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CEA questions constitutionality of noting charges against employees

BY SARAH JONES
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Weeks after the Colorado State Board of Education passed a new rule requiring school districts to inform parents of employee arrests, the Colorado Education Association filed a lawsuit questioning the rule's constitutionality.

CBE passed the rule at the end of May 2011, and CEA filed the suit on June 30. The first hearing is scheduled in Denver District Court on Sept. 23, to request judicial review of the new requirement. The rule requires parental notification by the district when an employee is arrested for a felony or other specific offenses within 24 hours of the arrest. The CEA is seeking an injunction against the rule as well, said CEA Public Relations Director Mike Wetzel.

"In the lawsuit, we allege the state board and Colorado Department of Education does not have the authority to impose this rule because doing so oversteps their authority to supervise school districts and the management of district employees," Wetzel said.

The state board believes, however, that not only is the rule constitu-

tionally sound, it also enhances safety measures in Colorado schools.

"Parents should know as much as is public about their child's teachers," said Bob Schaffer, the chairman of the state board of education. The board was unanimous in their vote to adopt the rule, said Schaffer, and he believes it will stand up in court.

The CEA as well as employees and Colorado school districts that have been affected by the rule are also concerned about the implications that inaccurate allegations have on employee lives and careers.

"At the heart of the matter is the legal presumption that school district employees, like all other citizens, are presumed innocent until proven guilty. The new rule will encourage parents and others to assume that school district employees are guilty without any due process," Wetzel said.

The new rule has some employees in Jefferson County District R-1 "understandably frustrated" about the process, said Allen Taggart, the executive director of employee relations at Jeffco schools. The district has sent out seven arrest notifications since the rule was put in place in May, and some employees

have said the district has defamed them before their day in court. In some cases, the charges have been dropped against the employee after the notification was sent out.

"From their standpoint, the damage has already been done," Taggart said. "It has caused some folks to be concerned about whether it's fair or not."

The rule also lacks some clarity on how far back the district must go in their employees' and students' records to determine if parents should be notified and which students must be notified, Taggart explained. If a former district employee is charged, the rule lacks a specific outline of the amount of time that must have elapsed before the district does not have to notify parents.

The CEA is not arguing that parents not be notified of serious offenses, Wetzel stated, but the new rule creates fear and anxiety in the school community instead of providing a safer learning environment. However, the state board believes that the rule allows parents to be fully informed in order to make the best decision for their children, said Schaffer.

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Tuesday, Sept. 27, 2011

5:30-7:30 p.m.

Buffalo Restaurant and Bar
 1617 Miner St.
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AGENDA:

5:30-6:00 P.M.: Registration/Open House

6:00-6:30 P.M.: Project Presentation

6:30-7:30 P.M.: Q&A/Open House

Persons with special access or translation needs should contact project staff in advance to make arrangements.

For more information, please contact:
 Jim Bemelen, CDOT, 303-365-7010 or
James.Bemelen@dot.state.co.us

Para información en español, por favor contactar a Darin Stavish al (303) 365-7047 o escribir al darin.stavish@dot.state.co.us.

The Colorado Department of Transportation (CDOT) invites you to attend a public open house concerning the Twin Tunnels Environmental Assessment.

CDOT is currently considering improvements to the Twin Tunnels area east of Idaho Springs to Floyd Hill along the eastbound direction of the Interstate 70 (I-70) Mountain Corridor. The purpose of the proposed project is to improve capacity, mobility, and safety along this stretch of the interstate. The Environmental Assessment will define these improvements and provide information on impacts to environmental and community resources and determine appropriate mitigation to minimize any impacts.

A critical part of this process is obtaining your input so that we understand your concerns. Please join us on September 27th to learn more about the project and share your thoughts and questions.

Should you be unable to attend the meeting in person, please visit the project website for more information and an opportunity to provide comment electronically:
<http://www.coloradodot.info/projects/i70towntunnels>



Twin Tunnels Environmental Assessment
 Idaho Springs/Clear Creek County