



Boulder Valley School District

File: JRR

Codified: 1978

Revised: June 9, 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 constitutional rights 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.

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.

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.

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 violate the

civil or other rights of others, including the rights of all students to be free of bullying and harassment on the basis of disability, race, creed, color, sex (which includes marital status), sexual orientation, gender identity/expression, national origin, religion, ancestry, immigration status, the need for special education services, or physical characteristics, whether such characteristic(s) is actual or perceived.

Personal Appearance

Restrictions on a student's manner of dress will be limited to circumstances where there is a "clear and present danger to the student's health and safety, interference with work, or classroom or school disorder" as a result of such manner of dress. Participation in voluntary activities may necessitate specific requirements for approved grooming and dress due to the nature of the activity. No school shall restrict a student's personal appearance or otherwise discipline a student on the basis of a hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.

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, 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.

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.

LEGAL REFS.:

U.S. Const. Bill of Rights

Colo. Const. Articles 2, 9

C.R.S. § 22-1-120 (rights of free expression for public school students)

C.R.S. § 22-1-123 (5)(e) (state law does not prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis or evaluation without obtaining written parental consent as long as participation is not prohibited by federal law)

C.R.S. § 22-32-109(1)(II)(protection from discrimination on the basis of hairstyles commonly or historically associated with race)

C.R.S. § 22-32-110 (1)(r) (power to exclude materials that are immoral or pernicious)

CROSS REFS.:

IGDA, Student Organizations (Secondary Schools)

IGDB, Student Publications

JB, Equal Educational Opportunities

JBC, Student Involvement in Decisionmaking

All JD and JR policies, Student Conduct and Discipline Code