

STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS

1.0 Notice.

Students and parents or legal guardians shall be notified through student handbooks or similar informational bulletins of District policies concerning rights and responsibilities, rules of student conduct, and due process. Matters of common knowledge or practice shall be considered as notice of existing standards of conduct for students.

1.1 Whenever "school" is used in this policy, any school within the District is to be understood.

1.2 Whenever "parent" is used in this policy, a student's parent, legal guardian or legal custodian is to be understood.

2.0 Grounds for Exclusion From School.

The grounds for suspension, expulsion or denial of admission shall be as established by law. **Each item applies to offenses which occur on school grounds; in a vehicle owned, leased or otherwise used by the District or school, including school buses; or under circumstances, on or off campus, having a substantial effect on school programs or activities.**

2.1 Repeated interference with a school's ability to provide educational opportunities to other students.

2.2 Continued willful disobedience or open and persistent defiance of proper authority.

2.3 Theft, willful or grossly negligent damage, vandalism, defacing or destruction of school or private property.

2.4 Assault as described by state law.

2.5 Physical or verbal abuse, or any form of intimidation, hazing, bullying, or harassment of a student or other person described in paragraphs 3.2.5, 3.2.6 and/or 3.2.7.

2.6 Behavior on or off school property which is detrimental to the welfare or safety of other students or of school personnel, including behavior which creates a threat of physical harm to the student or to other students.

2.7 Designation of a student as "habitually truant" in accordance with Superintendent Policy 5113.

2.8 Use of obscene language or involvement in obscene conduct.

2.9 Knowingly making a false accusation or intentionally giving false information regarding child abuse, sexual harassment, sexual misconduct; and/or allegedly committing an offense referenced in the Colorado Criminal Code.

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- 2.10 Possessing, distributing, and/or communicating slanderous or libelous material.
- 2.11 Carrying, bringing, using, or possessing a dangerous item, as described in paragraph 3.2.9 or a dangerous weapon as described in paragraph 3.1.1 or 3.1.2.
- 2.12 Carrying, bringing, using, or possessing a facsimile of a weapon which a reasonable person would believe is a weapon, without the authorization of the school or District.
- 2.13 Activities and actions reasonably considered to be gang-related.
- 2.14 Manufacture, use, possession, sale, transfer or distribution of alcoholic substances or drugs, or being in an impaired state apparently caused by the use of alcoholic substances or drugs in the school.
- 2.15 Repeated use of tobacco products in violation of Superintendent Policy 5050.
- 2.16 Fighting, rioting or illegal disruptive demonstrations.
- 2.17 Having been expelled from any school District during the preceding twelve (12) months.
- 2.18 Behavior in another school District during the preceding twelve (12) months that is detrimental to the welfare or safety of other pupils or of school personnel.

3.0 Classes of Offenses.

With the exception of those Class One offenses for which expulsion is required by statute, penalties for specific offenses may vary as a result of the nature of the offense, the age of the student, the student's prior disciplinary record, and other relevant circumstances as identified by the administration.

3.1 Class One Offenses - Expulsion for First Offense. Class One offenses shall result in expulsion for the first offense.

3.1.1 Bringing to school or possessing on school property the following weapons, as defined in Section 921 of Title 18 of the United States Code, without the authorization of the school or District:

3.1.1.1 Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

3.1.1.2 The frame or receiver of any weapon described above;

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3.1.1.3. Any firearm muffler or firearm silencer;

3.1.1.4. Any destructive device, which includes any explosive, incendiary, or poison gas bomb; grenade; rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary or more than one-quarter ounces; mine; or similar device.

3.1.2 Possession on school property of the following dangerous weapons as defined by C.R.S. 22-33-106:

3.1.2.1 A firearm, whether loaded or unloaded, or a firearm facsimile that could reasonably be mistaken for an actual firearm;

3.1.2.2 Any pellet or “bee-bee” gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;

3.1.2.3 A fixed-blade knife with a blade longer than three inches in length, or a pocket knife with a blade longer than three and one-half inches, or any spring-loaded knife regardless of blade length; or,

3.1.2.4 Any object, device, instrument, material or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.

3.1.3 School administration shall refer to law enforcement any student who brings a weapon to school as described in section 3.1.1 or 3.1.2.

