



Denver Public Schools EL12 - Employee Treatment Monitoring Report

August 2023

Board policy is indicated in **bold** typeface throughout.

I hereby present my monitoring report on your Executive Limitations policy EL12, "Employee Treatment" according to the schedule set out. I certify that the information contained in this report is true, and represents compliance with all aspects of the policy unless specifically stated otherwise.

Signed *Alex Nanno*, Superintendent

Date 8/31/2023

Policy Statement:

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

For any new innovation plan or renewal of an innovation plan, the superintendent will not recommend approval of any new innovation plan or renewal of an innovation plan that waives 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. 22-63-401 which pertains to supplemental compensation. The superintendent will not recommend innovation plans that waive Article 7 (grievance rights), Article 8-1 (Contract Year), Article 10 (Performance Evaluations), 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.

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)

Definitions:

- **Negotiated Agreement** - A contract that has been collectively bargained and ratified by both a union and the Board of Education
- **Grievance** - a written complaint by an educator or educators in the negotiating unit that there has been a violation, a misinterpretation, or inequitable application of any of the provisions of the Negotiated Agreement or of an administrative procedure, practice, or written personnel policy that affects educators.
- **TECDA** - Teacher Employment, Compensation, and Dismissal Act, 1990. CRS Title 22, Article 63.
- **DCTA** - Denver Classroom Teachers Association.
- **Classified employees** - an employee who directly supports students or schools who is not required to hold a license through the Colorado Department of Education (CDE)
- **Licensed employees** - an employees who directly supports students or schools in a position that is required to be licensed by the Colorado Department of Education (CDE)

EL.12 Reasonable Interpretation

The most valuable resource in our school district is the human resource of our staff. This makes up 84% of the General Fund for Employees of DPS. As a result, we have to establish policies which empower our various employee groups to feel a sense of pride and ownership in providing the very best services for our students. We need to not only comply with all state and federal laws, but we must also honor the dignity and respect of each of our employees.

As part of this policy, I understand the importance of using best practices in Human Resources in order to achieve success. In addition, having the right employees in the right seats is critical for increasing student achievement. As the leader of this great district, I must be mindful of the fine balance of keeping all employee groups happy while also focusing on the results we achieve as a system. I must be reflective of whether or not we have the right employees, right systems and right leadership to achieve the Ends policies set forth by the Board of Education.

Accordingly, I agree and commit my staff to:

1. Making inquiries required by law prior to hiring personnel and during employment;
2. Operating within written personnel policies that:
 - a. Comply with state and federal law;
 - b. Clarify personnel rules and procedures for staff;
 - c. Provide for effective handling of grievances;
 - d. Protect against illegal conditions;
 - e. Include adequate job descriptions for all district positions;
 - f. Include adequate salary and compensation plans that comply with law;
 - g. Include personnel performance evaluation systems that comply with law; and
 - h. Comply with statutory requirements regarding reductions in force and other termination processes.
3. Prohibiting discrimination or retaliation against staff members for alleging a violation of law or civil rights;
4. Promoting inclusive practices in addressing employee issues.
5. Honoring the terms of negotiated agreements with staff;
6. Providing staff with an opportunity to become familiar with their rights and responsibilities under district policy;
7. Providing 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, responding to concerns raised by staff and timely report on such concerns and responses to the Board;
9. Using methods of collecting, reviewing, transmitting, or storing information that reasonably protect confidential information; and
10. Developing systems, policies, and/or contractual terms to create supportive environments.

For any new innovation plan or renewal of an innovation plan, the superintendent will not recommend approval of any new innovation plan or renewal of an innovation plan that waives 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. 22-63-401 which pertains to supplemental compensation. The superintendent will not recommend innovation plans that waive Article 7 (grievance rights), Article 8-1 (Contract Year), Article 10 (Performance Evaluations), 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.

Standard - RI Must-haves

- The standard of measurement for one or more parts of the policy
- The level of achievement on the standard for one or more parts of the policy
- The rationale for the standard of measurement for one or more parts of the policy
- The rationale for the level of achievement on the standard for one or more parts of the policy
- Is the interpretation reasonable?
- Is the data sufficient to support compliance?

