

Board of Education

Mesa County Valley School District 51

Board Business Meeting Minutes

September 15, 2015

Business Meeting Minutes

- A - Jeff Leany
- B - Ann Tissue
- C - John Williams
- D - Tom Parrish
- E - Greg Mikolai

Board of Education
Mesa County Valley School District 51
Business Meeting Minutes: September 15, 2015
Adopted : November 17, 2015

	A	B	C	D	E		ACTION
						AGENDA ITEMS	
Present		x	x	x	x	A. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL	6:00 p.m.
Absent	x					➤ Mr. Mikolai welcomed attendees to the September Board Business Meeting and gave instructions for meeting participants to address the Board, <i>under Item G, Audience Comments.</i>	
Motion				x		B. AGENDA APPROVAL	Adopted
Second		x					
Aye		x	x	x	x		
No							
Motion			x			AMENDED AGENDA	Adopted as Amended
Second				x		➤ Mr. Mikolai called for a motion to revise the Agenda to remove Item K-2a and K-2b from the Agenda in order to make further revisions.	
Aye		x	x	x	x		
No							
Motion		x				C. MEETING MINUTES AND SUMMARY APPROVAL	Adopted as Presented
Second				x		C-1. August 4, 2015, Board Work Session Minutes	
Aye		x	x	x	x		
No							
						D. RECOGNITIONS	
						➤ Mr. Mikolai read a proclamation from Governor John W. Hickenlooper recognizing Colorado's classified school employees are an essential part of our state's education system. Governor Hickenlooper proclaimed the period between October 19, 2015, and October 23, 2015, as Classified School Employees Week.	
						E. BOARD REPORTS/COMMUNICATIONS/REQUESTS	
						➤ Mr. Parrish reported the Board Coffee held the previous Saturday, was informative. He stated the Board talked to the public regarding a wide variety of topics. He reported people were willing to talk and listen and were positive when they left the meeting.	
						➤ Mr. Mikolai stated people were excited about Performance Based Learning. He shared an analogy, it's like learning to ride a bike; people learn at different levels. Understanding the needs of children and the right time for them to learn.	
						➤ Mr. Williams discussed start times for schools. He would like to look at the cost of busing to have the same start times for all levels. He would like to explore different ways of looking at school start times. Mr. Williams asked if there is a different solution which could be developed. He asked if there could be a committee to look at this issue which would include staff, parents, etc.	
						➤ Mrs. Tissue spoke about the number of ideas which were brought forward in the Board Coffee. She agreed with the request to have a committee look at different ways of busing students to better school start times for students. She asked if the committee would contact other districts to see what solutions they have found.	

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						<ul style="list-style-type: none"> ➤ Mr. Mikolai has the name and telephone number of a parent who has volunteered to be on a start time committee. ➤ Mr. Williams discussed the calendar. He reported some dissatisfaction regarding communication with staff regarding calendar development. He stated there was a discussion on Performance Based Learning. Mr. Williams said there is good support from principals who reported the enthusiasm in their schools. Mr. Williams saw enthusiasm among schools who have not yet started participating in the Performance Based Learning Program in their schools. He stated there was a teacher from Mesa View Elementary who thanked the Board for adding a teacher to their school due to crowding. ➤ Mrs. Tisue commented on discussion regarding changes which are happening. She stated it was a positive meeting. She reported she is leaving the Board. Mrs. Tisue reported hearing about children in poverty and how they learn. One of the things which is vital is students be placed with excellent teachers and have the same opportunities as other children. She reminded staff and the Board of a resolution which was passed regarding Title I Schools. This resolution asked the District to embrace and incentivize teachers in all Title I Schools to help retain them in those schools. ➤ Mr. Parrish reported the work going on with the aligned professional development is encouraging the District's great teachers to be teacher leaders in the Title I Schools. <p>F. LEGISLATIVE REPORTS</p> <ul style="list-style-type: none"> ➤ None at this time. <p>G. AUDIENCE COMMENTS</p> <ul style="list-style-type: none"> ➤ None at this time. <p>[Mr. Leany arrived at 6:16 p.m.]</p> <p>H. SUPERINTENDENT'S REPORT</p> <ul style="list-style-type: none"> ➤ Mr. Schultz shared information from the Board Retreat last winter looking at the idea of a later start time for schools. He shared costs and information. Mr. Schultz stated Mr. Phil Onofrio, Chief Financial Officer, is working with Student Transportation of America to research different ways the District may approach moving start times for students. Mr. Schultz handed out a document which Mr. Paul Cain, Athletic Director for District 51, had developed. Mr. Matt Diers, Executive Director for High Schools came forward and discussed the District's continued study of the pros and cons of starting school at a later time. Board members have discussed the possibility of starting all schools at the same time, which would require the purchase of additional buses; pushing back start times at all schools, or swapping elementary and secondary school start times. Mr. Schultz reported two options would be cost neutral and low cost respectively. Mr. Cain reported other school districts have found success with later school start times. Board members said they would like the District to consider forming a committee to 	