3.1.4 Federal law requires that weapons violations described in section 3.1.1 of this policy result in expulsion for one (1) calendar year.

3.1.5 Sale of a drug or controlled substance, including alcohol or imitation controlled substances.

3.1.5.1 “Drugs” or “controlled substances” are defined as narcotics, drugs, and controlled substances, excepting drugs for which there is a valid medical prescription in effect, or which are sold over the counter, when use of such drug is (1) for the purpose for which it was prescribed or sold over the counter; (2) at the dosage prescribed or authorized; and (3) is consistent with a student’s attendance at and participation in, school classes and activities.

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3.1.5.2 "Imitation controlled substances" (also known as counterfeit or look-alike drugs), are defined as substances which dosage unit, appearance, shape, size or markings would lead a reasonable person to believe that the substance is a drug or controlled substance.

3.1.6 Commission of an act by a student at least ten (10) years of age which, had it been committed by an adult, would be robbery, as defined by C.R.S. 18-4-301.

3.1.7 First or Second Degree Assault, defined as the commission of an act by a middle or senior high school student which, had it been committed by an adult, would amount to knowingly or recklessly causing bodily injury to another person.

3.1.8 Being designated as a "habitually disruptive student" as described in paragraph 4.2 of this policy.

3.2 Class Two Offenses- Disruptive and Dangerous Acts. Class Two offenses are those considered to be a **disruptive or dangerous act**. A student shall be subject to discipline up to and including expulsion for any one serious disruptive act or for more than one disruptive act. When a student commits three (3) disruptive acts within a school year for which he/she is suspended out of school, the Superintendent/designee may declare such student to be a **habitually disruptive student** as described in section 4.0 of this policy. Class Two Offenses include the following:

3.2.1 Fighting offenses, regardless of infliction of bodily injury, when: (1) a person acts with the intent of making physical contact with another person, or acts with the knowledge that such contact would probably result; (2) physical contact with another person does result; and, (3) the contact is offensive to the other person. A fight may also include a case where a person acted with the intent of making harmful or offensive contact with another person but failed to make such contact.

3.2.1.1 **Student responsibilities:** If a conflict appears to be likely, or occurs, the student is, if at all possible under the circumstances, expected to make all possible efforts to avoid the conflict, including leaving the scene or seeking the help of a school employee.

3.2.2 Encouraging fighting or assault, including use of insults, taunts or challenges to another in a manner where such words or behavior is likely to incite a fight. If a conflict appears to be imminent, students should contact a school employee at once.

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3.2.3 Vandalism - The defacing or destruction of school property (including books, supplies and furniture), or the property of school employees or students, which is initiated, willful and overt and which requires the attention of school personnel.

3.2.4 Drug and alcohol offenses, other than Class One offenses

3.2.4.1 bringing, transferring or distributing drugs, drug paraphernalia or alcohol to school or to a school activity, or possessing illegal drugs, drug paraphernalia or alcohol;

3.2.4.2 using or consuming drugs or alcohol; or

3.2.4.3 being under the influence of drugs or alcohol; or

3.2.4.4 possessing paraphernalia having as its common or primary purpose the processing or utilization of drugs.

3.2.5 Intentional harassment, bullying or intimidation, or abuse including, by way of example only, and not intended as a limitation:

3.2.5.1 repeated touching or other physical contact which is intended to harass, annoy or alarm another person;

3.2.5.2 repeated following a person;

3.2.5.3 threatening another person with physical harm; and,

3.2.5.4 bullying, defined as any written or verbal expression, or physical act or gesture, or a pattern, thereof, that is intended to cause distress upon one or more students in the school,

3.2.5.5 hazing or initiations which are demeaning or threatening. Hazing is defined as any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that 'hazing' does not include customary athletic events or other similar contests or competitions. It includes but is not limited to: 1) forced and prolonged physical activity; 2) forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption; 3) prolonged deprivation of sleep, food or drink.

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3.2.6 Harassment, including sexual harassment, as prohibited by Superintendent Policy 8400 or by law.

