

# Agenda of Regular Board Meeting

## The Board of Education Brush School District



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A Regular Board Meeting of the Board of Education of Brush School District will be held Monday, February 23, 2026, beginning at 6:00 PM in the District Office, 527 Industrial Park Road, Brush, CO 80723.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. Opening Meeting
  - 1.1. Call to Order
  - 1.2. Roll Call
  - 1.3. Pledge of Allegiance
2. Approval/Modification of Agenda
3. Consent Agenda
  - 3.1. BOE Minutes 01/19/2026
  - 3.2. Disbursement Listing 01/01/2026 - 01/31/2026
  - 3.3. Operating Statement 01/01/2026 - 01/31/2026
  - 3.4. Cash Balances 01/01/2026 - 01/31/2026
4. Celebrations
5. DAAC Report
6. Reports
  - 6.1. Financial Report
  - 6.2. Board Reports
7. Superintendent's Report
8. Community Comment
9. Action Items
  - 9.1. 2026-2027 Administration Structure
  - 9.2. Personnel Report
  - 9.3. Addendum to Superintendent's Contract
  - 9.4. Proposal for 3rd Party Material Testing & Inspection Services for TPS HVAC
  - 9.5. TPS Windows Purchased with Funds from Insurance
  - 9.6. Linq Financial Software & Abacus Financial Software Support
  - 9.7. Purchase of Wrestling Mats with Foundation Funding
  - 9.8. Bank of Colorado CDs (Scholarship)
  - 9.9. Griggs Scholarship
  - 9.10. Colorado Homeschool Enrichment

- 9.11. Morgan County Interagency Oversight Group
- 9.12. Policies
- 10. Information Items
  - 10.1. Work Session, Monday, March 2, at 6:00 pm at Thomson Primary
  - 10.2. Next BOE Meeting March 16, 2026 at 6:00 pm
- 11. Debrief
  - 11.1. Clarification and/or Next Steps
- 12. Adjournment
  - 12.1. Meeting Adjourn

**Brush School District RE-2J  
Board of Education – Minutes  
Monday, January 19, 2026  
Brush CO**

Regular Board Meeting 6:00 PM

Lacy Garrett:	Present
April Hess:	Present
Jason Holdren:	Present
Bryson Miller:	Present
Nichole Stone:	Present
Shawn Tadolini:	Present
Paul Chard:	Present

**1. Opening Meeting**

President Chard called the meeting to order at 6:00 pm.

**1.1. Call to Order**

**1.2. Roll Call**

**1.3. Pledge of Allegiance**

**2. Approval/Modification of Agenda**

I move to adopt the agenda. This motion, made by Shawn Tadolini and seconded by April Hess, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

**3. Consent Agenda**

I move to approve. This motion, made by Lacy Garrett and seconded by April Hess, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

- 3.1. BOE Minutes 12/15/2025**
- 3.2. Disbursement Listing 12/01/2025 - 12/31/2025**
- 3.3. Operating Statement 12/01/2025 - 12/31/2025**
- 3.4. Cash Balances 12/01/2025 - 12/31/2025**

**4. Celebrations**

The Board observed the Character Strong program at Beaver Valley, where Mrs. Nichols delivered an excellent presentation.

Mrs. Uhrig's classroom observation demonstrated consistent student engagement throughout the lesson.

BHS and BMS students performed with distinction at the 63rd Annual Northeastern Colorado Honor Band.

**4.1. School Board Recognition Month**

**5. DAAC Report**

April Hess shared the January 14, 2026 DAAC report.

**6. Executive Session**

**6.1. Pursuant to C.R.S. Section 24-6-402(4)(b) to receive legal advice from the School District's attorney Steve Overall regarding: (1) the lawsuit styled Brush School District RE-2J versus Rocky Mountain Construction Company and MDZ Roofing, Morgan County District Court, Case No. 2025cv20049; and (2) the hail damage claim with Selective**

**Insurance Company; and (3) the status of the Thomson Primary School construction projects.**

Jason Holdren moved that the Board of Education go into executive session. Pursuant to C.R.S. Section 24-6-402(4)(b) to receive legal advice from the School District’s attorney Steve Everall regarding: (1) the lawsuit styled Brush School District RE-2J versus Rocky Mountain Construction Company and MDZ Roofing, Morgan County District Court, Case No. 2025cv20049; and (2) the hail damage claim with Selective Insurance Company; and (3) the status of the Thomson Primary School construction projects. Those present shall be members of the Board of Education. The Board may also include Ms. Marsha Cody, Mr. Steve Everall, Mr. Jamey Lorenzini, and Ms. Lacey Smith.

