

# Student Conduct & Discipline Code

AVAILABLE ONLINE AT:  
[pueblod60.org](http://pueblod60.org)

# 2024-25

**Educating  
for  
Purpose  
and Impact**



**PUEBLO**  
SCHOOL DISTRICT 60  
*Educating for Purpose and Impact*



PuebloDistrict60



Pueblo\_D60



Pueblo\_D60

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**This handbook is also available online at: [pueblod60.org](http://pueblod60.org)**  
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# Office of Student Support

315 W. 11th Street • Pueblo, CO 81003 • 719-423-3075 • 719-549-7175

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## PUEBLO SCHOOL DISTRICT 60

315 W. 11th Street | Pueblo, Colorado 81003

### BOARD OF EDUCATION

Susan L. Pannunzio ..... President  
Dr. Kathy DeNiro ..... Vice President  
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### SUPERINTENDENT OF SCHOOLS

Dr. Barbara Kimzey

August 2024

## Mission

To provide a high-quality education that assures each student the knowledge, skills, and dispositions to lead a life of purpose and impact.



Pueblo School District No. 60 does not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity/expression, marital status, national origin, religion, ancestry, age, disability, need for special education services, genetic information, pregnancy or childbirth status, or other status protected by law in admission, access to, treatment or employment in its educational programs or activities. Additionally, a lack of English language skills is not a barrier to admission or participation in activities. The following individual has been designated to handle inquiries regarding the non-discrimination policies: Executive Director of Student Support Services, Andrew Burns, [andrew.burns@pueblod60.org](mailto:andrew.burns@pueblod60.org), Title IX Coordinator/Compliance Officer for complaints. This individual can be located at 315 West 11th Street, Pueblo, Colorado 81003, (719) 549-7100. Inquiries about Title IX can be directed to Pueblo School District No. 60's Title IX Coordinator/Compliance Officer named herein; the Assistant Secretary for Civil Rights of the Department of Education at (800) 421-3481, [OCR@ed.gov](mailto:OCR@ed.gov); or both. Complaint procedures have been established for students, parents, employees, and members of the public. (Policy AC, AC-R-1, AC-R-2, AC-R-3, AC-E-1, AC-E-2, AC-E-3). Si tiene alguna pregunta sobre esta información, por favor llame a la escuela de su niño.

Both Family Educational Rights and Privacy Act and Colorado Law require that parents and eligible students be given notice, on an annual basis, of their rights under FERPA. These rights are: Right to inspect and review, Right to request amendments, Right to consent to disclosure when consent is required; and Right to file a complaint of FERPA violations.

These policies may be amended from time to time by Board action. Parents and students are advised to check the District's website and the office for the most up-to-date version.

PUEBLO SCHOOL DISTRICT 60

Dear Parent/Legal Guardian:

The original Student Discipline Code, 1985, was initiated as a result of legislation (S.B. 192 of 1984) charging local school districts to develop a discipline code which would include, but not be limited to, provisions to deal with disorderly students in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruption. The Board of Education approved the Code on June 25, 1985. Annual updated versions were initiated in regard to a need to provide a philosophical and procedural basis for student discipline and to reflect changes in state legislation.

Please sign and return this form to your child's school the next day of receiving this handbook.

*(Detach on dotted line and return to school)*

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**STUDENT CONDUCT AND DISCIPLINE CODE HANDBOOK**

**Verification of Receipt  
2024 – 2025 School Year**

I understand that two of the most important factors in ensuring my child's educational development are parental involvement and parental responsibility. Further, I understand it is my obligation to ensure that my child receives adequate education and training. Therefore, I will make every effort to ensure that my child obeys all Pueblo School District 60 policies outlined in the Student Conduct and Discipline Code Handbook.

\_\_\_\_\_  
Parent/Legal Guardian Printed Name

\_\_\_\_\_  
Parent/Legal Guardian Signature

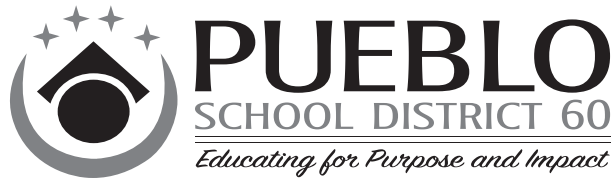
\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

**\*Student athletes must be aware that the extra curricular agreement is in addition to and supports the Pueblo School District 60 Discipline Code.**



## **Mission**

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To provide a  
high-quality education  
that assures each student  
the knowledge, skills,  
and dispositions  
to lead a life of purpose  
and impact.

