

Adams 12 Five Star Schools
Procedure regarding temporary removal of a student due to
immediate threat under Policy 8410

Process: This procedure shall be followed to determine whether a student poses an immediate threat under Section 6.2 of Policy 8410, Sexual Harassment (Title IX). This determination shall be made independently of any criminal charges or proceedings. To the extent that any specified District staff member is not available during this process, the staff member's designee shall serve in the described role.

Request for temporary removal

Following the receipt of a report of sexual harassment against a student (hereinafter referred to as "respondent student"), as "sexual harassment" is defined by Policy 8410, a school administrator may request the temporary removal of the respondent student.

In accordance with Section 6.2 of Policy 8410, a request for the respondent student's temporary removal shall be based upon a belief that the respondent student poses an immediate threat to the physical health and safety of any student or other individual in the District's educational programs and activities.

Such a request shall be made by notifying the District's Title IX/Nondiscrimination Coordinator (Title IX Coordinator). The administrator shall also notify the appropriate Executive Director and the District's Director of Student Engagement & Initiatives (SEI) of the request.

Determination of Immediate Threat

The Title IX Coordinator shall refer the request for the respondent student's temporary removal to the District's Threat Assessment Coordinator. Such referral shall include sources of known information regarding the incident(s) and/or behavior that resulted in the referral for temporary removal.

The District's Threat Assessment Coordinator and an additional member of the District's Threat Assessment Team shall determine whether the respondent student poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment.

Notification

If the respondent student is determined to pose an immediate threat to the physical health and safety of any student or other individual in the District's educational programs and activities, the Threat Assessment Coordinator shall inform the Title IX Coordinator.

The Title IX Coordinator shall inform the school administrator who requested the respondent student's temporary removal and the appropriate Executive Director and Director of SEI. The Title IX Coordinator shall also inform the complainant about the respondent student's temporary removal, if the identity of the complainant is known.

Temporary Removal

Upon notification of the determination that the respondent student poses an immediate threat, the school administrator shall follow Section 6.0 of District Policy 5010 prior to placing the respondent student on an emergency temporary removal. Such removal shall not exceed five (5) school days unless extended pursuant to Section 9.0 of District Policy 5010.

If the respondent student is a student with a disability, the number of emergency removal days may count in calculating a change of placement under the Individuals with Disabilities Education Act (the IDEA) and Section 504 of the Rehabilitation Act of 1973. The school shall follow the

requirements of section 16.0 of Policy 5010 during the temporary removal of a respondent student with a disability.

The school administrator will confer with the respondent student's parent/guardian as to the best way to transfer custody of the respondent student to the parent. Upon transfer of custody, the respondent student will be required to leave the school building and the school grounds immediately.

During the respondent student's emergency temporary removal, the absence must be coded as excused.

If, after completion of the grievance process required by Policy 8410, it is determined that the respondent student violated Policy 8410 and student discipline is a consequence, the school and/or district administration may credit the days during the respondent student's temporary removal for said discipline.

Challenge of Temporary Removal Determination

The school will provide the respondent student with written notice and an opportunity to challenge the temporary removal as required by Section 6.2.3 of Policy 8410. Such notice will include a summary of the basis for the emergency removal determination.

A challenge of the temporary removal must be directed to the building principal within two (2) school days after the removal is imposed. If the respondent student does not challenge the temporary removal within this time period, objections to the temporary removal will be deemed waived.

The challenge will be reviewed by a member of the District's Threat Assessment team who did not participate in the determination regarding the respondent student's temporary removal. Such review is not a determination of the merits of the allegation(s) against the respondent student and is intended solely to determine whether the emergency removal is appropriate. The District shall have sole discretion to designate the District's Threat Assessment Team member who will consider the challenge. The burden is on the respondent student to demonstrate that the emergency removal is inappropriate and, therefore, should not be implemented or should be modified.

A violation of an emergency removal will be grounds for discipline, including but not limited to suspension and/or expulsion.

Most recent adoption: March 7, 2022

CROSS REFERENCE:
Policy 5010
Policy 8410