Outcome

Compliance with this Executive Limitation 12 will be achieved for 22/23 when the following measures are in the affirmative and has evidence of such:

Measure	Family of Schools/District Run Schools	Report Timing	Justification
1. Making inquiries required by law prior to hiring personnel and during employment;	Family of Schools (all schools)	August	Demonstrates compliance with Executive Limitation
2. Operating within written personnel policies that: <ol style="list-style-type: none"> Comply with state and federal law; Clarify personnel rules and procedures for staff; Provide for effective handling of grievances; Protect against illegal conditions; Include adequate job descriptions for all district positions; Include adequate salary and compensation plans that comply with law; Include personnel performance evaluation systems that comply with law; and Comply with statutory requirements regarding reductions in force and other termination processes. 	Family of Schools (all schools)	August	Demonstrates compliance with Executive Limitation
3. Prohibiting discrimination or retaliation against staff members for alleging a violation of law or civil rights;	District Managed Schools (not charters)	August	Demonstrates compliance with Executive Limitation
4. Promoting inclusive practices in addressing employee issues.	District Managed Schools (not charters)	August	Demonstrates compliance with Executive Limitation
5. Honoring the terms of negotiated agreements with staff;	Family of Schools (all schools)	November	Demonstrates compliance with Executive Limitation
6. Providing staff with an opportunity to become familiar with their rights and responsibilities under district policy;	District Managed	August	Demonstrates compliance with

	Schools (not charters)		Executive Limitation
7. Providing 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.	District Managed Schools (not charters)	November	Demonstrates compliance with Executive Limitation
8. When appropriate and at the discretion of the Superintendent, responding to concerns raised by staff and timely report on such concerns and responses to the Board;	District Managed Schools (not charters)	November	Demonstrates compliance with Executive Limitation
9. Using methods of collecting, reviewing, transmitting, or storing information that reasonably protect confidential information; and	Family of Schools (all schools)	November	Demonstrates compliance with Executive Limitation
10. Developing systems, policies, and/or contractual terms to create supportive environments.	Family of Schools (all schools)	November	Demonstrates compliance with Executive Limitation
11. Evidence that the Superintendent does not recommend innovation plans that waive: <ul style="list-style-type: none"> a. TECDA, b. Article 7 (grievance rights), c. Article 8-1 (Contract Year), d. Article 10 (Performance Evaluations), e. Article 11 (complaints against teachers), and/or f. Article 30 (Professional Compensation System) in the DCTA collective bargaining agreement. 	Family of Schools (all schools)	August	Demonstrates compliance with Executive Limitation

Aggregation Methodology

I will be successful if I meet 75% of the weighted targets above.

Evidence of Outcomes Achieved

Goal: Demonstrate Compliance with this Executive Limitation

August Measures

Measure	Family of Schools/District Run Schools	Compliant? YES/NO
1. Making inquiries required by law prior to hiring personnel and during employment;	Family of Schools (all schools)	Yes
2. Operating within written personnel policies that: <ul style="list-style-type: none"> i. Comply with state and federal law; j. Clarify personnel rules and procedures for staff; 	Family of Schools (all schools)	Yes

<ul style="list-style-type: none"> k. Provide for effective handling of grievances; l. Protect against illegal conditions; m. Include adequate job descriptions for all district positions; n. Include adequate salary and compensation plans that comply with law; o. Include personnel performance evaluation systems that comply with law; and p. Comply with statutory requirements regarding reductions in force and other termination processes. 		
3. Prohibiting discrimination or retaliation against staff members for alleging a violation of law or civil rights;	District Managed Schools (not charters)	Yes
4. Promoting inclusive practices in addressing employee issues.	District Managed Schools (not charters)	Yes
6. Providing staff with an opportunity to become familiar with their rights and responsibilities under district policy;	District Managed Schools (not charters)	Yes
11. Evidence that the Superintendent does not recommend innovation plans that waive: <ul style="list-style-type: none"> a. TECDA, b. Article 7 (grievance rights), c. Article 8-1 (Contract Year), d. Article 10 (Performance Evaluations), e. Article 11 (complaints against teachers), and/or f. Article 30 (Professional Compensation System) in the DCTA collective bargaining agreement. 	Family of Schools (all schools)	Yes

Summary

The district is compliant with all aspects of EL-12 within this monitoring report.

1. **Required inquiries before hiring and during employment:** The [Employment Practice Manual](#) (Background Check Section) and [Administrative Policy GCE/GCF: Professional Staff Hiring/Recruitment](#) outline the background check processes and hiring guidelines.
2. **Personnel Policies:** Administrative Policies G and H, the DPS Employment Practice Manual, and the 11 collective bargaining agreements are the relevant measures.
 - a. The Office of Talent and the Office of the General Counsel reviewed and updated all Administrative Policies G and H, ensuring their relevance, compliance and alignment with laws and Strategic Roadmap.
 - b. The [Employment Practice Manual](#) addresses personnel rules and procedures, aiming to offer managers and employees guidance on essential HR practices. It was recently updated to include the following:
 - i. Our dedication to fostering a safe learning and working environment, encompassing issues of discrimination, harassment, and retaliation.
 - ii. The prohibition of retaliation against those who raise concerns in good faith or take part in work-related investigations.
 - iii. Several leave options designed to support employees taking a break from active service.
 - iv. The removal of the COVID-19 section, as standard policies are now in effect.

