Appendix: Legal References

Open Hiring/ Equal Employment Opportunity (GBA)
20 U.S.C. §1681 (Title IX of the Education Amendments of 1972)
29 U.S.C. §201 et seq. (Fair Labor Standards Act)
29 U.S.C. §794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. §12011et seq. (Title II of the Americans with Disabilities Act)
42 U.S.C. §2000d (Title VI of the Civil Rights Act of 1964)
42 U.S.C. §2000e (Title VII of the Civil Rights Act of 1964)

Professional Staff Positions (GCA)
20 U.S.C. 6319 (teacher requirements under No Child Left Behind Act of 2001)
34 C.F.R. 200.55 (federal regulations regarding highly qualified teachers)
34 C.F.R. 200.58, 200.59 (federal regulations regarding paraprofessional qualifications)
C.R.S. 22-32-110 (1)(h) (Board power to terminate employment)
C.R.S. 22-60.5-101 et seq. (teacher licensure law)
C.R.S. 22-63-101 et seq. (teacher employment law)

Instructional Staff Assignments and Transfers (GCKA)
C.R.S. 22-32-126 (3) (principal submits recommendations to superintendent)
C.R.S. 22-63-206 (transfer of teachers and compensation)

Professional Staff Recruiting/Hiring (GCE/GCF)
15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)
20 U.S.C. 6319 (teacher requirements under No Child Left Behind Act of 2001)
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
34 C.F.R. 200.55 (federal regulations regarding highly qualified teachers)
C.R.S. 13-80-103.9 (liability for failure to perform an education employment required background check)
C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
C.R.S. 22-2-119 (inquiries prior to hiring)
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)
C.R.S. 22-32-126 (principal's role in hiring and assignment)
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 (types of teacher licenses issued)
C.R.S. 22-61-101 (prohibiting discrimination)
C.R.S. 22-61-103 (requirement for teacher's oath)
C.R.S. 22-63-201 (licensure required)
C.R.S. 22-63-202 (employment contracts and mutual consent placement)
C.R.S. 22-63-206 (transfers)
C.R.S. 24-5-101 (effect of criminal conviction on employment)
C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)
C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)

Professional Staff Induction Program (GCHC)
C.R.S. 22-60.5-102(7)
C.R.S. 22-60.5-114(2)
C.R.S. 22-60.5-201(1)(c)(I)(B)
C.R.S. 22-60.5-204 (teachers)
C.R.S. 22-60.5-210(1)(b)(I)(B)
C.R.S. 22-60.5-213 (special services providers)
C.R.S. 22-60.5-301(1)(b)(I)(C)
C.R.S. 22-60.5-304 (principals)
C.R.S. 22-60.5-306(1)(b)(I)(C)
C.R.S. 22-60.5-309 (administrators)

Professional Staff Schedules and Calendars (GCL)
C.R.S. 22-44-115.5 (2)

Instructional Staff Contracts/Compensation/Salary Schedules (GCBA)
C.R.S. 22-32-110 (5) (agreement with employee group cannot exceed one year term, unless subject to reopener on salaries and benefits)
C.R.S. 22-44-115.5(2) (reductions in salary or alteration of work year due to fiscal emergency)
C.R.S. 22-60.5-110 (renewal of teacher license)
C.R.S. 22-63-401 through 403 (teacher compensation laws)
C.R.S. 22-69-101 et seq. (grant program for alternative teacher compensation plans)

Professional Staff Fringe Benefits (GCBD)
C.R.S. 8-40-101 et seq. through 8-47-101 et seq. (Workers’ Compensation Act of Colorado)
C.R.S. 22-32-110(1)(j)
C.R.S. 24-51-101 et seq. (Public Employees’ Retirement Association)

Workers’ Compensation (GBGD)
29 U.S.C. 2601 et seq. (Family and Medical Leave Act of 1993)
C.R.S. 8-40-101 et seq. (Workers’ Compensation Act of Colorado)