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AGENDA ITEMS	ACTION
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research and discuss potential ways to approach a busing strategy, if later start times are adopted. Mr. Schultz stated the Board will hear further information regarding busing and later start times next month.

H-1. Phase of Implementation – Performance Based Learning

- Mrs. Rebecca Midles, Executive Director of Performance-Based Learning (PBL), Mrs. Leigh Grasso, Executive Director, Mr. Tony Giurado, Chief Academic Officer, gave a presentation to the Board outlining the phases of implementing a Performance-Based Learning System. Mrs. Middles stated the District is focusing on implementation phases one and two at a time. Phase one, laying the foundation, for PBL includes teaching students and staff about growth mindset social-emotional learning (Habits of Mind), personalized learning and training staff about shifts in content strategies and standards. Phase two, supporting best practices, digs deeper into aligning standards across schools, establishing rubrics and sampling differentiated units in the classroom. Mrs. Midles stated growth mindset is currently being taught in all schools, including the seven demonstration schools. She stated more elements of PBL will be integrated in all schools during the 2016-2017 school year. Board discussion took place regarding the possibility of Colorado giving District 51 a waiver from summative tests, such as PARCC; in order to pursue a greater emphasis on formative tests, which test student knowledge of what is currently being taught in the classroom. Mr. Schultz stated he is optimistic about District 51's chances of receiving such a waiver and the District becoming a pilot school District to administer new testing which is more aligned with PBL.

[Mr. Mikolai left the meeting at 7:00 p.m.]

- Mr. Schultz confirmed \$7.5 million worth of Certificates of Participation have been sold to fund construction of a new alternative high school building at 2150 Grand Avenue. The certificates will pay the majority of the estimated \$8.8 million needed to build a new facility which will be shared by R-5 High School and The Opportunity Center. The Downtown Development Authority purchased the current R-5 High School property for \$1.3 million, which will supply the balance of the construction budget. Mr. Schultz reported construction crews are scheduled to break ground on the new building as early as late October, 2015.

H-2. Expulsion Report

- Mr. Schultz stated there is one expulsion reported at this time. The District had one expulsion at this time last year.

H-3. Communications Report

- The Board reviewed an extensive report on the activities of the District's Communications Department. This report included numerous television and newspaper articles, parent and staff newsletters, advertisements and social media postings. Mr. Williams stated he would like more information regarding

