

Superintendent Tom Burris accused of failing to report allegations of possible sexual abuse

Montezuma-Cortez superintendent is set to be arraigned in September; teacher files 'wrongful termination' lawsuit

By Bailey Duran Special to The Journal

Friday, Aug 23, 2024 1:56 PM Updated Tuesday, Sep. 3, 2024 7:21 AM



Superintendent Harry (Tom) Burris is schedule for arraignment in 22nd Judicial District Court on Sept. 25.

Montezuma-Cortez RE-1 Superintendent Harry (Tom) Burris faces a misdemeanor charge of failing to report allegations of possible sexual abuse of a student by a teacher, according to

police, in a case that has included the firings of the teacher and the district human resources director.

The superintendent became aware of the accusation in June 2023, according to the Cortez Police Department, which later found that no sexual abuse by the teacher occurred. “It was found no sexual assault occurred,” said Kelly Codner, public information officer for the Cortez Police Department. “No charges against the teacher.”

On Monday, July 15, police learned of the allegations from a social worker and former Board of Education candidate, Jonathan (JJ) Lewis. Police officer Jacob Bourdon met with Chris Veach from Montezuma County Child Protection Services, who provided him with an assessment summary that outlined the allegations from Lewis. “As a social worker I am bound by law and ethical code to report any suspicion of child abuse or neglect,” Lewis told *The Journal* on Thursday. According to the report, a male student was allegedly involved with an MCHS teacher. Lewis said he was unaware of any witness.

Timeline:

June 1, 2023: The approximate date that the Cortez Police Department estimates Superintendent Harry “Tom” Burris of the Montezuma-Cortez RE-1 school district allegedly violated Colorado Statute 19-3-304 – “Persons required to report child abuse or neglect.” (Source: Cortez Police Department)

May 7, 2024: Burris reportedly tells the Montezuma-Cortez Board of Education about the allegation of sexual abuse by a high school teacher, who is subsequently fired. (Source: Montezuma-Cortez Board of Education)

July 9, 2024: Human Resource Director Cyndi Eldredge is fired.

July 18, 2024: Eldredge gives Cortez Police Detective Shane Fletcher a video recording of a phone conversation between her and Burris that occurred June 13. In the police report, Eldredge said Burris had called her at 10 p.m. that night. (Source: Cortez Police Department)

July 22, 2024: Parents of the student meet with officers at the Cortez Police Department. The boy’s mother acknowledged that she had made a report to Burris about her son’s relationship with the teacher. (Source: Cortez Police Department)

July 24, 2024: Police meet with the student at Four Corners Advocacy Center, and Lacey Osterloh conducts a forensic interview with him. (Source: Cortez Police Department)

Aug. 7, 2024: Burris leaves a meeting with Detective Fletcher at the police station. (Source: Cortez Police Department)

Aug. 12, 2024: A police citation accuses Burris of violating Colorado Revised Statute 19-3-304. (Source: Cortez Police Department)

Lewis said the allegations were shared in an executive session of the Board of Education.

The teacher was reportedly fired in May. The child's mother brought the allegations to Burris' attention and asked him not to report it, according to police reports.

On Thursday, July 18, Director of Human Resources Cyndi Eldredge gave police detective Shane Fletcher a video recording of a phone conversation between her and Burris. In the police report, Eldredge said Burris had called her at 10 p.m. on June 13 and began talking about things happening in the district. According to Eldredge's account, Burris appeared intoxicated.

In the recording, Burris told Eldredge that a parent had come to him, saying that her son was possibly assaulted by his teacher and that the parent had brought it to his attention in the fall of 2023. Burris said the mother had reported that her son had been going over to the teacher's house, possibly had been drinking and she was afraid he was going to "get laid" while at her house.

Burris continued by saying that the parent had made him promise that he would not say anything about the incident. According to the police report, Eldredge said the incident should be reported, but Burris prohibited her from doing so because of the mother's request.

A few months later, after Burris told the Montezuma-Cortez Board of Education about the alleged abuse during an executive session at a May meeting, the teacher was fired. The police report said Burris told Eldredge that Mike Lynch was "absolutely shocked." Not all the board members were present at the time of the session, according to the report, but it is unclear who was not present. None of the board members reported the allegations of abuse.

