

First Read of Policy

EL12_Employee Treatment

EL12- Employee Treatment CodeEL.12

Last Revised June 16, 2022

Prior Revised Dates 3/24/2022

Policy Type: Executive Limitations

Employee Treatment

In order to ensure welcoming, inclusive, and legally compliant work environments, the Superintendent shall take reasonable steps to create conditions and procedures, take actions, and make decisions which are lawful, ethical, safe, inclusive, culturally-responsive, and in accordance with Board policy.

Accordingly, the Superintendent will not fail to:

1. Make inquiries required by law prior to hiring personnel and during employment;
2. Operate within written personnel policies that:
 1. Comply with state and federal law;
 2. Clarify personnel rules and procedures for staff;
 3. Provide for effective handling of grievances;
 4. Protect against illegal conditions;
 5. Include adequate job descriptions for all district positions;
 6. Include adequate salary and compensation plans that comply with law;
 7. Include personnel performance evaluation systems that comply with law; and
 8. Comply with statutory requirements regarding reductions in force and other termination processes.
3. Prohibit discrimination or retaliation against staff members for alleging a violation of law or civil rights;
4. Promote inclusive practices in addressing employee issues.
5. Honor the terms of negotiated agreements with staff;

6. Provide staff with an opportunity to become familiar with their rights and responsibilities under district policy;
7. Provide staff with an annual opportunity to provide feedback on whether leaders, departments, and the district are living up to the district's expectations of creating welcoming and inclusive workplaces.
8. When appropriate and at the discretion of the Superintendent, respond to concerns raised by staff and timely report on such concerns and responses to the Board; and
9. Use methods of collecting, reviewing, transmitting, or storing information that reasonably protect confidential information.
10. For any new innovation plan or renewal of an innovation plan, recommend approval of any new innovation plan or renewal of an innovation plan that does not waive provisions of the Teacher Employment Compensation and Dismissal Act (TECDA), with the exception that schools may continue to seek waivers of C.R.S. 22-63-201, which permits flexibility on licensure for non-core content subjects and C.R.S. 22-63-402 which pertains to supplemental compensation. The superintendent will not recommend innovation plans that waive Article 7 (grievance rights), Article 8-1 or its subsections (Contract Year), Article 10 (Performance Improvement Process), Article 11 (complaints against teachers), and/or Article 30 (Professional Compensation System) in the DCTA collective bargaining agreement. The superintendent may continue to recommend innovation plans that provide rights that are greater than what is provided for in the DCTA agreement (e.g. additional stipends, more planning time, etc.). The superintendent retains the right and discretion to present an innovation plan to the Board of Education that includes some of these named waivers when it is necessary to develop a plan under the State's Accountability Clock and when innovation status appears to be the best path forward for the school and these waivers would increase the likelihood of the State Board approving this option instead of school closure or conversion to a charter school.

11. Develop systems, policies, and/or contractual terms to create supportive environments.

Adopted October 21, 2021

LEGAL REFS.:

C.R.S. 22-2-119 (duty to make inquiries prior to hiring)

C.R.S. 22-9-103 (1.5) (definition of licensed personnel)

C.R.S. 22-12-101 et seq. (Teacher and School Administrator Protection Act)

C.R.S. 22-32-109 (1) (Board of education-specific duties)

C.R.S. 22-32-109.1 (Board of education-specific duties)

C.R.S. 22-32-109.7 (inquiries prior to hiring)

C.R.S. 22-32-110 (Board power to be exercised in its judgment to discharge personnel)

C.R.S. 22-32-126 (employment and authority of principals)

C.R.S. 22-60.5-101 (Colorado Educator Licensing Act)

C.R.S. 22-60.5-114 (3) (State Board can waive some requirements for initial license applicants upon request of school district)

C.R.S. 22-60.5-201 (licensure reciprocity for out-of-state applicants)

C.R.S. 22-61-101 (discrimination in employment of teachers prohibited)

C.R.S. 22-61-103 (teacher's oath)

C.R.S. 22-63-201 (all teachers must hold a teacher's license or letter of authorization)

C.R.S. 22-63-202 (teacher employment contracts)

C.R.S. 24-10-102 et seq. (governmental immunity)

C.R.S. 24-34-402 (1) (discriminatory or unfair employment practices)

C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)