

## STUDENT SUSPENSION, EXPULSION, AND CLASSROOM REMOVAL

### Definitions

1. "Suspension" means the exclusion of a student from attending school and participating in school activities for a specified and limited period of time, as set forth under "Suspension Authority" below, unless student contact with the District is otherwise authorized by the school or District administration.
2. "Expulsion" means the exclusion of a student from attending school and participating in school activities for a specified period of time beyond that provided for suspension but not to exceed one calendar year, unless student contact with the District is otherwise authorized by the school or District administration.
3. "In-school suspension" means a suspension in which the student is suspended from participation in regular school activities, but receives continuous educational instruction, supervision, and discipline.
4. "Classroom removal" means the exclusion of a student from the classroom by a teacher for causing a material and substantial disruption in the classroom through behavior that is initiated, willful, and overt on the part of the student.
5. "Student with disabilities" means a student for whom a determination of disability has been made by a duly convened staffing committee in accordance with state and federal laws governing the education of children with disabilities.
6. "Informal hearing" means an opportunity for a student to be informed of the evidence and consequences, and to explain his or her position, regarding the incident constituting grounds for discipline. An informal hearing does not include representation by counsel, the ability to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident.

The Board and its designee(s) shall consider the following factors in determining whether to suspend or expel a student:

1. the student's age;
2. the student's disciplinary history;
3. the student's eligibility as a student with a disability;
4. the seriousness of the violation committed by the student;
5. the threat posed to any student or staff; and

6. the likelihood that a lesser intervention would properly address the violation.

#### Grounds for Suspension, Expulsion or Classroom Removal

The following conduct, occurring at school or on school grounds, at school-sanctioned activities or events, while being transported by school-approved vehicles, or occurring off school property when the conduct has the required connection to school in accordance with governing law, shall subject a student to disciplinary measures, including classroom removal, suspension, expulsion and/or possible notification of appropriate law enforcement agencies:

1. Continued willful disobedience or open and persistent defiance of proper authority including, but not limited to, a deliberate refusal to obey District staff members, repeated violations of Board policy and/or regulations, and repeated instances of misconduct, no single occurrence of which might otherwise constitute grounds for suspension or expulsion.
2. Repeated interference with a school's ability to provide educational opportunities to other students.
3. Repeated disruptive conduct resulting in the student being declared an habitually disruptive student, as defined by Policy JKC, Discipline of Habitually Disruptive Students.
4. Willful destruction or defacing of school property.
5. Behavior on or off school property which is detrimental to the welfare, health, or safety of that student, other students, or of school personnel including without limitation, behavior which creates a threat of physical harm to the student, other students, or school personnel.
6. Incidents of assault upon, disorderly conduct toward, harassment of, the making of a knowingly false allegation of child abuse against, or any criminal act directed toward a school teacher or school employee, or instances of damage occurring on District premises to the personal property of a school teacher or school employee, for which a minimum of a three day suspension shall be mandatory.
7. Committing a serious violation in a school building or in or on school property.
8. Committing a violation of the Board's policy on weapons in schools. Expulsion shall be mandatory for the carrying, bringing, using or possessing of a dangerous weapon as defined in Colo. Rev. Stat. 22-33-106(1)(d)(II) and Policy JIC, Weapons in Schools, without the authorization of the school or District. If there is educational value and with approval from the district Superintendent, building principal or leader, students may be allowed to bring facsimile weapons to school.