Eldredge was fired from her position at the district on Tuesday, July 9, because she was no longer "in line" with the department, according to the report. Eldredge's termination came shortly after she wrote a letter in support of a teacher who had submitted an appeal for her grievance to be heard by the school board. Burris allegedly used the teacher's confidential information to pressure her in front of her co-workers after she expressed concern with scheduling changes for teachers.

While speaking with *The Journal*, Eldredge said she had no further comment at this time. On Monday, July 22, the parents of the student met with police at the Cortez Police Department. The boy's mother acknowledged that she had made a report to Burris about her son possibly having a sexual relationship with the teacher, and telling him that it was getting "out of hand." She said that the teacher had been talking with her son about her personal life. She said she wanted the relationship to end, but she didn't believe her son was in a sexual relationship. She told Burris she didn't want anyone punished.

When she came to the police department for an interview on Wednesday, July 24, the teacher said she would have to speak with her attorney before speaking with police, because she was involved in a wrongful termination suit with the school.

Also on July 24, police met with the student at the Four Corners Advocacy Center, where Lacey Osterloh conducted a forensic interview with him. "I would want the community to know that mandated reporters need to really take that responsibility seriously and that there are

consequences,” Osterloh told *The Journal* on Thursday. “There's legal consequences, but there's also consequences to the children that are being abused or potentially being abused, if the mandated reporters don't fulfill their duty with integrity.”

Colorado [law](#) requires [mandated reporters](#), such as public and private school officials and employees, to report child abuse to proper authorities. Questions to the Colorado Department of Education about whether school board members are considered mandatory reporters were inconclusive.

At the start of Burris' police interview on Wednesday, Aug. 7, he reportedly asked what the interview was about and “seemed hesitant to continue the interview.” Burris went into a separate room to call the school's attorney and left shortly after.

A week later, on Wednesday, Aug. 14, Burris was given a summons for the charge of person required to report child abuse or neglect. According to the Cortez Police Department on Friday, the citation given to Burris was dated June 1, 2023, which is the date the PD approximates Burris gained knowledge of the incident.

Burris is scheduled for arraignment in Montezuma County Combined Courts on Sept. 25, according to the [docket](#). District Attorney Christian Hatfield of the 22nd Judicial District, told *The Journal* on Thursday that at this time, he will “stick with what's in the public record until we can resolve it.”

Burris on Thursday provided *The Journal* with the email of his lawyer. David Illingworth, Burris' lawyer, said on Friday, “The publicly released police reports discussed in the media show that the mother of the juvenile in question never reported to Mr. Burris anything about a sexual relationship involving her child and a teacher. The publicly released police reports show that not only was Mr. Burris never told of any sexual relationship, the mother told police that she believes there never was a sexual relationship. In light of the total lack of evidence, it is questionable that police even gave Mr. Burris a summons, and Mr. Burris looks forward to his swift vindication through the judicial process where he is presumed innocent by law.”

The Journal was unable to reach the teacher.



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Although Montezuma-Cortez School District Superintendent Tom Burris did not report allegations he heard about an inappropriate relationship between a teacher and student, disciplinary action against him isn't merited at this point. That's what attorney Brad Miller of Colorado Springs told the Re-1 District School Board at its special meeting Tuesday night. Burris is scheduled to be arraigned Sept. 25 on a misdemeanor charge of failure to report by a mandatory reporter. Incident reports by the Cortez Police Department said that in 2023 Burris was told by the mother of a student in the district that her child had been to a teacher's house, possibly drinking, and she feared the child might "get laid" there. But she reportedly said she didn't think they were in a sexual relationship yet. Burris did not report this although school officials and employees are required by law to report possible child abuse or neglect to law enforcement. On Tuesday, Miller told the school board that nothing presented so far indicates that "actual bad behavior by a staff member" had occurred. He said, "Mandatory reporting laws create a duty when the allegation or information is that a harm has occurred, not just when there is a fear regarding a person's potential motives." He thanked the police for taking the matter seriously. Miller advised the board to wait and see if something more is later discovered.

The Journal

Plea hearing for Cortez Superintendent Tom Burris is scheduled for January

The hearing has been continued multiple times

By Bailey Duran Special to The Journal

Tuesday, Dec 10, 2024 3:02 PM Updated Sunday, Dec. 15, 2024 6:13 PM



Harry (Tom) Burris' plea hearing is set for Tuesday, Jan. 21 at 10 a.m.

The plea hearing for Superintendent Harry (Tom) Burris has been moved to January after multiple continuances in Montezuma County Court. Burris is accused of a misdemeanor charge of failing to report an allegation of child abuse, specifically an alleged student-teacher relationship.

