

# Revised Sample Policy

File: BCB

*NOTE: Colorado school boards are required by law to adopt a policy on this subject, however the specifics of the policy are not set forth in law. This sample contains the content/language that CASB believes best meets the intent of the law. However, the board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## School Board Member Conflict of Interest

Public office is a trust created in the interest of the common good and for the benefit of the people. A conflict of interest can arise when a public officer is unable to devote himself/herself with complete loyalty and singleness of purpose to the general public interest.

It is the intent of this policy to protect the public trust placed in directors of this school district. For purposes of this policy, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite and demonstrable and which is or may be in conflict with the public interest.

A Board member who has a personal or private interest in a matter proposed or pending before the Board shall disclose such interest to the Board, shall not vote on it and shall not attempt to influence the decisions of other Board members in voting on the matter.

However, if a Board member has complied with statutory disclosure requirements by notifying the secretary of state of an interest in the matter, the member may vote if participation is necessary to obtain a quorum or otherwise enable the Board to act. If a member votes under these circumstances, that member shall state for the record the fact and summary nature of the potential conflict of interest.

The written disclosure to the secretary of state shall list as applicable the amount of the member's financial interest, the purpose and duration of any services rendered, compensation received for services or such other information necessary to describe the interest.

*NOTE: The Colorado Supreme Court has held that a local board of education has the authority to adopt a conflict of interest policy prohibiting district employment while serving on the board. **Montrose County Sch. Dist. RE-1J v. Lambert, 826 P.2d 349 (Colo. 1992).** Accordingly, the following paragraph is optional language which may be included at the Board's discretion.*

The Board considers it a conflict of interest for a Board member to also be employed by the district. Therefore, the Board shall not hire any of its members as an employee of the district nor shall the Board approve any compensation for a member for services rendered to the district as an employee except for services rendered to the Board as provided by law. *[State law allows the Board to compensate certain ~~officers of the Board for services rendered in the course of their official Board duties, including the Board secretary, assistant secretary, treasurer and assistant treasurer.]~~*



Therefore, an employee elected to the Board shall be required to relinquish employment with the district prior to taking office. Employees are encouraged to consider this prior to running for the Board.

Members may be reimbursed for authorized expenses in carrying out Board duties as provided by law.

The Board shall not enter into any contract with any of its members or with a firm or corporation in which a member has a financial interest unless one or more of the following apply:

1. The contract is awarded to the lowest responsible bidder based on competitive bidding procedures.
2. The merchandise is sold to the highest bidder at a public auction.
3. The transaction involves investing or depositing money in a financial institution which is in the business of loaning money or receiving money.
4. If, because of geographic restrictions, the district could not otherwise reasonably afford the contract because the additional cost to the district would be greater than 10 percent of the contract with the interested member or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services.
5. If the contract is one in which the Board member has disclosed a personal interest and is one on which the member has not voted or has voted as allowed in state law following disclosure to the secretary of state and to the Board.

Except as described above, a Board member shall not be a purchaser at any sale or a vendor for any purchase made by the district.

~~A member of the Board may request an advisory opinion from the secretary of state concerning issues relating to his or her conduct and potential conflict of interest.~~

(Adoption date)

LEGAL REFS.: Colorado Constitution, Article X, Section 13  
C.R.S. 22-32-109 (1)(y) (*duty of board to adopt bylaws on conflicts of interest*)  
C.R.S. 24-18-109 through 24-18-111 (*government rules of conduct*)  
C.R.S. 24-18-201 (*standards of conduct – interests in contracts*)  
C.R.S. 24-18-202 (*standards of conduct – interests in sales*)

CROSS REFS.: BC, School Board Member Conduct  
BCA-E-1, Code of Ethics for School Board Member  
BEDF, Voting Method  
DJE, Bidding Procedures



*NOTE: C.R.S. 22-32-109 (1)(y) which was enacted in 1984 provided that a board of education would be exempt from C.R.S. 18-8-308 (1), the criminal law pertaining to failure to disclose a conflict of interest, if the board filed a copy of its conflict of interest policy with the Colorado Department of Education and received an acknowledgment of receipt of the policy. Although C.R.S. 22-32-109 (1)(y) was not repealed by H.B. 1209 in 1988, for all practical purposes it has been superseded by the new statutory provisions. However, CASB recommends that a board continue to file its conflict of interest policy with the Department of Education to be absolutely certain that the exemption from the criminal statute will continue.*



## **Bullying Prevention and Education**

The district supports a secure school climate, conducive to teaching and learning that is free from threat, harassment and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and help create a climate in which all types of bullying are regarded as unacceptable.

