewal of a contract of an employee.

Any non-certificated employee must return at the designated time as determined under paragraph 1.

**3. Notice**

An employee who becomes pregnant shall notify the Special Education Director or his/her designee regarding the pregnancy as soon as such pregnancy is known to the employee. Each employee who becomes pregnant shall notify the Special Education Director of his/her designee upon termination of the pregnancy.

**4. Benefits**

An employee on leave for medical necessity as determined by the employee's or the Board's physician shall receive pay, insurance and other benefits to the same extent and on the same basis as sick leave used for other purposes. Any additional leave granted by the Board for maternity purposes beyond that which is medically necessary shall be without pay or other sick leave benefits.

Adopted: December 8, 1999

Santa Fe Trail Board of Cooperative Educational Services, La Junta, Colorado

## FAMILY LEAVE

The Board will provide up to 12 work weeks (60 days) of unpaid leave a year to any employee who has worked at least 1250 hours during the previous 12 month period.

To be eligible for leave under this policy, an employee shall have been employed for at least 12 months and shall have worked at least 1250 hours during the 12-month period preceding the commencement of the leave. An eligible employee shall be entitled to a total of 12 weeks' unpaid leave per year under particular circumstances that are critical to the life of a family member.

In order to qualify for family or medical leave the employee must meet one of the following conditions:

- a. the birth of a son or daughter; leave must be taken within 12 months of birth and taken continuously
- b. the adoption or foster care placement of a child with the employee; leave must be taken within 12 months of adoption or placement and taken continuously
- c. the care for a spouse, son, daughter, parent of employee for a serious health condition
- d. when the employee is unable to perform the functions of his or her position due to a serious health condition.

The provisions of this section shall apply to all family and medical leaves of absence except to the extent that paid leaves are covered under other board policies. If an employee is entitled to paid leave under another policy, the employee shall take the paid leave first (personal leave excepted). Employees are required to use all earned vacation and sick leave, prior to the beginning of a family or medical leave, unless collecting workers' compensation or disability payments. Available sick days must be used when leave is taken because of employee's serious health conditions. A leave of absence is without pay when earned vacation and sick days are exhausted.

Spouses who are both employed by the agency shall be entitled to a total of 12 weeks of leave (rather than 12 weeks each).

Entitlement for child care leave shall end after the child reaches age one or 12 months after adoption or foster placement. Leave to care for a child shall include leave for a step-parent or person *in loco parentis*.

If medically necessary for a serious health condition of the employee or the employee's spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions which pertain to employees. The agency may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absences or a part-time schedule provided that the position has equivalent pay and benefits.

The agency shall maintain coverage under any group health insurance plan for any employee who is granted an approved leave of absence under this policy for the duration of the leave (up to 12 weeks). Such coverage shall be maintained at the same level and under the same conditions as coverage would have been provided if the employee were not on leave. The agency reserves the right to seek reimbursement for this benefit in the event that an employee elects not to return to work, as allowed by law.

Reinstatement shall be determined in accordance with any applicable Board policies. If the employee on leave is a salaried employee and is among the highest paid 10 percent of agency employees and keeping the job open for the employee would result in substantial economic injury to the agency, the employee may be denied reinstatement provided the agency notifies the employee of its intent to deny reinstatement at the time economic hardship occurs and the employee elects not to return to work after receiving the notice.

The Special Education Director is directed to develop procedures to require appropriate medical certifications, notification and reporting which are consistent with law. The procedures shall describe how the agency will post notice concerning the federal law and other steps the agency shall take to inform employees of its requirements

Adopted: December 8, 1999

## PROFESSIONAL STAFF MILITARY LEAVE

An employee who as a member of a reserve or national guard unit or any other branch of the military organized under state or federal law who is required to take annual active duty during the school year shall be granted military leave with a right of reinstatement in accordance with state and federal law.