District Attorney Christian Hatfield and Burris attorney David Illingworth acknowledged that the case has been continued multiple times, and Judge Ian MacLaren echoed that the case has been “languishing for some time.”

Despite the delays, the decision was made to postpone Burris’ plea hearing until the new year after Jeremy Reed, the newly elected DA, is sworn into office. Now, his pretrial conference is set for Tuesday, Jan. 21 at 10 a.m.

Burris was cited on Aug. 12 on suspicion of violating Colorado Statute 19-3-304, “Persons required to report child abuse or neglect,” after it was alleged that a high school teacher may have had sexual relations with a student, according to the Cortez Police Department.

Timeline

June 1, 2023: The approximate date that the Cortez Police Department estimates Superintendent Harry “Tom” Burris of the Montezuma-Cortez RE-1 school district allegedly violated Colorado Statute 19-3-304 – “Persons required to report child abuse or neglect.” (Source: Cortez Police Department)

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July 24, 2024: Police meet with the student at Four Corners Advocacy Center, and Lacey Osterloh conducts a forensic interview with him. (Source: Cortez Police Department)

Aug. 7, 2024: Burris leaves a meeting with Detective Fletcher at the police station. (Source: Cortez Police Department)

Aug. 12, 2024: A police citation accuses Burris of violating Colorado Revised Statute 19-3-304. (Source: Cortez Police Department)

Sept. 25, 2024: Arraignment (Montezuma County Court)

Oct. 22, 2024: Pre-trial conference (Montezuma County Court)

Dec. 3, 2024: Plea hearing turned continuance (Montezuma County Court)

Jan. 21, 2025: Upcoming plea hearing at 10 a.m. (Montezuma County Court)

As superintendent, Burris is considered a mandatory reporter of suspected child abuse. The police reports estimated that Burris may have been aware of the allegations since June 2023, but never reported it. It's also a matter of district policy – [JLF, Reporting Child Abuse/Child Protection](#).

Though it was found that no sexual abuse occurred between the student and teacher, the teacher was fired from her position earlier this year. The police reports provided further details on the incident, sharing that the student's mother had told Burris she had concerns regarding the alleged relationship, but asked him not to report it.

The allegations came to light on July 15 when social worker and former RE-1 board of education candidate Jonathan (JJ) Lewis reported it to the Cortez Police Department. According to the report provided by Lewis to police, a male Montezuma-Cortez High School student was involved with a female teacher. He added that the allegations had been shared with the Montezuma-Cortez Board of Education during an executive session in May. The teacher was fired soon after.

Cynthia Eldredge, former HR director for the district, provided a recording of a call to the police that included Burris telling her about the alleged relationship. Eldredge said Burris prohibited her from sharing the report, and that he may have been intoxicated during the call, according to police.

Before Burris' first hearing this fall, Illingworth told *The Journal* that they were looking forward to a "swift vindication." "In light of the total lack of evidence, it is questionable that police even gave Mr. Burris a summons, and Mr. Burris looks forward to his swift vindication through the judicial process where he is presumed innocent by law," Illingworth said.

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Montezuma-Cortez superintendent faces trial after allegedly failing to report a claim of student abuse

Police reports show Harry (Tom) Burris might have known about allegations since June 2023

By Bailey Duran Special to The Journal
Tuesday, Jan 21, 2025 6:48 PM

Montezuma-Cortez Superintendent Harry (Tom) Burris on Tuesday pleaded not guilty in Montezuma County Court to a charge that he failed to report allegations of student abuse.

The charge, a misdemeanor, refers to a relationship between a student and teacher at Montezuma-Cortez High School. The jury trial has been set for May.



Burris



The plea was followed by a request from defense attorney David Illingworth to schedule a speedy trial. Illingworth also requested a motions hearing.

Burris's trial was set by Judge Ian MacLaren for Thursday, May 8, at 8:30 a.m. Pretrial matters will be handled Wednesday, May 7, at 3 p.m., and jury selection will take place May 8 at 8:30 a.m.

MacLaren also blocked off Friday, May 9, in case the trial needs to continue a second day. A motions hearing was set for Thursday, March 20, at 1:30 p.m. and a pretrial readiness conference will be held Tuesday, April 29, at 3 p.m.

