

Section E contains policies, regulations, and exhibits on non-instructional services and programs, particularly those on business management, safety, building and grounds management, office services, transportation, and food services. Also included are policies on busing, fire drills, vandalism, data management, and insurance programs.

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## Hazardous Materials

Hazardous materials include any substance or mixture of substances that poses a fire, explosive, reactive or health hazard as more fully defined by law. There are many areas of the school operation, from science laboratories and art departments to custodial services and vehicle maintenance, which use a variety of materials that may be hazardous.

The Board, through the superintendent, shall cause to be created procedures which address the purchase, storage, handling, transportation and disposal of hazardous materials for all school facilities and operations including instructional areas. Emergency response actions and evacuation plans ~~also~~ shall be coordinated with the procedures.

The procedures shall comply with all local, state and federal laws and regulations which pertain to the safe and proper storage, transportation and disposal of hazardous materials.

The goal of the procedures shall be to set into place an ongoing process by which each location in the district may begin a program of identifying and managing potentially hazardous materials. District personnel shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the quantities of such substances stored on school property.

Appropriate school personnel shall be trained to take precautions to prevent accidents and to handle them in the event they do occur.

It is not the intent of the Board to expand or modify the district's potential liability exposure through the adoption of this policy. The district's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state or federal law or regulation.

Adopted: April 10, 1989  
Reviewed: May 11, 1998  
Revised: November 4, 2020

LEGAL REFS.: 42 U.S.C. §6901 (1982 & Supp. III 1985) (*Resource Conservation and Recovery Act [RCRA] and accompanying regulations*)  
42 U.S.C. §9601 (1982 & Supp. IV 1986) (*Comprehensive Environmental Response Compensation and Liability Act [CERCLA] and accompanying regulations*) 49 U.S.C. 1801 (*Hazardous Materials Transportation Act*)  
C.R.S. 13-21-108.5 (*persons rendering assistance relating to discharge of hazardous materials immune from civil liability*)  
C.R.S. 24-10-106.5 (*duty of care in Colorado Governmental Immunity Act*)  
C.R.S. 25-15-101 *et seq.* (*state hazardous waste management program*)

C.R.S. 29-22-101 *et seq.* (hazardous substance incidents)  
C.R.S. 42-4-228 (vehicles transporting explosive or hazardous materials)  
C.R.S. 42-4-234 (3)  
C.R.S. 42-20-101 *et seq.* (Hazardous Materials Transportation Act of 1987)  
6 CCR 1007-3, Part 261 (identification and listing of hazardous waste)  
6 CCR 1010-6 (department of public health and environment rules governing schools)  
8 CCR 1507-1 (operation of commercial vehicles and transportation of hazardous materials)

## **Prevention of Disease/Infection Transmission** *(Handling Body Fluids and Substances)*

All schools must provide a sanitary environment and must establish routines, recommended by appropriate health professionals, for handling body fluids.

All school district personnel must be advised of and follow routine procedures regarding handling body fluids. These procedures must provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or body fluids of another. These procedures must be standard health and safety practices developed in consultation with medical personnel. No distinction may be made between body fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease.

The procedures must be published as school district regulations and distributed to all staff on a regular basis. Training and appropriate supplies must be available to all personnel including those involved in transportation and custodial services.

In addition to ensuring that these health and safety practices are carried out on a district-wide basis, special emphasis must be placed in those areas of school district operation that potentially present a greater need for these precautions. Under no circumstances must students be directed or knowingly be allowed to handle body fluids other than their own.

Adopted: August 8, 1988

Reviewed: May 11, 1998

Revised: June 10, 2002

Revised: September 2, 2020

LEGAL REF.: 6 CCR 1010-6 (department of public health and environment rules governing schools)

CROSS REFS.: GBGA – Staff Health *(And Physical and Mental Health Examination Requirements)*

JLCC – Communicable/Infectious Diseases

JLCCA – Students with HIV/AIDS

JLCE – First Aid and Emergency Medical Care

## **Prevention of Disease/Infection Transmission** (*Handling Body Fluids and Substances*)

The body fluids and substances of all persons should be considered to contain potentially infectious agents. No distinction may be made between body fluids and substances from individuals with a known disease or infection and those from asymptomatic or undiagnosed individuals. Body fluids and substances include blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva.

The following infection control practices must be followed by all school district personnel in all situations involving potential contact with any body fluids and substances:

1. Wear gloves when it is likely that hands will be in contact with body fluids or substances (blood, urine, feces, wound drainage, oral secretions, sputum or vomitus). When possible, wear gloves while holding bloody noses and dealing with cuts that are bleeding heavily. Gloves should be kept in emergency response kits and be readily accessible at sites where students seek assistance for bloody noses or injuries.
  - a. If gloves are not available, the use of towels or some other clean material as a barrier may provide some protection.
  - b. Cuts and sores on *your skin* should be routinely covered to avoid infection.
  - c. When possible, have students wash off their own cuts and abrasions. After cuts are washed with soap and water, they should be covered with Band-Aids or bandages of the appropriate size. Where possible, students should be taught to hold their own bloody noses.
2. When possible, pocket face masks should be used for mouth-to-mouth resuscitation.
3. Wash hands often and well with soap and water, paying particular attention to areas around and under fingernails and between fingers and scrubbing hands for at least 20 seconds.
4. Clean up as soon as possible after any skin contact with any body fluid or substance.
  - a. Wash skin with soap and water.
  - b. Wash contaminated surfaces and non-disposable items with standard disinfectant. Use aerosol germicide cleaner.
  - c. Wash contaminated clothing and linen in detergent with hot water.
  - d. Contaminated tissues, paper towels, and other disposable items should be placed in plastic bags before being discarded.

Use individual judgment in determining when barriers are needed for unpredictable situations. It is strongly recommended that barriers be used when contact with body fluids or substances is anticipated.

Although COVID-19/Coronavirus has received a great deal of attention, there are several other communicable diseases of which staff members also should be aware. The following page includes a table listing communicable diseases and body substance sources of infection.

The more people a student or staff member interacts with, and the longer that interaction, the higher the risk of COVID-19 spread.

1. COVID-19 is mostly spread by respiratory droplets released when people talk, cough, or sneeze. It is thought that the virus may spread to hands from a contaminated surface and then to the nose or mouth, causing infection.
2. Personal prevention practices, such as handwashing, staying home when sick, and environmental cleaning and disinfection are encouraged to reduce the spread of COVID-19.

Cloth face coverings are meant to protect others in case the wearer is unknowingly infected by asymptomatic and are most essential in times when physical distancing is difficult.

**TRANSMISSION CONCERNS – BODY SUBSTANCE SOURCES OF INFECTIOUS AGENTS**

<b>Body Substance Source</b>	<b>Organism of Concern</b>	<b>Transmission</b>
Blood -cuts/abrasions -nose bleeds -menses -contaminated needle	Hepatitis B virus HIV/AIDS Cytomegalovirus	Bloodstream inoculation through cuts and abrasions on hands; Direct bloodstream Inoculation
*Feces -incontinence	Hepatitis A virus Salmonella bacteria Shigella bacteria C. difficile	**Oral inoculation from contaminated hands
*Respiratory secretions -saliva -nasal discharge	Common cold virus Influenza virus ***Epstein-Barr virus COVID-19/Coronavirus	**Oral inoculation from contaminated hands
*Vomitus	Gastrointestinal viruses (e.g.: Norwalk virus)	**Oral inoculation from contaminated hands
*Urine -incontinence	***Cytomegalovirus	Bloodstream inoculation through cuts and abrasions on hands
Semen/vaginal fluids	Hepatitis B virus HIV/AIDS Gonococcus bacteria	Sexual contact (intercourse)

\* There are no reported cases of HIV/AIDS suspected of having been transmitted by these sources. Wear gloves when exposed to body secretions, especially blood, urine or feces.

