

Memo

To: BVSD Board of Education

From: District Accountability Committee (DAC)

Date: May 26, 2020

Re: Recommendations on Revisions to Policies JD/JR, JR, JDC, JDC-R, JDD, JDSE, JDSE-R, JDHB, JDHB-E

To fulfill the DAC responsibility: C.R.S. 22-11-302(1)(f) - *Each school district accountability committee has the power and duty to provide input to the local school board concerning the creation and enforcement of its school conduct and discipline code.*

Process

The BVSD District Accountability Committee convened virtually on May 18, 2020 to discuss the revisions to BVSD policies related to student conduct, discipline, and bullying. Initial feedback was provided to Kathleen Sullivan at that time (see Appendix A). A revised policy, with substantive changes reflecting the tone and shift in “posture” the Subcommittee requested, was subsequently sent to the DAC Policy Subcommittee for review on May 20, 2020. This subcommittee then worked asynchronously to make specific comments (see Appendix B) to the policy, and shared those with the District on May 22, 2020. Themes from those comments contributed to the overall recommendations below.

Recommendations

The collective work produced a policy that is substantially improved on many levels. We believe these policies are a good starting point, and will benefit students, parents, educators and administrators. Policy language in these areas is acutely important because language frames and guides downstream practices at the district, school, and individual levels. Therefore, the bedrock of the subcommittees recommendations is the language of equity, prevention, and restorative justice. Respectfully, this subcommittee submits the following recommendations:

General Recommendations:

- The DAC recommends that attitudinal change and additional training opportunities should precede or at a minimum be done in conjunction with policy revision. The district must address the disparate impact of a so-called “neutral” policy and recognize that policy and procedural changes will not necessarily improve the outcomes for some students. There is no language in the discipline policy regarding how the district will address bias, cultural competence, and equity, or how these will drive the implementation of school discipline policy.
- The DAC requests the district invite feedback (on this policy) from advocacy groups (eg, OutBoulder, CAPL, ELPASO, NAACP, others) and families/students who have been disproportionately impacted by past iterations of these policies and/or faced discriminatory bullying.
- The DAC calls for more proactive teacher training in de-escalation and management of crisis situations, perhaps paired with visible interaction and intervention of school counselors, school social workers, and other student support professionals to ensure proportional response, surface additional contributing circumstances to modulated behavior, and help reinforce the sense of mutual respect and accountability provided in these revised policies.

Recommendations for Further Policy Language Revisions:

- The DAC expresses concern that while expository language in the revised policy signals emphasis on mutual respect and collaboration, phrases like "respect the authority of school staff and officials" remain in the more operational details of student conduct with little being said about the responsibility of the district and its schools for creating a culture and climate of respect (*see proposed revisions to policy JDC*). This tension could be addressed - if not resolved - in policy such that more robust training and education for students and staff alike can be implemented to resist continuing patterns of disproportionate discipline. The revised policies continue to emphasize punishments calibrated to the number of incidents, rather than changing and ending behaviors (*see proposed revisions to policy JDSE section E.2*).
- The DAC calls for more clarity and consistency in the Bullying policies around equitable application of prevention, intervention, communication, and consequence for all involved parties, including bully and victim. DAC requests that this process consider adding more language around protected classes and restorative justice directly into the bullying policy to reinforce the philosophical positioning of the related policies.
- The DAC calls for clearer and more specific policy definition in the following areas: equity (including equality and anti-discrimination), participation and collaboration (including space in policy for formal and informal input and feedback mechanisms and cooperation across the district community), compliance and accountability, harassment (including greater sensitivity to protected classes), restorative justice, and "reasonable attempt" (with respect to intervention, communication, and stakeholder engagement).

Recommendations for Pairing Policy Language with Practices:

- The DAC recommends this policy continue to carve out space more proactively for alignment with existing and proposed measurement, reporting, and accountability measures that balance quantitative data and tracking with qualitative input and participation from the community. In addition to measurement of behaviors, the district should consider how to measure whether an environment is respectful for all students, particularly IEP, learning disabled or emotionally challenged students. This is in alignment with the Strategic Plan and it's proposed metrics and measures; these policies are an opportunity to apply that philosophy in praxis.
- The DAC calls for increased emphasis on prevention and intervention in the classroom and the school before involvement of school administration, law enforcement or other external resources. While current policy does emphasize that response to behavior should happen more locally in the classroom, DAC recommends that additional emphasis be placed on prevention through creating respectful and sensitive classroom environments. This emphasis is in clear alignment with Themes 1 and 4 of the Strategic Plan.

BVSD DAC Policy Subcommittee Members

DAC Member	School	DAC Member	School
Jen Biegen	Lafayette Elementary School	Christopher Haynes	Creekside Elementary School
Jorge Chavez	Escuela Bilingüe Pioneer Elementary School	Kristine Johnson	Member At Large
Ralph Frid	Alicia Sanchez Elementary School	Nicole Rajpal	Foothill Elementary School

Special thanks to Kathleen Sullivan, BVSD Legal Counsel, our liaison to the district during this process.

Appendices

Appendix A: DAC comments and suggested policy revisions as shared during the 5/18 virtual meeting, and implemented into the 5/19 version of the policy.

- All policies:
 - Add Cross References and Associated Policies
 - Have this document translated earlier to allow for feedback from families whose primary language is Spanish.
- JD/JR: Student Conduct & Discipline Code
 - Include the idea that trust and mutual respect with individuals of disparate powers and rights
 - Focus on prevention and intervention is critical from the outset.
 - Insert or expand “data” to include both qualitative (process, procedures, experiences, etc of students, guardians, etc.) and quantitative measures to get a full scope of what the community is experiencing.
 - Explicitly emphasize the teachers role in de-escalation in the classroom in policy, discipline matrix and in training.
- JRR: Student Rights & Responsibilities
 - Replace “citizens of the United States” with “residents” or “members” to extend protections to all students within BVSD.
- JDD: Student Discipline
 - Consider including a path out of the system of discipline and restoring relationships
- JDC: Student Conduct
 - Consider what the best outcome is for children at these schools and being explicit that this is for the betterment of the student body overall.
 - Include information on prevention and intervention here, ahead of the section on consequences (suspension/expulsion).
- JDSE: Student Suspension/Expulsion
 - Discuss prevention and/or method of mediating issues BEFORE the crisis.

Appendix B: DAC Comments and Feedback on 5/19 Redline Version of Policies. District edits are noted in purple, DAC comments/suggestions are noted in blue, red, teal, etc.

JD/JR_x Student Conduct and Discipline Code

JR_x Student Rights & Responsibilities

JDC_x Student Conduct

JDC-R_x Conduct Related to Weapons

JDD_x Student Discipline

JDSE_x Student Suspension/Expulsion

JDSE-R, Procedures for Suspension/Expulsion

JDHB_x Bullying

JDHB-E_x Bullying Investigations

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STUDENT CONDUCT AND DISCIPLINE CODE

The Board of Education expects that the schools of the District will help students develop individual knowledge, skills and competence and learn behavior patterns which will enable them to be responsible, contributing members of society. In accordance with applicable law, the Board adopts a written student conduct and discipline code, consisting of two sections: Student Rights & Responsibilities (all policies with JR codes) and Discipline (all policies with JD codes).

It is the Board's intent that the School District's Conduct and Discipline code establishes a culture of learning that supports and respects all students and staff, makes students and staff feel safe, and equitably applies rules of conduct. Implementation of the Conduct and Discipline Code shall include generation of data (including quantitative and qualitative measures) that permit analysis of the equitable implementation of the discipline code to assure it does not operate in a discriminatory manner towards any group of students.

All members of the BVSD community have a role in creating a positive and safe school community, where relationships are marked by trust, and student conduct is addressed with a focus on prevention and intervention.

School Personnel. It is the responsibility of all School District personnel to build a productive learning environment by addressing student conduct consistent with these Policies and procedures. The Board of Education and the administration support all personnel acting within the framework of Board policy.

Teachers are urged to de-escalate and address behavior in the classroom whenever possible, due to the loss of instruction and increase in at-risk status of students who are referred out of class, suspended or expelled. It is also the responsibility of a staff member who witnesses or receives a report of a student's behavior of concern or act of violence or aggression to notify the building principal or designee as soon as possible.