The employee shall receive full salary and benefits during such leave up to a maximum of 15 calendar days annually. All remaining leave to fulfill the annual military obligation shall be unpaid leave.

An employee taking leave under this policy shall forward a copy of his/her military orders to the Special Education Director or his/her designee.

Military leave of absence without pay shall be granted to any regular, full-time employee who enlists for military duty with any branch of the United States armed forces or who is called into active military service in time of war or other emergency declared by the proper authority of the state or United States. The employee shall be considered on a leave of absence during military services.

Upon completion of military service, the employee shall be reinstated in the same or a similar position of like seniority, status and pay if such is available at the same salary and benefits which he/she would have received if he/she had not taken leave, subject to the following conditions:

1. The position has not been abolished.
2. The employee is not physically or mentally disabled from performing the duties of the position.
3. The employee submits an honorable discharge or other form of release indicating that his/her military service was satisfactory.
4. The employee notifies the agency of intent to return to work within the time period set out in law.

Upon reinstatement, the employee shall have the same rights with respect to vacation, sick leave and other benefits as if he/she actually had been employed during the time of such leave.

Adopted: December 8, 1999

LEGAL REFS.: 38 U.S.C. 2021, Veterans Re-employment Rights Act  
C.R.S. 28-3-601 *et seq.*

**PROFESSIONAL STAFF CONFERENCES/TRAINING/WORKSHOPS**

Professional Leave

Requests by employees for leave to attend professional meetings shall be submitted in writing to the Special Education Director. Such requests shall be honored provided the purpose of the leave is to improve professional competence, will serve to advance the welfare of the agency through the increased knowledge and funds are available to reimburse for travel and subsistence and to pay the cost for a substitute if one is required.

Adopted: December 8, 1999



## **SUPPORT STAFF LEAVES AND ABSENCES**

The Board shall provide a plan for leaves and absences designed to help members of the support staff maintain their physical health, take care of family and other personal emergencies, improve professionally, and discharge important and necessary obligations.

Such leaves and absences shall be granted in accordance with the law and Board policies pertaining to specific types of leaves.

Adopted:        December 8, 1999

**SUPPORT STAFF SICK LEAVE**

The same sick leave policy established for certificated staff shall apply to all other employees.

Adopted: December 8, 1999

CROSS REFS.: GCCAA, Professional Staff Sick Leave

**SUPPORT STAFF PERSONAL AND BEREAVEMENT LEAVE**

The same personal and bereavement leave policy established for certificated staff shall apply to all other employees.

Adopted: December 8, 1999

LEGAL REFS.: C.R.S. 13-71-119  
C.R.S. 13-71-126  
C.R.S. 13-71-129  
C.R.S. 13-71-132 through 13-71-134

CROSS REFS.: GCCAB, Professional Staff Personal and Bereavement Leave

## **SUPPORT STAFF MATERNITY/PATERNITY LEAVE**

Sick leave for maternity purposes shall be available to any female employee who becomes pregnant. Such leave shall be allowed during such period of the pregnancy and a reasonable time immediately following termination of the pregnancy as is medically necessary to safeguard the health of the mother and/or the child.

**1. Determination of Necessity**

The determination and designation of the period of time during which leave is necessary may be initiated by either the employee or the agency. Final determination of such period including the beginning, duration and end of the period shall be made by the Governing Board of Directors based on information provided by the employee, the employee's physician, the administration and if deemed necessary by a physician designated by the Board of Governing Board of Directors.

**2. Reinstatement**

A support staff member who has taken leave in accordance with this policy shall return to work at the designated time as determined under # 1 above.

**3. Notice**

An employee who becomes pregnant shall notify the Special Education Director or his/her designee regarding the pregnancy as soon as such pregnancy is known to the employee. Each employee who becomes pregnant shall notify the Special Education Director of his/her designee upon termination of the pregnancy.

