

## **SUSPENSION/EXPULSION OF STUDENTS**

The Board of Education shall provide due process of law to students through written procedures consistent with law and Board policy for the suspension or expulsion of students.

In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the building principal or designee shall take steps to promptly notify and engage the student's parent/guardian in the disciplinary procedures to the greatest extent possible.

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 employees.

The Board and its designee(s) may 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 employee, and
6. the likelihood that a lesser intervention would properly address the violation.

### **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, unless student contact with the district is otherwise authorized by the school or district administration.
2. "Expulsion" means the exclusion of a student from attending school and participating in school activities for a specified period of time beyond that provided for suspension but not to exceed one calendar year, unless student contact with the district is otherwise authorized by the school or district administration. Expulsion of a student with disabilities does not include a cessation of all educational services.
3. "In-school suspension" means a suspension in which the student is suspended from participation in regular school activities but receives continuous educational instruction, supervision and discipline (see Board Policy JKDA).
4. "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.
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 (see Board Policy JK-2).
6. "Informal hearing" means an opportunity for a student to be informed of the evidence and to explain the student's position regarding the incident constituting grounds for discipline. An informal hearing does not include representation by counsel, the ability to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident.

## **Delegation of Suspension 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 authority to suspend a student 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) 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 JKD/JKE-E as set forth in Board Exhibit JKD/JKE-E, Grounds for Suspension/Expulsion.

### **2. Students in preschool through second grade levels**

a. 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 (see JKD/JKE-E).

b. In accordance with applicable law and Board policy, before suspending or expelling the student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) 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.

c. 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, or off district property when the conduct has a nexus to school or any district curricular or non-curricular event:

- i. 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.
- ii. Violation of the Board's policy on student conduct involving drugs and alcohol.
- iii. Conduct that endangers the health or safety of others.

3. The superintendent or designee, in accordance with C.R.S. 22-33-105 and 22-33-106.1 (3), may extend a suspension for up to 10 additional school days, and another 10 school days if necessary in order to present the issue of expulsion to the Board. The total period of suspension shall not exceed 25 consecutive school days.

## **Alternatives to Suspension**

Principals and their designees will exercise their best professional judgment in deciding whether an out-of-school-suspension is necessary in consequence of a student's misconduct so as to ensure the safety of other students and staff, minimize disruptions to the educational environment, and support a positive school climate conducive to learning.

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

case. Alternatives to suspension are encouraged when safety, order, and a positive school climate can be maintained without the necessity of out-of-school suspension. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to:

Loss of school privileges, in-school suspension, classroom removal, counseling, restorative justice, positive behavioral intervention support (PBIS), peer mediation, behavior plan support, restitution, community or school service, referral for community support, or other approaches to address the student's misconduct that do not involve an out-of-school suspension and minimize the student's exposure to the criminal and juvenile justice system.

Nothing in this policy shall limit the Board's and its designees' authority to suspend and/or expel a student as the Board and its designees deem appropriate and compliant with applicable laws.

### **Expulsion Authority**

Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or superintendent's designee the authority to serve as a hearing officer and delegates to the superintendent 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 within five days after the hearing.

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.

The decision of the superintendent to deny admission or to expel a student may be appealed upon 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.

### **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 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 designee shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with this policy.

The Board 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 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  
JEA, Compulsory Attendance  
JF, Admission and Denial of Admission  
JHD, Exclusions and Exemptions from School Attendance  
JIC, Student Conduct, and sub codes  
JK-2. Discipline of Students with Disabilities  
JKF\*, Educational Alternatives for Expelled Students  
JKG, Expulsion Prevention for At Risk Students  
KL, Relations with Governmental Authorities