With proper recognition and provision for student and teacher involvement, the school principals are charged with the responsibility of maintaining order and decorum in their schools. When conditions warrant, it is to be understood that the Superintendent, school principal, or other authorized school official shall enforce the School District's standards of conduct necessary for order in the schools. School officials shall request the assistance of local and state law enforcement authorities in fulfilling their responsibilities to maintain order whenever, in the judgment of school officials, such assistance is necessary.

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Commented [1]: It can be valuable to define what is meant by "equitable." For some, it simply means fair. For others, the word has a connotation of anti-discrimination. Do we want to cross reference the equal opportunity policy for clarity, especially considering that part of the impetus for changes is to ameliorate the possibility of civil rights violations?

Commented [2]: Agreed.

Commented [3]: This language really demands of us a clear and effective mechanism for measurement, reporting, and the institution of corrective measures. This can be difficult to accomplish and is something that we should get started on soon. Not easily done well.

Deleted: The Board shall consult with parents/guardians, teachers, administrators, and the District Accountability Committee (DAC), and allow input by students and other community members in the development and review of the conduct and discipline code.

Commented [5]: It would be my opinion that some "compliance" or oversight might be a very good thing to have in place. Ari's work on authentic relationships or something of that order would be advised as many schools do not share the same level of trust or perception of community. Great way to prevent issues.

Commented [6]: Thank you. This is very valuable.

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Commented [7]: I would like us to think about prioritization here. When I read these documents, I have different students and situations in mind. Clearly, we want to deter something like a school shooting. Clearly, we also want to avoid unnecessarily engaging students of color with law enforcement. With both situations, is there a hierarchy in which mental health support has a role? Eg, what about the assistance of school social workers? Wherever possible, could their contact be prioritized over SROs and other law enforcement?

Commented [8]: I agree.

Parents. Parents are expected to support their students' learning, cooperate with school authorities, and participate in conferences regarding the behavior of their children. Parents may be held responsible for the willful misbehavior of their children, if such behavior results in damage to school property.

Students. While on school grounds, facilities, or at school-sponsored activities, students shall comply with School District policies and regulations pertaining to student conduct and discipline. Student misconduct that has a nexus to school, even if it takes place off campus, may result in discipline or other action. Students should immediately report questionable behavior or potentially violent situations to an administrator, counselor or teacher.

The Board shall consult with parents/guardians, teachers, administrators, and the District Accountability Committee (DAC), and allow input by students and other community members in the development and review of the conduct and discipline code.

The Conduct and Discipline Code shall be provided electronically to each student upon enrollment in elementary, middle and high school and in printed form upon request. The School District shall take reasonable measures to ensure each student is familiar with the Code. Copies shall be posted on the School District's website. Any significant change in the Code shall be made known to students and community members through the website and other appropriate publications.

Commented [9]: Without getting unwieldy, is there a way to make it clear that schools have a responsibility to make these meetings accessible in all ways? There are many ways schools can intentionally or unintentionally exclude parents from this team.

Commented [10]: Couldn't agree more.

Commented [11]: Yes! That's just what I was going to comment: Conferences both formal and informal, during designated times and when the need arises during mutually-agreed upon times and locations.

Commented [12]: Parents/guardians is used here, so change the subheading above to reflect the diversity of adult/child structures.

Commented [13]: And this will supersede existing conduct/discipline codes, yes?

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Boulder Valley School District
File: JRR
Codified: 1978
Revised: June __, 2020

STUDENT RIGHTS AND RESPONSIBILITIES

In order to maintain an environment conducive to attaining the highest quality of education in the Boulder Valley School District, there must be a spirit of mutual respect and involvement among the members of the school community. A primary goal of the schools is to provide students with opportunities to exercise their human rights and rights as residents of the Boulder community and the United States, and to participate meaningfully in the affairs of the schools. Only in this manner can a true understanding be conveyed of the fundamental principles to which this nation is dedicated.

Commented [14]: Great point

Commented [15]: What about adding " cooperation "to "mutual respect"? The working together/partnership aspect is crucial.

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The concept of individual rights and freedom is inseparably joined with, and inevitably restricted by, the necessity for respect of the rights of others and responsibility to the entire community. Learning can take place only when there is an appropriate balance between such rights and responsibilities. In the schools, it is the legal duty of school authorities both to protect the individual's rights and to maintain such control and discipline as is necessary to ensure order.

This policy and the procedures are intended to encourage the active involvement of students in their education, and to foster the spirit of free inquiry and expression within the framework of orderly and responsible behavior. It is the intent of the School District to afford vigilant protection of the constitutional rights of all members of the school community and, equally, to prescribe and control conduct within the schools, consistent with the safeguards of the Constitution.

Commented [16]: We should consider adding "critical thinking" in this paragraph as it is one of the most important roles of public education in a democratic or republic form of government

Students shall have the right to participate, as suitable to their age and maturity, in decision-making processes; student government; and student organizations. They shall have the constitutional rights to freedom of assembly and expression, and the right to possess and distribute literature, as set forth in Board policies pertaining to student organizations and publications. The Board describes these rights more fully as follows:

Student Participation - Students are to be involved, singly and collectively, as members of the school community with the attendant rights and corresponding responsibilities for the proper conduct of their own affairs and those of other students.

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Freedom of Expression - Students may freely express their points of view provided they do not seek to coerce others to join in their mode of expression and provided also that they do not otherwise intrude upon the rights of others during school hours.

Commented [17]: I don't know if this is the place for this idea: I'd like to see text re: the targeting of a student based on race, religion, sexual orientation, gender, and the like. I strongly believe wording re: what "intrude upon the rights of others during school hours" needs to be more specific. It sounds, as written, that students can write hateful words on their backpacks and flash them around the schools as long as they don't coerce others. Is that accurate?

Personal Appearance - Restrictions on a student's hair style or his manner of dress will be limited to circumstances determined where there is a "clear and present danger to the student's health and safety, ~~causes an~~ interference with work, or ~~creates a~~ classroom or school disorder" as a result of such hair style or manner of dress. Participation in voluntary activities may necessitate specific requirements for approved grooming and dress due to the nature of the activity.

Right to Petition - Students are allowed to present petitions to the administration at any time. Collecting of signatures on petitions is limited to before and after school hours. No student will be subjected to disciplinary measures of any nature for signing a petition addressed to the administration — assuming that the petition is free of obscenities, libelous statements, ~~personal attack~~, advocacy of disruption which poses a probable threat of disruption to the regular school program, and is otherwise within the bounds of reasonable conduct.

Student Property - A student's locker and desk should not be opened for inspection except when approved by the principal because there is reasonable cause to believe that prohibited articles are stored in the locker or other legitimate reason exists, such as a necessary clean-out. . Locker clean-out sessions will be determined by the school principal to dispose of waste materials, recover missing books and other school property, and for other just cause as determined by the school principal. ~~Adequate notification of students prior to any such locker clean-out is required. (See Policy JFG, Interrogations by Law Enforcement Officials.)~~

Student Due Process Rights - Students are to have clearly established means by which "administrative due process" is available to see that the individual's rights are protected. Due process may be defined as a course of legal proceedings in accordance with the rules and principles established for the enforcement and protection of individual rights. The concept applies to any dispute between two parties. As a legal concept, enforceable in the courts, it derives its validity from the presence of a court of competent jurisdiction, which has a duty to see to it that the individual's rights are protected. These same conditions are equally necessary to administrative procedures in schools, although they may be discussed and handled in an informal way in most cases.

All policies and regulations pertaining to student conduct, discipline, rights, and responsibilities — whether adopted by the Board or issued by the administration — shall be made known to students, who shall in turn be held accountable for complying with them.