August 2024

Dear Parents, Guardians and Students:

Pueblo School District 60 is committed to be a high performing school system with a focus on improved student achievement so that all students are successful in graduating from our high schools with a plan for their future. With that vision in mind, Pueblo School District has developed the Student Conduct and Discipline Code to clearly communicate the behavioral expectations necessary for maintaining a safe and orderly learning environment.

The Student Conduct and Discipline Code outlines the policies and procedures relative to student conduct and discipline for Pueblo School District 60. Students and parents/guardians should use it as a reference. Parents are asked to review these policies and procedures with your children and to remind them that school is a place for learning, good attendance, positive attitudes and good behavior.

These policies and procedures will assist us in maintaining a safe and productive learning environment for your student. It is our hope that all students will feel safe, share the responsibility for maintaining a positive school climate, and take pride in their school and their achievements.

These policies and procedures are also on file at your school and on the district's website at [pueblod60.org](http://pueblod60.org). If you have any questions, please contact your school principal.

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*\*Policies that affect students may be revised from time-to-time during the year after publication of the hard copy. Therefore, please always check the District's website for the current version:  
<https://www.pueblod60.org/codeofconduct>.*

## Nondiscrimination/Equal Opportunity

**File: AC**

The district is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. It is critical to this commitment that anyone who may have experienced discrimination or harassment in the context of the district’s educational programs, activities, or employment can report their concerns without fear of retaliation.

This policy AC and the implementing regulations are designed to foster a climate that provides preventative measures and encourages the reporting of discrimination and harassment and related retaliation. The district administrators will engage in prevention efforts, train the school community, respond to all complaints promptly, provide supportive measures, and develop fair and equitable processes to investigate and address complaints of discrimination and harassment, and related retaliation, and ensure all parties are treated fairly and impartially.

This policy defines prohibited conduct and guides individuals to the specific regulation governing the applicable reporting and response processes. Complaints of harassment or discrimination against a student should be made pursuant to AC-R-1. Complaints of harassment and discrimination against applicants, employees or community members should be made pursuant to AC-R-2. Complaints of bullying against a student based on their membership in a protected class should be made under AC-R-1. Complaints under Title IX should be made under AC-R-3. Supportive measures and prompt response times are required components of all regulations.

### Definition

- **“Bullying”** is any written or oral expression, physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental or emotional harm to another. Bullying is student-on-student behavior. The following policy has more details on the definition of bullying, the prevention process, and the reporting process:
  - Policy JICDE\*, Bullying Prevention and Education
- If the bullying is based on a student’s protected class, the behavior may constitute discrimination or harassment. Bullying based on a student’s protected class should be addressed through the following regulation:
  - Regulation AC-R-1
- **“Protected classes”** include race, color, gender, sex, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, marital status, veteran status, disability, family composition and genetic information of an employee or applicant for employment.

### For purposes of this policy and the implementing regulations:

- **“Race”** includes hair texture, hair type, hair length, or a protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, and headwraps, that is commonly or historically associated with race.
- **“Sexual Orientation”** means an individual’s identity (or another person’s perception of their identity), in relation to the gender(s) to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- **“Gender Expression”** means an individual’s way of reflecting and expressing gender to the outside world, typically demonstrated through appearance, dress, and behavior.
- **“Gender identity”** means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth.
- **“Harassment”** is any unwelcome, physical or verbal conduct or any written, graphic, or visual communication directed at a student, employee, applicant, or member of the public based on their protected class that is objectively offensive to a reasonable individual who is a member of the same protected class, that also:
  - for a student, is either made a term or condition of access to educational services, is used or threatened to be used as a basis for educational decisions affecting the student, interferes with a student’s ability to participate in the district’s educational services, or creates an intimidating, hostile, or offensive educational environment;
  - or an applicant or an employee, is subjectively offensive to the individual alleging harassment, is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with the individual’s work performance, or creates an intimidating, hostile, or offensive working environment;

- for a member of the community, is subjectively offensive to the individual alleging harassment, and unreasonably interferes with a community member’s ability to participate in the district’s services, activities, or opportunities.

Whether conduct constitutes harassment depends on a number of factors, including, but not limited to:

- the type, frequency, and duration of the conduct;
  - the number of individuals involved and their relationships;
  - the age and education level of individuals involved;
  - the location and context in which the conduct occurred;
  - whether the conduct is threatening or any real or perceived power differential exists;
  - any use of stereotypes, epithets, slurs, or degrading conduct or communication;
  - whether the conduct includes an act of physical violence;
  - the effect on the complainant’s education or employment, if applicable.
- **“Discrimination”** occurs when a student or community member is denied or limited in the ability to participate in or benefit from the district’s services, activities, or opportunities on the basis of their protected class. Discrimination also occurs when the district fails or refuses to hire an employee, discharges an employee, or otherwise treats an employee differently with respect to compensation, terms, conditions, privileges, opportunities, or status on the basis of their protected class. Harassment of a student, employee, or community member is a form of discrimination.

