

MEMORANDUM

TO: Board of Education, Jefferson County School District No. R-1
FROM: Dr. Cynthia Stevenson, Superintendent
RE: Recommendation for Elaine A. Moe Teacher Dismissal
DATE: June 15, 2006

Pursuant to the procedures specified in the Colorado Teacher Employment, Compensation and Dismissal Act of 1990, C.R.S. § 22-63-302 and applicable board policies, I recommend that the Board of Education dismiss Elaine A. Moe from her position as a teacher with the Jefferson County School District. The grounds for this recommendation of dismissal are immorality, neglect of duty, insubordination, and other good and just cause.

On May 17, 2000, Elaine Moe signed the Jefferson County Public Schools Computing Facilities Usage Agreement ("the Agreement"). The purpose of the Agreement was "to clarify roles and responsibilities in the use of computing facilities in Jefferson County Public Schools to preserve the integrity and usability of computing resources for the benefit and use of all clients." The Agreement expressly provides that "Jefferson County Public Schools must be strict in these matters, not only because of the real value of the facilities, but also because their soundness is critical for the research, instructional, and operational activities of faculty, staff, and students."

The Agreement states that "the intent of this document is to raise awareness about what is appropriate, ethical, legal and professional use of a valuable share resource, not to enumerate all uses that are or are not appropriate." The Agreement defines appropriate use, in pertinent part, as "[a]ll usage of these facilities must be consistent with the purpose for which the account was originally requested and provided." The list of expressly prohibited activities under the Agreement includes the following:

- Displaying, storing, posting or sharing obscene or offensive data, temporarily, in areas where one might view them passively or inadvertently.
- Any activities which adversely affect the reputation or image of this organization.
- All computer accounts (logins) are for the use of the single individual, the person for whom the account was approved. Sharing or loaning accounts is prohibited.
- Facilities may only be used for lawful purposes. Transmission of any material in violation of any . . . Board Policy regulation is prohibited. . .

Jefferson County School District Board Policy GBEB "Staff Conduct" states, "All staff members have a responsibility to make themselves familiar with and abide by state and federal laws as these affect their work and the policies and regulations of the district." Board Policy GBEB states further that:

Essential to the success of ongoing district operations and the instructional/department program are the following specific responsibilities, which shall be required of all personnel:

- Compliance, support, and enforcement of policies and regulations of the district.
- Support for providing healthy learning environments and appropriate role models for students.
- Conduct themselves in a manner which is not disruptive to the educational and/or supportive programs of the district.

Jefferson County School District Board Policy GBEE, "Staff Use of the Internet and Electronic Communications" provides that "the district supports the use of the internet and electronic communications by staff to improve teaching and learning through interpersonal communication, access to information, research, training and collaboration and dissemination of successful educational practices, methods and materials."

Board Policy GBEE requires that "Staff members shall use district computers and computer systems in a responsible, efficient, ethical and legal manner."

Board Policy GBEE expressly provides that:

No staff member shall access, create, transmit, retransmit or forward material or information:

- That is not related to district education objectives.
- That contains pornographic, obscene or other sexually oriented materials, either as pictures or writings, that are intended to stimulate erotic feelings or appeal to prurient interests in nudity, sex or excretion.
- That depicts, describes or represents in a potentially offensive way with respect to what is suitable for minors or actual simulated sexual act or sexual content or a lewd exhibit of the genitals and taken as a whole, lacks serious literary, artistic, political or scientific value to minors.
- That harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons with regard to race, color, sex, religion, national origin, age, marital status, disability or handicap.

Ms. Moe teaches middle school aged students at Bell Middle School.

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On Monday, October 10, 2005 at 1:38 p.m. during the school day, Ms. Moe used her district computer located in her classroom to send an email entitled "free male stripper" to 27 other persons, including district employees. The email included an animated attachment of a male stick figure with his penis swinging back and forth followed by the words "what did you expect for free."

On Thursday, December 22, 2005 at 1:12 p.m. during the school day, Ms. Moe used her district computer located in her classroom to send an email to 34 other persons, including district employees, entitled "Merry Christmas" with the message "the ULTIMATE Christmas gift for all my girlfriends!!!!!!!!!!!" The email included a photograph of a nude male wearing a Santa Claus hat.

On Wednesday, January 18, 2006 at 2:39 p.m. during the school day, Ms. Moe used her district computer located in her classroom to send an email entitled "Bad Day" to 15 other persons, including district employees. The email text included the words "ass" and "damn." The email included a photograph of a nude male standing in a shower stall with his penis caught in the shower doors.

On Wednesday, February 1, 2006 at 2:03 p.m. Ms. Moe used her district computer located in her classroom to send an email to 34 other persons, including district employees, entitled "NM Chili" with the message "THIS HAS TO BE NEW MEXICAN CHILI." The email included two photographs of six chili peppers resembling penises.

On Tuesday, February 14, 2006 at 2:59 p.m. Ms. Moe used her district computer located in her classroom to send an email to 25 people, including district employees, entitled "Budweiser Frogs" with the message "There is a reason why middle aged women shouldn't go to Mardi Gras and drink." Attached to the email was a photograph of three women wearing tops simulating sagging bare breasts.

On Wednesday, February 15, 2006 at 2:04 p.m., Ms. Moe used her district computer located in her classroom to send this same email to one more person.

On Friday, March 10, 2006 at 1:27 p.m., Ms. Moe used her district computer located in her classroom to send an email to 34 other persons, including district employees, entitled "car wash" with the message, "If anyone finds out where this car wash is before I do let me know!!!!!!!!!!!" The email included a photograph of three naked men bent over washing a car.

On Tuesday, March 28, 2006 at 2:33 p.m. Ms. Moe used her district computer located in her classroom to send an email to 36 other persons, including district employees, with the words "not in front of kids" in the subject line. The email text read "A redneck Bra. DON'T WORRY, I ORDERED ONE FOR YOU." The email included a photograph of a woman wearing a bra giving the appearance of her breasts being grabbed from behind by two hands.

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When asked about her use of district computers, Ms. Moe admitted that she forwarded from her district e-mail account to other district employees the emails entitled "Merry Christmas", "NM Chiles," "Carwash," "Budweiser Frogs," "Redneck Bra" and "Male Stripper." Ms. Moe denied seeing the email entitled "A Bad Day" but stated that her boyfriend could have sent it from her account because she had given him her district e-mail password. Ms. Moe admitted that her computer is in her classroom by her desk. She acknowledged that students could have access to her computer and that she has occasionally left her computer on when she was not in the classroom.

Ms. Moe violated the Jefferson County Public Schools Computer Facilities Usage Agreement, and School District Board Policies governing staff conduct and staff use of the internet by repeatedly accessing and forwarding sexually oriented, offensive, and demeaning materials unsuitable to minors on the district computer during school hours and by sharing her district e-mail account with her boyfriend.