CROSS REFS.:

ABC, Student Involvement in Decision-making

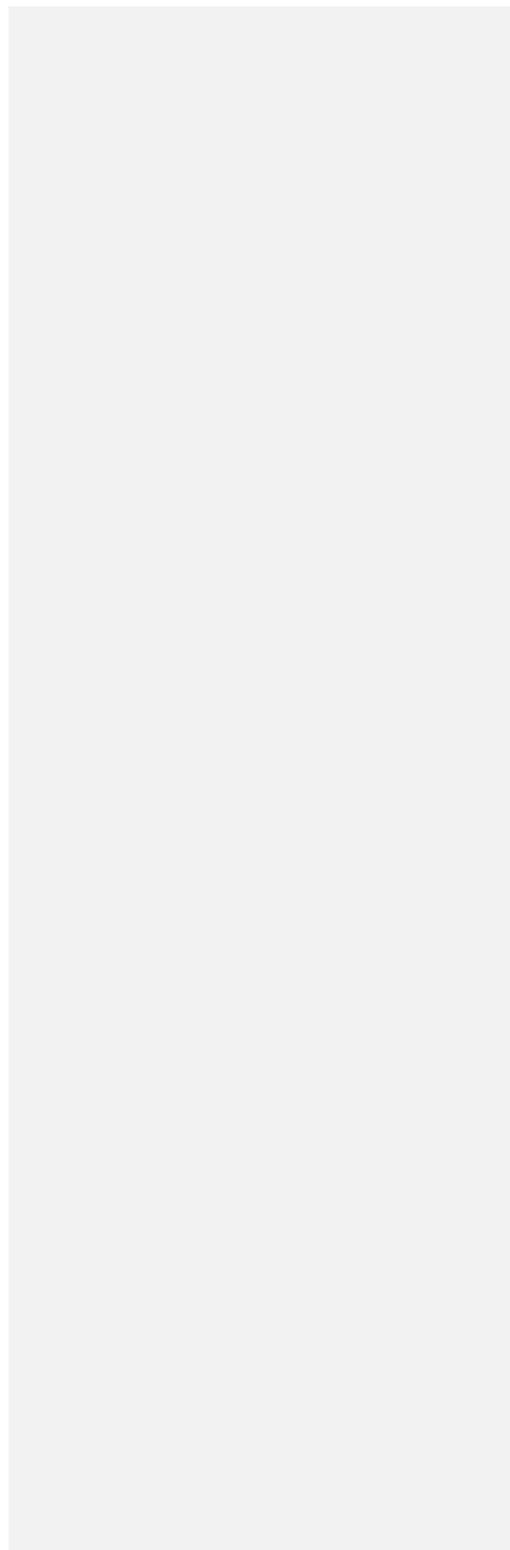
IGDA, Student Organizations (Secondary Schools)

IGDB, Student Publications

Commented [18]: This might be a good place for restorative justice.
<http://www.cde.state.co.us/dropoutprevention/bestpracticesalternativestozerotolerance>
<https://www.cde.state.co.us/dropoutprevention/disciplineandbehavior>

JD, Student Discipline, and subcodes

JR, Student Rights and Responsibilities, and subcodes





Boulder Valley School District

File: JDC

Codified: 1978

Revised: September 23, 1993, September 26, 1996, December 19, 1996, November 13, 2001, June __, 2020

STUDENT CONDUCT

Along with the right to be active participants in the affairs of the school, students are expected to accept the attendant responsibility to conduct themselves in a manner compatible with the school's function as an educational facility. Conduct by students or others which disrupts or threatens to disrupt the operation of a school; interferes in any manner with the public or private rights of other students or members of the community; threatens or endangers the health or safety of any person; or damages property, will be addressed.

While on school grounds, in school facilities, in school vehicles, or at or during school-sponsored activities, including while participating in remote instruction, students shall be expected to conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all School District employees; the educational purpose underlying all school activities; the widely shared use of school property and resources; and the rights and welfare of other students. These expectations apply to students off campus to the extent their behavior has a nexus to school. Specific examples of the School District's conduct expectations include, but are not limited to:

1. Student conduct shall at all times reflect consideration for the rights and privileges of others; cooperation with all members of the school community is required.
2. Students shall maintain high personal standards of courtesy, decency, morality, and honesty in their relationship with others.
3. Students are expected to respond to academic challenges with the highest degree of integrity and honesty that support the culture of the community. No student shall engage in scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
4. Diligence in study and achievement commensurate with ability is expected of all students. Students are expected to be prompt and regular in their attendance of school and classes and are responsible for work missed due to unexcused tardiness or absence.
5. Students shall respect the authority of school staff and officials. This includes compliance with Board policies and reasonable School District staff members' directions.

Commented [19]: I assume there is something in here somewhere for students with disabilities.

Commented [20]: "ability" is used below; consider maturity and ability?

Deleted: Specifically

Commented [21]: This is one of those words that leads to subjective discipline. I don't know that there is a way around it, but I'm pointing it out. This is where the implementation needs to be very well thought out.

Commented [22]: I'm not sure we need to limit the work to "written". Oral and visual work can be plagiarized as well. Academic honesty I'd like to see defined as giving credit to sources and not presenting any work as one's own when others are the creators or authors of that work.

Commented [23]: Another problematic phrase which will require careful training of staff and implementation. I would say that there are cultural connotations to this, and if we can't teach this well (including to staff), then we will continue with our current level of disproportionate discipline.

Commented [24]: I agree and wonder how it relates to the "mutual respect" discussed previously in the document.

6. Students shall comply with Colorado and federal law. This includes but is not limited to those items identified in Colorado law as grounds for suspension or expulsion.
7. Students shall be honest in their interactions with School District employees, and shall not lie or give false information, either verbally or in writing, to a School District employee. Students shall not make a false accusation of criminal activity against a School District employee to law enforcement or to the School District.
8. No student shall engage in or encourage behavior which disrupts or poses a clear and convincing threat of disruption of the school operations or interference with the rights of others or with the ability of the school to provide educational opportunities to other students.
9. No student shall engage in or encourage behavior which is detrimental to the welfare or safety of students, teachers, or school personnel on or off school property.
10. Students shall not use, be under the influence of, bring, carry, possess, buy, sell, or exchange alcohol, marijuana, or other dangerous or restricted drugs or controlled substances.
11. Students shall not use tobacco or nicotine products of any kind or otherwise violate the Board's tobacco-free schools policy.
12. No student shall use, possess, bring, or carry any dangerous weapon of any kind, including a knife of any blade length (per this local restriction), or a firearm facsimile without prior permission of the school principal or designee or the Superintendent or designee. See JDC-R, Conduct Related to Weapons. ▾
13. Students shall not cause or attempt to cause damage to school or private property, nor steal or attempt to steal school or private property.
14. No student shall engage in bullying behavior. Bullying is 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. ▾
15. No student shall engage in gang related activity. Schools should communicate with law enforcement and community members to address identified gang activity. As appropriate, schools may communicate with families about resources to support students at-risk of gang involvement.
16. No student shall engage in harassment on the basis of race, color, ancestry, creed, sex, sexual orientation (which includes transgender), gender, religion, national origin, disability or need for special education services.
17. No student shall engage in physical abuse, including hazing, assault, or unwanted touching of a person or that person's property with a part of the body or with any object with the intent of causing hurt or harm or that actually causes harm.
18. No student shall engage in verbal abuse either orally (including by telephone) or in writing (including by text, social media or other electronic means) including, but

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Deleted: on school property, in school-approved vehicles, or at school-sponsored activities

Deleted: Dangerous weapon is defined in COLO. REV. STAT. § 22-33-106(1)(d)(II) and Policy JFCJ, Dangerous Weapons in the Schools.

Commented [25]: Cross reference the equal opportunity policy?

Deleted: in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events

Commented [26]: Including electronically, including images

Deleted: A reasonable balance between the severity and pattern, if any, of the bullying behavior shall be taken into consideration when disciplinary decisions are made.

Commented [27]: Include in bullying or separate?

Commented [28]: I think a definition of harassment needs to be included. Is harassment an insult? A targeting? A taunt? A pattern of such behavior? I have my own ideas/thoughts, as I'm sure most people do.

Commented [29]: I don't know what the wording would be, but I would include images in this

not limited to, swearing, screaming, obscene gestures or threats, or any form of bullying.

19. No student shall engage in behavior on or off school property that is detrimental to the welfare or safety of other students or school personnel, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students. This also includes violent or aggressive behavior, including any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury or damage to persons or property. A threat of violence and aggression carries with it implied notions of risk of violence and a probability of harm or injury.

The Board's policy specifically addresses the most serious offenses and requirements of state and federal law. The Superintendent or designee shall develop such additional written definitions of behaviors as may be needed to accurately describe and report student behavior.

