

### **Discipline, Suspension and Dismissal of Professional Staff**

All BOCES professional staff members, unless otherwise designated by contract, are considered "at will" employees who serve at the pleasure of the Board and have only those employment rights expressly established by Board policy. Professional staff members will be employed for such time as the BOCES is in need of or desirous of the services of such employees.

The executive director is authorized to suspend with pay or place a professional staff member on unpaid administrative leave as a disciplinary measure and/or pending an internal investigation when a professional staff member is accused of serious misconduct. The executive director will report all such suspensions to the Board at its next meeting and will make a recommendation if further disciplinary action is warranted, including but not limited to termination. The Board will make the final decision regarding the dismissal of any professional staff member.

The BOCES will comply with the reporting requirements concerning allegations of unlawful behavior involving a child and other offenses, in accordance with state law.

(Adoption date: January 19, 2022)

**LEGAL REFS.:** 20 U.S.C. 7926 (*ESSA prohibition against employment assistance for school employees who have engaged in sexual misconduct with a student or minor*)  
C.R.S. 19-3-301 *et seq.* (*Child Protection Act of 1987*)  
C.R.S. 22-32-110 (1)(h) (*power to discharge/terminate employment*)  
1 CCR 301-37, Rule 2260.5-R-10.05 (*reporting requirements*)

**CROSS REF.:** GCA, Professional Staff Positions

**NOTE:** *The Every Student Succeeds Act (ESSA) requires BOCES that receive ESEA funds to have policies in place that prohibit the BOCES from assisting an employee in obtaining a new job if the BOCES knows, or has probable cause to believe, that such employee engaged in sexual misconduct regarding a student or minor in violation of the law. The BOCES is not prohibited from following routine procedures regarding the transmission of administrative or personnel files, but is prohibited from doing more than that to help the employee obtain new employment. 20 U.S.C. 7926. This provision is intended to prevent teachers or other school staff who have engaged in sexual misconduct with a student or minor at one school from obtaining employment at another school, without that school's knowledge of the prior misconduct. In sum, the BOCES must ensure that it complies with state law mandatory reporting requirements as well as not offer employment assistance as prohibited by the ESSA when contacted by another school for information regarding an applicant's fitness for employment.*

**[Reviewed September 2021]**  
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