For purposes of this policy, the term "Bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate or harm one or more students.

Any student who engages in any act of bullying is subject to appropriate disciplinary action, including but not limited to, suspension, expulsion and/or referral to law enforcement authorities. The severity and pattern of any of the bullying behavior shall be taken into consideration when disciplinary decisions are made.

The superintendent and school administrators have developed a comprehensive program addressing bullying at all school levels. The goals of this program are as follows:

1. To send a clear message to students, staff, parents, and community members that bullying shall not be tolerated.
2. To train staff and educate students in taking pro-active steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention and investigation of students engaging in bullying behavior.
4. To initiate and support ongoing efforts to change the behavior of students who engage in bullying behaviors through education on what is acceptable behavior and discussions and to make available counseling services to explain the consequences of bullying.
5. To establish a productive partnership with students, parents, and community members in order to support and maintain a bullying free environment with the district.
6. To provide counseling and support for victims of bullying.
7. To help the development of peer support, social skills and confidence for all students.

8. To recognize and reinforce positive actions and behaviors of students in their treatment of one another.

Adopted: April, 2016

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(X)



## **BULLYING PREVENTION AND EDUCATION**

The Colorado Springs School District 11 Board of Education (the Board) supports a secure school climate, conducive to teaching and learning that is free from threat, harassment and any type of bullying behavior. The purpose of this policy is to define bullying behavior, encourage students to report bullying behavior, establish programmatic responses to prevent bullying behavior, to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying is any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination. Colorado Springs School District 11 (the District) is subject to the following laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates. In addition, for purposes of this policy, bullying behavior may include but is not limited to threats, intimidation, assault, or harassment of any kind, as delineated in the Student Conduct, Discipline and Attendance Code.

For purposes of this policy, the school environment includes: 1) all District property, including but not limited to school buses and electronic communication and access resources; 2) any non-District property on which a District- or school-sponsored activity or event occurs; and, 3) any other non-District property or location where the behavior engaged in may have a direct impact on school discipline or be detrimental to the welfare or safety of students or staff.

A student or adult who engages in any act of bullying is subject to appropriate disciplinary action including but not limited to, suspension, expulsion, and/or referral to law enforcement authorities. (Policy JK/JK-R) The severity, intent and pattern, if any, of the bullying behavior shall be taken into consideration when disciplinary decisions are made.

The District shall ensure the development of a comprehensive program to address bullying at all school levels. The program shall be aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents/guardians, and community members that bullying will not be tolerated.
2. To implement strategies in each school to enable students and staff to recognize, report and respond effectively to bullying.

3. To prevent bullying by implementing prevention strategies in each school to decrease the occurrences of bullying.
4. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
5. To initiate efforts to change the behavior of students engaged in bullying behaviors which may include education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
6. To foster a productive partnership with parents/guardians and community members in order to help maintain a bully free environment.
7. To help develop social skills and self-confidence for all students and to recognize and encourage positive, supportive behaviors of students toward one another on a regular basis.
8. To protect students from retaliatory action when they report bullying behaviors in good faith.

Adopted March 2002  
Revised June 13, 2012  
Revised November 11, 2015

LEGAL REFS.: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681  
34 C.F.R. Part 104  
34 C.F.R. Part 106  
Fair Labor Standards Act, 29 U.S.C. §201  
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621  
Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.  
Exceptional Children's Education Act, C.R.S. 22-20-101, et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701, et seq.  
Americans with Disabilities Act, 42 U.S.C. §12101, 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  
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)  
C.R.S. 2-4-401  
C.R.S. 18-9-121  
C.R.S. 22-32-109(1)(II)  
C.R.S. 22-32-109.1(2)(a)(X)(B)  
C.R.S. 22-32-110(1)(k)  
C.R.S. 22-33-105(2)(c)  
C.R.S. 22-61-101  
C.R.S. 22-93-101, et seq.  
C.R.S. 24-34-301 through 24-34-308  
C.R.S. 24-34-401 through 24-34-406  
~~3 CCR 708-1~~