The deadline for a plea bargain also will be on April 29. Because of previous continuances in the case, MacLaren said he would not accept additional continuances as the case moves forward.

The original decision to continue the plea hearing from December to Tuesday was made to allow the recently elected district attorney of the 22nd Judicial District, Jeremy Reed, to be sworn into office.

Timeline

June 1, 2023: The approximate date that the Cortez Police Department estimates Superintendent Harry "Tom" Burris of the Montezuma-Cortez School District RE-1 allegedly violated Colorado Statute 19-3-304 –

⬇ Reed was sworn in Jan. 14.

Burris was first cited on Aug. 12, 2024, on suspicion of violating Colorado Statute 19-3-304, “Persons required to report child abuse or neglect,” after a report that alleged a high school teacher might have been in an inappropriate, sexual relationship with a MCHS student, according to a report obtained from the Cortez Police Department.

As the superintendent of the Montezuma-Cortez RE-1 school district, Burris is considered by the state of Colorado and **district policy** as a mandatory reporter.

Police reports detailed the alleged failure to report, showing that Burris might have become aware of these allegations in June 2023 via the student’s concerned parent, but never reported the allegations.

Burris had shared with police that the child’s mother had asked him not to say anything about the relationship.

The teacher was fired in the spring of 2024, after it was discovered that no sexual abuse had occurred.

The allegations were first reported to authorities on July 15, 2024, when Jonathan (JJ) Lewis, social worker and former RE-1 school board candidate, reported it to the Cortez Police Department.

Lewis’ report further alleged that the Montezuma-Cortez Board of Education was made aware of the reported abuse during an executive session of the school board meeting in May, right before the teacher was fired.

After multiple attempts to verify whether or not school board members are considered mandatory reporters through the Colorado Association of School Boards and the Colorado Department of Education, it is still unclear whether board members are mandatory reporters.

Former district HR Director Cynthia Eldredge also provided a recording of a phone call to police after Lewis’ report. In the recording, Burris was heard detailing the alleged abuse to Eldredge. He forbade Eldredge from reporting the abuse and was thought to be intoxicated during the call, according to police.

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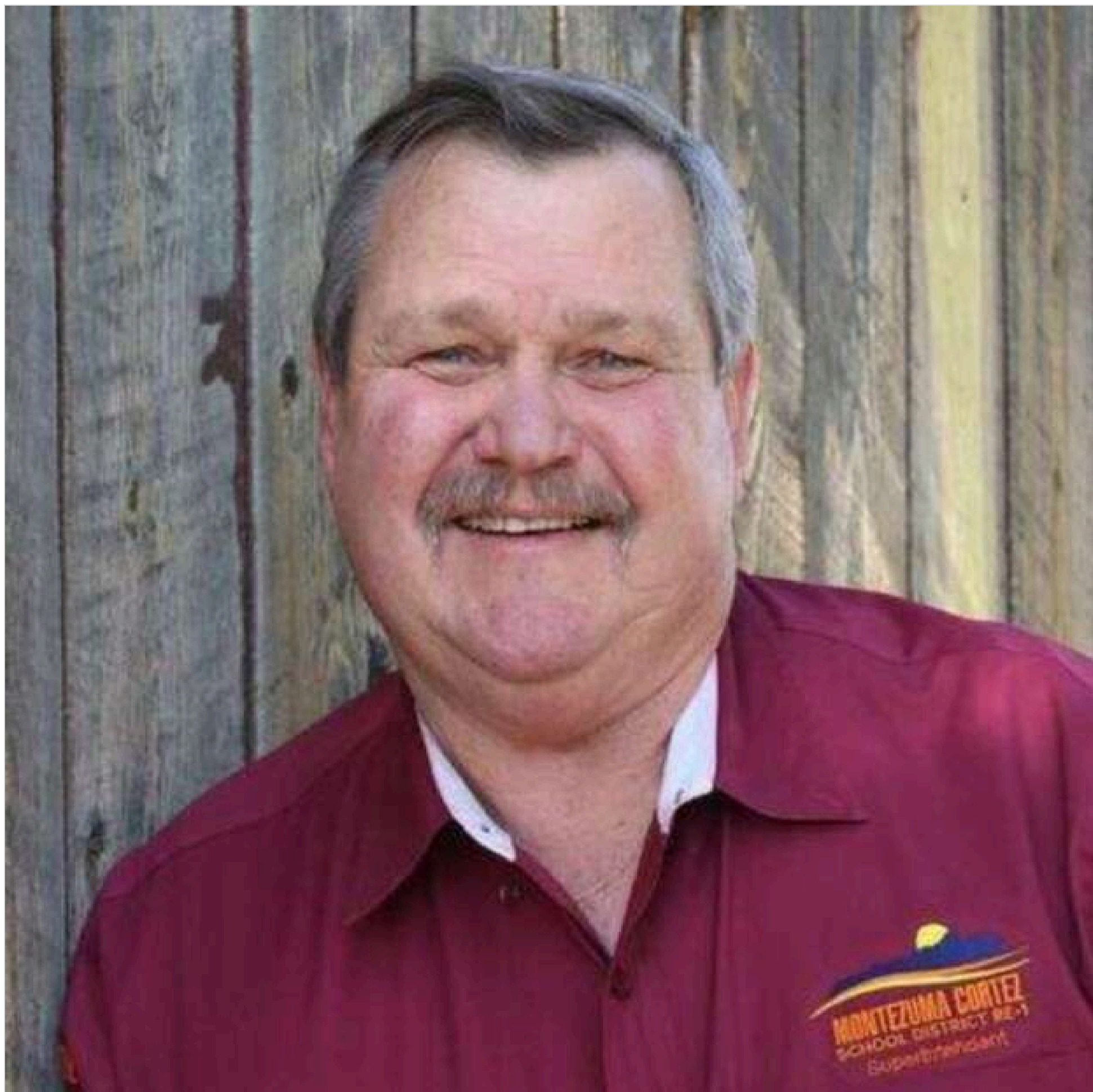
Courts and Crime