**4. Benefits**

An employee on leave for medical necessity as determined by the employee's or the Board's physician shall receive pay, insurance and other benefits to the same extent and on the same basis as sick leave used for other purposes. Any additional leave granted by the Board for maternity purposes beyond that which is medically necessary shall be without pay or other sick leave benefits.

Adopted: December 8, 1999

CROSS REFS.: GCCAC, Professional Staff Maternity/Paternity Leave

## **SUPPORT STAFF MILITARY LEAVE**

The same military leave policy established for certificated staff shall apply to all other and other benefits as if he/she actually had been employed during the time of such leave.

Adopted: December 8, 1999

LEGAL REFS.: 38 U.S.C. 2021, Veterans Re-employment Rights Act  
C.R.S. 28-3-601 *et seq.*

CROSS REFS.: GCCAD, Professional Staff Military Leave

## **SUPPORT STAFF CONFERENCES/TRAINING/WORKSHOPS**

### Professional Leave

Support staff members are an integral part of the agency's total staff. Their training and development are essential to the efficient and economical operation of the agency.

Therefore, all support staff members shall be encouraged to grow in job skills and to take additional training that will improve their skills on the job. It shall be the responsibility of the Special Education Director to assist to the maximum degree in the training of classified employees assigned to their staff.

Absences to attend meetings, conventions, conferences or workshops of local, state or national associations which serve to advance the welfare of the agency through the upgrading and strengthening of the support staff may be granted by the Special Education Director without loss of pay to the employee.

Adopted: December 8, 1999

LEGAL REFS.: C.R.S. 22-32-110 (1) (k)

## **SUPPORT STAFF LEGAL LEAVE**

The same legal leave policy established for certificated staff shall apply to all other employees.

Adopted: December 8, 1999

LEGAL REFS.: C.R.S. 13-71-119  
C.R.S. 13-71-126  
C.R.S. 13-71-129  
C.R.S. 13-71-132 through 13-71-134

CROSS REFS.: GCCAF, Professional Staff Legal Leave

**PERFORMANCE EVALUATION OF CERTIFICATED/LICENSED  
PERSONNEL**

Evaluation of certified/licensed staff shall be in accordance with the evaluation procedure adopted by the Santa Fe Trail Board of Directors and with statutory requirements. No non-material irregularity, deficiency, omission or other discrepancy shall invalidate any evaluation. Nothing in this policy or the SFTBOCES evaluation procedure shall be deemed to supersede or limit the discretion of the Board of Directors or to be a prerequisite to any employment decisions otherwise within the discretion of the Board of Directors.

The appropriate SFTBOCES administrative personnel shall make evaluations. Such evaluation may utilize observations, interim evaluations and other data provided by supervisory personnel where the employee is assigned. The Executive/Special Education Director, subject to the review and approval of the Board of Directors, shall develop and implement evaluation procedures and forms.

The Board of Directors shall be responsible for the evaluation of the Executive/Special Education Director.

Substantial compliance with the procedures is required; however, no action shall be deemed invalid because of a failure of compliance with the procedure unless it is shown that such failure materially and substantially prejudiced the party affected. In the event of any conflict or inconsistency between the procedures and policy, policy shall govern. The procedures shall be construed in a manner consistent with applicable policy.

Adopted: May 16, 2001



**PERFORMANCE EVALUATION PROCEDURES AND STANDARDS  
CERTIFICATED/LICENSED PERSONNEL**

**1.0 DEFINITIONS:**

1.1 "**CERTIFICATED PERSONNEL**" means any person employed by the Santa Fe Trail Board of Cooperative Education Services (SFTBOCES) to instruct students or to administer, direct, or supervise the instructional programs within the jurisdiction of the BOCES, who holds a valid certificate, license or letter of authorization pursuant to Colorado Revised Statutes, ~22-60.5-101, et seq. and 22-9-103.

1.2 "**EVALUATION**" means a systematic procedure, as set out herein, for collecting information, based on pre-determined objectives, from identifiable data sources and conducting an analysis of that information with the certificated employee for the purpose of improving performance and concomitant decisions.