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
AC-R, Employee Discrimination/Harassment Reporting and Investigation  
Procedures  
ADD, Safe and Secure Schools  
ADD-R-1, Regulation to Policy ADD, Safe and Secure Schools  
ADD-R-2, Regulation to Policy ADD, Safe and Secure Schools  
EHC, Educational Technology Resources Policy  
IHBAA, Response to Intervention  
JB, Equal Educational Opportunities  
JBB, Sexual and Racial Harassment/Discrimination toward Students  
JBB-R, Regulation to Policy JBB, Sexual and Racial Harassment/  
Discrimination toward Students  
JIC, Student Conduct, Discipline and Attendance Code  
JICDA, Code of Conduct  
JICDA-R, Regulation to Policy JICDA, Code of Conduct  
JK, Student Discipline  
JK-R, Regulation to Policy JK, Student Discipline  
JKB, Detention of Students  
JKBA, Formal Disciplinary Removals from Classrooms  
JKBA-R, Regulation to Policy JKBA, Formal Disciplinary Removals from  
Classrooms  
JKD/JKE, Student Suspension/Expulsion/Denial of Admission  
JKD/JKE-2, Disciplining Students with Disabilities  
JKD/JKE-R, Regulation to Policy JKD/JKE, Student Suspension/  
Expulsion/Denial of Admission and Policy JKD/JKE-2, Disciplining  
Students with Disabilities  
JKF, Educational Alternative for Expelled Students  
JKF-R, Regulation to Policy JKF, Educational Alternative for Expelled  
Students  
JKG, Expulsion Prevention Program





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## **HB 1254 – Colorado’s Bullying Prevention Law Frequently Asked Questions**

### **How much of a problem is bullying?**

Too many students in Colorado are experiencing bullying and some students are more likely to be bullied based on their race/ethnicity, gender, sexual orientation, religion, or disability.

- 18.8% of high school students in Colorado reported being bullied on school grounds (Colorado Healthy Kids Survey, 2009).
- 20% of students report being cyber-bullied at some point in their lifetime (Hinduja and Patchin, 2010).
- 87% of gay and lesbian students reported being verbally bullied based on their sexual orientation and 30% were physically assaulted (GLSEN Colorado Survey, 2009).
- According to a report from the White House Bullying Prevention Summit other frequent reasons students reported being bullied included: gender, race/ethnicity, religion, academic performance, socio-economic status, and disability. (Swearer, 2011; Graham, 2006; Eslea & Mukhtar, 2000).

### **How does bullying impact schools and students?**

Bullying has serious academic and emotional consequences for students who are bullied and ultimately impacts the school climate and academic performance of the entire school.

- An estimated 160,000 students miss school every day due to bullying (US Department of Justice and National School Association of School Psychologists, Banks, 2000).
- 25% of youth who were bullied reported attempting suicide in the previous year compared to 11% of students who were not bullied (Colorado Healthy Kids Survey, 2009).
- Youth who were bullied were also more likely to have been in fights, engaged in binge drinking, and used marijuana (Colorado Healthy Kids Survey, 2009).
- A Colorado study found that schools with lower levels of bullying had higher CSAP scores (Evaluation of the Colorado Trust’s Bullying Prevention Initiative, 2008).

### **What changes does HB-1254 make to Colorado’s bullying laws?**

- **HB-1254 updates the state’s bullying definition C.R.S. 22-32-109.1(a)(X)(B) to read:** Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student

on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109\*.