\*\* HAND WASHING IS VERY IMPORTANT!

\*\*\* These agents cause mononucleosis-like illness.

Adopted: August 8, 1988  
 Reviewed: May 11, 1998  
 Revised: June 10, 2002  
 Revised: September 2, 2020



## **Accident Reports**

Adequate and prompt accident reporting is essential. If injuries or property damage occur, prompt reports are vital in assuring district staff, students and others of insurance coverage. Such reports may be important in the event of litigation.

The Board requires that an accident report be filed on every accident that takes place on school property or that involves a school vehicle, students or staff on school-sponsored trips or activities, including staff members on authorized school business trips. Such reports are required whether or not there are any immediately evident injuries or damage to property.

Adopted: June 10, 1985  
Reviewed: May 11, 1998  
Revised: June 10, 2002  
Revised: November 4, 2020

## **School Closings and Cancellations**

The superintendent is empowered to close the schools, delay the start or to dismiss students early in event of hazardous weather or other emergencies which threaten the safety, health, or welfare of students or staff members. It is understood that the superintendent will take such action only after consultation with appropriate authorities.

Parents, students, and staff members must be informed early in each school year as to how they will be notified in the event of emergency closings, delayed starts or early dismissals.

All staff members, except for teachers and personnel who work only on teacher work days or on student days, unless otherwise notified must be required to report to work as soon as possible on emergency days.

In the event school is physically closed due to a public health emergency, all staff with direct student contact or associated with student attendance will not physically report to work unless notified otherwise. Instead, the district will utilize a form of remote instruction. Remote instruction allows students to access lessons provided by, and supported by, their regular teachers and allows students to continue their sequence of learning despite their inability to access facilities.

To ensure all students have the ability to access their lessons via remote instruction, the district will provide a portable electronic device, assist families with obtaining internet access if needed, and, in some cases, provide take-home assignments.

During days of remote instruction, teachers will take attendance and monitor student participation through district-approved software programs. For situations that are out of the control of the student, days of remote instruction will be treated with the same exceptions as an excused absence in regard to work assigned.

The superintendent or their designee will develop administrative regulations or a plan for implementing this policy.

Adopted: June 10, 1985

Reviewed: May 11, 1998

Revised: May 27, 2009

Revised: September 2, 2020

Revised: April 5, 2023

LEGAL REFS.: C.R.S. 22-1-112 (*school year and national holidays*)

C.R.S. 22-32-109(1)(n) (*Board's duty to determine number of instructional/ contact hours/days*)

C.R.S. 22-33-101 *et seq.* (*school attendance law*)

1 CCR 301-39, Rules 2254-R-2.06 (*Board may reduce teacher-pupil instructional/contact time; closings deemed by Board necessary for health, safety or welfare of pupils*)

CROSS REFS.: IC/ICA – School Year/School Calendar/Instruction Time  
JLIB – Student Dismissal Precautions

## **Security/Access to Buildings**

Security for district buildings and grounds (during regular school hours as well as non-school hours) contributes to the well being and safety of students and staff, as well as to that of the sites themselves. For safety and security purposes, access to school buildings, whether by students, staff members or visitors, shall be limited as deemed appropriate for each school building.

Each school building shall be inspected annually to address removal of hazards and vandalism and any other barriers to safety and supervision.

Alarm systems and other devices designed to protect buildings against illegal entry and vandalism may be installed where appropriate.

Adopted: June 10, 1985

Reviewed: May 11, 1998

Revised: July 9, 2001

Revised: November 4, 2020

LEGAL REFS.: C.R.S. 18-9-112 (*definition of loitering*)  
C.R.S. 18-9-117 (*unlawful conduct on public property*)  
C.R.S. 22-32-109.1 (5) (*Board must adopt safety and security*)

CROSS REF.: KI, Visitors to Schools

## **Use of Video and Audio Monitoring**

The Board of Education recognizes that maintaining the safety and security of students, staff and district property is best implemented with a multifaceted approach. To the extent modern technology provides tools to maintain safety and security, the use of technology such as video surveillance cameras is supported by the Board.

Video surveillance may be utilized in and around schools, on district property and on school transportation vehicles. Cameras may be equipped with audio recording capabilities as well. Video surveillance shall be in accordance with applicable law pertaining to such use. The district also shall comply with applicable law related to maintaining video recordings.

The superintendent or designee is directed to develop regulations governing the use of video surveillance in accordance with applicable law and Board policy.

### **Exclusions**

Recording of teacher instruction for purposes of completing a licensed personnel performance evaluation is not intended to be covered by this policy and shall not be permitted except as provided by state law. Recording of students for purposes of their educational programming is also not intended to be covered by this policy.

Adopted: November 4, 2020

LEGAL REFS.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act of 1974*)  
34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)  
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)

CROSS REFS.: GBEB, Staff Conduct (And Responsibilities)  
JIC, Student Conduct, and subcodes  
JK, Student Discipline, and subcodes  
JRA/JRC, Student Records/Release of Information on Students

## Use of Video and Audio Monitoring

### Placement and notification

1. Video surveillance equipment may be installed in and around schools, district buildings and school transportation vehicles where there is a legitimate need for video surveillance, as approved by the superintendent or designee.
2. Equipment will not be used or installed in areas where the public, students and/or staff have a reasonable expectation of privacy, such as locker rooms and restrooms.
3. Video recording equipment may be in operation 24 hours per day on a year-round basis at any and all times, whether or not school is in session and whether or not the facilities or buildings are in use.
4. Video surveillance equipment shall not be located in an administrative office or in the school's or district's central security office.
5. Video monitors shall not be located in an area that enables public viewing.
6. Conduct and comments in publicly accessible places on district property (e.g. school hallways, buses, athletic facilities, etc.) may be recorded by video and audio devices.
7. The district shall notify students, staff and the public that video surveillance systems are present. Such notification will be included in staff and student handbooks and signs will be prominently displayed in appropriate locations throughout the district.
8. Specific notification will not be provided when a recording device has been installed or is being utilized in a school vehicle or building.

### Use

1. The use of video surveillance equipment on school grounds shall be supervised and controlled by the Director of Information and Technology. The use of video surveillance equipment on school vehicles shall be supervised and controlled by the Director of Transportation. The use of video surveillance equipment at sites other than schools or school vehicles will be supervised and controlled by the Superintendent or Designee.
2. Staff and students are prohibited from unauthorized use, tampering with or otherwise interfering with video recordings and/or video camera equipment. Violations will be subject to appropriate disciplinary action. Disciplinary action shall be consistent with applicable Board policies and regulations and may include, but not be limited to, written reprimand, suspension, demotion or dismissal for staff and suspension and/or expulsion for students, depending upon the nature and severity of the situation.