- v. An updated Duty to Notify of Arrest section, which covers notifications of criminal charges.
- c. The [“Basic Fairness and Due Process, Guidelines for Corrective Discipline” document](#) describes the corrective action process and provides managers and employees a guide for how to administer corrective action.
- d. The [Employee Associations website](#) includes the 11 collective bargaining agreements between the Board of Education and its labor partners. These agreements outline the terms and conditions of employment for approximately 10,000 employees. They cover aspects such as grievance procedures, evaluation procedures, reductions in force, and other termination processes.
- e. The [Employment Association website](#) and [The Commons](#) include information on salary schedules and job descriptions.
- f. The following policies outline how the district protects against illegal conditions:
 - i. Policy [AC](#) is the district’s Non discrimination/Equal Opportunity policy.
 - ii. Policy [AC-R1](#) provides procedures for the Investigation of Complaints of Discrimination or Harassment.
 - iii. Policy [AC-R2](#) provides the procedures for Public Requests for Reasonable Accommodations and Procedures for the Investigation of Public Complaints Regarding the Provision of Requested Accommodations. Much of this policy provides guidance for accommodations or supports for individuals with disabilities, unless provision of the requested modification would fundamentally alter the nature of such services, facilities, privileges, advantages, or accommodations. Policy [GBA-R1](#) governs employee requests for reasonable accommodations and for investigations of employee complaints.
 - iv. Policy [AC-R3](#) outlines procedures for Investigating Title IX Complaints of Sex-Based Discrimination/Harassment. This is coupled with annual training on Discrimination Prevention and Response and/or Title IX processes for staff. More information on internal implementation is [here](#) and the public resources are [here](#).
 - v. The district also maintains [False Claims Act Protections](#) and the Integra hotline to report fraud concerns.

3. **Prohibiting discrimination or retaliation:** The [Employment Practice Manual](#), the [Basic Fairness and Due Process, Guidelines for Corrective Discipline document](#), the [Discrimination Prevention & Response and Title IX website](#) and Administrative Policies [AC-R1](#) and [AC-R3](#), establishing clear and structured protocols for HR Partners and ER Investigators to follow.

4. **Promoting Inclusive Practices:**

- a. *Student Experience* - Achieving Excellence Academy, LGBTQ+ Supports, i.e. Reclaiming the Narrative Documentary
- b. *Adult Experience* - ReachOne Mentoring, Belong Groups (being revamped Serenity Room Pilot at EGC, Reaffirming our Shared Core Values, Cultural Moments, Professional Learning; Values-Based Leadership Opportunities; Tailored Supports and Anniversary Pins

6. **Staff awareness of Rights:**

- c. Annually the district updates and releases the [Employment Practice Manual](#) to provide staff with information on their rights and the Administration policies, regulations, practices, and expectations. This announcement was shared in district wide communications and is available on the Commons.
 - i. Most recent updates include: information on our commitment to a safe learning and working environment, addressing discrimination, harassment, and retaliation; prohibition of retaliation for raising good-faith concerns or participating in work-related investigations.; various leave options to support employees stepping away from active service; removal of the COVID-19 section, with standard policies now in effect; updated Duty to Notify of Arrest section, including notifications of criminal charges.

- d. Office of Talent participated in July Leadership Week Operations to provide training around recent changes to the DCTA and DAEOP Agreement.

11. The district has undertaken processes to ensure compliance with EL-12. For new renewal applications, the superintendent provided direction to [innovation zone renewal applicants](#) to remove the specified waivers and revise the innovation plans in accordance with EL-12. DPS Staff worked with innovation schools and zones to revise plans to remove waivers of TECDA, Article 7 (grievance rights), Article 8-1 (Contract Year)¹, Article 10 (Performance Evaluations), Article 11 (complaints against teachers), and/or Article 30 (Professional Compensation System). If a school or zone refused to make EL-12 related revisions, the Superintendent did not recommend the innovation plan for approval.

Additional Resources

None

Explanatory notes for preparing a monitoring report

Non-compliance:

N/A

¹ Note: The board may want to update the language in EL-12 regarding waivers of 8-1 of the DCTA agreement. When the board approved EL-12, it [changed the proposed language](#) as follows: "The superintendent will not recommend innovation plans that waive...Article 8-1 ~~or its subsections~~." DPS staff, guided by board conversations associated with the revision, interpret this to mean that the superintendent may not recommend plans that waive the language in the main clause of 8-1, but may recommend plans that include waivers of the subsections. Clarifying language may be helpful because without that context, the board's intent is not necessarily clear from a plain read of EL-12.