3.2.7 Physical or verbal abuse, including the use of lewd or obscene language or involvement in lewd or obscene conduct; ethnic or racial slurs; or derogatory statements addressed publicly to others that precipitate disruption to the school program; or any intimidation on the basis of race, disability, religion, national origin, or gender.

3.2.8 Repeated or substantial disrespect to or defiance of authority when given a lawful directive.

3.2.9 Dangerous item violations including but not limited to possession or use of any substances or objects, regardless of their intended purpose(s), in a manner that may render them dangerous to the user or others, without the authorization of the school or District.

3.2.10 Knives or other instruments with sharpened blades or edges that might easily be used as a weapon are not permitted at school, regardless of the length of the blade. Exceptions include scissors and other sharpened instruments commonly used during supervised educational activities.

3.3 Class Three Offenses. Class Three offenses are those which, if supported by a preponderance of the evidence, shall be determined by the principal or designee of a school to warrant disciplinary consequences at his/her discretion. A student shall be subject to discipline up to and including expulsion for any one serious Class Three offense, or for more than one Class Three offenses. Based upon circumstances, a Class Three offense may be designated by the principal or designee to be a **disruptive act** as described in paragraph 3.2. Class Three Offenses include the following:

3.3.1 Stealing or borrowing without authorization any item of property from another student, school employee, or the school itself.

3.3.2 Profanity - directing profanity, vulgar language or obscene gestures towards others including, students, school personnel or school visitors.

3.3.3 Academic dishonesty, including cheating on tests, copying papers, forging the signatures of teachers or parents on any document, or wrongfully changing a grade.

3.3.4 Failure to attend detention.

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3.3.5 Indecent or improper dress, as determined by reference to District/school policy or procedure.

3.3.6 Violations of Superintendent Policy 5030 concerning use of cell phones and personal electronic devices.

3.3.7 Violations of Superintendent Policy 8200 concerning use of District technology resources (including but not limited to threats not otherwise defined in 3.2.5).

3.3.8 Forgery or counterfeiting of documents or currency.

3.3.9 Unsafe operation of a motor vehicle on school property.

3.3.10 Violations of any District policy that are cross-referenced at the end of this policy;

3.3.11 Any other behavior which interferes with or disrupts the educational process.

3.4 Class Four Offenses - Off-Campus Activities. Off-campus misconduct which takes place of campus may result in discipline when such misconduct is or is likely to be detrimental to the welfare or safety of other pupils or of school personnel. Such misconduct may include, but is not limited to, any of those examples described elsewhere in this policy.

3.4.1 In determining whether off-campus misconduct is or is likely to be detrimental, the administrator shall consider, among other relevant factors: the extent to which other District students were involved in or present during the off-campus misconduct; the proximity to school and the school day; and the likelihood of an articulable negative effect on the school environment.

4.0 Habitually Disruptive Students - Mandatory Expulsion.

4.1 ***Expulsion is mandatory*** as described in paragraph 3.1.8 for any student designated by the Superintendent or designee as a "habitually disruptive student."

4.2 A "habitually disruptive student" is one who meets all of the following criteria:

4.2.1 Has been suspended for behavior pursuant to C.R.S. 22-33-105 (1)(a), (b), (c), or (d);

4.2.2 Has been suspended three (3) times during the course of the school year;

4.2.3 Has been suspended for causing, in the determination of the building principal or designees, a material and substantial disruption in the classroom, on school grounds, on school vehicles, or at school activities or events;

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4.2.4 Has been suspended for behavior that was initiated, willful, and overt on the part of the student;

4.2.5 The District has developed a Remedial Discipline Plan following the first such suspension to address the student's disruptive behavior, educational needs, and the goal of keeping the student in school. School staff should invite parents and the student to participate actively in the development of the plan; and

4.2.6 The student and the parent were notified in writing of each suspension counted toward declaring the student as habitually disruptive.

5.0 Criminal Charges.

5.1 When the District receives information that a petition or charges have been filed against a District student regarding commission of an offense which would constitute a crime of violence, the student shall be suspended pursuant to section 6.0 of this policy for investigation of the circumstances surrounding the matter. The Superintendent's designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, teachers, and other school personnel.