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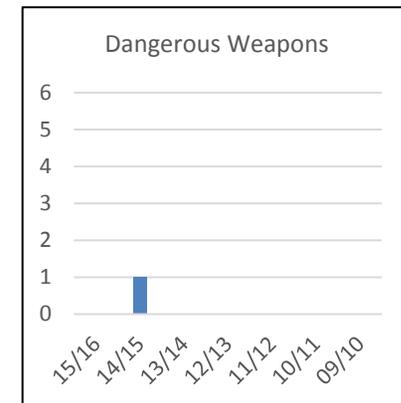
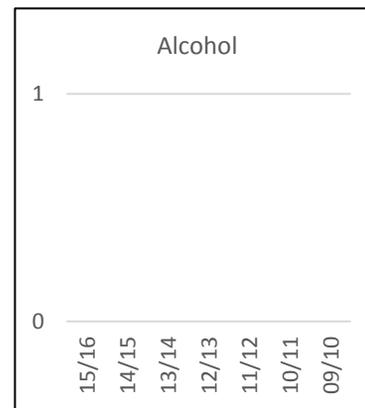
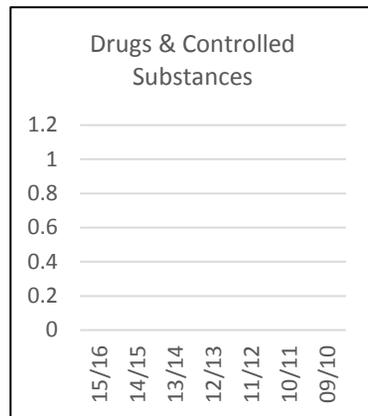
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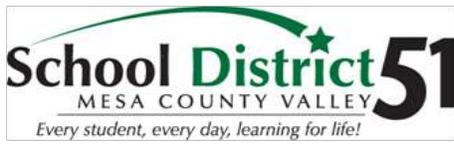
	A	B	C	D	E	AGENDA ITEMS	ACTION
						<p>sections of the report which detail social media, newsletters, email demographics and responses. He stated he hoped the District could find a way to increase the number of parents and staff opening and engaging in emails.</p> <p>I. EXECUTIVE SESSION</p> <ul style="list-style-type: none"> ➤ None at this time. <p>[Mr. Williams called for a recess at 7:20 p.m. Resumed 7:27 p.m.]</p>	
Motion Second Aye No	x	x	x	x	x	<p>J. CONSENT AGENDA</p> <p>J-1. Personnel Actions</p> <p style="padding-left: 40px;">J-1-a. Licensed Personnel</p> <p>J-2. Gifts</p>	Adopted
Motion Second Aye No	x	x	x	x	x	<p>K. BUSINESS ITEMS</p> <p>K-1. Resolution For Approval of Intergovernmental Agreement [Resolution: 15/16: 19]</p> <ul style="list-style-type: none"> ➤ Board members approved an Intergovernmental Agreement which will continue to allow District 51 to coordinate with DeBeque School District and Plateau Valley School District, in Collbran, to provide special education services for students across Mesa County. District 51 acts as an administrative unit for the three Districts. 	Adopted
						<p>L. BOARD OPEN DISCUSSION</p> <ul style="list-style-type: none"> ➤ Mr. Parrish expressed his appreciation of the quality of work taking place with Performance Based Learning. He stated there are no silos, good cooperation and consolidation. ➤ Mr. Leany stated he could feel a lot of positive energy taking place in Performance Based Learning. ➤ Mr. Williams stated he was prepared to hear more skepticism regarding Performance Based Learning; however, he has had the opposite feedback. ➤ Mr. Schultz shared his experience with the community and appreciated the positive energy in the meeting. He stated there were good questions, good ideas and input. Mr. Schultz stated there are planned meetings with the Chamber of Commerce, Rotary Clubs and other service clubs. Mr. Schultz spoke about the first Alpine Bank Student of the Month Luncheon, which took place today. He is excited to see the students being recognized in this luncheon. 	
						<p>M. FUTURE MEETINGS</p> <ul style="list-style-type: none"> ➤ Reviewed. 	
						<p>N. EXECUTIVE SESSION</p> <ul style="list-style-type: none"> ➤ None at this time. 	

Category	High School				Middle School				Elementary School				Total		Total for previous years as of August 31 of:				
	15-16		14/15		15/16		14/15		15/16		14/15		15/16	14/15	13/14	12/13	11/12	10/11	09/10
	M	F	M	F	M	F	M	F	M	F	M	F							
100																			
200																			
300																			
400	1												1						
500				1										1					
600																			
700																			
DSP																			
VOO																			
Total	1	0	1	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0

Category Description

- 100 - drug or controlled substance
- 200 - alcohol
- 300 - tobacco
- 400 - felony assault
- 500 - dangerous weapons
- 600 - robbery
- 700 - other felonies
- DSP - destruction / defacement of school property
- V00 - other violations





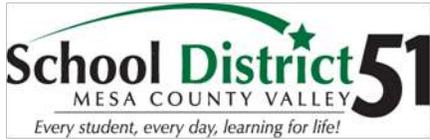
Board of Education Resolution: 15/16: 20