1.3 "**BOARD OF DIRECTORS**" means the Board of Directors of the SFTBOCES.

2.0 No aspect of this evaluation system shall be interpreted to indicate, in any manner, the establishment of any property rights, or expectancy or entitlement of continued employment not previously established by statute, BOCES Policy or contract.

3.0 Neither the evaluation nor the evaluation procedures shall be a condition of or a prerequisite to any employment decision which the SFTBOCES is otherwise entitled to make.

4.0 The purposes of the SFTBOCES personnel evaluation system are:

4.1 to provide a basis for the improvement of programs;

4.2 to enhance the implementation of programs of curriculum;

4.3 to serve as a measurement of professional growth and development of certificated personnel, and

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4.4 to measure the level of performance of all certificated personnel employed by the SFTBOCES.

5.0 Evaluator - The primary evaluator for a certificated staff member shall ordinarily be the BOCES supervisor or director who directly supervises the certificated staff member. Other administrators may also observe and evaluate a certificated staff member's performance. The Executive Director may appoint some administrator other than the primary evaluator to evaluate a certificated staff member if, in the sole discretion of the Executive Director, such an appointment is necessary or in the best interest of the BOCES or the certificated staff member being evaluated. The evaluator's name and title shall be written on the written evaluation report.

6.0 *Evaluation Cycle – The evaluation process must be completed as follows:*

6.1 Beginning certificated staff must have a minimum of two (2) documented observations of at least fifteen (15) minutes each year and one (1) written evaluation report each year.

6.2 Long term-certificated staff must have a minimum of one (1) documented observation of at least fifteen (15) minutes each year and one (1) written evaluation report each year.

6.3 Additional evaluations may be conducted if deemed necessary by the evaluator.

6.4 In the discretion of the evaluator, variations will be permitted in the evaluation cycle for any reason consistent with one or more of the purposes of the evaluation system.

7.0 Data – No evaluation information will be gathered by electronic devices without the consent of the evaluatee. The evaluator will identify and document, to the extent reasonably possible, the sources of information used as the basis for any evaluation. Information or data gathered for the purpose of an evaluation may be gathered from the following sources:

7.1 Information provided by the evaluatee;

7.2 Formal and Informal observation of the evaluatee by the evaluator;

7.3 Any other information that is available to the evaluatee or evaluator from students, parents, staff and other sources and that pertains to the evaluatee's job performance as defined in the evaluation criteria in this evaluation system. The weight the evaluator shall give to information and its uses in an evaluation shall be based on the evaluator's judgment of the credibility of the source of the information, and any other information the evaluator believes to be pertinent to assessing the truth and materiality of such information. The evaluator may, in his/her sole discretion, disregard such information altogether.

8.0 Criteria – the Criteria established for the evaluation of certificated personnel shall be related to the job requirements of the position held by the person being evaluated. Specific criteria shall be addressed in the evaluation instrument.

9.0 Evaluation Report – The evaluator shall prepare a written evaluation report at the conclusion of the evaluation process which will include the following:

9.1 Where necessary, an improvement plan which is specific as to what improvements, if any, are needed in the performance of the evaluatee and which clearly sets forth recommendations for improvement, including recommendations for additional education and training during the evaluatee's relicensing process.

9.2 Specific information about the strengths and weaknesses in the performance of the evaluatee.

9.3 Documentation identifying when a direct observation was made.

9.4 Identification of data sources used in making the evaluation.

9.5 The name and title of the evaluator.

The evaluation report shall be discussed with the evaluatee. Both the evaluator and the evaluatee will sign the report, and each will receive a copy. The signature of any person on the report will not be construed to indicate agreement with the information contained therein. Failure or refusal of the evaluatee shall not invalidate or in any way limit the use that may be made of the report.

The evaluatee may attach any written comments to the evaluation report before the supervisor of the evaluator reviews it. Each report will be reviewed and signed by the supervision of the evaluator.