5.2 The Superintendent's designee, in consultation with the building principal, shall determine whether the student should continue to be educated in the school or may be appropriate for alternate education services, or should be referred for expulsion hearing based on the evidence available.

5.3 Alternatively, the Superintendent's designee may determine to wait until the conclusion of the judicial proceedings related to the case to consider whether an expulsion hearing is warranted. The District shall offer appropriate alternative education services during the period pending the resolution of the juvenile proceedings.

5.3.1 A student who is being educated in an alternative education program based on an ongoing criminal case is not allowed to return to the education program in the public school until there has been a disposition of the charge.

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5.3.2 If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the District may proceed in accordance with C.R.S. 22-33-106 to expel the student at that time.

5.3.3 The period which the student spends in an alternative education program pursuant shall not be considered a period of expulsion.

6.0 Due Process.

6.1 Informal Conference.

6.1.1 Prior to contemplated disciplinary action, the principal or designee shall provide the student an opportunity for an informal conference.

6.1.2 The notice and the conference should be provided in whatever manner is reasonable under the circumstances, including but not limited to personal contact, telephone contact, or written contact. The notice may be given at the beginning of the informal conference.

6.1.3 In the event that the principal or designee determines that a student poses an imminent threat to the learning environment in the school or creates a dangerous and unsafe environment for students, teachers, and/or other school personnel, an immediate suspension may be imposed without a prior informal conference. In such event the opportunity for an informal conference shall be provided as soon as practicable following the suspension.

6.1.4 During the informal conference the student shall be informed in reasonable detail about the possible basis for disciplinary action and the nature of the evidence. The student shall be given a reasonable opportunity to respond verbally or in writing at the discretion of school administration, except that a student should not sign a written statement admitting to a mandatory expulsion offense unless parents are present or as otherwise allowed by law.

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6.2 Suspension.

6.2.1 Authority to Suspend. Each principal of the District, certificated staff person designated by each principal; and District administrators as may be identified by the Superintendent, has the authority to suspend a student as described in this policy.

6.2.2 If the principal or his/her designee determines that suspension is warranted, he/she may suspend the student for a period not to exceed five (5) days for Class Two, Three or Four offenses, or for a period not to exceed ten (10) school days for Class One offenses. Unless otherwise prescribed by District policy, the duration of the suspension shall be at the discretion of the principal or designee.

6.2.3 Reasonable efforts shall be made to promptly notify a parent of the suspension and the basis for the suspension.

6.2.4 The parent and the school shall confer as to the best way to transfer custody of the student to the parent. Upon transfer of custody, the suspended student shall be required to leave the school building and the school grounds immediately.

6.2.5 Suspended students may not be readmitted to school until a meeting or other acceptable arrangements occur between the parent and the principal or designee. If the parent cannot be contacted or fails to appear for scheduled meetings, the principal/designee may readmit the pupil. Except when safety concerns exist, the period of suspension should not be extended because such meeting has not taken place.

6.2.6 The student shall have an opportunity to make up school work during the period of suspension according to Superintendent Policy 5020.

6.2.7 Appeals of suspensions of five (5) days or less shall be directed to the building principal within two (2) school days after the suspension is imposed. The decision of the building principal on appeals of suspensions of five (5) days or less shall be final. Appeals of suspensions of six (6) or more days shall be made within two (2) school days following receipt of the principal's decision and shall be sent to the District administrator responsible for student discipline. If the matter remains unresolved following the decision of this District administrator, the Superintendent may review the appeal or may direct an independent hearing officer to review the matter in a due process hearing.

6.3 Alternative to Suspension. Suspended students may be provided the opportunity to remain in school during part or all of the suspension if the parent, with the consent of the student's teacher or teachers, attends class with the student for a period of time specified by the principal or

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designee. If the parent does not agree to attend class with the student or fails to follow through on attending class with the student, or is prohibited from further attendance as set forth in this subsection, the student shall serve the full suspension as originally assigned.