DA's office announces diversion agreement with Cortez Superintendent Burris

Agreement says Burris must receive training on mandatory reporting law and create a safety plan

By Bailey Duran Special to The Journal

Thursday, Feb 6, 2025 12:18 PM Updated Thursday, Feb. 6, 2025 12:33 PM



A diversion agreement was reached in Harry (Tom) Burris's Class 2 misdemeanor case, according to the 22nd District Attorney's Office on Thursday.



The 22nd District Attorney's Office has reached a diversion agreement with Montezuma-Cortez RE-1 Superintendent Harry (Tom) Burris, according to a news release from the DA's office on Thursday morning.

Burris was charged in 2024 with a Class 2 misdemeanor for failure to report alleged sexual abuse of a student by a teacher. A later investigation revealed that abuse did not occur.

In the diversion agreement, Burris is required to create a reporting safety plan for the district, as well as receive additional training on the mandatory reporting law.

If all the requirements of the diversion agreement are met, the charges against Burris will be dismissed.

"The diversion agreement negotiated in this case provides for an appropriate level of accountability as well as an important opportunity to provide heightened awareness and understanding of mandatory reporting laws for the entire school district," Assistant DA Justin Pierce said. "This is a fair outcome that we would offer to any defendant with no

criminal history who is accused of a low-level misdemeanor crime, regardless of their status in the community.”

Colorado’s mandatory reporting law requires school district employees immediately report “suspected or alleged” child abuse or neglect. Reporting individuals can contact the Department of Human Services, law enforcement or the State Child Abuse Reporting Hotline.

Defense attorney David Illingworth on Thursday maintained that Burris was innocent, and blamed former DA Christian Hatfield and a former, unnamed employee for pushing the case against Burris. Hatfield lost his campaign to be reelected in November.

“This case was filed by the previous district attorney, whose judgment was overwhelmingly rejected by the voters. Mr. Burris has always been completely innocent of these charges, which were pushed by a political activist and a disgruntled former employee, and I’m pleased that when an impartial prosecutor reviewed this case, we were able to reach an agreement that respects his innocence,” Illingworth told *The Journal*. “We look forward to seeing this case finally dismissed and working with the district attorney going forward to ensure that the safe learning environment for all students continues to be the district’s highest priority.”

On Aug. 12, 2024, Burris was first cited on suspicion of violating Colorado Statute 19-3-304, “Persons required to report child abuse or neglect,” after a parent expressed concern to Burris. The parent reportedly shared that she was concerned her high school student might be in an “inappropriate, sexual” relationship with a teacher, according to a report that The Journal obtained from the Cortez Police Department.