The evaluator will maintain a cumulative file of pertinent data relating to each evaluatee's evaluation, including the evaluation report. This file will be available for the evaluatee's review and will include any reasonable written comments signed and submitted by the evaluatee.

10.0 Unacceptable Performance – The performance of a certificated employee shall be deemed unacceptable if the individual receives two or more ratings of unacceptable in any year or three or more such ratings over a period of two consecutive years.

11.0 Appeals – The evaluatee may appeal the application of the evaluation procedures if the procedural objections relate to matters that materially affect the evaluation results. An appeal may be made by submitting a request for a review to the supervisor of the evaluator (if that is the Board of Directors the request shall be made to the President who shall designate a panel of two or more Board members to hear the appeal) to determine if the procedures were substantially followed during the evaluation. The evaluatee's request for review must be submitted not later than ten (10) days following the completion of the evaluation report or the evaluatee shall be deemed to have waived any concerns or complaints the evaluatee may have about the procedures followed in preparing the evaluation.

Following a request for review by an evaluatee, the supervisor shall meet with the evaluatee to discuss the evaluatee's concerns, and shall respond in writing to the evaluatee not later than twenty (20) days following the request for review. Such response shall be final.

No appeal of the content of an evaluation or of the conclusions of the evaluator may be made. Appeal of the procedures used during an evaluation shall be limited to the review set forth in this procedure.

12.0 Non-material deviations from the timelines or requirements of the evaluation do not affect the finality or integrity of the evaluation.

Adopted: May 16, 2001

NOTE: Evaluation instruments for certificated/licensed personnel are on file at the SFTBOCES Administration Office.

## **PERFORMANCE EVALUATION OF SUPPORT STAFF**

Evaluation of support staff shall be in accordance with the evaluation procedure adopted by the Santa Fe Trail Board of Directors and with statutory requirements. No non-material irregularity, deficiency, omission or other discrepancy shall invalidate any evaluation. Nothing in this policy or the SFTBOCES evaluation procedure shall be deemed to supersede or limit the discretion of the Board of Directors or to be a prerequisite to any employment decisions otherwise within the discretion of the Board of Directors.

The appropriate SFTBOCES administrative personnel shall make evaluations. Such evaluation may utilize observations, interim evaluations and other data provided by supervisory personnel where the employee is assigned. The Executive/Special Education Director, subject to the review and approval of the Board of Directors, shall develop and implement evaluation procedures and forms.

Substantial compliance with the procedures is required; however, no action shall be deemed invalid because of a failure of compliance with the procedure unless it is shown that such failure materially and substantially prejudiced the party affected. In the event of any conflict or inconsistency between the procedures and policy, policy shall govern. The procedures shall be construed in a manner consistent with applicable policy.

*Adopted:*

**PERFORMANCE EVALUATION PROCEDURES AND STANDARDS  
SUPPORT STAFF**

**1.0 Probationary Employees**

The probationary period for newly hired classified employees shall be a period of twelve months. The purpose of the twelve-month probationary period is to permit the training and observation of the newly hired employee in the new job setting and to determine the employee's suitability for the particular job and his/her fitness for permanent employment.

The performance of each classified probationary employee should be evaluated at least twice during the probationary period and may be evaluated more based on supervisor's discretion. The supervisor shall discuss the standards of performance and behavior required the new employee in the position to which he/she is appointed.

An employee receiving a weak or unsatisfactory evaluation at any time during the twelve-month probationary period can be dismissed immediately without the right of appeal.

Evaluations of classified probationary employees shall be sent to the director by the supervisor under whom the employee is serving. The evaluation shall be reviewed by the Executive/Special Education Director and forwarded to the personnel office to be placed in the employee's permanent file.

**2.0 Regular Employees**

Each regular classified employee shall be evaluated at least once each year by his/her supervisor. The evaluation shall be discussed by the supervisor with the employee and a signed copy of the evaluation given to the employee at that time.