Adopted: September 15, 2015

Name	School/Assignment	Effective Date
Retirements		
None at this time.		
Resignations/Termination		
Maloney, Virginia	Emerson/Speech Language Pathologist	August 13, 2015
Franklin, Megan	MGMS/SPED SSN	September 3, 2015
Leave of Absence		
Mulford, Robert	Orchard Ave/SPED Moderate Needs	July 27, 2015
New Assignments		
Calkins, Michelle	Hawthorne/SPED Preschool	August 25, 2015
Coulter, Laura	BTK/Special Education Coordinator	September 3, 2015
Paroni, Elizabeth	EMS/SPED Moderate Needs	August 26, 2015
Stephanus, Nicholas	PHS/Math	September 1, 2015
Tobin, Bo	Nisley/SPED SNB	September 1, 2015
Ashcraft, Amy	Hawthorne/In School Suspension	August 31, 2015
Cellini, Cindra	Broadway/SPED SNB	August 10, 2015
Shedder, Dorothy	CHS/SPED SSN	August 18, 2015

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District 51 Board of Education on September 15, 2015.

Terri N. Wells
Secretary, Board of Education



Board of Education Resolution: 15/16: 18

Adopted: September 15, 2015

Donor	Lizza Paulson
Gift	Gift card
Value	\$50.00
School/Department	Grand Mesa Middle School / Special education classrooms

Donor	Empty Nesters
Gift	School supplies
Value	\$75.00
School/Department	Appleton Elementary / Students

Donor	Ross Barnhardt
Gift	Cash
Value	\$25.00
School/Department	Fruita 8/9 School / IROAR Student Store

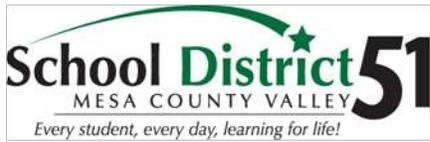
Donor	Liz Geer
Gift	Cash
Value	\$10.00
School/Department	Fruita 8/9 School / IROAR Student Store

Donor	Open Range Services, Inc.
Gift	Cash
Value	\$125.00
School/Department	Thunder Mt. Elementary / Chess Club

Donor	Telecom Pioneers, Colorado Chapter #8
Gift	Cash
Value	\$300.00
School/Department	Art Heritage Program / Elementary art classes

Donor	Page Parsons Jewelers
Gift	Bracelet
Value	\$250.00
School/Department	Palisade High School / Golf Tournament

Donor	Craig Droskin, DDS
Gift	Cash
Value	\$50.00
School/Department	Palisade High School / Golf Tournament



Board of Education Resolution: 15/16: 18

Adopted: September 15, 2015

Donor	Bookcliff Auto Parts
Gift	Cash
Value	\$50.00
School/Department	Palisade High School / Golf Tournament

Donor	Kokopelli Liquors
Gift	Cash
Value	\$50.00
School/Department	Palisade High School / Golf Tournament

Donor	Darrell Wise
Gift	Cash
Value	\$100.00
School/Department	Palisade High School / Golf Tournament

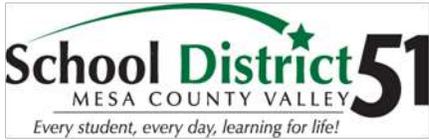
Donor	Farmers Insurance
Gift	Office Supplies
Value	\$100.00
School/Department	Fruita 8/9 School / Main office and counseling

Donor	Calvin Hofer
Gift	Sandwiches, fruit, cookie and drink
Value	\$125.00
School/Department	Loma Elementary / Staff welcome back

Donor	Joe Mauch
Gift	Cash
Value	\$25.00
School/Department	Fruita 8/9 School / IROAR Student Store

Donor	Mitzi Sato-Wiuff
Gift	Cash
Value	\$300.00
School/Department	Palisade High School / Orchestra

Donor	Grand Junction Lions Club
Gift	Cash
Value	\$4,500.00
School/Department	Clifton Elementary School / Music Program



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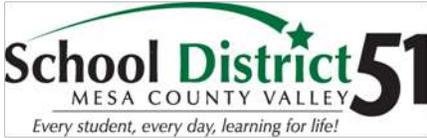
Donor	Rocky Mountain Health Plans
Gift	Hygiene Kits
Value	\$1,000.00
School/Department	Prevention Services / R.E.A.C.H. Program

Donor	Primary Care Partners
Gift	School supplies
Value	\$500.00
School/Department	Prevention Services / R.E.A.C.H. Program

NOW THEREFORE BE IT RESOLVED the Mesa County Valley School District 51 Board of Education, in accepting the donations listed above, extends their appreciation and acknowledges these important partnerships within the community which support learning for all students.