Timeline

June 1, 2023: The approximate date that the Cortez Police Department estimates Superintendent Harry “Tom” Burris of the Montezuma-Cortez School District RE-1 allegedly violated Colorado Statute 19-3-304 – “Persons required to report child abuse or neglect.” (Source: Cortez Police Department)

May 7, 2024: Burris reportedly tells the Montezuma-Cortez Board of Education about the allegation of sexual abuse by a high school teacher, who is

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The police reports further revealed that Burris might have become aware of the allegations in June 2023, but never reported them. Burris later told police that the child’s mother had asked him not to say anything about the relationship.

In spring 2024, shortly after it was discovered that no sexual abuse occurred, the teacher was fired. Child Protective Services provided a report of the alleged abuse to the Cortez Police Department on July 15, 2024. The report had been given to CPS by Jonathan (JJ) Lewis, former RE-1 school board candidate and social worker.

Lewis’ report also alleged that the Montezuma-Cortez Board of Education had been made aware about the reported abuse at an executive session in May, before the teacher’s firing.


Not long after Lewis’ report was given to police, former district HR Director Cynthia Eldredge provided a recording of a phone call between herself and Burris to police.

In the call, Burris could be heard telling Eldredge about the alleged abuse and forbidding her from reporting it. The police report said Burris was thought to be intoxicated during the call.

During his plea hearing on Jan. 21, Burris pleaded not guilty to the charge of failing to report allegations of student abuse. The trial had been set for Thursday, May 8 and a motions hearing had been set for Thursday, March 20.

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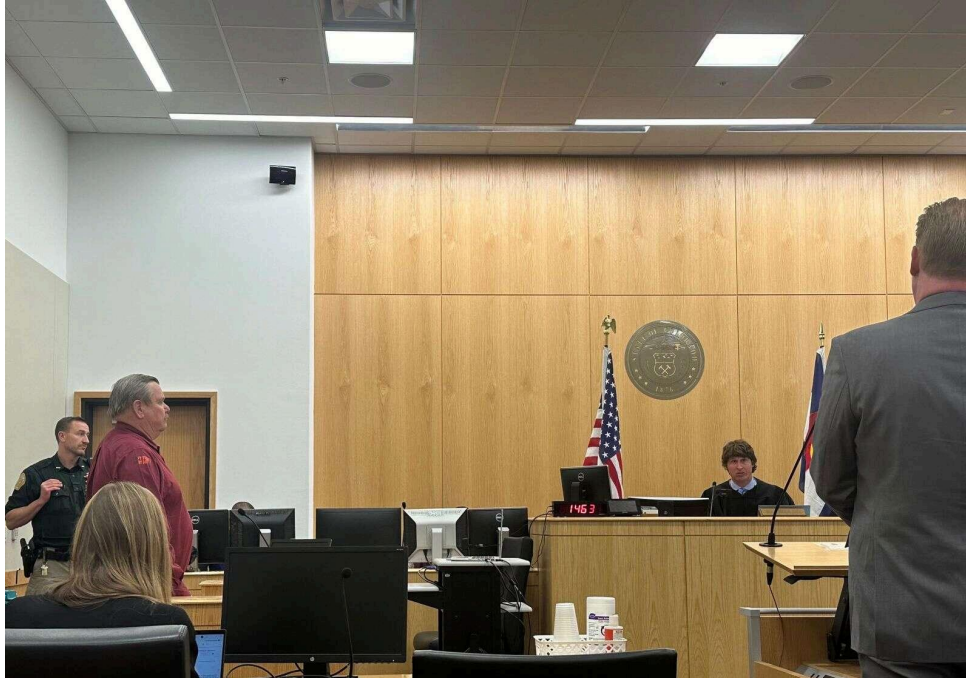


Montezuma judge: Superintendent's diversion agreement is 'slap on the wrist'

Prosecutor and Burris' defender call MacLaren's comments 'inappropriate' and 'unconstitutional'

By Cameryn Cass Journal Staff Writer

Wednesday, Feb 26, 2025 12:36 PM Updated Saturday, Mar. 1, 2025 12:43 PM



"This looks to me like a slap on the wrist in response to a very significant allegation," Judge Ian MacLaren says to Superintendent Tom Burris (left) at the Montezuma Combined Courts on Tuesday, Feb. 25. (Cameryn Cass/The Journal)



Montezuma County Judge Ian MacLaren on Tuesday faced criticism from both the prosecutor and defense lawyer for "inappropriate" and "unconstitutional" behavior after he described a school superintendent's diversion agreement as a "slap on the wrist."