The original copy of the fully signed report will be retained in the employee's file in the personnel office.

Adopted:

NOTE: Evaluation instruments for Support Staff are on file at the SFTBOCES Administration Office.

## **PERFORMANCE EVALUATION OF THE EXECUTIVE/SPECIAL EDUCATION DIRECTOR**

*The Board shall institute and maintain a comprehensive program for the evaluation of the Executive/Special Education Director on a regular basis that is consistent with state law and agreed upon by the Board and the Executive/Special Education Director.*

*Through evaluation of the Executive/Special Education Director, the Board shall strive to accomplish the following:*

- 1. Clarify the Executive/Special Education Director's role in the SFTBOCES as seen by the Board by defining objectives that will contribute to achievement of BOCES-wide goals.*
- 2. Clarify for all Board members the role of the Executive/Special Education Director in view of the job description and the immediate priority among responsibilities as agreed upon by the Board and the Executive/Special Education Director.*
- 3. Develop positive communication and harmonious working relationships between the Board and Executive/Special Education Director.*
- 4. Provide administrative leadership of excellence for the SFTBOCES including improvement of the program and implementation of services.*
- 5. Measure the Executive/Special Education Director's professional growth and development and level of performance.*

*The Board shall consult with the Executive/Special Education Director and the SAC when revising the process for evaluation of the Executive/Special Education Director.*

*As a precondition to the evaluation process, the Board and the Executive/Special Education Director shall develop a position description that sets forth expectations for the Executive/Special Education Director. The Board also shall have a plan setting forth goals for the SFTBOCES.*

*The evaluation of the Executive/Special Education Director shall be based on criteria that are determined prior to the evaluation. There shall be a clear relationship among these criteria, the position description for the Executive/Special Education Director and the goals of the BOCES.*

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*The Executive/Special Education Director's performance shall be reviewed at least annually in accordance with the specified goals. Additional objectives shall be established at intervals agreed upon with the Executive/Special Education Director.*

*The evaluation process shall afford each Board member the opportunity to evaluate the performance of the Executive/Special Education Director on an individual basis. The evaluation document prepared by the Board shall represent a synthesis of information collected from individual Board members.*

*The evaluation document shall be prepared in writing. The Executive/Special Education Director shall have an opportunity to review the document with the Board in executive session. The Executive/Special Education Director and the president of the Board shall sign the report.*

*The evaluation document shall contain annual goals, specific performance strengths and weaknesses, and specifically identifying data sources and sources of information upon which the evaluation was based.*

*Those portions of the Executive/Special Education Director's written evaluation relating to the performance in fulfilling adopted BOCES objectives, fiscal management of the BOCES, BOCES planning responsibilities and supervision and evaluation of BOCES personnel shall be available for inspection by the public during regular office hours.*

*Nothing in this policy shall be construed to imply in any manner the establishment of any personal rights not explicitly established by statute, Board policy or contract. All employment decisions remain within the sole and continuing discretion of the Board.*

Adopted: March 28, 2001

LEGAL REF.: C.R.S. 22-9-101 et seq. (Certificated Personnel Performance Evaluation Act)



## **PERFORMANCE EVALUATION PROCEDURES AND STANDARDS EXECUTIVE/SPECIAL EDUCATION DIRECTOR**

*The Board of Directors will serve as the evaluator for the Executive/Special Education Director. The process of evaluation will be used as a tool to improve communication and promote a better working relationship between the Board and the Executive/Special Education Director.*

Because of the special nature of the relationship between the Board and the Executive/Special Education Director, procedures for evaluation of the Executive/Special Education Director are significantly different than those set out in the evaluation system for evaluation of other certificated personnel. The following procedures will be used to implement the BOCES policy for evaluation of the Executive/Special Education Director.

