

## **Suspension/Expulsion of Students (and Other Disciplinary Interventions)**

The Board of Education shall provide due process of law to students through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. (See JKD/JKE-R.) In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

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.

The Board and its designee(s) 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;
6. the likelihood that the lesser intervention would properly address the violation;  
and
7. whether excluding the student from school is necessary to preserve the learning environment.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine if 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.

### **Other disciplinary interventions**

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the principal or designee may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case.

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

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

Nothing in this policy shall limit the Board's and its designees' authority to suspend and/or expel a student as deemed appropriate by the Board and its designees. The decision to suspend and/or expel a student instead of providing an alternative to suspension or expulsion or the failure of an intervention to remediate the student's behavior shall not be grounds to prevent the Board and its designees from proceeding with appropriate disciplinary measures, including but not limited to suspension and/or expulsion.

### **Delegation of authority**

1. Students in third grade and higher grade levels: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1) (a), (1) (b), (1) (c), 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.

Students in preschool through second grade: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in 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.

2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105 and 22-3-106.1 (3), for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board, but the total suspension shall not exceed 25 school days.
3. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the superintendent at the conclusion of the hearing. The superintendent shall render a written opinion that imposes or refrains from imposing disciplinary action in the expulsion matter within five business days after the hearing whether the hearing is conducted by the hearing officer or the superintendent.
4. Any person serving as a hearing officer shall receive training on how to serve impartially, including avoiding prejudgement of the facts at issue and conflicts of interest. The Board shall comply with all state law and Department of Education requirements regarding the content, timing, and frequency of training.

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

## **Expulsion for unlawful sexual behavior or crime of violence**

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

The information shall be used by the Board of Education or its designee to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board or its designee shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with this policy.

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

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LEGAL REFS.: C.R.S. 16-22-102(9) *unlawful sexual behavior*  
C.R.S. 18-1.3-406 *crime of violence*  
C.R.S. 22-32-109.1 (2)(a) *adoption and enforcement of the discipline code*  
C.R.S. 22-32-109.1 (2)(a)(I)(E) *policy required as part of conduct and discipline code*  
C.R.S. 22-32-109.1 (3) *agreements with state agencies*  
C.R.S. 22-32-144 *restorative justice practices*  
C.R.S. 22-33-105 *suspension, expulsion and denial of admission*  
C.R.S. 22-33-106 *grounds for suspension, expulsion and denial of admission*  
C.R.S. 22-33-106.3 *use of student's written statements in expulsion hearings*  
C.R.S. 22-33-106.5 *information concerning offenses committed by students*  
C.R.S. 22-33-107 *compulsory attendance law*  
C.R.S. 22-33-107.5 *notice of failure to attend*  
C.R.S. 22-33-108 *juvenile judicial proceedings*

CROSS REFS.: ECAC, Vandalism  
GBGB, Staff Personal Security and Safety

JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)

JIC, Student Conduct, and subcodes

JK\*-2, Discipline of Students with Disabilities

JKF\*, Educational Alternatives for Expelled Students

JKG\*, Expulsion Prevention

Fountain-Fort Carson School District #8, Fountain, Colorado