

Suspension/Expulsion of Students

The Board of Education shall provide due process of law to students, parents/guardians and school personnel through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. (See JKD/JKE-R.)

The Board and its designee(s) may 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.

As an alternative to suspension, the principal or designee may permit the student to remain in school with the consent of the student's teachers if the parent/guardian attends class with the student for a period of time specified by the principal or designee. If the parent/guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the accompanying regulations.

This alternative to suspension shall not be used if expulsion proceedings have been or are about to be initiated or if the principal or designee determines that the student's presence in school, even if accompanied by a parent/guardian, would be disruptive to the operations of the school or be detrimental to the learning environment.

Delegation of authority

1. The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1) (a), (1) (b), (1) (c) or (1) (e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1) (d) unless expulsion is mandatory under law (see exhibit coded JKD/JKE-E), but the total period of suspension shall not exceed 25 school days.
2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board.
3. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the

Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the superintendent at the conclusion of the hearing. The superintendent shall render a written opinion in the expulsion matter within five days after the hearing whether the hearing is conducted by the hearing officer or the superintendent.

The superintendent shall report on each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the superintendent shall be subject to appeal to the Board. The appeal shall consist of a review of the facts that were presented, arguments relating to the decision and questions of clarification from the Board.

Expulsion for unlawful sexual behavior or crime of violence

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the Board of Education to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the 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 other school personnel. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

The Board may determine to wait until the conclusion of court proceedings to consider expulsion, in which case it shall be the responsibility of the district to provide an alternative educational program for the student as specified in state law.

Annual reports

The Board annually shall report to the State Board of Education the number of students expelled from district schools for disciplinary reasons or for failure to submit certificates of immunization. Expelled students shall not be included in calculating the dropout rate for the school or the district.

1st reading 3-12-2013

Adopted 4-30-2013

LEGAL REFS.: C.R.S. 16-22-102(9) (*unlawful sexual behavior*)

C.R.S. 18-1.3-406 (*crime of violence*)

C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)

C.R.S. 22-32-109.1 (2)(a)(I)(E) (*policy required as part of safe schools plan*)

C.R.S. 22-32-109.1 (3) *(agreements with state agencies)*
C.R.S. 22-33-105 *(suspension, expulsion and denial of admission)*
C.R.S. 22-33-106 *(grounds for suspension, expulsion and denial of admission)*
C.R.S. 22-33-106.3 *(use of student's written statements in expulsion hearings)*
C.R.S. 22-33-106.5 *(information concerning offenses committed by students)*
C.R.S. 22-33-107 *(compulsory attendance law)*
C.R.S. 22-33-107.5 *(notice of failure to attend)*
C.R.S. 22-33-108 *(juvenile judicial proceedings)*
C.R.S. 25-4-903 (1) *(immunization)*

CROSS REFS.: ECAC, Vandalism
GBGB, Staff Personal Security and Safety
JEA, Compulsory Attendance Ages
JF, Admission and Denial of Admission
JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JIC, Student Conduct, and subcodes
JK*-2, Discipline of Students with Disabilities
JKF*, Educational Alternatives for Expelled Students

NOTE 1: In examining this policy and the accompanying regulations, please note the policy cross references. All policy statements in the discipline area should fit together.