9. Committing a violation of the Board's policy on student involvement regarding drugs and alcohol. Expulsion shall be mandatory for student sale of an illegal drug on school property.
10. Committing an act which, if committed by an adult, would constitute robbery or first or second degree assault, as defined by state law, for which expulsion shall be mandatory.
11. Committing a violation of the Board's policies regarding non-discrimination/non-harassment of students and staff.
12. Intentionally causing or attempting to cause damage to school or private property, stealing or attempting to steal school or private property.
13. Intentionally causing, attempting to cause, or threatening physical injury to another person.
14. Committing a violation of the Board's smoking and use of tobacco policy.
15. Violating any criminal law which has an effect on the school or on the general safety or welfare of students or staff.
16. Violating any Board, District or building policy, rule, or regulation.
17. Engaging in scholastic dishonesty which includes, but is not limited to, cheating on a test or plagiarism.
18. Disrupting the school program by intentionally causing a false fire alarm or bomb threat.
19. Throwing objects, with the exception of supervised school activities, that cause bodily injury or property damage.
20. Directing profanity, vulgar language, or obscene gestures toward other students, school personnel, or visitors to the school.
21. Engaging in verbal abuse, such as name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that precipitate disruption of the school program or incite violence.
22. Committing extortion, coercion, or blackmail, including, without limitation, obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
23. Lying or giving false information, either verbally or in writing, to a school employee.
24. Engaging in sexual misconduct including, without limitation, displays or other inappropriate sexual conduct.

25. Misuses of District computers and technology, including, without limitation, the unauthorized reproduction of school or legal documents, copyright violations, attempts to harm or destroy data of another user, improper use of the Internet or electronic mail, vandalism, solicitation, uploading, downloading or creation of computer viruses, and tampering with operating systems or data.
26. Failure to comply with the immunization requirements of C.R.S. 25-4-901 et seq., except that any suspension or expulsion for such failure to comply shall not be recorded as a disciplinary action, but rather, shall be recorded with the student's immunization records with an appropriate explanation.

Enforcement procedures may vary, depending upon the facts and circumstances of an individual case. For example, when a student faces possible classroom removal, suspension or expulsion from school, a specific detailed procedure must be followed by the principal and/or the principal's designee. In some instances, expulsion is mandatory. When a student faces less serious consequences for failing to comply with Board policies and regulations, more simplified procedures are appropriate.

#### At-Risk Students

Each school is to identify students who are at risk of suspension or expulsion. An at-risk student includes, but is not limited to, any student who is likely to be declared habitually truant or is likely to be declared habitually disruptive. The District shall work with the students' parents or guardians and appropriate local and state agencies, community-based organizations, and institutions of higher education to provide at-risk students with support services to help them avoid expulsion. Students who are at risk of suspension or expulsion may be asked to attend a pre-expulsion meeting that would inform the student and parents of a plan to avoid suspension or expulsion.

The District may enter into agreements for the provision of services to students at risk of being suspended or expelled and for those who have already been suspended or expelled. The services include, but are not limited to:

1. Tutoring services;
2. Counseling services;
3. Drug or alcohol addiction treatment programs;
4. Family preservation services;
5. Alternative education programs;
6. Vocational education programs.

At minimum, each agreement shall specify the services to be provided, the entity that will coordinate and oversee provision of the services, and the responsibilities of each entity entering into the agreement.

Each agreement shall require each participating entity to contribute funds for the specified services. The agreement shall specify the amount and source of funds and the mechanism for providing funds.

The District shall use a portion of its per pupil operating fund to provide services. The District may also use federal and state money and money received from public or private grants.

The failure of the District to identify a student for participation in an expulsion prevention program, or the failure of such program to remediate a student's behavior, shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

#### Suspension Authority and Procedures

1. Any student who is suspended for ten days or less is entitled to hear the charges and to be given an opportunity to present his or her position at an informal hearing in accordance with the procedures set forth in Regulation JKD/JKE-R. The hearing should occur prior to removal from the school, unless the student's presence constitutes a continuing danger to that student, other persons or property, or a continuing threat of disrupting the academic process. In the latter case, a hearing should be held as soon as practicable after the student's removal from school.
2. If a student is suspended for more than ten days, he or she shall be given the opportunity to request a review of the suspension before the superintendent or designee. The decision of the superintendent or designee upon such review shall be final.
3. Any student may be suspended from school by a principal or assistant principal for a period of up to five school days; however, the principal or assistant principal may suspend a student for a period of up to ten school days if the conduct giving rise to disciplinary action involves a serious violation, as set forth above in paragraph 7 of the grounds for suspension and expulsion. As provided therein, expulsion proceedings also shall be initiated for certain, enumerated violations.
4. The superintendent may extend a suspension for up to ten additional school days, and another ten days if necessary in order to present the issue of expulsion to the next meeting of the Board. In no event shall the suspension exceed a total of 25 continuous school days.
5. All suspensions are to be in accordance with the procedures set forth in Regulation JKD/JKE-R.
6. As an alternative to suspension, the suspending authority may, acting in his or her discretion, allow the student to remain in school if the student's parent, guardian, or legal custodian, with the consent of the student's teacher(s), attends school with the student for a specified period of