6.3.1 The principal or designee shall collaborate with the building's certified staff members to determine conditions under which it shall be deemed reasonable for a parent to accompany a student to school in accordance with this paragraph. Such conditions shall include, but need not be limited to: prohibition against bringing younger siblings or other children to school during the specified period of time, and authority of the principal or designee to curtail the attendance of the parent if such attendance is disruptive to the educational process. In each individual instance for which use of this alternative is contemplated, the principal or designee shall meet with the student's teacher(s) to determine whether a reasonable basis exists to limit or expand such conditions.

6.3.2 In the event that the student's disruptive behavior continues despite the presence of the student's parent, the use of this alternative to suspension shall end as to that student and the disciplinary process shall continue. Such student may not be offered this alternative during the remainder of the school year.

7.0 Extensions of Suspension.

7.1 Authority to Extend Suspension.

The Board of Education has delegated to the Superintendent or designee the authority to suspend a student for additional periods of time, consistent with law and due process, as set forth below.

7.2 Initial Extension of Suspension.

7.2.1 The Superintendent or designee may extend the suspension imposed by the principal or designee up to ten (10) additional school days on grounds specified in paragraph 3.1 of this policy, or such longer period which may be provided by law. Combined periods of suspension by the principal or designee and Superintendent or designee should not exceed twenty-five (25) days.

7.2.2 If it is determined that an extension of suspension is warranted, the student's parent shall be notified of the circumstances surrounding the extended suspension.

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7.3 Supplemental Extension - Students with Disabilities.

When the subject of a disciplinary action is a student with disabilities as referenced in federal law, and a suspension in excess of ten (10) consecutive days is contemplated, or would be a suspension in a series of suspensions, which, together, equal more than ten (10) days, the District shall institute the following procedures:

7.3.1 As soon as a suspension in excess of ten (10) days is contemplated, the principal or designee shall contact the Director of Special Education or designee who will notify the student's parents of the issue and of all applicable procedural rights.

7.3.2 A staffing committee meeting applicable legal requirements shall meet to determine if the behavior for which disciplinary action is contemplated is a manifestation of the student's disability(ies). The review shall be conducted according to applicable legal procedures.

7.3.3 If the staffing committee determines that the behavior for which disciplinary action is contemplated is a manifestation of the student's disability(ies) the student shall be removed from the classroom and placed in an appropriate alternative setting for a period which, together with the initial suspension, does not exceed ten (10) school days. In appropriate circumstances, the placement in an appropriate alternative setting may be extended to forty-five (45) days as permitted by law. During such period, a staffing committee shall meet to review/check the student's Individualized Education Program (IEP) to determine what modifications, if any, should be made in response to the student's behavior. Such staffing shall be preceded as necessary by additional evaluations of the student.

7.3.4 If the staffing committee determines that the behavior for which disciplinary action is contemplated is not a manifestation of the student's disability(ies), the Superintendent or designee may proceed as indicated pursuant to paragraph 7.0 of this policy. However, any additional periods of exclusion from school which may be imposed shall not include complete denial of services or deprivation of a Free Appropriate Public Education (FAPE) for a student with disabilities staffed into special education pursuant to the Individuals with Disabilities Education Act.

8.0 Procedure for Expulsion or Suspensions of More than Ten (10) Days. Prior to any contemplated expulsion or extended suspension of more than ten (10) days, the following procedure should be followed.

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8.1 General Notice. The District will provide written notice of the extended suspension and/or potential expulsion either in person, by United States mail addressed to the last known address of the student or the parent, or electronically (e.g., facsimile or email), as may be agreed to by the parents and Superintendent's designee.

8.2 Contents of Notice. In addition to the time, date and location of the hearing, if one has been scheduled, the notice shall contain the following basic information:

8.2.1 a statement of the allegations leading to the extended suspension or potential expulsion;

8.2.2 a statement of the nature of the evidence supporting the charges;

8.2.3 a statement offering the student and parent a hearing regarding the potential expulsion or extended suspension;

8.2.4 a statement that the student may be present at the hearing during the presentation of all information, shall have an opportunity to present relevant information, and may be accompanied and represented by the parent and/or an attorney; and,

8.2.5 a statement that failure to participate in such hearing constitutes waiver of further rights in the matter.