The following regulations have more details on harassment and discrimination and the related complaint process:

- AC-R-1 Harassment and Discrimination Investigation Procedure for Students
  - AC-R-2 Harassment and Discrimination Investigation Procedure for Employees, Applicants for Employment and Members of the Public
  - AC-R-3 Sex-based Harassment Investigation Procedures under Title IX
- **“Retaliation”** is intimidating, threatening, coercing, or discriminating against an individual who has reported an incident of harassment, discrimination, or bullying. Retaliation includes charges against a student for code of conduct violations related to the incident for the purpose of punishing a student for making a report or otherwise interfering with a student’s rights under this policy.
  - **“Sex-based Harassment”** under Title IX is conduct on the basis of sex that could include unwelcome sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature. Because Title IX’s definition of sex-based harassment is a federal standard, the definitions and procedures differ slightly from sex-based harassment under state law. More information on sex-based harassment can be found in the following policies and regulation:
    - Policy GBAA, Sex-based Harassment [for Staff]
    - Policy JBB, Sex-based Harassment [for Students]
    - Regulation AC-R-3, Sex-based Harassment Investigation Procedures under Title IX
  - **“Respondent”** means a student or employee who has been reported to have engaged in conduct that could constitute harassment.
  - **“Complainant”** means a student, employee, or community member alleged to have experienced discrimination or harassment. A complainant may or may not be the reporting party.
  - **“Reporting Party”** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any district student, employee, or community member may be a reporting party.
  - **“Compliance Officer”** means the district employee who is responsible for coordinating and overseeing the district’s discrimination and harassment prevention and response efforts. Among other responsibilities, the compliance officer will coordinate and oversee the district’s discrimination and harassment investigation, consultation, recordkeeping, monitoring, and training processes. To facilitate this work, all district employees must inform the compliance officer of all reports and complaints raising discrimination and harassment



issues implicating this policy. The compliance officer may appoint a designee to perform any of their assigned duties, including performing the investigation and issuing the report.

- **“Supportive Measures”** are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter harassment and discrimination. Supportive measures may be provided regardless of whether a complaint has been filed. Supportive measures may include, but are not limited to:
  - Counseling;
  - extensions of deadlines or other course-related adjustments;
  - extra time for homework or tests;
  - the opportunity to resubmit homework or retake a test;
  - remedying an impacted grade;
  - excused absences;
  - the opportunity for home instruction;
  - modifications to class schedules; and
  - restrictions on contact between the parties to a complaint of harassment or discrimination.
- **“Title IX Coordinator”** means the employee designated by the district to coordinate its efforts to comply with Title IX of the Education Amendments and the district’s Title IX program.

- Title IX Coordinator:

Executive Director of Student Support Services  
Andrew Burns  
315 West 11th Street  
Pueblo, Colorado 81003  
(719)549--7100  
andrew.burns@pueblod60.org

### **Harassment, Discrimination, and Retaliation Prohibited**

Discrimination, harassment, and bullying on the basis of protected class are prohibited at any district school, at any district or school-sanctioned activity or event, on any district property (or off school property when such conduct has a connection to the school), or any district curricular or non-curricular activity or event. Retaliation for reporting harassment or for participating in any way in an investigation of harassment or discrimination is also prohibited.

### **District Action**

The district encourages anyone - students, parents and family members, volunteers, educators, or staff members - who witness bullying, harassment, discrimination, or retaliation to report the conduct by making a complaint in accordance with the appropriate regulation. All school staff who witness or receive complaints of harassment or discrimination are required to promptly share any such complaints with the compliance officer.

The district will take appropriate action to promptly and impartially investigate allegations of discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take additional action during the investigation to protect against further discrimination, harassment, or retaliation.

To the extent possible, all complaints of discrimination and harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation may be subject to discipline, up to and including suspension/expulsion for students and termination of employment for employees. No student, employee, or member of the public may be subject to adverse treatment in retaliation for any good faith complaint of harassment or discrimination under this policy.

Upon determining that incidents of discrimination or harassment are occurring in particular district settings or activities, the district will implement measures designed to stop the discrimination or harassment and otherwise remedy the problem in those areas or activities.