### **Prior to the evaluation**

*The Board and the Executive/Special Education Director will devise a position description that sets forth expectations for the Executive/Special Education Director. The Board will develop a plan that establishes goals for the BOCES. The Board and the Executive/Special Education Director will agree upon the criteria for evaluation of the Executive/Special Education Director in advance of the period under review. These criteria will relate to the position description for the Executive/Special Education Director and the goals of the BOCES.*

The Board and the Executive/Special Education Director will determine times in advance for establishing the criteria for review and discussing the performance of the Executive/Special Education Director in relation to these criteria.

### **Information collection**

*Conducting an evaluation is a matter of gathering information and then interpreting and summarizing it. Each member of the Board will be afforded an opportunity in accordance with the evaluation process to evaluate the performance of the Executive/Special Education Director on an individual basis.*

During the evaluation process, an individual Board member may base an evaluation of the Executive/Special Education Director on personal perceptions of the Executive/Special Education Director and recall of specific information. Board members also will refer to documents that have been prepared by the Executive/Special Education Director or the staff, letters or other forms of correspondence they have received or reports that have been prepared about BOCES activities and issues.

Information will be collected from individual Board members in the manner described by the BOCES' evaluation process. The process will provide a method for synthesizing the individual views into a collective Board position, although the range of views will be presented as a basis for discussion with the Executive/Special Education Director.

The evaluation process will be based upon multiple sources of information that can be provided by members of the Board or the Executive/Special Education Director.

The Executive/Special Education Director will have an opportunity for self review in relationship to the criteria employed by the Board prior to the time that the Executive/Special Education Director meets with the Board to discuss the results of the evaluation.

**Written evaluation report**

*The evaluation process will result in a written summary of conclusions regarding the Executive/Special Education Director's performance based upon the information considered in relationship to the agreed-upon criteria. The report will include the following:*

- a) Specific information about the strengths and weaknesses in the Executive/Special Education Director's performance.
- b) Documentation showing information collected from individual Board members on which the conclusions were based.
- c) Specific annual goals.

The Board and the Executive/Special Education Director will discuss information relating to the Executive/Special Education Director's performance in an executive session. A time will be designated for this purpose when all members of the Board can be present.

The evaluation report will be signed by the president of the Board and by the Executive/Special Education Director. The signature of any person on the report will not be construed to indicate agreement with the information contained therein. The report will be placed in the Executive/Special Education Director's personnel file. The Executive/Special Education Director will be allowed any written comments to the evaluation report.

Any suggestions for improving the performance of the Executive/Special Education Director, modifying Board/Executive/Special Education Director relationships and/or modifying the goals and objectives of the BOCES will be incorporated in the documents used to initiate the next evaluation.

Adopted: March 28, 2001

NOTE: The evaluation instrument for the Executive/Special Education Director is on file at the SFTBOCES Administration Office.

## **STAFF CONCERNS/COMPLAINTS/GRIEVANCES**

*It is the Board's desire that procedures for settling differences provide for prompt and equitable resolution at the lowest possible administrative level and that each employee be assured an opportunity for orderly presentation and review of complaints without fear of reprisal.*

A "grievance" is defined as an alleged violation of Board of Director's policies or administrative regulations that apply to all employees.

Nothing in this policy shall be construed to imply in any manner the establishment of personal rights not explicitly established by statute or Board policy. Neither shall anything in this policy be construed to establish any condition prerequisite relative to nonrenewal of contracts, transfer, assignment, dismissal or any other employment decision relating to BOCES personnel.

All employment decisions remain within the sole and continuing discretion of the administration and/or Board of Directors, as appropriate, subject only to the conditions and limitations prescribed by Colorado law.