3. The superintendent or designee will review the use and operations of the video surveillance system with each school on a periodic basis.
4. Video recordings may be used as evidence that a student, staff member or other person has engaged in behavior that violates state law, Board policies and/or school rules.

### **Storage/security**

1. The district shall provide reasonable safeguards including, but not limited to, password protection, well-managed firewalls and controlled physical access to protect the video surveillance system from hackers, unauthorized users and unauthorized use.
2. Video recordings will be stored for a minimum of 10 school days after the initial recording. If the designated district administrator and/or designee know no reason for continued storage, such recordings will be erased.
3. Video recordings held for review will be maintained in their original form pending resolution of the incident. Recording media will then be released for erasure, copied for authorized law enforcement agencies or retained in accordance with applicable law and Board policy.
4. To ensure confidentiality, all video storage devices that are not in use will be stored securely in a locked receptacle located in a controlled access area. All storage devices that have been used will be numbered and dated. Access to the storage devices will be limited to authorized district personnel.
5. Video recordings held by the district as student education records and/or personnel records shall be maintained in accordance with applicable law and Board policy.

### **Viewing requests**

Requests for review of video recordings that are considered a student education record or personnel record will be as follows:

1. All viewing requests must be submitted in writing. Requests for viewing will be limited to those parents/guardians, students, staff and/or district officials with a direct interest in the recording as authorized by the designated district administrator. Only the portion of the recording concerning the specific incident at issue will be made available for viewing.
2. Written requests for viewing may be made to the designated district administrator within five school days of the date of recording.
3. Approval or denial for viewing will be made within five school days of receipt of the request and so communicated to the requesting individual.
4. Recordings will be made available for viewing within three school days of

the approval of the request.

5. Actual viewing will be permitted only at district sites including a school building or district administrative office, unless otherwise required by law.
6. All viewing will include the designated district administrator or designee.
7. To the extent required by law, a written log will be maintained of those viewing video recordings including the date and location of viewing, reasons for viewing, date the recording was made and the viewer's signature.
8. Recordings will remain the property of the district and may be reproduced only in accordance with applicable law and Board policy.

Approved: November 4, 2020



## **Authorized Use of School-Owned Materials or Equipment**

School equipment may be loaned to community groups for educational, civic or charitable purposes when:

1. The group borrowing the equipment agrees to accept responsibility for repairing or replacing any equipment damaged or lost while in its possession.
2. The equipment is not unusually expensive and subject to easy damage.
3. The equipment is in good condition.
4. The group will provide a competent operator for any machine loaned.
5. Outside use of the equipment will not interfere with the school program.

Any student or other individual borrowing school equipment must sign an official receipt. A deposit may be required as determined by the principal, business office or the superintendent.

Adopted: June 10, 1985

Reviewed: May 11, 1998

Reviewed: November 4, 2020

CROSS REF.: KF, Community Use of School Facilities

## **Student Transportation**

The school district's transportation program shall be designed to get students who live an unreasonable walking distance from school to school and back in an efficient, safe and economical manner.

General responsibility for the transportation system is vested in the transportation supervisor. All other people engaged in the transportation program are responsible to that administrator.

It shall be the duty of the transportation supervisor to provide the Board with regular reports and information regarding the efficiency and conduct of the transportation program.

The district shall operate its own fleet of buses and other types of vehicles as needed.

In the event the Board determines that the unreimbursed expenses associated with providing student transportation are impacting the budget for instructional programs, the Board may explore opportunities to offset those costs through imposition of a transportation fee in accordance with state law.

Alternatively, the district may submit to the voters the question of whether to impose a mill levy increase for the payment of excess transportation costs in accordance with state law. If the mill levy increase is approved, the revenues shall be deposited in the transportation fund.

The district shall waive any transportation fee for any student eligible for reduced-price or free lunches as determined by federal regulations.

Adopted: August 15, 1994

Reviewed: May 11, 1998

Revised: November 4, 2020

LEGAL REFS.: C.R.S. 22-32-110 (1)(a) (*hold real property in name of district*)  
C.R.S. 22-32-113 (*transportation of pupils and imposition of fee for excess transportation costs*)  
C.R.S. 22-32-114 (*transportation by parents of own children*)  
C.R.S. 22-51-101 *et seq.* (*Public School Transportation Fund*)

CROSS REFS.: DEA, Funds from Local Tax Sources  
EEA, (all relate to the district's transportation program)  
EFC, Free- and Reduced-Price Food Services  
JFBA, Intra-District Choice/Open Enrollment  
JQ, Student Fees, Fines and Charges  
LBD\*-R, Relations with District Charter Schools (Procedures for Establishment, Review, Renewal, Revocation and Closure) – Regulation

## **Walkers and Riders**

The district shall furnish transportation to all elementary school students who live beyond one mile from their assigned school and to middle and high school students who live beyond one and one-half miles from their assigned school.

Transportation may be furnished for shorter distances as deemed appropriate and/or necessary by the district and shall be furnished for shorter distances if required by applicable law.

Adopted: June 10, 1985

Reviewed: May 11, 1998

Revised: November 4, 2020

LEGAL REF.: 1 CCR 301-26, 4204-R-17.10 (*district must make effort to minimize student ride times while considering multiple factors; Board may establish maximum ride times*)

## **Bus Safety Program**

The school district shall comply with all state laws and regulations pertaining to the operation of school buses and shall make these requirements known to bus drivers. It also shall cooperate with local safety officials in formulating and accomplishing its school bus safety program.

The safety and welfare of student riders shall be the first consideration in all matters pertaining to the bus safety program. Safety precautions shall include the following:

1. Students shall be instructed as to the proper procedure for boarding and exiting from a school bus and in proper and safe conduct while aboard.
2. Emergency evacuation drills shall be conducted at least two times a year to acquaint student riders with procedures in emergency situations.
3. Passengers of any school bus used on mountainous terrain shall not occupy the front row **of** seats and any seats located next to emergency doors, unless the bus is equipped with retarders which supplement the bus brake system or the passengers are adequately restrained in a fixed position.
4. All vehicles used to transport students shall be inspected in accordance with applicable safety regulations.

A bus driver who observes a vehicle passing the school bus when the signal lights are activated shall notify the transportation supervisor of the violation and provide the basic information required by law. The transportation supervisor shall convey this information to the appropriate law enforcement agency.

Adopted: August 15, 1994

Reviewed: May 11, 1998

Revised: November 4, 2020

LEGAL REFS.: C.R.S. 42-4-707 (*certain vehicles must stop at railroad grade crossings*)  
C.R.S. 42-4-1901-1904  
1 CCR 301-26, Rules 4204-R-200 *et seq.*

CROSS REF.: EEAE\*, Use of Wireless Communication Devices by  
School Transportation Vehicle Operators

## **School Transportation Vehicle Operator Requirements and Training**

School transportation vehicle operators shall conform to state and federal laws and regulations regarding training, licensing and other requirements and shall participate in required inservice training programs.

This shall apply to all operators including those on regular routes, activity and/or other trips.