Any student or employee who engages in discrimination or harassment will be disciplined according to applicable Board policies and the district will take reasonable action to restore lost educational or employment opportunities to the complainant(s) and others impacted.

The compliance officer will refer any potential criminal charges to law enforcement.

### **Notice and Training**

The district will issue a written notice prior to the beginning of each school year that advises students, parents, employees, and the general public that the educational programs, activities, and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the written notice will prohibit discrimination on the basis of age, genetic information, and conditions related to pregnancy or childbirth.

The announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities. Where possible, the notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made accessible to persons who are visually or hearing impaired.

This policy and the implementing regulations, which include the complaint process, must be prominently posted on the district's website in plain language, and made available to all students, parents, and staff through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sex-based harassment are available to the public on the district's website.

Students and district employees will receive periodic training related to recognizing, reporting and preventing discrimination and harassment. District employees must receive additional training related to handling reports of discrimination and harassment.

The training will comply with Colorado state law and will include, but not be limited to, instruction on the following:

- Recognizing harassment or discrimination, including indicators of grooming and child sexual abuse;
- The appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee;
- Reporting harassment or discrimination to the public school or school district.

Adopted: March 12, 1985

Revised: January 26, 1993

June 27, 2000

December 19, 2013

June 9, 2016

December 11, 2018

August 25, 2020 (Temporarily Approved)

September 10, 2020 (Permanently Approved)

June 13, 2024 (Temporarily Approved)

LEGAL REFS.: 20 U.S.C. 1681 (*Title VII, Education Amendments of 1972*)  
20 U.S.C. 1701-1758 (*Equal Employment Opportunity Act of 1972*)  
29 U.S.C. 621 *et seq.* (*Age Discrimination in Employment Act of 1967*)  
29 U.S.C. 701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)  
42 U.S.C. 12101 *et seq.* (*Title II of the Americans with Disabilities Act*)  
42 U.S.C. 2000d (*Title VI of the Civil Rights Act of 1964, as amended in 1972*)  
42 U.S.C. 2000e (*Title VII of the Civil Rights Act of 1964*)  
42 U.S.C. 2000ff *et seq.* (*Genetic Information Nondiscrimination Act of 2008*)  
34 C.F.R. Part 100 through Part 110 (*civil rights regulations*)  
C.R.S. 2-4-401 (3.4) (*definition of gender expression*)  
C.R.S. 2-4-401 (3.5) (*definition of gender identity*)  
C.R.S. 2-4-401 (13.5) (*definition of sexual orientation*)

- C.R.S. 18-9-121 (*bias-motivated crimes*)
- C.R.S. 22-1-143 (*definition of harassment or discrimination*)
- C.R.S. 22-32-109 (1)(ll) (*Board duty to adopt written policies prohibiting discrimination*)
- C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)
- C.R.S. 24-34-301 *et seq.* (*Colorado Civil Rights Division*)
- C.R.S. 24-34-301 (3.3) (*definition of gender expression*)
- C.R.S. 24-34-301 (3.5) (*definition of gender identity*)
- C.R.S. 24-34-301 (7) (*definition of sexual orientation*)
- C.R.S. 24-34-402 *et seq.* (*discriminatory or unfair employment practices*)
- C.R.S. 24-34-402(1.3)(a) (*definition of “harass” or “harassment”*)
- C.R.S. 24-34-402.3 (*discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted “in a conspicuous place” accessible to employees*)
- C.R.S. 24-34-601 (*unlawful discrimination in places of public accommodation*)
- C.R.S. 24-34-602 (*penalty and civil liability for unlawful discrimination*)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity  
GBAA, Sex-based Harassment  
JB, Equal Educational Opportunities  
JBB, Sex-based Harassment

4876-7456-0712, v. 1

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## Harassment and Discrimination Investigation Procedures for Students

**File: AC-R-1**

The district prohibits discrimination against any district student. It is a violation of policy for any student or staff member to harass students, or to retaliate against those who report harassment or discrimination or those who participate in a harassment investigation. For the purposes of this regulation, “**harassment**” is unwelcome conduct or communication directed at a student based on their protected class, as described in Policy AC, that is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is made a term or condition of access to educational services, (ii) submission to, objection to, or rejection of the conduct or communication is used or threatened to be used as a basis for educational decisions affecting the student; or (iii) the conduct or communication interferes with a student’s ability to participate in the district’s educational services, or creates an intimidating, hostile, or offensive educational environment.

The district has adopted the below grievance procedures to encourage reporting and ensure that the investigation and resolution of complaints of harassment and discrimination against students are fair, impartial, and prompt.