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District 51 Board of Education on September 15, 2015.

 Terri N. Wells
 Secretary, Board of Education



Mesa County Valley School District No. 51

**Resolution For Approval of Intergovernmental Agreement
(Mesa County Multi-District Administrative Unit)**

Board of Education Resolution: 15/16:19

Adopted: September 15, 2015

WHEREAS, since at least 1990, the District has, by intergovernmental agreement(s) with De Beque School District 49-JT (“De Beque”) and Plateau Valley School District No. 50 (“Plateau Valley”), formed and maintained a cooperative association recognized by the Colorado Department of Education (“CDE”) as an administrative unit having responsibility for provision of educational services to exceptional children, and for the local administration of the Exceptional Children’s Educational Act, section 22-20-101, et seq. (“ECEA”) and sharing the costs thereof; and

WHEREAS, such cooperative association is a multi-district administrative unit within the meaning of section 22-20-103(19.3), C.R.S.; and

WHEREAS, Rule 3.01(2)(a) of the Colorado State Board of Education’s Rules for Administration of the Exceptional Children’s Educational Act (“ECEA Rules”) requires multi-district administrative units to have in place an operating agreement that addresses certain matters regarding the governance and operation of the unit; and

WHEREAS, the District’s administration has reached an agreement with De Beque and Plateau Valley to amend and restate the terms of their cooperative association, to be renamed as the “Mesa County Multi-District Administrative Unit,” to provide for the operation and governance of such unit in accordance with the ECEA Rules.

WHEREAS, the District’s administration has recommends approval of the agreement, in the form of the attached intergovernmental agreement (“IGA”); and

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby approves the attached IGA, and that the Superintendent is hereby authorized and directed to execute the same on behalf of the District.

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District No. 51 Board of Education on September 15, 2015.

*Terri N. Wells
Secretary, Board of Education*

Mesa County Valley School District 51

AC

NONDISCRIMINATION

Related: AC-R

Adopted: Date of Manual Adoption

Revised: August 20, 1996, November 29, 2004

Revised and Adopted: January 20, 2009

Revised: July 11, 2011

Revised: August 21, 2013

First Reading: September 15, 2015

The Board is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting a policy of nondiscrimination in relation to on the basis of disability, race, color, creed, sex, sexual orientation, religion, national origin, age, marital status, ancestry and disability or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any district program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability or need for special education services. Discrimination against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law. Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies by the Board and in the administration of those policies by the administration.

This policy and regulation shall be used to address all concerns regarding unlawful discrimination and harassment, except those regarding sexual harassment which are addressed in policies GBAA and JBB.

In keeping with these statements, the following shall be objectives of this school district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.
2. To encourage positive experiences in terms of ~~in~~ human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial, and ethnic groups.
3. To carefully consider, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which he or she lives.
5. To initiate a process of reviewing all policies and practices of this school district in order to achieve the objectives of this policy to the greatest extent possible ~~the objectives of this policy~~.
6. To investigate and ~~appropriately discipline staff and students found to be responsible for incidents of violence, threats of violence or malicious insult based upon race, color, creed, sex, sexual orientation, religion, national origin, age, marital status, ancestry or disability. See Policy ACA, Nondiscrimination-Complaint and Grievance Process.~~ resolve promptly any complaints of unlawful discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination of violation of district policy.