Personnel Records and File (GBJ)
C.R.S. 22-9-109
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
C.R.S. 24-19-108(1)(c)
C.R.S. 24-72-202(1.3) and (4.5)
C.R.S. 24-72-204

Disclosure of Information to Prospective Employers (GBJA)
C.R.S. 8-2-114(2), (3) and (5)
C.R.S. 22-63-202
Evaluation of Instructional Staff (GCOA)
C.R.S. 22-9-101 et seq. (Licensed Personnel Performance Evaluation Act)
C.R.S. 22-63-301 (grounds for dismissal)
C.R.S. 22-63-302 (8) (burden of proof)

Evaluation of Administrative Staff (GCOC)
C.R.S. 22-9-101 et seq. (Licensed Personnel Performance Evaluation Act)
C.R.S. 22-32-109 (1)(jj) (board's duty to identify areas in which principals may need professional development)
C.R.S. 22-32-126 (employment and authority of principals)
C.R.S. 22-63-301 (grounds for dismissal)
C.R.S. 22-63-302 (8) (burden of proof)

Resignation of Instructional Staff/Administrative Staff (GCQC/GCQD)
C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
C.R.S. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)
C.R.S. 22-63-202 (employment contracts)
1 CCR 301-37, Rules 2260.5-R-15.00 et seq. (mandatory reporting requirements)

Retirement of Professional Staff (GCQE)
29 U.S.C. 621 et seq. (Age Discrimination in Employment Act)
C.R.S. 24-51-101 et seq. (Public Employees' Retirement Association)

Staff Conduct and Responsibilities (GBEB)
C.R.S. 18-12-105.5
C.R.S. 18-12-214 (3)(b) (school security officers may carry concealed handgun pursuant to valid permit)
C.R.S. 19-3-308 (5.7)
C.R.S. 22-32-109 (1)(ee) (duty to adopt policy prohibiting personnel from recommending certain drugs for students or ordering behavior tests without parent permission)
C.R.S. 22-32-109.1 (8) (policy requiring inquiries upon good cause to department of education for purpose of ongoing screening of employees)
C.R.S. 22-32-109.7
C.R.S. 22-32-109.8 (6) (requirement to terminate non-licensed employees for certain felony offenses)
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. 24-18-104
C.R.S. 24-18-109

Staff Use of the Internet and Electronic Communications (GBEE)
47 U.S.C. 254(h) (Children's Internet Protection Act of 2000)
20 U.S.C. 6801 et seq. (Elementary and Secondary Education Act)
C.R.S. 22-87-101 et seq. (Children's Internet Protection Act)
C.R.S. 24-72-204.5 (monitoring electronic communications)
Staff Ethics/Conflict of Interest (GBEA)
Constitution of Colorado, Article X, Section 13 (felony to make a profit on public funds)
C.R.S. 22-63-204 (teachers receiving money for items sold to students/parents without written consent from Board)
C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)
C.R.S. 24-34-402 (1)(h) ( nepotism provisions)

Discipline, Suspension and Dismissal of Professional Staff (GCQF)
C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.1(9) (immunity provisions in safe schools law)
C.R.S. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)
C.R.S. 22-63-202 (3) (temporary suspension during contract period)
C.R.S. 22-63-202 (4) (disclosure of reasons why left employment)
C.R.S. 22-63-301 et seq. (dismissal of licensed staff)
1 CCR 301-37, Rules 2260.5-R-15.00 et seq. (mandatory reporting requirements)
15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)

Sexual Harassment (GBAA)
20 U.S.C. §1681 et seq. (Title IX of the Education Amendments of 1972)
42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act of 1964)
C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division procedures)
C.R.S. 24-34-401 et seq. (discrimination or unfair employment practices)