Adopted: November 4, 2020

LEGAL REFS.: C.R.S. 42-2-401 *et seq.* (*Commercial Driver's License Act*)  
1 CCR 301-26, Rules 4204-R-200 *et seq.*

CROSS REF.: EEAEA\*, Drug and Alcohol Testing for Bus Drivers

## **Drug and Alcohol Testing for Bus Drivers**

In accordance with federal law and regulations, the district shall be responsible for implementing a drug and alcohol testing program for school bus drivers. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by bus drivers.

### **Prohibited conduct**

Drivers shall be prohibited from any alcohol misuse that could affect performance on the job including use on the job, use during the four (4) hours before driving, having prohibited concentrations of alcohol in their systems while driving and use during eight (8) hours following an accident.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect his/ or her ability to safely operate a motor vehicle.

### **Required testing**

Drivers shall be subject to pre-employment/pre-duty drug testing and to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment drug testing shall be administered to an applicant offered a position in the district prior to the first time the driver performs any safety-sensitive function for the district.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions, which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the driver is at work.

An employee covered by the federal regulations may not refuse to take a required test. Refusal to take a required test shall result in the employee's immediate termination from employment with the district by the superintendent.

### **Consequences if testing indicates drug or alcohol misuse – zero tolerance**

Notwithstanding any other policy of the Board, including Policy GBEC, Drug-Free Workplace, if the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations and shall be dismissed from employment with the district by the superintendent.

The Board retains the authority consistent with state and federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of his or her job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable district policies; provided, however, that this policy shall have precedence in the event of any conflict.

### **Record retention**

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver only as expressly authorized by the terms of the driver's request.

### **Other provisions**

The district shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations and this policy.

Adopted: August 14, 1995  
Reviewed: May 11, 1998  
Revised: January 12, 2015  
Revised: November 4, 2020

LEGAL REFS.: 49 U.S.C. 2717 *et seq.* (*Omnibus Transportation Employee Testing Act of 1991*)  
49 C.F.R. Part 40 (*procedures for transportation workplace drug and alcohol testing programs*)  
49 C.F.R. Part 382 (*controlled substance and alcohol use and testing*)  
49 C.F.R. Part 391 (*qualification of drivers*)  
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*)  
C.R.S. 42-2-401 *et seq.* (*Commercial Driver's License Act*)

CROSS REFS.: EEAEA, School Transportation Vehicle Operator Requirements and Training  
GBEC, Alcohol and Drug-Free Workplace  
GDQD, Discipline, Suspension and Dismissal of Support Staff



## **Drug and Alcohol Testing for Bus Drivers**

School bus drivers who operate a motor vehicle requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations.

These district regulations reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel will adhere to the detailed provisions of federal regulation in administering the district's drug and alcohol program.

References to tests in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms drugs and controlled substances are interchangeable and have the same meaning and the terms refer to marijuana (THC), cocaine, opioids, phencyclidine (PCP) and amphetamines (including methamphetamines). The term "opioids" includes hydrocodone, hydromorphone, oxycodone, oxymorphone, opium, opiate, or an opium derivative such as morphine, codeine or heroin.

### **Pre-employment drug tests**

Drug tests will be administered before a driver performs any safety-sensitive functions for the district.

The tests will be required of an applicant only after the position has been offered. Employment with the district is conditional upon the applicant receiving a negative drug test result.

An employee may be exempt from the pre-employment drug test if the employee has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program either was tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the district has been able to make all verifications required by law.

### **Post-accident tests**

Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life; or
2. Where any person involved in the accident required immediate medical attention away from the scene and the driver received a citation under state or local law for a moving traffic violation arising from the accident; or
3. Where the vehicle required towing from the scene and the driver received a citation for a moving violation.

No driver involved in an accident may use alcohol for eight hours after the accident or until after undergoing a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Before any driver operates a commercial motor vehicle, the district will provide post-accident procedures that will make it possible to comply with post-accident testing requirements.

### **Random tests**

Tests will be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, a driver must proceed to a collection site to provide a urine specimen.

Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal regulations.

### **Reasonable suspicion tests**

Tests must be conducted when a properly-trained supervisor or district official has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of his observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are

released, whichever is earlier.

### **Return-to-duty tests**

A drug or alcohol test will be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety sensitive duties.

Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and district standards.

### **Follow-up tests**

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing will be conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

### **Records**

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will receive copies of any records pertaining to the driver's use of drugs or alcohol, including any records pertaining to personal drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

### **Notifications**

Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

1. The person designated by the district to answer driver questions about the materials.
2. Categories of drivers who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the workday driver compliance is required.
4. Specific information concerning driver conduct that is prohibited.
5. Circumstances under which a driver will be tested for drugs and/or alcohol.

6. Procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver.
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with federal regulations.
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
9. Consequences for drivers found to have violated the drug and alcohol prohibitions including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment.
10. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem, and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each driver must sign a statement certifying receipt of a copy of the above materials.

The district will inform drivers before drug and alcohol tests are performed.

The district will notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.

The district will notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district also will tell the driver which controlled substances were verified as positive.

Drivers will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect the ability to safely operate a commercial motor vehicle.

### **Enforcement**

Any driver who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will not be allowed to perform or continue to perform safety-sensitive functions.

A driver who in any other way violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses and telephone numbers of

substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person or organization in which the professional has a financial interest except under circumstances allowed by law.

Before the driver is returned to safety-sensitive duties, if at all, the district must ensure that the employee:

1. Has been evaluated by a substance abuse professional.
2. Has complied with any recommended treatment.
3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02.
4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the driver's return to duty.

Adopted: August 14, 1995  
Reviewed: May 11, 1998  
Revised: January 12, 2015  
Revised: November 4, 2020

## **Video Cameras on Transportation Vehicles**

The Board of Education recognizes the district's continuing responsibility to maintain and improve discipline and to help ensure the health, welfare and safety of its staff and students on school transportation vehicles.

After having weighed carefully and balanced the rights of privacy of students with the district's duty to ensure discipline, health, welfare and safety of staff and students on school transportation vehicles, the Board supports the use of video cameras on its transportation vehicles.

Video cameras may be used to monitor student behavior on school vehicles transporting students to and from school or extracurricular activities.

Students in violation of the Board's student conduct and discipline policies or other bus conduct rules shall be subject to disciplinary action in accordance with applicable Board policy and regulations.

The superintendent is directed to develop regulations governing the use of video cameras on school transportation vehicles and retention of video recordings in accordance with applicable law and Board policy.

Adopted: November 4, 2020

LEGAL REFS.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act of 1974*)  
34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)  
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)

CROSS REFS.: JIC, Student Conduct, and subcodes  
JK, Student Discipline, and subcodes  
JRA/JRC, Student Records/Release of Information on Students

*NOTE: State law prohibits the retention of any "passive surveillance record" for more than three years after the record's creation, unless such retention is because of "a notice of claim filed, or an accident or other specific incident that may cause the passive surveillance record to become evidence in any civil, labor, administrative, or felony criminal proceeding." C.R.S. 24-72-113(2)(a). State law also prohibits the district's records custodian from accessing a passive surveillance record after the first year of its creation, unless a claim has been filed or an accident or other specific incident may cause it to be used as evidence. If the passive surveillance record is accessed after the first year of its creation, the custodian must "preserve a record" of the person who accessed the record and the reason for doing so. "Passive surveillance" is defined as "the use by a government entity of a digital video camera, video tape camera, closed circuit television camera, film camera, photo radar recorder, or other image recording device positioned to capture moving or still pictures or images of human activity on a routine basis or for security or other purposes....." C.R.S. 24-72-113(1).*

## **Video Cameras on Transportation Vehicles**

### **Student records**

1. The district shall comply with applicable state and federal law regarding student records requirements in the district's use of video recordings. Video recordings considered for retention as part of a student's behavioral record will be maintained in accordance with the district's student record procedures governing access, review and release of student records.
2. The district will include a notice in parent/student handbooks that video cameras may be used on school vehicles transporting students to and from school or extracurricular activities.
3. Parents/guardians and students will not be notified when a video camera is on board and in use on a district vehicle.

