



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 9, 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 oral statement of the alleged misconduct and 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 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.

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.

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.

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.

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.

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.

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/guardian 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/guardians of the procedure involved.

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.

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/guardian's attendance at a conference regarding the classroom suspension.
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

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/guardians may request an opportunity

to challenge the accuracy of the disciplinary information pursuant to the procedures set forth under the Policy governing student records.

LEGAL REFS.:

20 U.S.C. § 1401 et seq. (Individuals with Disabilities Education Improvement Act of 2004)

34 C.F.R. §§ 300.530-300.537 (IDEIA regulations)

C.R.S. § 22-20-101 et seq. (Exceptional Children's Educational Act)

C.R.S. § 22-33-105 (suspension, expulsion and denial of admission)

C.R.S. § 22-33-106 (grounds for suspension, expulsion and denial of admission)

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

C.R.S. § 22-33-106.3 (use of student's written statements in expulsion hearings)

C.R.S. § 22-33-106.5 (information concerning offenses committed by students)

C.R.S. § 22-33-201.5 (definition of educational services)

C.R.S. § 22-33-203 (educational alternatives for expelled students)

C.R.S. § 22-33-205 (expelled students grant programs)

CROSS REFS.:

AC Nondiscrimination/Equal Opportunity

IGBA, Special Education Programs for Students with Disabilities

JB, Equal Educational Opportunities

All JD and JR policies, Student Conduct and Discipline Code