Violations of these expectations may result in discipline in accordance with applicable law and Board policy. At its sole discretion, the School District may conduct a threat assessment to consider any suspected or reported behavior of concern by a student. Also, students may be referred to law enforcement authorities.

At-Risk Students

The school shall 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 habitually disruptive.

The District may enter agreements with appropriate local and state agencies, community-based organizations, and institutions of higher education for the provision of services to students at risk of being suspended or expelled and 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 programs;
5. Alternative education programs; and
6. Vocational education programs.

Deleted: vidual schools shall prepare concise, clear, and reasonable rules and guidelines for acceptable student conduct in that school. These rules shall be consistent with Board policy and with applicable statutes.

Deleted: Publications containing policies and regulations of the District or of the individual school, the State of Colorado, or other agencies affecting students shall be placed in each school library and made accessible to students. These shall be provided in addition to information contained in student handbooks or materials otherwise distributed to students by each school.¹
Current practice codified 1978¹

At a 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 the 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 private and public grants.

Educational Programing for Students Pending Adjudication for Certain Offenses

As authorized by Colorado law, whenever the District is notified that a student at least 12 years of age but under 18 years of age is the subject of a juvenile court petition for or charged in district court with an offense that would constitute a crime of violence or unlawful sexual behavior, the Board of Education designates the Superintendent or designee to 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, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and 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, including a home-based or online program as determined by the School District. By Colorado law, no student who is being educated in an alternate education program or a home-based education program shall be allowed to return to the education program in the public school until there has been a disposition of the charge. The School District will consider and implement appropriate safety planning for the student and school setting. The time that a student spends in an alternate education program shall not be considered discipline, including suspension or expulsion.

LEGAL REFS.:

C.R.S. [18-3-202](#) *et seq.* (offenses against person)

C.R.S. [18-4-301](#) *et seq.* (offenses against property)

C.R.S. [18-9-124](#) (2)(a) (prohibition of hazing)

C.R.S. [22-12-105](#) (3) (authority to suspend or expel for false accusations)

C.R.S. 22-32-109(1)

C.R.S. [22-32-109.1](#) (2)(a)(l) (*policy required as part of safe schools plan*)

C.R.S. [22-32-109.1](#) (2)(a)(l)(A) (*duty to adopt policies on student conduct, safety and welfare*)

C.R.S. [22-32-109.1](#) (9) (*immunity provisions in safe schools law*)

C.R.S. [22-33-105](#) (5)(a) (*)

C.R.S. [22-33-106](#) (1)(a-g) (*grounds for suspension, expulsion, denial of admission*)

C.R.S. [22-33-106.1](#) (*suspension and expulsion for students in preschool through second grade*)

C.R.S. 22-32-110(2)(b)

AGREEMENT REF.:

Teachers' agreement, Section C

CROSS REFS.:

ADD, Safe Schools

AC, AC-R Nondiscrimination

All subcodes of JD and JR



STUDENT DISCIPLINE

The purpose of disciplining students is to assist the student in recognizing misconduct and to allow other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruption. Student discipline is to be achieved through firmness and reason rather than through autocratic force. Daily recognition of the fact that students are entitled to full consideration as human beings will go far in the solution of discipline problems; there are few children or families who will not respond favorably to fair and honest treatment.

Proportionate disciplinary interventions and consequences shall be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff. School administrators shall consider violations of this policy provision on a case-by-case basis to determine what disciplinary action is appropriate based upon the individual facts and circumstances involved. It is important for students to see a path back from involvement with school discipline processes.

Wherever possible, the student's behavior will be dealt with in the classroom. When the behavior of a student suggests the need for improvement, the teacher shall first discuss the matter with the student, at which time all the facts should be obtained and a decision reached about the best way to improve future behavior. When serious problems arise or when misbehavior persists, the teacher and/or principal shall arrange a student-parent conference with the principal or other administrator.

The Board encourages the use of non-exclusionary discipline, wherever possible, with a focus on restoring relationships in the school setting and returning the student's focus to learning. The use of interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to: detention, in-school suspension, counseling, participation in restorative justice, use of positive behavioral intervention supports, peer mediation, referral to a juvenile assessment center for counseling or other services, or other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system.

In implementing the Conduct and Discipline Code, each school must also show due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of Title IX of the United States Code and other state and federal laws.

Deleted: control

Commented [30]: I would propose the following language starting after the first sentence.

Student discipline is to be achieved through collaboration, respectful dialogue, awareness of cultural differences and respect built upon trusted relationships rather than through autocratic force which is only a one-way form of communication. Daily recognition of the fact that students are entitled to full consideration as human beings is an expectation of The Board, and one embraced by our Superintendent. This policy acknowledges that there are few children who will not respond favorably to fair and honest treatment. Treatment, in this context, must also include mature allowances for vulnerable students, an awareness of special needs and the desire to build relationships through every interaction and learning opportunity.

Commented [31]: I really like the tone Ralph is suggesting.

Commented [32]: Is this something that would be established in an exhibit document?

Commented [33]: Thank you.

Commented [34]: We could consider stating a goal for the student-parent conference along the lines of ... with the goal of this meeting to be full disclosure on that part of all participants. Free, trusted, and a safe exchange of information regarding the behavior in question is an imperative for learning and skill transfer to be optimized to a student who has encountered a traumatic, problematic or difficult situation. Discipline is more about learning and skill development and research demonstrates that this can best occur in constructive, after-the-fact "teachable moments"

Commented [35]: I like the tone here, too, and thank you for the emphasis on the classroom. Again, this is a situation where the implementation will determine the success of the policy.

Commented [36]: (that reflects clear respect and concern for all parties affected)

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Commented [37]: The order matters... I'm not going to suggest an order, but think about whether you want to order from most positive to most negative, most likely to be implemented to least likely, etc.

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*In addition to any reporting responsibilities related to suspected child abuse or neglect, the building principal shall also take steps to immediately notify the parent or guardian whenever there is reasonable cause to know or suspect that sexual contact has occurred between students (whether or not consensual) while the student is on school property, at school activities, or in school vehicles.

Commented [38]: Consider the following addition, The parents of any child known to have encountered or suspected to have encountered an ethically compromising situation are to be informed in the most direct manner possible under the circumstances.

Referral to Law Enforcement

In accordance with applicable law, School District personnel shall refer any student who brings a firearm or weapon to school without authorization of the school or the School District to law enforcement.

Recordkeeping

The District shall maintain adequate records documenting the circumstances leading to expulsion of students. For students who bring weapons to school, the documentation must include the name of the school, the number of students expelled and the types of weapons involved as required by law.

Deleted: At-Risk Students

The school shall 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 habitually disruptive. The District may enter agreements with appropriate local and state agencies, community-based organizations, and institutions of higher education for the provision of services to students at risk of being suspended or expelled and 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 programs;
- 5. -Alternative education programs; and
- 6. -Vocational education programs.

At a 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 the 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 private and public grants. Any expelled student receiving services shall be counted in the District's enrollment.

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Commented [39]: Is it possible to add other demographics, or is this prescribed by law?

Reports

The principals of each school in the School District shall submit annual written reports to the Board of Education concerning the learning environment in 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 conduct and discipline code violations 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 of Education shall annually compile the principals' reports from each school in the District and submit its compiled report to the Colorado Department of Education and other government agencies 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.