### **Storage/security**

1. All video recordings will be stored and secured to ensure confidentiality.
2. Video recordings will be stored for a minimum of five days after initial recording, whereupon if no reason for continued storage is known to the district such recordings will be released for erasure.
3. Video recordings held for review of student incidents will be maintained in their original form pending resolution. Video recordings then will either be released for erasure or retained as necessary in accordance with applicable Board policy and district regulations.

### **Use**

1. Video cameras will be used on school transportation vehicles as determined by the Director of Transportation.
2. Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.

### **Viewing requests**

1. Requests for viewing video recordings will be limited to the appropriate bus driver, transportation supervisor, school administrator, parent/guardian or eligible student (18 years of age or older), or others as deemed appropriate by the principal.
2. Requests for viewing may be made to the principal within five school days of the date of recording.
3. Requests for viewing will be limited to those parents/guardians, students and district officials with a direct interest in the proceedings as deemed appropriate by the principal.



4. Only the portion of the video recording concerning a specific incident will be made available for viewing.
5. Approval/denial for viewing will be made within five school days of receipt of the request and so communicated to the requesting individual.
6. Video recordings will be made available for viewing within three school days of the request approval.

**Viewing**

1. Actual viewing will be permitted only at school-related sites including the transportation office, school buildings or central administrative offices.
2. All viewing will include the transportation supervisor and/or building principal.
3. A written log will be maintained of those viewing video recordings including the date of viewing, reasons for viewing, date the recording was made, vehicle video-taped, name of driver and signature of the viewer.
4. Video recordings will remain the property of the district and may be reproduced only in accordance with applicable law and Board policy and regulations.

Approved: November 4, 2020

## **Use of Wireless Communication Devices by School Transportation Vehicle Operators**

While the Board of Education believes the use of wireless communication devices by district transportation vehicle operators is important to provide instant communication regarding emergencies as well as to convey other important information, vehicle operators shall be subject to the following restrictions to ensure safe use.

- For purposes of this policy, wireless communication device is defined as any device intended to facilitate communication, including but not limited to cell phones, two-way radios, walkie-talkies, palm pilots, beepers, pagers, etc.
- Vehicle operators shall not place or receive communications on any personally-owned wireless communication device while passengers are loading or unloading from the school transportation vehicle or while the vehicle is in motion.
- Under usual circumstances, use of district-owned wireless communication devices shall be allowed when used to assist a vehicle operator and/or dispatcher in the necessary communications periodically needed to safely deliver children – home to school, school to school, school to home and on activity trips. Use of such devices while the vehicle is in motion shall be limited whenever possible.
- Vehicle operators shall under no circumstances place or receive communications unrelated to district business while on duty.

Violation of this policy may subject the vehicle operator to disciplinary action.

Adopted: February 28, 2005

Revised: November 4, 2020

LEGAL REFS.: C.R.S. 42-4-239 (*using a wireless telephone for text messaging while driving is prohibited*)  
1 CCR 301-26, Rule 4204-R-232.00

CROSS REFS.: EDB, Maintenance and Control of Materials and Equipment  
EEAE, Bus Safety Program

## **Use of School Vehicles by Community Groups**

The general philosophy of the Board of Education is that school vehicles purchased by the school district are to be used primarily for school purposes and that taxpayers shall not be expected to subsidize the expense of providing school vehicles or personnel not necessary for school district purposes. Nevertheless, it is the policy of the Board of Education to make available for use by appropriate community groups school vehicles to the extent that such use does not impinge upon or impair use for school district purposes.

Among community groups that qualify for the use of school vehicles are those composed of citizens 65 years of age and older. Such groups shall be given special consideration as required by the statute relating to community use of school vehicles. As permitted by law, all groups shall be expected to pay the actual costs involved in the use of school vehicles.

Nonschool use of school vehicles shall not be intermingled with student transportation, nor shall it interfere with:

1. Student transportation to, from or between schools.
2. Student transportation for school activities and functions.
3. Emergency transportation for students.
4. Time required for maintenance and service of vehicles.
5. Provision of standby vehicles for school purposes.

Regulations for community use of school vehicles shall be developed by the administration and approved by the Board.

Adopted: June 10, 1985  
Reviewed: May 11, 1998  
Revised: November 4, 2020

LEGAL REFS.: C.R.S. 22-32-128 (*use of school vehicles by residents of district*)

## Use of School Vehicles by Community Groups

The transportation supervisor or designee shall determine the hours and days when school vehicles may be used by nonschool community groups. This information will be made available to community groups through the office of the superintendent of schools.

The transportation supervisor or designee shall be responsible for approving and scheduling in the time available the use of school vehicles by community groups. In approving and scheduling such use, such official will apply the following criteria:

1. No use by groups of less than five will be approved.
2. Insurance coverage must:
  - a. be provided by the users-
  - b. be in effect during the time of any such use, with coverage similar to and limits not less than the insurance coverage which is in effect while the school vehicle is being used for transportation of students.
3. No use will be approved which involves travel over roads or distances which are unduly wearing or damaging to the vehicle or for which the vehicle is inappropriate.
4. Use will not be approved if the fuel consumption involved adversely affects the fuel availability for school district purposes.
5. Any approval of use will be subject to cancellation in the event of adverse road, weather or other conditions which could reasonably present a danger to passengers, drivers or vehicles or in the event of unexpected or emergency school needs.
6. Use will not be approved unless some individual identifies himself/herself as coordinator or leader of the group and agrees to assume the responsibility for collection and remittance to the district of the required reimbursement.
7. Use will be approved only where the group requesting such use submits a written request seven days prior to the use, designating the number of riders, the dates and hours of use, the pickup and delivery points, and such other information as the transportation supervisor or designee deems appropriate. Each such request must be accompanied by a deposit in the approximate amount of the reimbursement which will be required as determined by the business officer or designee. Upon final determination of reimbursement required, the deposit will be supplemented by the users or a refund made by the district as is appropriate.
8. Use will not be approved if it is for partisan political activity, activity promoting or opposing any sectarian views, activity which is potentially

disruptive or dangerous, activity which if uniformly extended would result in uses which would impinge upon school use or activities of a similar nature which are inappropriate for school district participation.

9. Special consideration will be given to groups comprised primarily of persons 65 years of age or older.
10. Use will be approved only where the vehicle and service available are appropriate to the physical condition of the users.
11. Use will be approved only where the group requesting such use is open to all persons who may be reasonably and appropriately included in the group.

All such use will be subject to the availability of appropriate vehicles and district personnel. The transportation supervisor or designee may impose such requirements as are deemed necessary relative to supervisory personnel accompanying any group utilizing school vehicles. School vehicles may only be driven by school vehicle operators in compliance with policy EEAEA.