Annual notice

Mesa County Valley School District 51

AC

NONDISCRIMINATION

Related: AC-R

Adopted: Date of Manual Adoption

Revised: August 20, 1996, November 29, 2004

Revised and Adopted: January 20, 2009

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~~7. The district shall issue a written notice at the beginning of each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard. To publish a notice of nondiscrimination in all pertinent district publications, including employee and student handbooks, as required by regulations adopted pursuant to Title VI of the Civil Rights Act of 1964, as amended in 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and Title IX of the Education Amendments of 1975, notifying students and employees of the district's commitment to nondiscrimination in relation to race, color, creed, sex, (which includes marital status) sexual orientation, religion, national origin, age, marital status, ancestry and disability or need for special education services., and With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age and genetic information. of the complaint and grievance procedures available as well as the name and address of the district's compliance officer. The announcement shall also include the address, and telephone number of the person designated to coordinate Title IX and Section 504 and ADA compliance activities. Such notice shall contain the following language:~~

~~The notice shall be disseminated to persons with limited English language skills in the person's own language. It shall also be made available to persons who are visually or hearing impaired.~~

~~The notice shall appear on a continuing basis in all district media containing general information, including: the district's website, and student and parent handbooks.~~

~~Mesa County Valley School District 51 does not discriminate on the basis of race, color, creed, sex, sexual orientation religion, national origin, age, marital status, ancestry or disability in admission or access to, or treatment or employment in, its educational programs or activities.~~

~~Inquiries concerning **Section 504** may be referred to:~~

Mesa County Valley School District No. 51	OR	The Office for Civil Rights
Executive Director of Student Services		Department of Education, Region VIII
2115 Grand Avenue		Federal Office Building
Grand Junction, CO 81501		1244 Speer Boulevard, Suite 310
Telephone: (970) 254-5309		Denver, CO 80204
		Telephone: (303) 844-5695

~~Inquiries concerning **Title VI or Title IX, or other nondiscrimination** may be referred to:~~

Mesa County Valley School District 51	OR	The Office for Civil Rights
Executive Director of Advocacy, Outreach and Connections		Department of Education, Region VIII
2115 Grand Avenue		Federal Office Building
Grand Junction, CO 81501		1244 Speer Boulevard, Suite 310
Telephone: (970) 254-5494		Denver, CO 80204
		Telephone: (303) 844-5695

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NONDISCRIMINATION

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Harassment is prohibited

Harassment based on a person's race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability or need for special education services is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work and members of the public can access and receive the benefit of district facilities and programs. All such harassment, by district employees, students and third parties, is strictly prohibited.

All district employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any district curricular or non-curricular activity or event.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, national origin, ancestry, creed, religion, sex, sexual orientation, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBAA for employees and JBB for students) will apply to complaints alleging sexual harassment.

Harassing conduct may take many forms, including but not limited to:

1. verbal acts and name-calling;
2. graphic depictions and written statements, which may include use of cell phones or the Internet;
3. other conduct that may be physically threatening, harmful or humiliating.

Reporting unlawful discrimination and harassment

Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall file a complaint with either an immediate supervisor or the district's compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the superintendent who shall designate an alternate compliance officer to investigate the matter.

District action

The district shall take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior and to

Mesa County Valley School District 51

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NONDISCRIMINATION

Related: AC-R

Adopted: Date of Manual Adoption

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prevent retaliation against the individual(s) who files the report or complaint and/or any person who participates in the investigation. When appropriate, the district shall take interim measures during the investigation to protect against further unlawful discrimination, harassment or retaliation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statement in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment for employees. No student, employee or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

Upon determining that incidents of unlawful discrimination or harassment are occurring in particular district settings or activities, the district shall implement appropriate remedial measures.

Any student or employee who engages in unlawful discrimination or harassment shall be discipline according to applicable Board policies.

Notice

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. This policy and complaint process shall be referenced in student and parent handbooks and otherwise available to all students, staff and members of the public through the district's website.