LEGAL REFS.:

C.R.S. § 18-1-703

C.R.S. § 18-6-401(1)

C.R.S. § 19-3-303(1)

C.R.S. § 22-32-109.1 (policy required as part of safe schools plan)

C.R.S. § 22-33-105 and 106

18 U.S.C. 921 (a)(3) (federal definition of "firearm")

20 U.S.C. §7151 (h) (Guns Free Schools Act, requiring schools to have policies requiring referral to law enforcement)

CROSS REFS.:

GBEA, Staff Protection

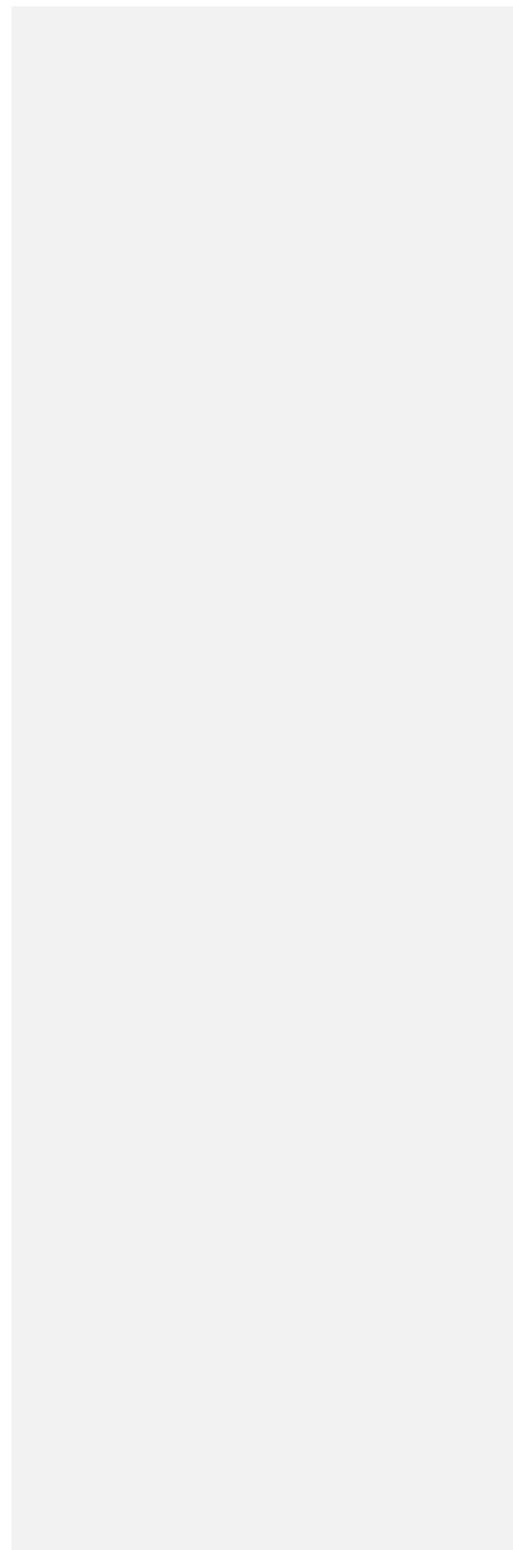
JDC, Student Conduct

AGREEMENT REFS.:

Teachers' agreement, Section C

Paraprofessionals' agreement, Section C

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Boulder Valley School District

File: JDSE

Adopted: August 9, 1976

**Revised: June 27, 1991, September 23, 1993, September 26, 1996,
October 9, 1997, February 26, 1998, March 5, 1998, August 27, 1998,
August 12, 1999, June 22, 2000, October 9, 2001, June 26, 2007; June
2020**

STUDENT SUSPENSION/EXPULSION

The Board of Education takes seriously the obligation to educate every student in the District. Extended suspension is viewed as a very serious step in the discipline and intervention process, and expulsion is generally to be recommended as the last step in that extensive process, except where expulsion is required by state law.

A. **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.
2. "Expulsion" means the exclusion of a student from attending school and participating in school activities for a specified period of time not to extend beyond one calendar year. Expulsion of a student with disabilities does not necessarily include a cessation of all educational services.
3. "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.
4. "In-school suspension" means the exclusion of a student from the classroom and from participation in regular school activities, with continuous supervision and instruction in a location separate from the regular school environment.
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. For purposes of this policy, a student with disabilities does not include a student who is determined to be disabled solely by virtue of being an alcoholic or drug addict.
6. "Parent" means a student's parent, guardian, or legal custodian.
7. "Informal hearing" means the student will be given an opportunity to admit or deny the accusation and to give the student's version of the events. The administrator may allow the student to identify other witnesses or information to

Commented [40]: Might add something in here about restorative justice.

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be considered prior to making a decision on the contemplated action. An informal hearing does not include representation by counsel, the ability to confront and cross-examine witnesses, or the ability to call witnesses to verify the student's version of the incident.

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B. Authority

The Board, Superintendent and designees 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.

Commented [41]: This is exactly why we need to be very careful about disproportionate discipline. This is what my student meant when she said once you enter the discipline system, you can't exist.

Commented [42]: How about another: the likelihood that the punishment will result in changed behavior?

Students in preschool through second grade

In accordance with applicable law and Board policy, the principal or designee may suspend or recommend expulsion of a student in preschool, kindergarten, first grade, or second grade who engages in one or more of the following activities while on district property, in a school building, in a district or school vehicle, at a district or school activity or event, including remote instruction, or off district property when the conduct has a nexus to school or any district curricular or non-curricular event:

1. Violation of the Board's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law.
2. Violation of the Board's policy on student conduct involving drugs and alcohol.
3. Conduct that endangers the health or safety of others.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

The Board of Education authorizes the principal or designee to suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in C.R.S. 22-33-106.1 (2), unless the principal or designee determines that a longer period of suspension is necessary to resolve the safety threat or expulsion is mandatory under law.

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Commented [43]: At what point in this process, would we want a counselor's assessment as these are very young children? For student's this young, acting out or inappropriate behavior is most often the child's only way of asking for help.

When or should we look to diagnose or identify issues that lie beyond the school fence in order to get a student or parents the help they deserve.

Commented [44]: All of this. I get the need to secure the school, but a young child with a weapon is a cry for help of some kind. I'm also curious about what data there is on this, at BVSD, in Colorado, or elsewhere.

Commented [45]: Great points.

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Students in third grade and higher grade levels

In accordance with applicable law and Board policy, the principal or designee may suspend or recommend expulsion of a student in third grade and higher grade levels who engages in one or more of the behaviors identified in Colorado law as grounds for suspension or expulsion.

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The Board authorizes a school principal or designee to suspend a student for up to five school days for 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. The Board authorizes the Superintendent or designee to 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 of Education. In no event may the total period of suspension exceed 25 consecutive school days, unless the student's parent or guardian and the School District agree the student's interest will be served by doing so.

Deleted: *following activities while in school buildings, on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, and off district property when the conduct has a nexus to school or any district curricular or non-curricular event

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Deleted: grounds *6-20 listed above and may suspend a student for up to ten school days for grounds *1-5 listed above

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C. Alternatives to Suspension

In lieu of suspension, a principal or designee may, in his or her discretion, and upon consent of the student's teachers, permit the student to remain in school on the condition that the student's parent, guardian, or legal custodian attend class with the student for a period of time established by the principal or designee. In the event that the parent, guardian, or legal custodian cannot or will not attend class with the student, or this alternative would be or becomes disruptive to the educational process, this alternative shall be terminated and the student shall be suspended. This alternative is not available if expulsion proceedings have been or will be initiated.

Commented [46]: Does this actually happen?

D. Expulsion Authority

1. The Board delegates to the Superintendent or Superintendent's designee the authority to conduct expulsion hearings and delegates to the Superintendent the authority to expel students. The Superintendent shall report on each case acted upon at the Board's next regularly scheduled meeting, briefly describing the circumstances and the reasons for the action taken.
2. The decision of the Superintendent may be appealed upon the written request of the student or parent to the Board. Upon a request for an appeal, the Board will determine the procedure to be utilized and will promptly advise the student and parents of the procedure involved.

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Deleted: may conduct the hearing at which the question of expulsion is determined. In the event the Board does not conduct an expulsion hearing, it hereby

Deleted: In any case in which the power to expel has been delegated to the Superintendent, t

Commented [47]: Should there be something about what has to happen BEFORE removal is chosen? Is it just assumed that PBIS, redirection, de-escalation have happened? Also, I'm wondering about patterns, teacher tools, etc. For example, applied behavior analysis around the kinds of situations that trigger unacceptable behavior can lead to more lasting changes than removal does.

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E. Classroom Removal Authority and Procedure

A teacher may remove a student from the teacher's classroom for one day for causing a material and substantial disruption in the classroom through behavior that is initiated, willful, and overt on the part of the student.

Commented [48]: This has different practical implications in elementary vs. secondary (ie, whole day vs one class).

Deleted: Prior to any such removal, the teacher shall provide the student with the same level of due process to which the student would be entitled for suspensions from school of ten days or less, as set forth above.

1. When sending a student out of class, a teacher is initiating a one-day classroom suspension. The teacher shall provide the principal or designee with assignments and other coursework to be completed by the student during the period of suspension, and shall contact the parent or legal guardian of the student as soon as possible after removal to request the parent's attendance at a conference regarding the classroom suspension.