time. If a parent, guardian, or legal custodian does not agree, or fails to attend school with the student, the suspending authority shall suspend the student in accordance with this policy and its accompanying regulation JKD/JKE-R. This alternative shall not be considered if expulsion proceedings are to be initiated or if the conduct giving rise to disciplinary action involved a threat to the welfare or safety of other students or school personnel.

7. A suspending authority may also order in-school suspension, as defined under the definitions section of this policy.
8. Students with disabilities are subject to suspension on the same grounds as students without disabilities. However, students with disabilities may not be suspended or removed to another setting in excess of ten consecutive school days, or subjected to a series of suspensions or removals during the school year (or during a single placement within the school year) that constitute a change of placement, unless a determination has been made by a duly convened IEP or § 504 team that the misconduct constituting grounds for suspension or removal longer than these specified periods was not a manifestation of the student's disability (this provision does not apply to placement in an appropriate interim alternative educational setting). If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, the suspension or removal may not exceed the periods specified in the second sentence of this paragraph and the appropriateness of the student's IEP or § 504 Plan shall be reviewed and necessary revisions shall be made, in accordance with governing law. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, the student may be suspended or removed for longer than the periods specified in the second sentence of this paragraph. Special education students with an IEP, but not § 504 students, must continue to receive educational services as determined by the IEP team. Also, within ten days of a suspension or removal in excess of the periods specified in the second sentence of this paragraph, the IEP team shall either develop a functional behavioral assessment of the special education student, develop a behavioral intervention plan for the special education student, or review and modify the special education student's existing behavioral intervention plan, as appropriate.

In accordance with governing law, the IEP or § 504 team may change a disabled student's placement to an appropriate interim alternative educational setting for not more than 45 days if the student has carried a weapon to school or to a school function; if the student knowingly possessed, used, sold, or solicited the sale of a controlled substance while at school or at a school function; or if a hearing officer so orders. Such placement in an interim alternative educational setting is permissible even if the disabled student's behavior was a manifestation of his or her disability.

#### Expulsion Authority and Procedures

1. The power to expel students has been delegated to the superintendent.
2. Expulsion can occur only after the accused student and his or her parents have been given the opportunity for a hearing in accordance with the procedures set forth in Regulation JKD/JKE-R.

3. The decision of the superintendent may, in accordance with the procedures set forth in Regulation JKD/JKE-R, be appealed to the Board.
4. Any expelled student receiving services shall be included in the District's pupil enrollment.
5. Students with disabilities are subject to expulsion on the same grounds as students without disabilities. However, prior to expulsion of a student with a disability, a determination must be made by a duly convened IEP or § 504 team that the misconduct constituting grounds for expulsion was not a manifestation of the student's disability. If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, the expulsion proceedings shall be discontinued and appropriateness of the student's placement specified in his or her IEP or § 504 Plan shall be reviewed and necessary revisions shall be made, in accordance with governing law. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, the student may be expelled. Special education students with an IEP, but not § 504 students, must continue to receive educational services as determined by the IEP team.
6. In accordance with state law, any student expelled for reasons covered by the grounds for suspension or expulsion in paragraphs 5 (behavior which is detrimental), 7 (serious violations), 8 (weapons) or 10 (robbery, or first or second degree assault) set forth above, and who is convicted, adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled (except with respect to crimes against property), shall not be enrolled or reenrolled in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed. If the District has no actual knowledge of the name of the victim of the offense for which a student was expelled, the student shall be prohibited from enrollment or reenrollment under this policy only upon request of the victim or a member of the victim's immediate family at a school where the student seeks to enroll or reenroll.