Any group availing itself of use pursuant to these regulations shall agree to and shall reimburse the school district for all of the expenses for operation of such school vehicles as determined by the school district business official. Such expenses in addition to any others approved by the business official will, upon approval of the business official, include the following:

1. The actual cost of salaries of vehicle operators and other personnel involved in providing or facilitating the transportation by the non-school group.
2. The actual *pro rata* cost to the district, if any, of the insurance required to be provided.
3. The actual cost of fuel and oil consumed.
4. A reasonable *pro rata* assessment to cover maintenance.
5. A reasonable assessment to cover a *pro rata* share of depreciation.
6. A reasonable assessment to cover a *pro rata* share of driver preparation and training cost.
7. All costs resulting from vandalism occurring during the use.

Incidental costs such as but not limited to alternative transportation in the event of a breakdown, feeding and housing of users, and similar costs will be the responsibility of the group using the school vehicle.

Adopted: June 10, 1985  
Reviewed: May 11, 1998  
Revised: November 4, 2020

## **Student Transportation in Private Vehicles**

A staff member may transport a student or group of students in a personal vehicle for school-related purposes only if the staff member has special permission covering the specific trip.

Special permission for providing student transportation may be granted in exceptional cases by the superintendent or designee. Exceptional cases shall be determined by review of the number of students traveling, relative costs, safety factors, distance, and other factors, as determined necessary by the superintendent or designee.

Staff with special permission to use their own vehicles for transporting students must carry their own liability insurance coverage in compliance with state law. A copy of the staff member's driver's license, motor vehicle and insurance card shall be placed on file with the appropriate administrative official prior to the transportation of students. A memo of understanding shall be signed by the staff member and district administrative official(s) acknowledging that the staff member's personal liability insurance may be used first for any necessary coverage.

Adopted: June 10, 1985  
Reviewed: May 11, 1998  
Revised: November 4, 2020

LEGAL REF.: C.R.S. 42-7-101 *et seq.* (*Motor Vehicle Financial Responsibility Act*)

**Student Transportation in Private Vehicles**  
(Memorandum of Understanding)

Permission to transport students in private vehicles must be obtained from the superintendent or designee prior to travel.

I understand that my driver's personal liability insurance may be the primary insurance in case there is a need for any coverage. I also understand that I must carry liability insurance coverage that is in compliance with state law.

The following shall be on file in the superintendent's office and in the transportation director's office before student transportation in my private vehicle takes place:

\_\_\_\_\_ Copy of my driver's license.

\_\_\_\_\_ Copy of my motor vehicle record.

\_\_\_\_\_ Copy of my auto insurance card.

\_\_\_\_\_  
Owner/driver of private vehicle Date

\_\_\_\_\_  
Superintendent or designee Date

\_\_\_\_\_  
Transportation director Date

Adopted: November 4, 2020

## **Student Transportation** (Transportation Fee)

The district may impose and collect a fee for the payment of excess transportation costs by adoption of a Board resolution, in accordance with state law. Prior to adoption of such Board resolution, the Board shall hold a public meeting to solicit and consider recommendations from, at a minimum, the school district accountability committee or its equivalent; teachers; parents; students; and any statewide or local organization that represents parents, students and teachers within the district. The recommendations shall pertain to whether the Board should impose a transportation fee and to the proposed transportation fee schedule. Public notice of this meeting shall be provided at least 30 days prior to the meeting.

At a meeting held subsequent to the meeting at which the Board hears public comments and recommendations, the Board may adopt a transportation fee schedule and Board resolution to impose such a fee. In imposing any transportation fee, the district shall ensure that only those students who use the district's transportation services shall be required to pay the fee.

Prior to imposing any transportation fee on students enrolled in any district charter school, the district shall consult with the students' parents. The full amount of any transportation fee charged shall be used to offset the costs of providing district transportation services to these district charter school students.

Approved: November 4, 2020



## **School Transportation Vehicles** (Use of Safety Belts)

The use of safety belts in school transportation vehicles is mandatory for all personnel using vehicles that are equipped with safety belts.

Operators of all school transportation vehicles except school buses shall be responsible for ensuring that all passengers use safety belts. The operator shall not begin to move the vehicle until the operator and all passengers are belted or secured in a child restraint system as required by state law.

Adopted: November 4, 2020

LEGAL REF.: C.R.S. 42-4-236 (*children must be placed in a child restraint system that is appropriate for the child's size and age*)

## School Nutrition Program

The district will operate a school nutrition program which shall be under the overall supervision of the supervisor of nutrition services.

The supervisor of nutrition services shall cooperate with each school principal in matters essential to the proper functioning of each school's nutrition program. The responsibility for control of students using the school cafeteria shall rest with the building principal.

Nutrition services shall provide lunches and breakfasts, through participation in the National School Lunch Program.

The Board shall approve the prices set for meals and the price of beverages.

Adopted: June 10, 1985  
Reviewed: May 11, 1998  
Revised: June 12, 2006  
Revised: November 4, 2020

LEGAL REFS.: 42 U.S.C. 1751 *et seq.* (*National School Lunch Act*)  
7 C.F.R. Part 210 (*National School Lunch Act regulations*)  
7 C.F.R. Part 220 (*School Breakfast Program regulations*)  
C.R.S. 22-32-120 (*food services*)  
C.R.S. 22-32-134.5 (*healthy beverage requirement*)  
C.R.S. 22-32-136.3 (*trans fat ban*)  
C.R.S. 22-82.7-101 *et seq.* (*Start Smart Nutrition Program provides funding to eliminate amount students who qualify for reduced priced meals pay in school breakfast program*)  
C.R.S. 22-82.9-101 *et seq.* (*Child Nutrition School Lunch Protection Program provides funding to eliminate amount students in preschool through fifth grade pay for school lunch program, if they qualify for reduced price meals*)  
1 CCR 301-3 (*State Board of Education – competitive food services rules*)  
1 CCR 301-79 (*State Board of Education – healthy beverages rules*)

CROSS REFS.: EFC, Free and Reduced-Price Food Services  
EFEA\*, Nutritious Food Choices

## **Free and Reduced-Price Food Services**

The district shall take part as feasible in the National School Lunch and other food programs which may become available to ensure that all students in the district receive proper nourishment.

The administration shall establish regulations regarding participation in programs for free and reduced price meals and supplementary food in accordance with applicable state and federal law.

Adopted: June 10, 1985

Reviewed: May 11, 1998

Revised: November 4, 2020

LEGAL REFS.: 42 U.S.C. 1751 *et seq.* (*National School Lunch Act*)  
7 C.F.R. 245.5 (*must inform families of the availability of reimburseable school meals and provide information about applying for free or reduced price meals*)  
C.R.S. 22-32-120 (*food services*)  
C.R.S. 22-82.7-101 *et seq.* (*Start Smart Nutrition Program provides funding to eliminate amount students who qualify for reduced price meals pay in school breakfast program*)  
C.R.S. 22-82.9-101 *et seq.* (*Child Nutrition School Lunch Protection Program provides funding to eliminate amount students in preschool through fifth grade pay for school lunch program, if they qualify for reduced price meals*)

CROSS REF.: EF, School Nutrition Program

## Nutritious Food Choices

At every possible eating occasion, students will have opportunities to practice what they are taught in nutrition education and choose nutritious snacks that are low in fat, sodium and added sugars.