8.3 Due Process Hearing Procedures.

8.3.1 The hearing shall be conducted by the Superintendent or designee, which may include a contracted hearing officer. The hearing shall be closed except to participants and witnesses unless otherwise agreed by both parties.

8.3.2 Testimony and information shall be presented under oath; however, technical rules of evidence shall not be applicable and the Superintendent or designee may consider and give appropriate weight to such information or evidence as he/she deems appropriate. The student or his/her representative may question individuals presenting information.

8.3.3 A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript shall be at the expense of the party requesting the same.

8.3.4 The Superintendent shall render a written opinion within five (5) working days after the hearing.

8.4 Waiver of Conditions. By mutual agreement between the Superintendent/designee and the student or his/her representative, time limits and other conditions of this policy may be waived.

STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS, cont.

8.5 Right to Appeal - An appeal may be taken from the decision of the Superintendent or his/her designee to the Board of Education.

8.5.1. Such appeal may be taken by filing a notice of appeal with the executive assistant to the Board of Education within ten business days of the date of the notice of recommendation for expulsion or date of expulsion hearing, whichever is later.

8.5.2. Appeals shall be conducted in accordance with the statement of procedure for appeal hearing as described in Exhibit A to this policy.

8.6 Miscellaneous

8.6.1 Recommendations of hearing officers shall not restrict the prerogatives of the Superintendent or designee or the Board of Education to act in accordance with Colorado statutes or District policy or procedure.

8.6.2 Every effort shall be made, when appropriate, to administer discipline so that the student will not suffer a substantial loss of the educational program.

8.6.3 Students who are suspended or expelled are prohibited from attending any District or school activity, as well as from being on any District or school campus or property without the express approval of school administration. Failure to abide by this restriction shall be considered defiance of authority as described in paragraph 3.2.8 of this policy, and may also result in a referral to law enforcement and/or an extension of the exclusion from school.

8.6.4 Continuing Educational Services. When a pupil is expelled for the remainder of the school year, the parent is responsible for seeing that the compulsory school attendance statute is complied with during the period of expulsion. Expelled students or the student's parents may request that the District provide continuing educational services during the expulsion. Appropriate educational services may be determined by the District.

8.6.5 Victim Concerns. When a student is expelled for either behavior on or off school property which is detrimental to the welfare or safety of other pupils or of personnel, or for serious violations in a school building or in or on school property (including drug and dangerous weapons incidents), the student shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or a member of the victim's immediate family is enrolled or employed as provided by law.

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8.7 Denial of Admission - The Superintendent/designee may deny admission to students on the basis of grounds set forth in section 2.0 or upon the following additional grounds:

8.7.1 The student has graduated from the 12th grade of any school or has received a document evidencing completion of the equivalent of a secondary education.

8.7.2 The student does not meet age requirements for school eligibility.

8.7.3 The student is not a resident of the District and is not entitled to attend according to applicable Superintendent Policies regarding school choice.

8.7.4 The student has failed to comply with state immunization requirements.

8.7.5 The student seeks enrollment in a school attended by a known victim of a past crime of violence for which the new enrollee was convicted, pled guilty, or pled nolo contendere.

8.7.6 Students who have dropped out from school or have withdrawn to a homeschool during the course of a school year and desire to reenroll during that school year may be denied enrollment by the building principal or designee until commencement of the next grading period.

8.7.7 Denial of admission is subject to a hearing if requested by the parent within two (2) weeks of the denial.

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LEGAL REFERENCES:

C.R.S. 18-12-101
C.R.S. 18-12-102
C.R.S. 18-12-109
C.R.S. 22-32-109.1
C.R.S. 22-32-126
C.R.S. 22-33-105
C.R.S. 22-33-106
C.R.S. 22-33-106.3
18 USC 921

CROSS REFERENCES:

Code 3500
Code 4220
Code 4300
Code 5113
Code 5020
Code 5050
Code 8400

Adams 12 Five Star Schools

Most Recent Adoption August 1, 2009



Expulsion Appeal Procedures – Parent Guidelines

Policy Reference: 5000

Parent / Student Responsibilities

1. Parents of expelled students are notified of the right to appeal via the expulsion disposition letter. Parents / Students wishing to appeal must submit a written request which is received in the Superintendent's Office within 10 business days (not to exceed 14 days total) of the date of the letter.
2. Written notice of appeal should specify the reason(s) the parent / student believes the expulsion to be inappropriate and the desired resolution.
3. Written notice of appeal should indicate whether the family intends to be represented by an attorney licensed to practice in Colorado or another representative of the family's choosing. The Superintendent will have attorney representation in all cases during which the family has such representation.