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Commented [49]: At what point in this process do we want a fully-trained and experience counselor intervening or putting the plan together?? The goal here should be to advance the student's skill set with problem-solving early in their encounter with challenging situations

Commented [50]: Ralph, I would actually argue that more teachers need training in how to recognize and handle these situations themselves and that counselors be reserved for larger situations. (Classroom removal is far more common than you may realize.)

Commented [51]: I agree, particularly in the face of budget cuts...

Commented [52]: Or MTSS team? I have worked through these kinds of situations that way, and it can be enormously helpful.

Commented [53]: I really feel like if we are getting to 3 incidents in a quarter or semester that the issue isn't discipline; it's something else. The tone of this entire policy is punitive; we need to focus on CHANGING and ENDING behaviors.

2. The teacher may develop a behavior plan approved by the principal after a student's first one-day classroom suspension during any grading term (quarter, trimester or semester) and shall develop a behavior plan approved by the principal after a student's second one-day classroom suspension during any grading term. The behavior plan shall indicate that the third incident during a grading period of material and substantial disruption in the classroom through behavior that is initiated, willful, and overt on the part of the student after classroom suspensions for the first two incidents will result in the student's removal from the classroom for the remainder of the grading term. The teacher shall provide a copy of the behavior plan, as well as a copy of each revision thereto, to the student and the parent or legal guardian of the student.

3. For any student removed from the classroom for the remainder of a grading term as provided in paragraph 2 above, the teacher responsible for the removal shall provide the principal or designee with a lesson plan, assignments, other coursework, quizzes, and exams for the remainder of the grading term so as to allow the student to complete and receive credit for the course.

4. Classroom suspensions shall not count as suspensions for purposes of declaring a student as "habitually disruptive."

5. A teacher's ability to impose classroom suspensions shall be subject to governing law and the District's policies and regulations concerning suspension/expulsion of students with disabilities.

F. Discipline Information

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The school principal shall communicate discipline information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor who receives such information shall maintain the confidentiality of the information and does not have the authority to communicate the information to any other person. The student and student's parents may request an opportunity to challenge the accuracy of the disciplinary information pursuant to the procedures set forth under the Policy governing student records.

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Deleted: JO-R, Student Records, in the Challenges to Content of Records subsection

LEGAL REFS.:

20 U.S.C. 1401 et seq.

C.R.S. 12-22-303

C.R.S. 18-1-901(3)(e)

C.R.S. 19-1-119(5)

C.R.S. 22-20-101 et seq.

C.R.S. 22-32-109.1

C.R.S. 22-33-104

C.R.S. 22-33-104(2)(d)

C.R.S. 22-33-105

C.R.S. 22-33-106

Title 18, Article 3, part 2

Title 18, Article 4, part 3

CROSS REFERENCES:

(insert policy cross references)



Procedures For Student Suspension/Expulsion

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A. Suspension Procedure

1. Due process takes place at an informal hearing where the principal or designee shall give the student written or oral notice of the charges against the student. The student will be provided an opportunity to present the student's side of the story. The charges for suspension must rest on one of the grounds permitted by state law. The notice shall be in a language and manner which the student can understand. At this informal hearing, the student does not have the right to secure counsel, to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident. There need be no delay between the time notice is given and the time of the hearing. Students may decline to present their side of the story, such as when a law enforcement investigation is proceeding, but the student or family's decision to decline to make a statement is not a denial of due process by the School District and the discipline may proceed.

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Commented [54]: Are you talking about clarity or are you implying translation, in the case of newcomer students or those who low proficiency in English? What about parents?

Commented [55]: Parents aren't a component of this paragraph. Consider placing a similar sentence in item 2 where parents are discussed.

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2. A reasonable attempt will be made to immediately notify the student's parents of the charges against the student and of the contemplated disciplinary action. Though not required, nothing contained in this procedure shall prevent the principal or designee from arranging for parents to attend the meeting with the student at which notice of charges is given and an informal hearing is held if necessary, if the meeting can be arranged within a reasonable time period.

Commented [56]: Is there a definition for this?

Commented [57]: In a language/manner that they can understand.

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3. The informal hearing should precede removal of the student from school, unless an emergency or threat of substantial disruption requires immediate removal, in which case the informal hearing should follow as soon after the student's removal as practicable.

4. If a decision is made to suspend a student, the student will be so notified. The school principal or designee shall promptly send a letter to the parents and the student explaining the action taken and the period of such suspension and inviting the parents to meet with the principal or designee for the purpose of discussing the matter. Such notice shall be in a language and manner which the student and parents can understand.

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Commented [58]: Same comment as above

5. If the student is a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, then the principal or designee shall confer with special education personnel to determine whether additional process in the form of a manifestation determination is due. If so, a manifestation determination shall be convened in accordance with applicable law. Also,

the School shall forward a copy of the written notice of suspension of a student with disabilities to the Office of Special Education.

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Deleted: for review and for purposes of determining whether a change of placement is implicated. A copy of the written notice of suspension of students without disabilities will be forwarded to the Office of Elementary or Secondary Education for review and appropriate follow-up

6. No student shall be readmitted to school after a suspension until a meeting has taken place between the principal or designee and the parents to review the suspension, unless the suspending authority has made reasonable efforts to confer or meet with the parents, but the parents are not reachable or repeatedly fail to appear for scheduled meetings. If the parents cannot be engaged, the principal or designee may readmit such student and shall not extend the period of suspension. The purpose of the readmittance conference shall be to address whether there is a need to develop a remedial discipline plan or safety plan for the pupil in an effort to prevent further disciplinary action.

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7. A suspended student shall be required to leave the school grounds immediately after the parents and the principal or designee have determined the best way to transfer custody of the student to the parents.

Deleted: 7. The school administrator or designee will provide parents names of individuals willing to act as advocates for families and students. ¶

8. In accordance with state law, law enforcement authorities may be involved in the removal of the student from the school where there are reasonable grounds to believe that the student has committed an act which would be a felony, misdemeanor, or municipal ordinance violation if committed by an adult. In such cases, the parents should be notified as soon as practicable. The involvement of law enforcement does not preclude a school from taking disciplinary action.

9. Absences due to suspension shall be deemed to be unexcused. Students are responsible for all class work missed due to absence. During the period of suspension, the school shall provide an opportunity for a student to make up school work during the period of suspension.

Commented [59]: Just want to point out that kids who end up at this place already likely have attendance issues, and suspensions exacerbate that.

10. If the suspension is for more than ten days, the student shall be given the opportunity to request a review of the suspension before the appropriate executive director or designee. The executive director's decision is final. If a review is requested, the suspension shall remain in effect pending the review.

B. Expulsion Procedure

1. If a principal believes that grounds for expulsion exist, the Principal shall recommend such action to he or she shall notify the Superintendent or designee in writing and request that expulsion proceedings be initiated.
2. The Superintendent or designee shall notify the student and parents in writing of the charges against the student, which must be one of the grounds set forth for suspension and expulsion in Colorado law. Such notice shall be in a manner and language the student and parents can understand. The notice must also include:

- a. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within five (5) days after the date of the notice
- b. A statement of the date, time and place of the hearing in the event one is requested.
- c. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present such information as is relevant and that the student may be accompanied and represented by a parent/guardian and an attorney.
- d. A statement that failure to participate in the hearing constitutes a waiver of further rights in the matter.

3. The hearing will be held before the Board or the Superintendent, or designee.

4. Testimony and information shall be presented under oath. However, technical rules of evidence shall not be applicable and the Board or Superintendent or designee may consider and give appropriate weight to such information or evidence deemed appropriate. The student may be represented by counsel and will be afforded the opportunity to confront and cross-examine witnesses supporting the charge and to call witnesses on the student's behalf. A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event of an appeal.

5. 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 Board or Superintendent will make specific findings in support of any decision reached. The Superintendent shall issue a written decision within five days after the expulsion hearing. In the event of a decision to expel, the student will be advised of the right to appeal to the Board and the right to obtain judicial review.

6. Upon expelling a student, the School District shall provide information to the student's parents concerning the educational alternatives available to the student during the period of expulsion. If the student is between the ages of 7 and 17 and is expelled for the remainder of a school year, the parents are responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion. If the parents choose to provide a home-based educational program for the student, the District shall assist them in obtaining appropriate curricula.