Legal References:

Title II of the Americans with Disabilities Act of 1990
Title VI of the Civil Rights Act of 1964, as amended in 1972
Title VII of the 1964 Civil Rights Act
Executive Order 11246, as amended by Executive Order 11375
Equal Employment Opportunity Act of 1972
Title VII, Education Amendments of 1972
Title IX, (P.L. 92-318) 45 CFR, Parts 81, 86
(Federal Register of the Education Amendments of 1975 June 4, 1975; August 11, 1975)
Age Discrimination in Employment Act (P.L. 95-256)
C.R.S. 2-4-401(13.5) (definition of sexual orientation)
C.R.S.22-32-109(1)(II) (Board duty to adopt written policies prohibiting discrimination)
C.R.S. 24-34-301 through 24-34-306
C.R.S 24-34-401 (discriminatory or unfair employment practices)
C.R.S.24-34-601 (unlawful discrimination in places of public accommodation)
C.R.S.24-34-602 (penalty and civil liability for unlawful discrimination)
C.R.S. 18-9-121 - Ethnic Intimidation
Section 504 of the Rehabilitation Act of 1973,
34 C.F.R., Part 100
Genetic Information Nondiscrimination Act of 2008

Mesa County Valley School District 51

AC

NONDISCRIMINATION

Related: AC-R

Adopted: Date of Manual Adoption

Revised: August 20, 1996, November 29, 2004

Revised and Adopted: January 20, 2009

Revised: July 11, 2011

Revised: August 21, 2013

First Reading: September 15, 2015

Cross References:

ACA, Nondiscrimination - Complaint and Grievance Process

GBA, Equal Opportunity Employment

JB, Equal Educational Opportunities

JBB*, Sexual Harassment

NOTE: State law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof" C.R.S. 2-4-401 (13.5), 24-34-301 (7).



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NONDISCRIMINATION – COMPLAINT AND GRIEVANCE PROCESS

ACA-E

Adopted: July 27, 1976

Revised: August 6, 1996

Policy Manual Review: August 6, 2002

First Reading: September 15, 2015

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1. Definitions

- a. The term "Title II" shall mean Title II of Americans with Disabilities Act of 1990 and the lawfully enacted regulations adopted thereunder.
- b. The term "Title VI" shall mean Title VI of the Civil Rights Act of 1964, as amended in 1972, and the lawfully enacted regulations adopted thereunder.
- c. The term "Title IX" shall mean Title IX of the Education Amendments of 1972 and the lawfully enacted regulations adopted thereunder.
- d. The term "Section 504" shall mean Section 504 of the Rehabilitation Act of 1973, and the lawfully enacted regulations adopted thereunder.
- e. The term "grievance" shall mean a complaint by an aggrieved person alleging a violation of Title II, Title VI, Title IX, or Section 504.
- f. The term "compliance officer" shall mean an individual or entity licensed employee designated to act as such by the Board of Education. ~~That Such~~ individual or entity shall be identified by name, title, address and telephone number and email address in Policy Exhibit ACA-E. If the designated individual is not qualified or is unable to act as such the superintendent shall designate an executive instructional director, alternate person or entity who to shall serve until a successor is appointed by the Board.
- g. The term "aggrieved individual" shall mean the parent(s) or guardian(s) of student under the age of 18, a student over the age of 18 or an employee of the district or a member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment harassment Title II, Title VI, Title IX, or Section 504.

2. Compliance Officer's Duties

The compliance officer shall be responsible for conducting a confidential investigation and ~~coordinating~~ all ~~Title II, Title VI, Title IX, or Section 504~~ complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment. The compliance officer's duties shall include providing notice to students, parent(s)/guardian(s) of students and employees and the general public concerning the ~~grievance procedures available compliance process, provide or arrange for training for District staff regarding the prohibition of discrimination/harassment in all District programs, activities and employment practices,~~ disseminating upon request of information concerning the forms and procedures for the filing ~~and prosecution of grievances, investigation of all complaints, ensuring the prompt investigation of all complaints, and coordinating of the hearing procedures, and identifying and addressing any patterns or systemic problems that arise during the review of complaints.~~ The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

3. Notice



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Students, parent(s)/guardian(s) of students and employees shall be notified annually by student and parent handbooks, by communication through the District website ~~employee bulletins, by school newsletters communicated to parents~~ or by other appropriate means concerning the procedures available. Such notice shall include the name/~~title, office address~~title address and telephone number of the compliance officer.

4. Complaint Procedure

- a. Any aggrieved individual may file with the compliance officer a written complaint charging the district, another student or any school employee with a violation of ADEA, race, color, creed, sex, sexual orientation, religion, national origin, age, marital status, ancestry and disability, Title II, Title VI, Title IX, or Section 504.

