



## **POLICIES REQUIRED BY LAW or HIGHLY RECOMMENDED<sup>1</sup>** *(for BOCES without schools or educational programs)*

*This resource is for informational purposes only and does not constitute legal advice.  
Specific questions should be referred to the school district's legal counsel.*

**NOTE:** This list is applicable to BOCES that do NOT operate a school or educational program.

### **POLICIES REQUIRED BY LAW**

√ State or federal law requires the BOCES to have a policy on this subject and the law may direct some or all of the policy's content, as noted below

– Companion to legally required policy or regulation

√ AC                      Nondiscrimination/Equal Opportunity  
29 U.S.C. § 621 *et seq.*, 29 U.S.C. § 701 *et seq.*, 42 U.S.C. § 12101 *et seq.*, 42 U.S.C. § 2000d, 42 U.S.C. § 2000e, 42 U.S.C. § 2000ff *et seq.*, 42 U.S.C. §§ 6101-6107, 34 C.F.R. Part 106, C.R.S. § 24-34-301 *et seq.*, C.R.S. § 24-34-401 *et seq.*, C.R.S. § 24-34-402.3(3)(a), C.R.S. § 22-1-143, C.R.S. § 24-34-402 *et seq.* **(must adopt policy that commits to nondiscrimination and directs annual written notice)**

√ AC-R-1                Harassment and Discrimination Investigation Procedures for Students  
42 U.S.C. § 2000e *et seq.*, 28 C.F.R. § 35.107, 34 C.F.R. §§ 104.7-104.8, 34 C.F.R. § 106.8, 34 C.F.R. § 110.25, 45 C.F.R. § 86.8, C.R.S. § 22-1-143 **(grievance procedure is required)**

√ AC-R-2                Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment and Members of the Public  
42 U.S.C. § 2000e *et seq.*, 28 C.F.R. § 35.107, 34 C.F.R. §§ 104.7-104.8, 34 C.F.R. § 106.8, 34 C.F.R. § 110.25, 45 C.F.R. § 86.8, C.R.S. § 24-34-402 *et seq.* **(grievance procedure is required)**

<sup>1</sup> This list references sample BOCES policies developed by the Colorado Association of School Boards. Policies developed by a specific BOCES board may contain content or language different from the CASB sample policies noted. It is important to understand the policy content requirements and not assume that a locally developed policy with a particular policy code or title meets the requirements of law. In the alternative, a BOCES board may have met the need for a legally required policy using a policy title and code that is different than the CASB sample BOCES policies.

\*Code not found in the NEPN/NSBA policy classification system; code created by CASB to meet a Colorado-specific policy need.

- √ AC-R-3 Sexual Harassment Investigation Procedures – Regulation  
20 U.S.C. §§ 1681-1688, 34 C.F.R. § 106.8, 45 C.F.R. § 86.8 (**grievance procedure is required**)
  
- AC-E-1 Nondiscrimination/Equal Opportunity (Sample notice) – Exhibit
- AC-E-2 Nondiscrimination/Equal Opportunity (Complaint Form) – Exhibit
  
- √ BCB Board Member Conflict of Interest  
2 C.F.R. § 200.318(c) (**must have written standards of conduct covering conflicts of interest concerning the selection, award and administration of contracts funded by federal funds**), C.R.S. § 22-32-109(1)(y) (**must adopt bylaws on conflict of interest**)
  
- √ BE Board of Directors Meetings  
C.R.S. § 22-32-108(5)(c) (**policy must require recordings of regular and special board meetings to be retained for at least 90 days**)
  
- √ BEAA\* Electronic Participation in Board of Directors Meetings  
C.R.S. § 22-5-104(5) (**policy is legally required if the Board wishes to attend and participate electronically in Board meetings**)
  
- √ DAC\* Federal Fiscal Compliance  
2 C.F.R. Part 200 (**must adopt policy to comply with federal Uniform Grant Guidance**)
  
- √ DJB\* Federal Procurement
- √ DJB\*-R Federal Procurement – Regulation  
2 C.F.R. §§ 200.318-200.326 (**must adopt procurement procedures that reflect requirements of the Uniform Grant Guidance, for purchases made—in whole or in part—with federal funds**)
  
- √ DJE Bidding Procedures  
C.R.S. § 22-32-109 (1)(b) (**must adopt competitive bidding procedures for purchase of goods and services, except professional services**)
  
- √ DKC Expense Authorization/Reimbursement (Mileage and Travel)  
2 C.F.R. § 200.474 (**must adopt travel reimbursement policy to comply with federal Uniform Grant Guidance**)
  
- √ EGAEA Electronic Communication  
C.R.S. § 24-72-203(1) (**must adopt policy on retention, archiving and destruction of public electronic records**), C.R.S. § 24-72-204.5 (**must adopt policy on monitoring email**)