Schools are encouraged to take steps to ensure:

- nutritious foods are always available as an affordable option whenever food is served or sold;
- students have limited opportunities to eat snacks high in fat, sodium or added sugars; and
- competition with nutritious meals served by the school food service program is minimized.

The emphasis on healthy choices applies to:

- a la carte items (separate food choices) offered by the food service program;
- “competitive foods” which are snacks and beverages sold from vending machines, school stores and fund-raising activities that compete with the food service program; and
- refreshments that are available at school parties, celebrations and meetings.

Each beverage offered for sale to students from any source, including the school cafeteria, vending machines, school stores and fund-raising activities conducted on school grounds, shall satisfy the minimum nutritional standards for beverages adopted by the State Board of Education. [*Optional language*: The Board imposes the following additional restrictions:

- the sale of diet soda on high school campuses is prohibited;
- “competitive foods” which are snacks and beverages sold from vending machines, school stores and fund-raising activities that compete with the food service program; and
- refreshments that are available at school parties, celebrations and meetings.

These standards shall apply to beverages sold on campus during the regular school day and extended school day, including but not limited to extracurricular activities such as clubs, yearbook, band, student government and drama as well as childcare programs.

These standards shall not apply to the sale of beverages at school-related events where parents and other adults are invited attendees. Such activities include but are not limited to interscholastic sporting events, school plays and band concerts.

Adopted: November 4, 2020

Revised: July 17, 2024

LEGAL REFS.: C.R.S. 22-32-134.5 (*healthy beverage requirement*)

C.R.S. 22-32-136.3 (*trans fat ban*)

1 CCR 301-79 (*State Board of Education – healthy beverages rules*)

## **Healthy Beverages Standards for Schools**

The healthy beverages standards for schools adopted by the State Board of Education are as follows:

### **Beverages sold in elementary school**

- a. Plain water or plain carbonated water
- b. Up to 8 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 8 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners

### **Beverages sold in middle school**

- a. Plain water or plain carbonated water
- b. Up to 12 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 12 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners

### **Beverages sold in high school**

- a. Plain water or plain carbonated water
- b. Up to 12 ounce servings of fat free milk (flavored or unflavored) or low fat milk (unflavored). Milk includes nutritionally equivalent milk alternatives (per USDA)
- c. Up to 12 ounce servings of 100% fruit or vegetable juice or 100% fruit or vegetable juice diluted with water and with no added sweeteners
- d. Up to 20 ounce servings of other flavored and/or carbonated beverages that are labeled to contain fewer than 5 calories per 8 ounces or 10 or fewer calories per 20 ounces
- e. Up to 12 ounce servings of other flavored and/or carbonated beverages that are labeled to contain 40 or fewer calories per 8 ounces or 60 or fewer calories per 12 ounces

If the middle and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.

Adopted: November 4, 2020

## **Civil Rights Complaint Procedure for School Nutrition Program**

In accordance with the United States Department of Agriculture (USDA) civil rights regulations and policies, the district is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity in any school nutrition program.

A participant in the district's school nutrition program who alleges discrimination on the basis of any of the above-listed federally-protected classes has the right to file a complaint within 180 days of the alleged discrimination, in accordance with this procedure.

### **Filing a complaint**

If an individual has an unlawful discrimination complaint concerning his or her participation in a school nutrition program, the complaint may be directed to Tami Kramer, Assistant Superintendent, 110 S. Centennial Drive, Milliken, CO 80543, (970) 587-6092, [tami.kramer@weldre5j.org](mailto:tami.kramer@weldre5j.org).

Complaints may be made verbally (in person or over the phone) or may be submitted in writing to the district contact listed above. Complaints may be filed anonymously.

When filing a complaint, the following information will be requested:

1. complainant's name, address and telephone number (unless the complainant wishes to remain anonymous);
2. the nature of the incident or action that led the complainant to feel discrimination was a factor;
3. the basis on which the complainant believes discrimination exists;
4. the names, telephone numbers, titles and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
5. the date(s) during which the alleged discriminatory action(s) occurred.

**Forwarding a complaint**

Upon the district’s receipt of the complaint, the district shall forward the complaint as soon as possible but no later than five business days to the following agency:

CDE Office of School Nutrition 1580 Logan Street Suite 760 Denver, CO 80205	USDA Office of Civil Rights 1400 Independence Ave., SW, Rm 1095-S, Stop 0206 Washington, DC 20250 (or emailed to <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a> )
USDA Mountain Plains Regional Office 1244 Speer Blvd Suite 903 Denver, CO 80204	FNS Office of Civil Rights 3101 Park Center Dr., Suite 1200 Alexandria, VA 23302

The designated agency shall then conduct the complaint review and investigation within the required timeline (90 days).

Issued: July 17, 2024

LEGAL REF.: USDA Food and Nutrition Service (FNS) Instruction 113-1 (*civil rights compliance and enforcement – nutrition programs and activities*)  
7 C.F.R. §15d.2 (*definition of discrimination in programs or activities conducted by the U.S. Department of Agriculture*)  
USDA Nondiscrimination Statement



## **Copyright Compliance**

It is the intent of the district to adhere to the provisions of copyright laws in all areas, e.g., print, computer software, audiovisual materials, music, etc. Though there continues to be controversy regarding interpretation of copyright laws, the district's intention is to make known that all district employees shall be expected to adhere to the provisions of law, rules, and regulations concerning the use of copyrighted materials. The district's legal or insurance protection shall not be extended to employees who violate copyright laws.

Information on copyright infringement and "fair use" guidelines for copyrighted materials shall be made available at the district level as well as the respective building levels.

Adopted: November 4, 2020

LEGAL REF.: 17 U.S.C. §101 *et seq.* (*agreement on guidelines for classroom copying in Not-for-Profit Educational Institutions, 3/19/76, printed as H.R. Rep. No 1476, 94<sup>th</sup> Cong., 2d Sess. 81(1976)*)

## **Electronic Communication**

Electronic communication is the transmittal of a communication between two or more computers or other electronic devices, whether or not the message is converted to hard copy format and whether or not the message is viewed upon receipt. Electronic communication includes all electronic messages that are transmitted through a local, regional or global computer network.

All district electronic communication systems are owned by the district and are intended for the purpose of conducting official district business only. District electronic communication systems are not intended for personal use by district employees. Employees shall have no expectation of privacy when using district electronic communication systems.

Electronic communication sent or received by the Board, the district or district employees may be considered a public record subject to retention under state or federal law. Such electronic communication may also be subject to public disclosure or inspection under the Colorado Open Records Act.

Whenever the district is a party in litigation or reasonably anticipates being a party in litigation, Board members and district employees in possession of electronic documents, email and/or other evidence relevant to the litigation or reasonably anticipated litigation shall retain all such documents, emails and other evidence until otherwise directed by the superintendent or designee.

To ensure compliance with applicable law and district policy, the district retains the right to review, store and disclose all information sent over the district electronic communication systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

Upon sending or receiving an electronic communication, all users shall segregate or store those communications that are public records. Public records are those that evidence the district's functions, policies, decisions, procedures, operations or other activities of the district or that contain valuable district data.