Upon request of a student or student's parent, the District shall provide for any student who is expelled from the District, any educational services that are deemed appropriate for the student by the District. "Educational services" means

tutoring, alternative educational programs, or vocational education programs to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies.

The educational services provided are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled. Except as required by federal law, the District is not required to provide educational services to any student who is suspended or expelled while receiving educational services until the period of the suspension or expulsion is completed. The educational services need not be provided on School District property.

7. If a student is expelled for the remainder of the school year and if the student is not receiving educational services through the District, the District shall contact the student's parents at least once every 60 days until the beginning of the next school year to determine whether the student is receiving educational services. The District need not contact the student's parents after the student is enrolled in another school district, or in an independent or parochial school, or if the student is committed to the Department of Human Services or is sentenced pursuant to the Children's Code.
8. No student shall be readmitted to school after an expulsion until a meeting has taken place between the principal or designee and the parents to review the expulsion, unless the suspending authority has made reasonable efforts to confer or meet with the parents, but the parents are not reachable or the parents repeatedly fail to appear for scheduled meetings. If the parents cannot be engaged, the principal or designee should readmit the student. The purpose of the readmittance conference shall be to answer questions about the expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student. The conference will be held upon the student's return to school.
9. In accordance with state law, any student expelled pursuant to Colorado law and this policy 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 School District has no actual knowledge of the name of the victim or 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.

C. Additional Requirements for Students with Disabilities

Students with disabilities under the Individuals with Disabilities Education Act ("special education students") and students with disabilities under Section 504 of the Rehabilitation Act of 1973 ("§ 504 students") are neither immune from the District's disciplinary processes nor entitled to participate in programs when their behavior impairs the education of other students or disrupts the education process. Regardless of whether their behavior is a manifestation of their disabilities, § 504 students currently engaging in the illegal use of drugs or in the use of alcohol may be disciplined for the use or possession of illegal drugs or alcohol to the same extent as non-disabled students. Additional requirements and authority regarding the discipline of students with disabilities is as follows:

1. The principal or designee shall immediately remove a student with a disability from a situation in which the student poses a threat of physical harm to the student or to other persons, by placing the student in an appropriate alternative setting or by suspending the student, as set forth below.

2. In accordance with governing law, the School District may remove a disabled student to an appropriate interim alternative educational setting for not more than 45 days if:

a. the student has carried a weapon to school or to a school function;

b. the student knowingly possessed, used, sold, or solicited the sale of a controlled substance while at school or at a school function; or

c. 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.

3. 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).

4. 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 law 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.

5. 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 as

permitted by law. Special education students, but not § 504 students, must continue to receive educational services as determined by the IEP team.

6. Within ten days of a suspension or removal in excess of the periods specified in the first sentence of paragraph 3, 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.

7. 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 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 expelled. Special education students, but not § 504 students, must continue to receive educational services as determined by the IEP team.



Boulder Valley School District
File: JDC-R
Adopted: April 12, 2010
Effective: June __, 2020

CONDUCT RELATED TO WEAPONS

I. Definitions

1. "Dangerous weapon" means:

a. A firearm.

b. Any pellet, BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.

c. A fixed blade knife with a blade that exceeds three inches in length.

d. A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.

e. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury including, but not limited to, a slingshot, bludgeon, nunchucks, brass knuckles or artificial knuckles of any kind.

f. A knife of any length, in accordance with the Board of Education's local authority

2. "Firearm" means:

a. 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;

b. the frame or receiver of any weapon described above;

c. any firearm muffler or firearm silencer; or

d. any destructive device.

3. "Destructive device" means:

a. any explosive, incendiary, or poison gas:

Deleted: Section 921 of Title 18, U.S.C. defines "firearm" as

- i. bomb;
- ii.grenade;
- iii. rocket having a propellant charge of more than four ounces;
- iv. missile having an explosive or incendiary charge of more than one-quarter ounce;
- v. mine; or
- vi. device similar to the devices described in paragraphs i-v of this sub-paragraph a.

b.any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

c. any combination or parts either designed or intended for use in converting any device into any destructive device described in sub-paragraphs a and b and from which a destructive device may be readily assembled.

II. Firearm facsimiles

Carrying, using, actively displaying or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm on District property, when being transported in vehicles dispatched by the District or one of its schools, during a school-sponsored or District-sponsored activity or event, and off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular event without the authorization of the school or School District is prohibited. Students who violate this policy provision may be subject to disciplinary action including but not limited to suspension and/or expulsion, including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

A student may seek prior authorization from the building principal to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property for purposes of a school-related or non-school related activity. A student's failure to obtain such prior authorization is a violation of this policy provision and may result in disciplinary action, including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions. The principal's decision to deny or permit a student to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property shall be final.

III. Mandatory Expulsion

In accordance with federal law, expulsion shall be mandatory for no less than one full calendar year for a student who is determined to have brought a firearm to or possessed a firearm at school in violation of this policy. The Superintendent may modify the length of this federal requirement for expulsion on a case-by-case basis. Such modification shall be in writing.

LEGAL REFERENCES:

(insert)

CROSS REFERENCES:

(insert policy cross references)



BULLYING

The Board of Education supports a school climate conducive to teaching and learning that is free from any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a safe, equitable, and positive climate in which all types of bullying are regarded as unacceptable.

Commented [60]: Same comment re equitable as above. For marginalized groups, it has a different meaning than for the mainstream.

A. Definitions

Bullying: Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student.

Commented [61]: Does written include printed i.e. images?

Cyberbullying: Bullying involving the use of communication technologies such as computers, cell phones, and other electronic devices to support deliberate and hostile behavior intended to do harm to others. Examples of cyberbullying can be in the form of text messages, instant messaging, emails, embarrassing photos or videos, and any use of any social media platform.

B. Prohibition

Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of academic performance or any basis protected by federal and state law, including disability, race, creed, color, sex, sexual orientation, gender (which includes transgender and gender nonconforming), national origin, religion, ancestry, immigrant status, or the need for special education services, whether such characteristic(s) is actual or perceived.

Commented [62]: Cross reference equal opportunity policy? Also, I think there's something in a board policy somewhere about body (sizeism?)

Bullying is prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any school or district vehicle, or off school property when such conduct has a nexus to school or any district curricular or non-curricular activity or event.

Commented [63]: Does this include remote learning?

C. Expectations for Reporting and Investigation

All administrators, teachers, classified staff, parents and students should take all reasonable steps to prevent and address bullying.

Commented [64]: Prevent is written before address here, and ideally, we should be aiming for prevention first. I recommend prevention bullets below occur before the reporting and investigation bullets.

- All students who believe they have been victims of bullying, harassment, hazing, intimidation or threatening behavior should immediately report the situation to school personnel.
- All students who witness bullying are expected to make all reasonable efforts to seek the help of school staff. Failure to report such behavior is detrimental to the school learning environment and may be grounds for disciplinary consequences.
- All administrators, teachers, and classified staff who receive reports of and/or witness student bullying, in any circumstance, shall immediately take appropriate action to stop the behavior. Such behaviors shall be reported to school administration. In addition, school administrators shall communicate with parents.
- Each school administrator shall ensure that reports of bullying are promptly and thoroughly investigated in accordance with the guidelines in JDHB-E and applicable law. Administrators are directed to attend to the needs of the victim(s) of the behavior as well as to issue sanctions or interventions as warranted, and to address broader issues of school culture and climate of which the behavior may be symptomatic. A written summary of the investigation and its findings must be provided to the parent of any student alleging to have bullied or been bullied.
- All incidents are to be documented in the student information system and any behavior or safety plan communicated to parents.

Commented [65]: Which? There is confusion about it in current implementation.

Commented [66]: I would suspect this is vague because a student will be more likely to report this to someone they trust.

Commented [67]: Are consequences for non-reporting addressed in discipline policy? Make clear what the consequences might be.

Commented [68]: Which parents—of the victims or offenders? (Both?). I have not seen this done well in practice. Generally, only the parents of the victims are contacted, not the parents of the bullies. Even though it's hard, if you really want the behavior to change, all parties must be involved (perhaps not TOGETHER, but at least in coming to resolution).