- √ EHC      Safeguarding Personal Identifying Information  
C.R.S. § 24-73-101(1) **(must adopt policy for the destruction or proper disposal of documents containing personal identifying information)**, C.R.S. § 24-73-102(1) **(must adopt reasonable security procedures and practices to protect personal identifying information)**, C.R.S. § 24-73-103(3) **(must have notification of security breach procedures consistent with requirements of C.R.S. § 24-73-103(2)(k))**
- √ GBA      Open Hiring/Equal Employment Opportunity  
29 U.S.C. § 621 *et seq.*, 29 U.S.C. § 701 *et seq.*, 42 U.S.C. § 12101 *et seq.*, 42 U.S.C. § 2000d, 42 U.S.C. § 2000e, 42 U.S.C. § 2000ff *et seq.*, 42 U.S.C. §§ 6101-6107, C.R.S. § 24-34-301 *et seq.*, C.R.S. § 24-34-401 *et seq.*, C.R.S. § 24-34-402.3(3)(a) **(must adopt policy that commits to nondiscrimination and directs annual written notice)**
- √ GBAA      Sexual Harassment  
42 U.S.C. § 2000e, C.R.S. § 24-34-301 *et seq.*, C.R.S. § 24-34-401 *et seq.*  
**(must adopt policy that commits to nondiscrimination and directs annual written notice)**
- √ GBEA      Staff Ethics/Conflict of Interest  
2 C.F.R. § 200.318(c) **(must have written standards of conduct covering conflicts of interest concerning the selection, award and administration of contracts funded by federal funds)**
- √ GBEC      Alcohol and Drug-Free Workplace  
41 U.S.C. § 8103, 34 C.F.R. §§ 84.205-84.215 **(must publish and distribute statement prohibiting controlled substances if the BOCES receives federal funds)**
- √ GBI\*      Criminal History Record Information  
P.L. 92-544, 28 § C.F.R. 20.33(b), 28 § C.F.R. 50.12(b) **(must adopt policy meeting FBI and CBI Criminal Justice Information Services requirements)**
- √ GCO      Evaluation of Licensed Personnel  
C.R.S. § 22-9-106(1), C.R.S. § 22-9-103 **(must adopt written system for evaluation of all licensed staff)**
- √ JLCDC\*      Medically Necessary Treatment in School Setting  
C.R.S. 22-20-121 **(If the BOCES is an administrative unit, it is required to adopt a policy that addresses how a student who has an order or recommendation from a qualified health-care provider for medically necessary treatment receives such treatment in the school setting as required by state and federal law)**

–JLCDC*-R	Authorizing Private Health-Care Specialists to Provide Medically Necessary Treatment in School Setting – Regulation <b>(there is no specific legal requirement to adopt this regulation; however, if the BOCES is an administrative unit, it is required by law to adopt a policy that addresses how a student who has an order or recommendation from a qualified health-care provider for medically necessary treatment receives such treatment in the school setting as required by state and federal law, and this regulation accompanied by sample policy JLCDC* meet the content/language intent and requirements)</b>
√ KDB	Public’s Right to Know/Freedom of Information C.R.S. § 24-72-205(6)(a) <b>(if the BOCES imposes a fee for the research and retrieval of public records, the BOCES must adopt a policy regarding such fee)</b>
√ KDBA*	Parent Notification of Employee Criminal Charges C.R.S. § 22-1-130(4)(g) <b>(must adopt policy to comply with parent notification requirements when school is not in session)</b>
– KLG	Relations with State and Federal Agencies
√ KLG-R	Relations with Federal Immigration Officials C.R.S. 24-74.1-102 <b>(must adopt policies and/or procedures to provide access and information to federal immigration officials as required by law)</b>

## **HIGHLY RECOMMENDED POLICIES**

The following policies (and any accompanying regulations) are highly recommended because they comprise the Board’s bylaws:

BBA	Board of Directors – Governance, Powers and Responsibilities
BBBC*	Power to Abstain and Withdrawal
BCB	Board Member Conflict of Interest
BDA	Board Organizational Meeting
BDB	Board Officers
BDF	Advisory Committees
BE	Board of Directors Meetings <i>(also on the legally required list)</i>
BEAA*	Electronic Participation in Board of Directors Meetings <i>(also on the legally required list)</i>
BEC	Executive Sessions
BEDA	Notification of Board Meetings
BEDB	Agenda
BEDD	Rules of Order
BEDF	Voting Method
BEDG	Minutes
BEDH	Public Participation at Board Meetings

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The following policies (and any accompanying regulations) may be highly recommended, dependent on the BOCES's circumstances, to protect the BOCES from legal liability, give adequate notice of rights and responsibilities to BOCES employees and the BOCES community, or provide certain assurances to the Colorado Department of Education or other regulatory agencies. The Board should consult with its own attorney to make this determination.

CBI	Evaluation of Executive Director
DAB*	Financial Administration
DB	Annual Budget
DBD	Determination of Budget Priorities
DJ/DJA	Purchasing/Purchasing Authority
EBAB	Hazardous Materials
EBBB	Accident Reports
EGAD	Copyright Compliance
GBAB*	Workplace Health and Safety Protection
GBEB	Staff Conduct (And Responsibilities)
GBEE*	Staff Use of Technology (Option 2)
GBGF	Federally-Mandated Family and Medical Leave ( <i>if the BOCES employs 50 or more employees</i> )
GBGI	Staff Military Leave
GBGK	Staff Legal Leave

*[NOTE: Care should be taken to ensure that any policies in the GC section preserve the at-will status of professional/licensed employees.]*

GCA	Professional Staff Positions
GCE/GCF	Professional Staff Recruiting/Hiring
GCQF	Discipline, Suspension and Dismissal of Professional Staff

*[NOTE: Care should be taken to ensure that any policies in the GD section preserve the at-will status of classified employees.]*

GDA	Support Staff Positions
GDBC	Support Staff Supplementary Pay/Overtime
GDE/GDF	Support Staff Recruiting/Hiring
GDQD	Discipline, Suspension and Dismissal of Support Staff

IHBA	Special Education Programs for Students with Disabilities ( <i>if the BOCES provides special education and/or related services to students with disabilities</i> )
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JICAA*	Student Conduct and Discipline Code <i>(if the BOCES provides educational services to students and follows a member school district's student conduct and discipline code)</i>
JLF	Reporting Child Abuse/Child Protection <i>(if the BOCES provides educational services to students)</i>
JLF-R	Reporting Child Abuse/Child Protection – Regulation
KFA	Public Conduct on BOCES Property

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COLORADO ASSOCIATION OF SCHOOL BOARDS  
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