Electronic communication on district computers or district electronic communication systems shall be retained only as long as necessary. Such electronic communication shall be deleted on a routine basis unless otherwise required to be retained by district policy or state or federal law.

The custodian of records for the district shall assist the public in locating any specific public electronic records requested and shall provide public access to public electronic records in accordance with state law. The district's records custodian shall also be responsible for assisting the district's schools and other sites in complying with record retention requirements.

District employees may be subject to disciplinary action for violation of this policy.

Adopted: July 14, 1997  
Reviewed: May 11, 1998  
Revised: November 4, 2020

LEGAL REFS.: C.R.S. 24-72-203 (1)(b)(l) (*district must adopt policy regarding the retention, archival and destruction of electronic records*)  
C.R.S. 24-72-204.5 (*district must adopt policy on monitoring of electronic mail*)  
C.R.S. 24-80-101 *et seq.* (*State Archives and Public Records Act*)

CROSS REFS.: EHB, Records Retention  
GBEE\*, Staff Use of the Internet and Electronic Communications  
GBJ, Personnel Records and Files  
JRA/JRC, Student Records/Release of Information on Students  
JS\*, Student Use of the Internet and Electronic Communications  
KDB, Public's Right to Know/Freedom of Information

## **Records Retention**

The Board has approved the district's use of the Colorado School District Records Management Manual (records management manual) developed by the Colorado State Archives Department to assist the district in determining the appropriate retention period for various types of records. School district records regarding the district's organization, functions, policies, decisions, procedures, operations, or other activities may be considered public records subject to retention.

The district shall retain records for the time periods specified by the records management manual, as may be amended from time to time, unless a longer retention period is required by state or federal law. District employees and Board members shall be responsible for adhering to the records management manual.

Whenever the district is a party in litigation or reasonably anticipates being a party in litigation, Board members and district employees in possession of hard copy or electronic documents, email and/or other evidence relevant to the litigation or reasonably anticipated litigation shall retain all such documents, emails and other evidence until otherwise directed by the superintendent or designee.

Documents and other materials that are not "records" required to be retained by district policy, the records management manual, or state or federal law, and are not necessary to the functioning of the district, may be destroyed when no longer needed. Examples include telephone message slips, miscellaneous correspondence not requiring follow-up or district action, and emails that do not contain information otherwise required to be retained by district policy, the records management manual, or state or federal law.

District employees may be subject to disciplinary action for violation of this policy.

Adopted: November 4, 2020

LEGAL REFS.: 2 C.F.R. 200.333 (*retention requirements for federal fiscal records*)  
C.R.S. 24-72-113 (*limit on retention of passive surveillance records*)  
C.R.S. 24-80-101 *et seq.* (*State Archives and Public Records Act*)

CROSS REFS.: EGAEA, Electronic Communication  
GBJ, Personnel Records and Files  
JRA/JRC, Student Records/Release of Information on Students

## **Safeguarding Personal Identifying Information**

The Board is committed to protecting the confidentiality of personal identifying information (PII) obtained, created and/or maintained by the district. The Board directs district staff to safeguard PII in accordance with this policy, other Board policies concerning the creation, use, storage or destruction of PII, and applicable law.

The district shall implement and maintain reasonable security procedures appropriate to the nature of the PII to protect against unauthorized access, use, modification, disclosure or destruction. The district shall require third parties that create, maintain and/or obtain PII to also maintain reasonable security procedures appropriate to the nature of the PII designed to protect against unauthorized access, use, modification, disclosure or destruction.

The district shall ensure that records containing PII are appropriately destroyed when no longer needed and in such a manner as to make the PII unreadable or indecipherable, unless such record is required to be retained by applicable law.

In the event of a security breach, as that term is defined by state law, the district shall conduct a prompt investigation to determine the likelihood that personal information has been or will be misused and notify those Colorado residents affected by the breach, the Colorado Attorney General's office and consumer reporting agencies, in accordance with the notification and timeline requirements of state law.

Adopted: March 17, 2021

LEGAL REF.: C.R.S. 24-73-101 *et seq.* (consumer data privacy laws applicable to governmental entities, including school districts)

CROSS REFS.: EGAEA, Electronic Communication  
EHB, Record Retention  
GBJ, Personnel Records and Files  
JRA/JRC, Student Records/Release of Information on Students  
JRCB\*, Privacy and Protection of Confidential Student Information

## **Insurance Program/Risk Management**

The Board has the responsibility for maintaining an adequate insurance program covering its buildings and grounds, fleet of school vehicles and employees carrying out official duties for the district. The Board also may authorize and participate in insurance programs for employees and students.

The insurance program shall be administered by the superintendent.

The administration shall make reasonable efforts to obtain insurance at the best available rates – consistent with required coverage and service – through obtaining quotations or bids.

Date Adopted: June 10, 1985

Date Reviewed: May 11, 1998

Revised: November 4, 2020

LEGAL REFS.: C.R.S. 8-44-110 (*notice of cancellation of insurance coverage*)  
C.R.S. 22-32-110 (1)(s),(t),(u),(v) (*board to procure insurance coverage*)  
C.R.S. 22-45-103 (1)(c),(e) (*risk management reserves*)  
C.R.S. 22-54-105 (2) (*funding requirements*)  
C.R.S. 24-10-115 (*authority to obtain insurance*)  
C.R.S. 24-10-115.5 (*self-insurance pool*)  
C.R.S. 29-13-101 *et seq.* (*insurance on property*)

CROSS REF.: BID/BIE, School Board Member Compensation/  
Expenses/Insurance/Liability

## **Compliance with the Health Insurance Portability and Accountability Act**

The Board of Education directs the superintendent or designee to take steps to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Compliance activities shall include conducting an audit to determine applicability of HIPAA to district operations, recommending policies and regulations to be adopted by the Board, adoption or revision of administrative policies and procedures and implementation of same, including record keeping procedures, preparation of necessary documents, employee training, and all other activities necessary to ensure compliance.

Adopted: November 4, 2020

LEGAL REFS.: P.L. 104-191 (1996); 42 U.S.C. 1320dd-1320d-8  
65 Fed. Reg. 50312-50372  
65 Fed. Reg. 82462-82829  
63 Fed. Reg. 43242-43280  
67 Fed. Reg. 53182-53273

CROSS REFS.: GBJ, Personnel Records and Files  
GCBD, Professional Staff Fringe Benefits  
GDBD, Support Staff Fringe Benefits  
JLA, Student Insurance Programs  
JLC, Student Health Services and Records  
JLCEA\*, Students with Special Health Needs  
JLCG\*, Medicaid Reimbursement  
JRA/JRC, Students Records/Release of Information on Students

## **Compliance with the Affordable Care Act**

The Board of Education directs the superintendent or designee to take steps to ensure compliance with the Patient Protection and Affordable Care Act (ACA). Compliance activities shall include adoption or revision of administrative policies and procedures and implementation of same, including record keeping procedures, preparation of necessary documents, employee training, and all other activities necessary to ensure ACA compliance.

Adopted: November 4, 2020

LEGAL REF.: P.L. 111-148 (*Patient Protection and Affordable Care Act*)

CROSS REFS.: GBGD, Workers' Compensation  
GCBD, Professional Staff Fringe Benefits  
GDBD, Support Staff Fringe Benefits