Adopted: January 19, 2006

## STAFF CONCERNS/COMPLAINTS/GRIEVANCES

### **Grievance Procedure:**

*Individual or group grievances of employees shall be resolved as follows:*

- Step 1: The grievance shall first be presented as a formal written complaint which shall include:*
- a) The allegation that there has been a violation, misinterpretation, or inequitable application of any policies or administrative regulations that apply to all employees and that have been adopted by the Board of Directors;*
  - b) The identification of the policy, regulation, statute or law alleged to have been violated, misinterpreted, or inequitably applied;*
  - c) Background information concerning the alleged violation, misinterpretation, or inequitable application which identifies persons, actions, and/or omissions leading to the allegation.*

*The grievant (any employee who alleges that he/she has been inequitably treated and has filed a grievance as defined above) shall prepare the grievance and file it with the person having direct administrative or supervisory responsibility over their work. The immediate supervisor shall render a written decision within 10 working days. The employee may be assisted by a person of his/her own choosing at any step of the grievance procedure.*

*If written recommendations have not been issued within the above time limit, or if the grievant should not accept the recommendations, the grievant may proceed with Step 2.*

- Step 2: The grievant shall prepare the grievance and file it with the Executive/Special Education Director. Upon receipt of the grievance, the Executive/Special Education Director shall investigate the complaint and submit written recommendations to the grievant and the immediate supervisor within 10 working days. If written recommendations have not been issued within the above time limit, or if the grievant or the immediate supervisor should not accept the recommendations, the grievant may proceed with Step 3.*

Step 3: The grievant shall file a written grievance with the Executive/Special Education Director within 10 working days from the date the recommendations of the Executive/Special Education Director were issued or should have been issued, requesting that the grievance be presented to the Board at a regularly scheduled Board meeting.

A decision from the Board of Directors shall be issued within 15 working days of the Board meeting when the grievance was presented.

**General Provisions:**

- A. No person shall suffer recrimination or discrimination because of participation in this grievance procedure.
- B. Nothing contained herein shall be construed so as to limit, in any way, the ability of the Santa Fe Trail BOCES and the grievant to resolve any grievance, mutually and informally.
- C. If the grievance remains unresolved at the termination of the above grievance procedure, the grievant may pursue at his/her own expense such litigation or statutory remedy as the laws may provide.
- D. Either party at his/her own expense may be represented by legal counsel at any step during or following this procedure.

Adopted: January 19, 2006

## VACATION LEAVE

Employees on twelve (12) month contracts shall receive vacation leave time in accordance with the following schedule:

0 through completion of fourth consecutive 12-month contract year:	10 working days vacation
Fifth 12-month contract year through completion of the fifteenth consecutive 12-month contract year:	15 working days vacation
Sixteenth consecutive 12-month contract year and consecutive years beyond:	20 working days vacation

Vacation leave shall be awarded based on days actually worked by the employee. Earned vacation time is calculated for the period July 1 through June 30. Employees new to the BOCES or those resigning from the BOCES who do not complete the time requirements of a twelve (12) month contract as established by the dates above, shall receive a prorated amount of vacation time.

All vacation time may be taken as earned but must have prior approval of the Executive/Special Education Director.

A maximum accumulation of fifteen (15) days vacation time on July 1 annually shall be permitted. Days accumulated in excess of fifteen (15) on July 1 shall be transferred to the employee's sick leave balance.

Retiring employees who earn vacation leave shall be paid at their daily rate for unused leave time. However, in no event may the employees include, in such time, more than fifteen (15) days carried forward from the prior work year.

Paid holidays for employees shall be as follows:

- Holidays for twelve (12) month employees are designated as follows and each will be observed on the date or date indicated: New Year's Eve; New Year's Day (January 1); President's Day; Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (the first Monday in September); Thanksgiving Day (the fourth Thursday in November); the Friday following Thanksgiving; Christmas Eve; Christmas Day (December 25)

In case any of the above identified holidays fall on Saturday, the Friday preceding shall be considered the holiday; if the holiday falls on a Sunday, the Monday following shall be considered the holiday. Observance by employees of holidays as designated will not result in a deduction in salary.

- Holidays for other employees shall be as designated in the appropriate BOCES calendar.

Adopted: May 22, 2002