District Responsibilities

4. Contact the family within 10 business days (14 days total) to confirm receipt of the appeal and to discuss any questions or potential resolutions.
5. Parents who wish to continue pursuit of an expulsion appeal following a decision by the Superintendent will be scheduled to present their appeal to the Board of Education in Executive Session during the next available meeting time.

Board of Education Responsibilities

6. The appeal before the Board shall consist of a review by the Superintendent to the Board regarding the facts that were presented at the expulsion hearing, including the hearing officer's findings of fact and the decision made in the case. The appeal may also include arguments related to the decision as set forth in the parent's notice of appeal, and questions of clarification from the Board of Education. New information not considered at the expulsion hearing and thus not available to the hearing officer or the Superintendent should not be introduced in the appeal hearing. The proceedings shall be tape-recorded.
7. The Board may respond by making a decision in response to the appeal or may take matters under advisement.
8. If the Board finds that the charges against the student have not been supported or that other reasons exist to modify the expulsion terms action may occur as the Board deems necessary.
9. If the Board chooses to take action on the appeal the vote shall take place in open session.

Name: _____ SCHOOL: _____ GRADE: _____ DATE: _____

The purpose of the Remedial Discipline Plan is to improve behavior and keep the student in school. Students suspended for disruptive behaviors three (3) times during a school year shall be expelled in accordance with Colorado Revised Statute 22-33-106.

1. Disruptive Incidents(s) Date: _____ Description: _____
#1

Actions(s) taken: _____

Student responsibilities _____

Parent responsibilities _____

2. Disruptive Incidents(s) Date: _____ Description: _____
#2

Actions(s) taken: _____

Student responsibilities _____

Parent responsibilities _____

Future incidents of unacceptable behavior will be considered willful and wanton and will result in further disciplinary action such as District Discipline Hearing and/or recommendation for expulsion.

3. Disruptive Incidents(s) Date: _____ Description: _____
#3

Actions(s) taken: _____

Student responsibilities _____

Parent responsibilities _____

This form does not become a part of the student's permanent record, but will be retained by the District for reference.

Distribution: White – Administrator Yellow – Teacher / Counselor Pink – Parent

Remedial Discipline Plan – Intervention Efforts to Facilitate Behavior Change

1 st Incident	2 nd Incident	3 rd Incident	
(Place date in space for current incident – Place check in space for possible future options.)			Attendance Monitoring
			Detention
			Loss of Privileges
			Loss of Extracurricular / Co-Curricular Activities
			Parent Attends School with Student
			Progress Reports / Communication with Parents
			Tutoring
			Work Detail / Restorative Measures
			Change Class Schedule / Teacher
			Alternative Program Options
			Counseling Conference(s)
			Implement / Review Behavioral Support Plan
			Individual Plan Review (§ 504 or SPED)
			Refer to Mental Health Provider
			Refer to Social Services
			Refer to Special Education
			Refer to Student Assistance Program
			Suspension (out of school)
			Suspension (in school)
			Refer to District Attendance Hearing
			Refer to Truancy Reduction Project
			Refer to District Expulsion Hearing
			Refer to Mentoring Program
			Refer to Mediation / Conflict Resolution
			Consultation with Probation, Parole or Other Agency

Student Signature	Date	I agree to do what is required of me to successfully complete this plan.
Parent Signature	Date	I agree to support my student's successful accomplishment of this plan.
Administrator Signature	Date	I agree to support the student in successfully accomplishing this plan.

***Parents' or student's refusal to sign does not affect the ability of the school to implement this plan.**
***This form does not become a part of the student's permanent record, but will be retained for reference.**

Notes: _____