Liability of School Personnel/Staff Protection (GBG)
C.R.S. 22-12-101 et seq. (Teacher and School Administrator Protection Act)
C.R.S. 22-32-109.1(9) (immunity provisions in safe schools law)
C.R.S. 22-32-126(5) (disciplinary information to staff)
C.R.S. 24-10-102 et seq. (governmental immunity)
20 U.S.C. 6731 through 6738 (Coverdell Teacher Protection Act contained in No Child Left Behind Act of 2001 limits the liability of school personnel)

Staff Health (GBGA)
29 U.S.C. 794 (1983) (Section 504 of the Rehabilitation Act)
42 U.S.C. 12101 et seq. (Americans with Disabilities Act)
C.R.S. 8-2-118 (employer must bear cost of medical exam)
C.R.S. 22-32-110 (1)(k) (board's power to adopt policy related to safety, conduct and welfare of employees)
C.R.S. 22-63-301 (grounds for teacher dismissal)
C.R.S. 24-34-401 et seq. (discriminatory or unfair employment practices)
C.R.S. 25-4-101 et seq. (disease control and sanitary regulations)

Drug-Free Workplace (GBEC)
20 U.S.C. 7101 et seq. (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. 812 (definition of controlled substance)
C.R.S. 18-18-407 (2) (crime to sell, distribute or possess controlled substance on or near school grounds or school vehicles)
C.R.S. 25-1.5-106 (12)(b) (possession or use of medical marijuana in or on school grounds or in a school bus is prohibited)
Staff Personal Security and Safety (GBGB)
C.R.S. 22-32-109.1(3) (policy regarding offenses against school employees required as part of safe schools plan)
C.R.S. 22-32-109.1(9) (immunity provisions in safe schools law)
C.R.S. 22-32-126(5)(a) (communication of disciplinary information)

Staff Leave (GBGG)
38 U.S.C. §4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)
20 C.F.R. Part 1002 (regulation)
C.R.S. 28-3-601 et seq. (annual military leave for public employees)
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
C.R.S. 24-34-402.7 (unlawful action against employees seeking protection)

Staff Maternity/Paternity/Parental Leave (GBGE)
9 U.S.C. 2601 et seq. (Family and Medical Leave Act of 1993)

Professional Staff Development (GCI)
C.R.S. 22-7-407 (2)(e) (district required to develop plan to provide professional educator development in standards-based education)
C.R.S. 22-32-109 (1)(j) (board must identify areas where principals need professional development)
C.R.S. 22-32-109 (1)(n),(z) (board required to determine number of hours/days of school; board required to provide in-service program related to abuse and neglect under Child Protection Act)
C.R.S. 22-32-110 (1)(k) (board has power to adopt policies related to inservice training and professional growth of employees)
C.R.S. 22-60.5-110 (3)(b) (licensed staff required to complete on-going professional development which may include programs concerning juvenile mental health issues and awareness and prevention of suicide)
1 CCR 301-1, Rule 2202-R-11.05 (E)(7) (school performance reports to include number of professional development days)

Employment/Qualifications of Substitute Staff (GCG/GCGA)
C.R.S. 22-9-106 (1)(b) (licensed personnel evaluation system)
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.8 (fingerprinting requirements for non-licensed positions)
C.R.S. 22-60.5-111 (types of authorizations)
C.R.S. 22-63-103(6), (10) (definition of part-time teacher, definition of substitute teacher)
1 CCR 301-37, Rules 2260.5-R-4.05 through 4.09 (substitute authorizations)

Professional Research and Publishing (GCS)
20 U.S.C. 1232h (rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation)
C.R.S. 22-1-123 (district shall comply with federal law on protection of pupil rights; Colorado provisions regarding surveys, assessment, analysis and evaluation of students)

Staff Training in Crisis Prevention and Management (GBGAA)
C.R.S. 22-32-110(1)(k) (professional inservice training)
First Aid Training (GBGAB)
6 CCR 1010-6-9-102 (first aid certification requirement)