The complaint shall be in writing on forms provided by the compliance officer and shall describe with reasonable specificity the nature of the complaint and identify the particular section of Title II, Title VI, Title IX, or Section 504 and/or their regulations claimed to be violated. No complaints shall be received and processed by the compliance officer if filed more than 30 calendar days after the alleged conduct without permission from the superintendent of schools.

- b. Upon receipt of the complaint, the compliance officer or the compliance officer's designee shall conduct an investigation and within a reasonable period of time following the filing of the complaint shall render a written report containing findings and recommendations as appropriate to the superintendent of schools. The compliance officer's report shall be advisory and shall not bind the superintendent or the district to any particular course of action or remedial measure. However, the report may be used by the superintendent or other district administration officials as a basis for disciplinary or other appropriate action.

Insofar as practicable and consistent with the objectives (1) of obtaining full disclosure of all pertinent facts, and (2) of seeking to achieve a resolution of disputes in an informal fashion, the investigation shall be conducted in a confidential manner so as not to disclose the identity of the complaining party and witnesses. The person(s) whose conduct is in question shall not be considered a party at the investigation stage. Such person(s) shall be informed only of those facts which, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material facts or to obtain an informal resolution. A copy of the report shall be given to the complainant on condition that he/she agrees in writing not to disclose its contents. The complainant should also be advised that privacy laws and district practice will prevent disclosure of specific actions or disciplinary measures taken as a result of the investigation.

If the complainant is not satisfied with the findings of the report of investigation or with the recommendations contained therein, he/she may within five (5) working days after receiving the report of investigation file with the compliance officer a written request for a hearing. The compliance officer shall immediately forward a copy of the complaint, the compliance officer's findings and recommendation and the request for hearing to the person(s) whose conduct is the object of the complaint.

- c. Hearing. A hearing shall be held within 20 working days after the filing of a request for hearing.



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The hearing shall be conducted by an administrative employee of the district designated by the superintendent. In no event shall the hearing officer be the individual alleged to be responsible for or directly involved in the alleged violation or conduct.

The hearing shall be informal (see Policy GBKA, Guidelines for Informal Hearings). A student shall be entitled to be represented by his parent or by an attorney. An employee shall be entitled to be represented by an attorney or other representative of his/her choice. The complainant shall appear at the hearing and shall be entitled to present testimony and other evidence. Formal rules of evidence shall not apply to the hearing. The compliance officer or the compliance officer's designee may represent the district at the hearing and shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public.

The hearing officer shall render a written decision containing findings and recommendations within 10 working days after the conclusion of the hearing. The hearing officer's decision shall be advisory and shall not bind the superintendent or the district to any particular course of action or remedial measure. However, the decision may be used by the superintendent or other district administration officials as a basis for disciplinary or other appropriate action. Copies of the decision shall also be transmitted to the compliance officer, the person(s) whose conduct is in question, and the superintendent. Copies of the decision shall also be transmitted to the complainant and to the person(s) whose conduct is in question on condition that each agrees in writing not to disclose its contents.

d. Appeal.

Either the complainant, the person(s) whose conduct is in question, or the compliance officer may appeal the decision of the hearing officer to the superintendent of schools. The superintendent shall review the documents tendered to the hearing officer together with the hearing officer's findings and recommendations and shall within 20 working days after receipt thereof either affirm, reverse or amend the findings and recommendations or hold a *de novo* hearing using the procedures outlined above and render an independent decision based thereon. The decision of the superintendent or the superintendent's independent findings and recommendations shall be subject to the above conditions regarding confidentiality and shall be final.

e. Any time period prescribed herein may be enlarged at the discretion of the superintendent of schools for good cause shown. Time periods may also be enlarged by mutual agreement of all affected parties and the compliance officer.

Legal References:

Title II of the Americans with Disabilities Act of 1990
Title VI of the Civil Rights Act of 1964, as amended in 1972
Title IX of the Education Amendments of 1972
45 C.F.R., Part 86 (Federal Register, June 4, 1975)
Section 504 of the Rehabilitation Act of 1973, 34 C.F.R., Part 100



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