Montezuma-Cortez RE-1 Superintendent Harry (Tom) Burris appeared in court to approve the diversion agreement. He was charged last year with a Class 2 misdemeanor for failing to report alleged sexual abuse of a student by a teacher. An investigation then found no abuse occurred.

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Feb 6, 2025

DA's office announces diversion agreement with Cortez Superintendent Burris

In the diversion agreement, Burris is required to create a reporting safety plan for the district, and receive additional training on the mandatory reporting law. If he meets those requirements, the charges will be dismissed.

MacLaren accepted the agreement filed by the 22nd Judicial District Attorney's Office on Feb. 6 and gave "the people the opportunity to explain why they feel a diversion agreement is appropriate in this case."

"This is a fair outcome that we would offer to any defendant with no criminal history who is accused of a low-level misdemeanor crime, regardless of their status in the community," Assistant District Attorney Justin Pierce said when it was filed.



Harry (Tom) Burris.

Bailey M. Duran



In court on Tuesday, Pierce underscored the separation of powers within the system and equated the DA's Office to the executive branch.

"The court can no more require the DA to give his reasons here than a court can require a Colorado governor to give his reasons for failing to grant a pardon," Pierce said.

"The court is in noncompliance with the law," he said, and "requesting for an explanation is unconstitutional." He asked the court to "immediately stay the proceedings for six months," or pause proceedings.

MacLaren said they were "under no obligation to offer an explanation."

In August, six months after the the agreement's start date of Feb. 6, the agreement will expire, and the court will convene to see whether Burris complied with it. From there, the court will decide whether to dismiss and seal the case.

MacLaren continued with his criticism of the agreement.

"Quite frankly, I'm not in a position where I can do anything about this diversion agreement," MacLaren said. "Legally, I have to stay proceedings. But let me make a couple comments about that."

MacLaren started by saying that if the agreement had been presented as a plea bargain and not as a diversion, "given the nature of this case and allegations, the court would absolutely not accept" a plea.

The allegations of the case were "very very concerning to the court," he said.

"A juvenile student and a teacher were involved in a sexual relationship. It is alleged that a report was made to the RE-1 School Board, and it is alleged that Mr. Burris, the superintendent of the school district, failed to report those allegations to law enforcement," he said.

The parents of the juvenile wrote a letter that "indicates the victim was adamantly opposed to a diversion agreement in this case."

"The community puts incredible trust in educators," and they have important "roles as mandatory reporters," MacLaren said.

"Sitting here, I'm very disturbed that those reports weren't made," MacLaren said. "Looking at the diversion agreement, this looks to me to be a slap on the wrist."

In the agreement, Burris is charged \$83 in fees and is required to complete a mandated-reporter training. Under Colorado law, “mandatory reporting” requires certain professionals, including educators and social workers, to report any suspected child abuse or neglect.

“It’s not exactly clear what that training is, but my assumption is it’s the same training that’s given anyways to educators, to coaches,” he said.

“In essence, as I said, this looks to me like a slap on the wrist in response to a very significant allegation,” MacLaren said. When MacLaren finished, Burris asked, “May we talk sometime?”

“No, Mr. Burris,” MacLaren said. “Thank you.”

Outside the court, Assistant DA Pierce questioned MacLaren’s experience and judgment.

“Ian has no experience as a prosecutor and he doesn’t understand the risk at trial,” he said, adding that his speech made it clear he should’ve recused himself from the case.

Burris’ defense attorney, David Illingworth, emailed *The Journal* later on with a comment.

“I am appalled and outraged by the judge’s totally inappropriate comments at the hearing,” he wrote.

“Without hearing a single speck of evidence, the judge trampled all over the fundamental precept that you are always presumed innocent until proven otherwise by a jury of your peers,” Illingworth said.

“Going forward, I intend to pursue every legal option to ensure my client gets an impartial judge,” he said.

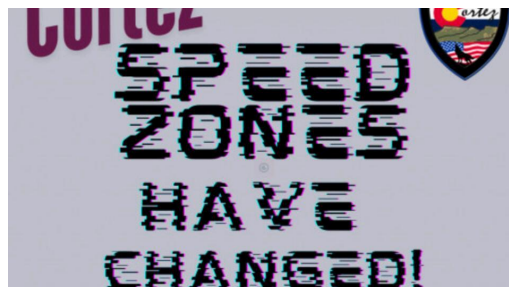
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