

Resignation of Support Staff

Support staff employees are encouraged to give two weeks written notice to the district prior to resigning employment.

If an employee resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, or an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but no later than 10 business days after the employee's resignation.

The superintendent must provide any information requested by the department concerning the circumstances of the resignation. The district also must notify the employee that information concerning the resignation is being forwarded to CDE.

Adopted: April 16, 1991

Revised: October 1992, February 1994, November 2000, April 2009, March 2020, February 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. 22-32-109.7

NOTE 1: State law prohibits school districts from entering into a settlement agreement that would restrict the district's ability to share any relevant information related to a conviction for child abuse or a sexual offense against a child and that pertains to the incident upon which the employee's dismissal or resignation is based. C.R.S. 22-32-109.7 (3). Further, school districts are not authorized to enter into a settlement agreement that would prohibit the district from sharing any other information required by law to be available to CDE, another school district, or a charter school—including information related to an allegation of a sexual act involving an employee and a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act upon which the employee's dismissal or resignation is based. Id.

NOTE 2: The Every Student Succeeds Act (ESSA) requires school districts that receive ESEA funds to have policies in place that prohibit the district from assisting an employee in obtaining a new job if the district 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 district 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, districts must ensure that they comply 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.