- \*22-32-109 (1) (11) (I) The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.
- (1) (II) (I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States Constitution or to prevent the expression of any religious, political, or philosophical views.
- **HB-1254 encourages districts to consider the following**
  - The biennial administration of surveys of students' impressions of the severity of bullying in their schools.
  - Character building.
  - Designation of a team who advise the school administration concerning the severity and frequency of bullying incidents at the school.
  - Appropriate disciplinary consequences for students who bully AND for those who take retaliatory action against someone who reports in good faith.
- **HB-1254 updates the reporting requirements under the Safe School Reporting Requirements submitted annually to include:**
  - Behavior detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying.
- **HB-1254 adds language under the dress code policy C.R.S. 22-32-109.1(a)(IX) to include:**
  - (IX) A dress code policy that encourages school pride and unity, promotes uniformity of dress, and defines and prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress.
- **HB-1254 directs the Colorado Department of Education to establish a bullying prevention website and creates a Bullying Prevention Education and Grant Program to be funded out of grants and gifts.**

### **How does Federal law address bullying?**

- Although federal law does not directly address bullying, recent guidance from the Office of Civil Rights in the Dear Colleague letter dated October 26, 2010 indicates that some instances of bullying may constitute harassment and may be a violation of civil rights protected under federal law (Title IX, Title VI, Title II and Sec 504). Bullying instances may also be classified as harassment under federal law if they are based on race, color, national origin, sex (including sexual orientation), and disability and if the harassment interferes with the student's ability to participate in and benefit from the services, activities, or opportunities offered by the school.

## **Bullying affects all students so why focus on race/ethnicity, gender, sexual orientation, religion, and disability in bullying policies?**

- Students who are perceived to be different in terms of race/ethnicity, gender, sexual orientation, religion, or disability are more likely to be bullied based on these characteristics (Swearer, 2011; Graham, 2006; Eslea & Mukhtar, 2000).
- According to recent federal guidance, bullying based on race, color, national origin (may include religion), sex (including sexual orientation), or disability, may be classified as harassment and may constitute a violation of civil rights (Dear Colleague Letter, US Department of Education Office of Civil Rights, October 2010).
- Gay and lesbian students who were more frequently harassed because of their sexual orientation or gender expression had grade point averages almost half a grade lower than students who were less often harassed (2.7 vs. 3.1) (GLSEN Survey, 2009).
- Students report less bullying and feeling safer in schools with enumerated policies (policies that specifically list and prohibit bullying based on characteristics such as race, sex, sexual orientation, religion, or disability)(GLSEN Survey, 2009).
- Students report that teachers in schools with enumerated policies are more likely to intervene when they witness this type of bullying (GLSEN Survey, 2009).

## **What best practices should districts consider in updating their bullying policies?**

The US Department of Education issued a Dear Colleague letter in December 2010 outlining the various components of bullying prevention laws or policies that states and LEA's should consider.

- **Purpose statement:** outlines the range of detrimental effects that bullying has on students and declares any form of bullying unacceptable.
- **Statement of scope:** Covers conduct that occurs on school campuses, at school sponsored activities, on school transportation or any conduct that otherwise creates a substantial disruption to the school environment.
- **Specification of prohibited conduct:** provides a specific definition of bullying that is consistent with state law and includes verbal, physical, and cyber-bullying.
- **Enumeration:** prohibits bullying acts based on actual or perceived characteristics of students who have historically been targets of bullying and lists those characteristics.
- **Collaborative development of policies:** encourages a collaborative process with school administrators, staff, families and students.
- **Core components of LEA policies:** definition of bullying; procedures for staff, students, and families to report bullying; procedures for investigating and responding to bullying; maintenance of written records; sanctions; and referrals for services.
- **Regular review of policies:** to ensure goals are being met.
- **Communication plan:** plan for notifying families and students of bullying policies
- **Training and preventative education:** includes a provision for training for all staff.
- **Transparency and monitoring:** includes provisions for annual reporting to state.
- **Statement of rights to other legal resources:** policy does not preclude victims from seeking other legal remedies.







## Best Practices in Bullying Prevention and Intervention

Bullying is aggressive behavior that is intentional and that involves an imbalance of power or strength. Often, it is repeated over time and can take many forms. In many respects, research on bullying prevention is still in its infancy. Although researchers have documented success of some comprehensive programs in reducing bullying, we still have much to learn about which aspects of these programs are most important.

However, a review of existing bullying prevention programs and feedback from educators in the field led us to suggest ten strategies that represent “best practices” in bullying prevention and intervention.

**1. Focus on the social environment of the school.** To reduce bullying, it is important to change the climate of the school and the social norms with regard to bullying. It must become “uncool” to bully, “cool” to help out students who are bullied, and normative for staff and students to notice when a child is bullied or left out. This requires the efforts of everyone in the school environment—teachers, administrators, counselors, other non-teaching staff (such as bus drivers, nurses; school resource officers, custodians, cafeteria workers, and school librarians), parents, and students.