This motion, made by Jason Holdren and seconded by Shawn Tadolini.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

Jason Holdren moved that the Board of Education leave executive session. This motion, made by Jason Holdren and seconded by Bryson Miller.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

Into executive session at 6:13 pm.

Out of executive session at 7:30 pm.

Minutes spent on each topic

1. Rocky Mountain Construction Company and MDZ Roofing - 31
2. Selective Insurance Company - 18 minutes
3. Thomson Primary School Construction Projects - 28 minutes

## **7. Financial Audit Presentation**

## **8. Reports**

### **8.1. Financial Report**

Mr. Yaich provided a finance update.

### **8.2. Board Reports**

Preschool Policy Council: Registration for next school year beginning soon. Monthly Coffee Chat ongoing.

AG Advisory: FFA Oyster Fry scheduled for March 19th.

Meet & Confer: Discussed policies and insurance plans.

CBOCES: Presented additional service offerings to district.

Finance Committee: Continued progress on financial cleanup. Discussed health insurance options.

## **9. Superintendent's Report**

Mrs. Cody shared her superintendent's report.

## **10. Community Comment**

## **11. Action Items**

### **11.1. Tolling Agreement Extension**

I hereby move that the Brush School District RE-2J Board of Education authorize the Superintendent Marsha Cody to execute a Second Extension of Tolling Agreement with Selective Insurance of America through and including Friday May 1, 2026, or such additional time as she may deem necessary. All other terms and conditions of the original Tolling Agreement are to remain unchanged. This motion, made by Lacy Garrett and seconded by Shawn Tadolini, Carried.

### **Voting Detail:**

Lacy Garrett:            Yea

April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.2. Owner's Representative for TPS Roof**

I move to approve the proposal for NV5 as Owner's Representative for the TPS Roof for \$56,922. This motion, made by Jason Holdren and seconded by April Hess, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.3. 2026-2027 Brush School District Academic Calendar**

I move to approve the 2026-2027 Brush School District academic calendar as presented. This motion, made by Nichole Stone and seconded by Lacy Garrett, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.4. Public Education & Business Coalition (PEBC) MOU**

I move to approve the MOU with PEBC for teacher of record services. This motion, made by April Hess and seconded by Nichole Stone, Carried.

**Discussion:** Mr. Miller asked if this MOU had been reviewed by legal and Mrs. Cody confirmed it had been reviewed multiple times.

**Voting Detail:**

- Lacy Garrett: Yea
- April Hess: Yea
- Jason Holdren: Yea
- Bryson Miller: Yea
- Nichole Stone: Yea
- Shawn Tadolini: Yea
- Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.5. Little Beets Childcare Facilities Proposal**

I move to approve Cochran Construction's proposal to replace the flooring and paint the interior of the Little Beets facility for \$31,000 paid for through the Roy & Gloria Dinsdale Foundation. This motion, made by Lacy Garrett and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

- Lacy Garrett: Yea
- April Hess: Yea
- Jason Holdren: Yea
- Bryson Miller: Yea
- Nichole Stone: Yea
- Shawn Tadolini: Yea
- Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.6. 2026 Minimum Wage**

I move to adjust the minimum wage in salary schedules to align with the 2026 minimum wage of \$15.16/hour. This motion, made by Nichole Stone and seconded by Jason Holdren, Carried.

**Voting Detail:**

- Lacy Garrett: Yea

April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

### **11.7. Personnel Report**

I move to approve the personnel report as presented. This motion, made by Shawn Tadolini and seconded by April Hess, Carried.

#### **Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

### **11.8. 2026 Spring Coaching Recommendations**

I move to approve the 2026 spring coaches as presented. This motion, made by Shawn Tadolini and seconded by Lacy Garrett, Carried.

#### **Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

### **11.9. CDE Audit Repayment Plan**

I move to approve the Audit Repayment Plan and repayment of \$97,855.97 as found through the 2016-2019 transportation audit and the 2017-2020 pupil count audit. This motion, made by Bryson Miller and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

**11.10. 2024-2025 Financial Audit Report**

I move to approve the findings in the 2024-2025 financial audit report. This motion, made by Lacy Garrett and seconded by Nichole Stone, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

**11.11. Beginning Fund Balance Resolution**

I move to approve the beginning fund balance resolution #2026-01 for the purpose of transferring General Fund fund Balance to fund 41 (Insurance Reserve) in the amount of \$9,154,360.21 and to fund 43 (Capital Projects) in the amount of \$3,460,488.04 to cover expenses that were disclosed in the final budget. This motion, made by April Hess and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea

Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.12. 2025-2026 Revised Budget**

I move to approve the 2025-2026 revised budget in compliance with Colorado law. This motion, made by Bryson Miller and seconded by Nichole Stone, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.13. 2025–2026 Appropriation Resolution**

I move to approve the final appropriation resolution #2026-02 for the 2025-2026 fiscal year, as it is required by state law that Brush School District revise and approve a final appropriation resolution by January 31, 2026. This motion, made by Nichole Stone and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.14. Financial Accreditation Report**

I move to approve the financial accreditation report as required by state statute and Colorado Department of Education requirements. This motion, made by April Hess and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Yea
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 7, Nay: 0

**11.15. Water Shares Representative**

I move to approve Bryson Miller as the Brush board of education water shares representative. This motion, made by Jason Holdren and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea
Bryson Miller:	Present
Nichole Stone:	Yea
Shawn Tadolini:	Yea
Paul Chard:	Yea

Voting Summary: Yea: 6, Nay: 0, Present: 1

**11.16. Morgan Prewitt Water Share Lease**

I move to approve the renewal of the Morgan Prewitt Water lease to Dan Kendrick for one year in the amount of \$2,400.00. This motion, made by Bryson Miller and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett:	Yea
April Hess:	Yea
Jason Holdren:	Yea

Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.17. Morgan County Sheltering and Mass Care Facilities MOU**

I move to approve the MOU with Morgan County for Sheltering and Mass Care Facilities at the Morgan County Fairgrounds. This motion, made by Lacy Garrett and seconded by Jason Holdren, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.18. Colorado Homeschool Enrichment**

I move to approve the MOU with Colorado Homeschool Enrichment (CHE) for K through 8th grades students. This motion, made by Nichole Stone and seconded by April Hess, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**11.19. Policies**

I move for policies DN, IJOC, IJOC-E1, IJOC-E2 and IJOC-E3 be moved to a third and final reading. This motion, made by Lacy Garrett and seconded by Shawn Tadolini, Carried.

**Voting Detail:**

Lacy Garrett: Yea  
April Hess: Yea  
Jason Holdren: Yea  
Bryson Miller: Yea  
Nichole Stone: Yea  
Shawn Tadolini: Yea  
Paul Chard: Yea

Voting Summary: Yea: 7, Nay: 0

**12. Information Items**

**12.1. Work Session, Monday, February 2, 2026, at 6:00 pm at Brush Secondary Campus**

**12.2. Next BOE Meeting February 23, 2026 at 6:00 pm**

**13. Debrief**


**13.1. Clarification and/or Next Steps**

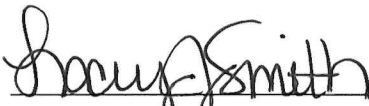
**14. Adjournment**

**14.1. Meeting Adjourned**

President Chard adjourned the meeting at 9:44 pm.

Minutes approved February 23, 2026

  
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Paul Chard, President  
Board of Education  
Brush, Colorado

  
\_\_\_\_\_  
Lacey Smith, Secretary  
Board of Education  
Brush, Colorado

**Brush School District RE-2J**  
**Board of Education**  
**527 Industrial Park Road**  
**Brush, CO 80723**  
**February 23, 2026 Personnel Report**

**Recommendations:**

1. Audrey Purvis, Preschool Co-Teacher
2. Nichole Gunnels, Archery Volunteer
3. Daryll Keeling, District Wide Substitute Teacher
4. Patricia Chase, District Wide Substitute Teacher
5. Joshua Washburn, BHS Track Volunteer
6. Steven Brown, BHS Girls Tennis Volunteer
7. Jill Gleason, Transfer from BV Intervention Director to BV Intervention Teacher
8. Ceri Middlemist, BHS & BMS Track and Field Volunteer
9. Addison Alexander, BHS Track and Field Assistant Coach
10. Jules Caseres, BMS Track and Field Assistant Coach
11. Daryll Keeling, BHS Boys Baseball Assistant Coach
12. Braydon Lapp, BHS Boys Baseball Assistant Coach