Commented [69]: You might want to think about additional language around resolving bullying that is around a protected class (those listed above race, gender, etc). Victims often do not feel that these are resolved well.

Commented [70]: This policy is a good place for restorative justice.

D. Prevention

Bullying prevention efforts are most effective when implemented school-wide and designed to send a message that bullying will not be tolerated in schools. Well-designed bullying prevention efforts can reduce, eliminate and prevent bully/victim problems, as well as significantly improve the overall school climate. Effective bullying prevention also requires a commitment on the part of all adults to reduce or eliminate bullying and accessible reporting procedures for victims and witnesses.

Commented [71]: Another way of thinking of this (although I agree with no tolerance of bullying) is the creation of a positive, inclusive, equitable school environment. I.e, we don't just eliminate bullying; we lift up all members of our school community.

Effective prevention programs may be implemented at the school level or the classroom level. The use of prevention programs may vary according to maturity level of students, grade level, learning environment goal(s) for the school, etc.

Commented [72]: If we truly want to get away from discriminatory forms of bullying (racism, homophobia, etc) there need to be anti-racism etc efforts in the school and in the curriculum. (I realize this policy is not the place for curriculum—just stating facts.)

Monitoring data related to bullying is crucial to the bullying prevention efforts. Data may be collected and evaluated through surveys, questionnaires, analyzing discipline statistics, and data collected for school social emotional learning goal(s).

Commented [73]: "may be" is not strong enough. It SHOULD be, and there should be consistency between schools and in follow up.

All kids involved in bullying—whether they are bullied, bully others, or witness bullying—may experience negative outcomes including impacts on mental health, substance abuse and suicide. Parents, school staff and community all play a role in supporting our students when providing for their physical, social and emotional needs.

Commented [74]: Consider using "shall" which seems like an adequately loose, yet tight, term...

A variety of resources are available regarding bullying prevention:

[StopBullying.Gov](#)

[Cyberbullying.org](#)

[Safe2Tell.org](#)

[adl.org/what-we-do/promote-respect/bullying-cyberbullying-prevention](#)

Consequences

Violations of this policy are detrimental to the welfare and safety of the victim, as well as disruptive to the school learning environment. In deciding on appropriate discipline, the circumstances surrounding the behavior, the severity of the conduct, and whether the conduct represents a pattern should be considered. Disciplinary interventions and consequences for student bullying may range from counseling, restorative justice and in-school suspension to suspension, and/or expulsion. In its sole discretion, the School District may conduct a threat assessment regarding bullying behavior. A referral to law enforcement shall be made when appropriate.

References:

[C.R.S. § 22-32-109.1\(2\)\(a\)\(1\)\(K\) \(policy required as part of safe schools plan\)](#)

CROSS REFS.:

[AC. Nondiscrimination/Equal Opportunity](#)

Commented [75]: One thing I'm not seeing here is the district chain of command. The local NAACP branch has communicated multiple incidents of racist behavior directed at students which were not handled well by schools (teachers, administrators, whatever). As a result, the behavior has no perceivable end and the victims get no relief. We have an elaborate chain of command and process described for discipline because it's assumed that some behaviors escalate. The assumption in this policy is that there is no need for that because the bullying gets resolved. What is in place that actually confirms that that happens?



INVESTIGATING AND RESPONDING TO BULLYING COMPLAINTS

1. Receive allegation. Ask for the reporting party to put it in writing, but do not require it.
2. Consider whether there is an obligation to notify law enforcement or social services.
3. Take immediate action to investigate. Document each and every meeting, phone call, message, and other relevant action with clear and objective notes. Essential steps include:
 - Meet with victim. Ask:
 - for a detailed account of what happened.
 - for names of witnesses
 - if anyone else has been subjected to misconduct by the alleged bully
 - what outcome the victim would like to see
 - if the victim is in fear of the aggressor or apprehensive about attending school/class/activity.
 - Determine whether remedies* (see below) should be in place during the investigation to protect against further actions or allegations.
 - Interview alleged bully.
 - To the extent appropriate, inform of allegations
 - Explain that retaliation will not be tolerated.
 - Ask for response to allegations, names of witnesses.
 - Investigate information received from victim and alleged bully, including interviewing witnesses
 - Check for signs of change in student's academic performance, attendance or behavior.

Commented [76]: Does the victim need additional services? Does the bully?

Commented [77]: Why does this say "Interview" here but "Meet with" in the victim section? While it may not seem like a huge difference, the tone and connotation of these words are different.

Consider outlining steps in this section similarly to the victim section.

Commented [78]: What about outside of school behavior? Honestly, this should go for BOTH parties, because bullying is often precipitated by abuse of the bully by someone else.

Commented [79]: Agreed.

■ Collect other documentary evidence (ex. health room reports, police reports, _____ printouts of cyberbullying)

4. Communicate with parents of all students involved.

5. Determine whether bullying occurred.

As set forth in Board Policy JDHB,

Bullying: Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student.

Cyberbullying: Bullying involving the use of communication technologies such as computers, cell phones, and other electronic devices to support deliberate and hostile behavior intended to do harm to others. Examples of cyberbullying can be in the form of text messages, instant messaging, emails, embarrassing photos or videos, and any use of any social media platform.

6. If an investigation reveals that bullying, including discriminatory harassment, has occurred, assure that prompt and effective steps are taken that are reasonably calculated to:

- a. End the harassment
- b. Eliminate any hostile environment and its effects, and
- c. Prevent the harassment from recurring.

Examples of "prompt and effective" action or remedies include:

- Separation of schedules, classes, lockers, busses, even schools if necessary
- Offer of counseling and adult support
- "No Contact" agreements, if adequate
- Schedule changes
- Safety plan for victim and/or bully
- Modification of behavior support plan (if IEP)
- Assign a "go to" person for the victim
- Disciplinary action
- Training or other interventions to ensure that all students, their families, and school staff are informed
- Compensatory services to the victim
- Empower aggressors to change.
- Entire group attends weekly meetings for several months using counselor/ interventionist/mediator.

7. If bullying involves discriminatory harassment implicating federal civil rights laws (i.e., harassment based on protected status such as gender, race, national origin,

Commented [80]: Cross reference equal opportunity policy?

Commented [81]: As described in the equal opportunity policy

Commented [82]: Often this happens to the detriment of the victim, not the bully. Who should be removed, if someone needs to be removed?

Commented [83]: For both parties

Commented [84]: Also the bully

Commented [85]: Restorative justice?

Commented [86]: Restorative justice?

Commented [87]: As appropriate and desired by victim

disability), ask if the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by a school? Assure all protections and procedures are provided under Board Policy AC and AC-R.

Commented [88]: I am skeptical of personnel's capacity to evaluate this... there have been SERIOUS fumbles here in the past. What resources are available to staff to help make this determination?

8. Prepare a written report of the investigation and determination of whether bullying occurred. Include:

- Date complaint received
- Names of alleged victim and alleged bully (when provided to families only their student's name may be revealed; others should be blacked out or substituted with Student 1, Student 2, etc.)
- Brief description of complaint/allegations
- Steps taken in investigation (witnesses interviewed, information reviewed)
- Summary of investigative findings
- Reference to applicable policy and code of conduct provisions
- Whether the investigation substantiated that bullying occurred
- Recommendation and description of action(s) to be taken

Commented [89]: Also whether discriminatory—special category.

9. Share outcome of investigation with parents, but protect confidentiality under FERPA, usually phone call followed by written notice.

10. Create plan for following up with end date; revise plan as necessary. Make sure all involved know how to report subsequent problems.

TIPS:

- Reassure reporters that they have done the right thing by making a report and make sure they know they will be protected from retaliation.
- Things NOT to say:
 - "I'm sure he didn't mean it."
 - "Boys will be boys"; "Girls are just mean to each other at this age."
 - "We can't protect them from everything."
 - "If she just didn't _____, then kids wouldn't pick on her."
- When interviewing witnesses:
 - Who, what, when and where
 - Ask open-ended questions
 - Take legible notes
 - Quote exact language
 - Do not add personal commentary
 - Include date and start/stop time of interview
 - Read notes back to witness
 - Ask witness to provide written statement (in addition to interview)

Commented [90]: Does this need to be in here? This seems like an implementation thing.

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