**2. Assess bullying at your school.** Intuitively adults are not always very good at estimating the nature and extent of bullying at their school. Frequently we are quite surprised by the amount of bullying that students experience, the types of bullying that are most common, or the “hot spots” where bullying happens. As a result, it is often quite **useful to assess bullying by administering an**

anonymous questionnaire to students about bullying. What are the possible benefits of conducting a survey of students?

- Findings can help motivate adults to take action against bullying;
- Data can help administrators and other educators tailor a bullying prevention strategy to the particular needs of the school; and
- Data can serve as a baseline from which administrators and other educators can measure their progress in reducing bullying.

**3. Garner staff and parent support for bullying prevention.** Bullying prevention should not be the sole responsibility of an administrator, counselor, teacher—or any single individual at a school. To be most effective, bullying prevention efforts require buy-in from the majority of the staff and from parents.

**4. Form a group to coordinate the school’s bullying prevention activities.** Bullying prevention efforts seem to work best if they are coordinated by a representative group from the school. This coordinating team (which might include an administrator, a teacher from each grade, a member of the non-teaching staff, a school counselor or other school-based mental health professional, a school nurse, and a parent) should meet regularly to digest data from the school survey described in Strategy 2; plan bullying prevention rules, policies, and activities; motivate staff, students, and parents; and ensure that the efforts continue over time. A student advisory group also can be formed to focus on bullying prevention and provide valuable suggestions and **feedback to adults.**

### **5. Train your staff in bullying prevention.**

All administrators, faculty, and staff at your school should be trained in bullying prevention and intervention. In-service training can help staff to better understand the nature of bullying and its effects, how to respond if they observe bullying, and how to work with others at the school to help prevent bullying from occurring. Training should not be available only for teaching staff. Rather, administrators should make an effort to educate all adults in the school environment who interact with students (including counselors, media specialists, school resource officers, nurses, lunchroom and recess aides, bus drivers, parent volunteers, custodians, and cafeteria workers).

**6. Establish and enforce school rules and policies related to bullying.** Although many school behavior codes implicitly forbid bullying, many codes do not use the term or make explicit our expectations for student behavior. It is important to make clear that the school not only expects students not to bully, but that it also expects them to be good citizens, not passive bystanders, if they are aware of bullying or students who appear troubled, possibly from bullying. Developing simple, clear rules about bullying can help to ensure that students are aware of adults' expectations that they refrain from bullying and help students who are bullied. For example, one comprehensive program, the Olweus Bullying Prevention Program (see resources section on the Web site) recommends that schools adopt four straightforward rules about bullying:

- We will not bully others.
- We will try to help students who are bullied.
- We will make it a point to include students who are easily left out.
- If we know someone is being bullied, we will tell an adult at school and an adult at home.

School rules and policies should be posted and discussed with students and parents. Appropriate

positive and negative consequences also should be developed for following or not following the school's rules.

**7. Increase adult supervision in hot spots where bullying occurs.** Bullying tends to thrive in locations where adults are not present or are not vigilant. Once school personnel have identified hot spots for bullying from the student questionnaires, look for creative ways to increase adults' presence in these locations.

**8. Intervene consistently and appropriately in bullying situations.** All staff should be able to intervene effectively on the spot to stop bullying (i.e., in the 1–2 minutes that one frequently has to deal with bullying). Designated staff should also hold sensitive follow-up meetings with children who are bullied and (separately) with children who bully. Staff should involve parents of affected students whenever possible.

**9. Focus some class time on bullying prevention.** It is important that bullying prevention programs include a classroom component. Teachers (with the support of administrators) should set aside 20–30 minutes each week (or every other week) to discuss bullying and peer relations with students. These meetings help teachers to keep their fingers on the pulse of students' concerns, allow time for candid discussions about bullying and the harm that it can cause, and provide tools for students to address bullying problems. Anti-bullying themes and messages also can be incorporated throughout the school curriculum.

**10. Continue these efforts over time.** There should be no "end date" for bullying prevention activities. Bullying prevention should be woven into the entire school environment.