**Resignations:**

1. Yadira Madera, Childcare Specialist effective January 29, 2026
2. Kassidy Pickett, Preschool Co-Teacher effective May 22, 2026
3. Michelle Sooter, Head Start Family Partnership Manager effective May 22, 2026
4. Makenzie Creech, 2nd Grade Teacher at Thomson Primary effective at the end of the 2025-2026 school year.
5. Aidan Gutierrez, Paraprofessional at Thomson Primary effective at the end of the 2025-2026 school year.
6. Brianna Rodgers, 2nd Grade Teacher at Thomson Primary effective at the end of the 2025-2026 school year.
7. Brad Wolf, BHS Boys Assistant Baseball Coach effective February 6, 2026
8. David Carrillo, Transportation Mechanic, effective February 17, 2026

**Terminations:**

1. Amber Elliot, Childcare Specialist/Preschool Co-Teacher effective 02/03/2026

**Retirements:**

1. Brian Singley, Retire at the end of the 2025-2026 school year as Principal at Beaver Valley and return as critical shortage interim Principal at Brush Middle School

2. Tracey Singley, Retire at the end of the 2025-2026 school year as Principal at Thomson Primary and return as critical shortage interim Principal at Thomson Primary.
3. Penny Harbert, Retire at the end of the 2025-2026 school year as IT Tech Specialist and return as critical shortage IT Tech Specialist.



**NV5, Inc.**  
3459 Ringsby Ct., Suite 205  
Denver, CO 80216

## Board Action Memorandum

**To:** Marsha Cody, Superintendent  
**From:** Andy Fiamengo, NV5  
**Date:** February 17, 2026  
**Subject:** *Board Action – 3<sup>rd</sup> Party Material Testing & Inspections*  
**Distribution:** Marsha Cody / File

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NV5, developed a Request for Qualifications with Proposal (RFQ/P) for 3<sup>rd</sup> Party Material Testing & Inspection Services necessary to support the construction work related to the BEST Grant. NV5 invited four (4) firms to participate in the RFQ/P... CTL, Ground Engineering, Kumar & Associates, and Ninyo & Moore.

NV5 received qualification statements and proposals from two (2) firms: Ground Engineering and Ninyo & Moore.

We performed an analysis of the qualitative factors identified in the RFQ/P as well as the proposed lump-sum fees and delivery dates for finished work product. Both Ground Engineering and Ninyo & Moore met the qualitative requirements to provide services under this scope. Fees varied, ranging from \$10K to \$40K. There is no median fee as there were only two proposals and the established budget for these services is \$10K. Of the two (2) firms submitting, both were responsive and submitted a complete fee package.

Therefore, it is the recommendation of NV5 to award the Contract for 3<sup>rd</sup> Party Material Testing & Inspection Services to Ninyo & Moore in the amount of \$10,175.

*(End of Memorandum)*

File: DH - Bonded Employees and Officers

All school employees who are responsible for moneys controlled by the Board or who may have more than \$50 from such funds in their custody shall be bonded under a group fidelity bond in individual amounts of \$25,000. **In lieu of the bonds, the District may purchase crime insurance coverage to protect the district from any malfeasance on the part of such employee.**

The secretary and treasurer of the Board and any custodian of moneys authorized and appointed by the Board shall, as required by Colorado statute, be individually bonded. This bond shall be in an amount not less than \$25,000. The cost of bonding shall be borne by the school district.

Adopted: October 25, 1983

Revised: September 19, 1989

Revised: October 21, 2003

Revised: January 7, 2014

Revised: October 15, 2018

Revised: June 22, 2020

Revised: June 21, 2022

Revised: \_\_\_\_\_

LEGAL REFS.: C.R.S. 22-32-104 (4)(b), (c) C.R.S. 22-32-109 (1)(h) C.R.S. 22-32-121 (3)

## **DAC - Federal Fiscal Compliance**

Federal funds received by the district shall be administered in accordance with this policy and applicable federal law, including but not limited to the federal Uniform Grant Guidance. The Board designates the Director of Curriculum, Instruction, Data, and Assessment and the Director of Finance as the district contacts for all federal programs and funding.

The superintendent or designee may develop and implement accompanying regulations to assist in the proper administration of federal funds and implementation of this policy, including but not limited to cash management procedures and allowability of costs.

### **Subrecipient monitoring**

If the district awards subgrants, the district shall monitor grant subrecipients to ensure compliance with applicable law and Board policy.

### **Time and effort reporting**

District employees paid with federal funds shall document the time they expend in work performed in support of each federal program and/or such program's cost objective(s), in accordance with applicable federal law. Time and effort reporting requirements do not apply to contracted individuals.

### **Recordkeeping**

The district shall maintain proper federal fiscal records in accordance with Board policy and applicable law. Such records shall be retrievable and available for programmatic or financial audit.