#### Crimes of Violence and Unlawful Sexual Behavior

Whenever the District is notified that a student at least 12 years of age, but under 18 years of age, has been charged in juvenile court with an offense that would constitute a crime of violence or unlawful sexual behavior if committed by an adult, or has been charged in district court with a crime of violence or unlawful sexual behavior, the Board or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or personnel at school, and whether educating the student at school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers and/or other school personnel.

If it is determined that the student should not be educated at school, the District may institute procedures to suspend or expel the student. Alternatively, the District may delay consideration of the student's suspension or expulsion pending the outcome of the juvenile court or district court proceedings, during which time the District shall provide the student with an appropriate alternate

education program. The time that a student spends in an alternate education program shall not be considered a period of suspension or expulsion.

As used in this policy, a “crime of violence” means any of the following crimes as defined by law committed, conspired to be committed, or attempted to be committed by a student in connection with which the student used or possessed and threatened the use of a deadly weapon, or caused serious bodily injury or death to any other person except another participant: (1) any crime against an at-risk adult or at-risk juvenile; (2) murder; (3) first or second degree assault; (4) kidnapping; (5) sexual assault; (6) aggravated robbery; (7) first degree arson; (8) first degree burglary; (9) escape; or (10) criminal extortion. “Crime of violence” also means any felony unlawful sexual offense in which the student caused bodily injury to the victim or in which the student used threats, intimidation, or force against the victim.

As used in this policy, “unlawful sexual behavior” means any of the following offenses as defined by law or criminal attempt, conspiracy, or solicitation to commit any of the following offenses: (1) sexual assault; (2) unlawful sexual contact; (3) sexual assault on a child; (4) sexual assault on a child by one in a position of trust; (5) enticement of a child; (6) incest or aggravated incest; (7) trafficking in children; (8) sexual exploitation of children; (9) procurement of a child for sexual exploitation; (10) indecent exposure; (11) soliciting for child prostitution; (12) pandering of a child; (13) procurement of a child; (14) keeping a place of child prostitution; (15) pimping of a child; (16) inducement of child prostitution; or (17) patronizing a prostituted child.

#### Reporting Discipline Actions

The Superintendent shall report each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for the action taken by the Superintendent.

The Board shall annually report to the State Board of Education the number of students expelled from the District.

Additionally, the principal shall communicate discipline information concerning any student expelled in the school to each teacher and counselor who has direct contact with the student. Those persons receiving information shall maintain the confidentiality of the information and shall not communicate the information to any other person.

When disciplinary information is communicated, a copy of the information will be mailed to the student and the student’s parent, guardian, or legal custodian within 30 days of the original communication.

If the student or the student’s parent, guardian, or legal custodian wish to challenge the accuracy of the disciplinary information, then procedures outlined in Policy JRA/JRC, Student Records, should be followed.

#### Annual Reporting Requirements



The principals of each school in the District shall submit annual written reports to the Board concerning their schools each school year, as required by law. Each principal's report shall include (1) the total enrollment for the school; (2) the average daily attendance rate at the school; (3) dropout rates for grades seven through twelve, if such grades are taught at the school; and (4) the number of violations of the code of conduct and discipline broken down as to type of violation and type of discipline, as required by law, and noting which violations and discipline involved students with disabilities.

The Board shall annually compile the principals' reports from each school in the District and submit its compiled report to CDE, as required by law. The Board's compiled report shall also include the average size of each school in the District, calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school. The Board's compiled report shall also be made available to the general public, but not in such a way as to disclose confidential personally identifiable student information in violation of state or federal law.

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LEGAL REFS.:   20 U.S.C. 1400 et seq.  
                  C.R.S. 12-22-303  
                  C.R.S. 22-20-101 et seq.  
                  C.R.S. 22-32-109.1(2)(a)  
                  C.R.S. Title 22, Article 33  
                  C.R.S. 22-37-101 et seq.  
                  C.R.S. 25-4-903(1)

CROSS REFS.:   ECAC, Vandalism  
                  GBGB, Staff Personal Security and Safety  
                  JEA, Compulsory Attendance Ages  
                  JHD, Exclusions and Exemptions from School Attendance