Adopted:

LEGAL REFS.: 2 C.F.R. Part 200 (Uniform Grant Guidance)

34 C.F.R. Parts 75, 76 (EDGAR - Education Department General Administrative Regulations)

CROSS REFS.: [BCB](#), School Board Member Conflict of Interest

[DJB\\*](#), Federal Procurement

[EHB](#), Records Retention

[GBEA](#), Staff Ethics/Conflict of Interest

## **GCFA - Hiring of Instructional Staff/Portability of Nonprobationary Status**

The Board believes that all students enrolled in the district's schools should have effective teachers in their classrooms. In accordance with this belief and the Board's authority to employ personnel, the Board adopts this policy to address when a teacher requests "portability" of his or her nonprobationary status.

In accordance with state law, a teacher who has obtained nonprobationary status in another Colorado school district is not automatically granted nonprobationary status when he or she is hired by the district. Rather, a teacher may be granted portability by the district only if the teacher meets the requirements of this policy, as determined by the district.

A teacher who does not request portability in accordance with this policy shall be considered a probationary teacher by the district.

### **Definitions**

For purposes of this policy, the following definitions shall apply:

1. "Portability" means a teacher's request that his or her nonprobationary status obtained in another Colorado school district be recognized by the district.
2. "Teacher" means a person who holds a teacher's license issued pursuant to the Colorado Educator Licensing Act of 1991, C.R.S. [22-60.5-101](#) et seq. and who is employed to instruct, direct or supervise the instructional program. "Teacher" does not include those persons holding authorizations or administrative positions within a school district.
3. "Nonprobationary status" means the teacher has completed three consecutive years of demonstrated effectiveness in a Colorado school district and has been re-employed for the succeeding school year or has otherwise attained nonprobationary status in accordance with the Teacher Employment, Compensation, and Dismissal Act of 1990, C.R.S. [22-63-101](#) et seq.
4. "Effectiveness rating" means a rating of highly effective or effective on the teacher's written evaluation conducted pursuant to the applicable Colorado school district's licensed personnel performance evaluation system.
5. "Prior two consecutive years" means the current school year and the school year immediately preceding the current school year.

### **Teacher's request for portability**

During the district's hiring process and prior to an offer of employment from the district, a teacher may request portability. The teacher shall provide the following documentation to the district when he or she requests portability:

1. Performance evaluations for the prior two consecutive years that show the teacher received effectiveness ratings; and
2. Evidence of the teacher's student academic growth data for the prior two consecutive years.

### **Determination of nonprobationary status**

If the teacher requests portability and provides the documentation required by this policy during the district's hiring process and prior to an offer of employment from the district, the district shall determine, in its sole discretion, whether the documentation shows evidence of teacher effectiveness and student academic growth. The district shall make its determination of teacher effectiveness and student academic growth based upon the district's licensed personnel performance evaluation system and the district's measures of student academic growth.

If the district determines the documentation shows the required teacher effectiveness and student academic growth, the district shall grant nonprobationary status to the teacher.

The superintendent or designee may waive this policy's requirement that the teacher provide the required documentation during the district's hiring process and prior to an offer of employment from the district if the superintendent or designee determines exceptional circumstances exist and that it is in the best interests of the district to do so.

If the district determines that the teacher misrepresented or omitted any of the documentation required by this policy and/or misrepresented his or her nonprobationary status or any other matter concerning the teacher's employment history, the district may take action in accordance with applicable law, including but not be limited to revocation of the teacher's nonprobationary status and other appropriate disciplinary action.

All employment decisions remain within the sole and continuing discretion of the Board of Education, subject only to the conditions and limitations prescribed by Colorado law. Any dismissal or other employment action shall be in accordance with applicable state law, Board policy and the teacher's employment contract with the district.

Adopted:

LEGAL REFS.: C.R.S. [22-9-101](#) et seq. (Licensed Personnel Performance Evaluation Act)

C.R.S. [22-60.5-101](#) et seq. (Colorado Educator Licensing Act of 1991)

C.R.S. [22-63-101](#) et seq. (Teacher Employment, Compensation, and Dismissal Act of 1990)

C.R.S. [22-63-203.5](#) (nonprobationary portability)

1 CCR [301-87](#) (State Board of Education rules for administration of a system to evaluate the effectiveness of licensed personnel)

CROSS REFS.: [GCE/GCF](#), Professional Staff Recruiting/Hiring

[GCO](#), Evaluation of Licensed Personnel

[GCQF](#), Discipline, Suspension and Dismissal of Professional Staff