Allegations of sex-based discrimination or sex-based harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

### Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint, with an additional thirty-day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

Promptly after receiving a complaint, the compliance officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation by contacting the compliance officer. If a student with a disability is a party, the compliance officer will collaborate with the student’s 504/IEP team to determine appropriate supportive measures and will discuss these options with the student. Supportive measures may include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; extra time for homework or tests; the opportunity to resubmit homework or retake a test; remedying an impacted grade; excused absences; the opportunity for home instruction; modifications to class schedules; and restrictions on contact between the parties to a report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided equal opportunity to present evidence. Any questions that arise during the investigation should be directed to or forwarded to the compliance officer. The compliance officer will provide regular written updates about the status of the investigation to both parties and their parents/legal guardians at the end of each stage of the investigation, but at least every fifteen business days.

### 1. Making a Complaint

Any person who witnesses or experiences bullying on the basis of protected class, harassment, discrimination, or retaliation against students are encouraged to report the conduct to school staff by making a complaint with the district's compliance officer.

Any staff member who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to the compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged event(s) occurred, and name(s) of the party/parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:** Executive Director of Student Support Services

Andrew Burns  
315 West 11th Street  
Pueblo, Colorado 81003  
(719) 549-7100  
andrew.burns@pueblod60.org

- **Complaint Form Link:**

[https://www.pueblod60.org/cms/lib/CO50000472/Centricity/domain/69/section%20a/AC-E-2%20Nondiscrimination-Equal%20Opportunity\\_Report%20Form.pdf](https://www.pueblod60.org/cms/lib/CO50000472/Centricity/domain/69/section%20a/AC-E-2%20Nondiscrimination-Equal%20Opportunity_Report%20Form.pdf)

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct, or if they are alleged to have participated in prohibited conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- **Assistant Superintendent of Human Resources:**

Eric DeCesaro  
315 West 11th Street  
Pueblo, Colorado 81003  
(719) 549-7162  
eric.decesaro@pueblod60.org

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

### 2. Evaluation by Compliance Officer

The compliance officer will review the complaint to determine whether the alleged conduct constitutes harassment or discrimination. The compliance officer will refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence shared by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

### 3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- a. *Initial meeting with Reporting Party, if any, and Complainant:* Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party and their parents or guardians.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute prohibited discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

If the complainant does not want to proceed with the next steps of the investigation, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the school environment.

- b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians, in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.
- c. *Information Provided at the Initial Meetings:* The compliance officer will provide to both the complainant and respondent the same basic information, including:
  - i. available supportive measures;
  - ii. copies of Board Policy AC and this regulation;
  - iii. timeline for the investigation process and the district’s legal obligations;
  - iv. the possibility of resolving the complaint informally upon agreement of all parties;
  - v. that the information collected is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct;
  - vi. all parties have a right to have an advisor present during all stages of the investigation; and
  - vii. parties will be granted excused absences for any therapy, medical, legal, or victim’s services appointment associated with the report.

#### 4. **Informal Complaint Resolution**

When the compliance officer deems it appropriate, an informal resolution process may be instituted. Informal resolution is not appropriate in all circumstances. It may only be used if both parties are students and both parties agree, with agreement voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within seven school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

#### 5. **Formal Complaint Resolution**

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution.

- a. *Collect Evidence:* The compliance officer will collect evidence. Evidence may be collected by interviews with parties and witnesses, reviewing any available physical or documentary information, requesting written statements, or other appropriate methods at the compliance officer’s discretion. Evidence may include, but is not limited to: evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent’s respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct.

- b. *Determination*: No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred. The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:
- i. the degree to which the conduct affected the complainant’s ability to participate in or benefit from the school environment;
  - ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment;
  - iii. the identity of and relationship between the respondent and the complainant;
  - iv. the context of the incident, including school size and location of the incident and/or other incidents at the school;
  - v. whether the conduct was threatening;
  - vi. the use of epithets, slurs or other conduct that is humiliating or degrading;
  - vii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
  - viii. ages and number of respondents and complainants involved;
  - ix. patterns of misconduct of the respondent;
  - x. real or perceived power differentials between the parties;
  - xi. any other relevant circumstances.

The decision must include a written determination regarding responsibility, explain how and why the compliance officer reached the conclusions outlined in the report, detail any supportive measures or disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer’s report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

## 6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer’s findings and recommendations, the superintendent or designee must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

Students will not be disciplined for any of the following acts, if they are connected to the reported incident: truancy, late arrival, drug or alcohol use, consensual sexual activity, expressing a trauma symptom, unauthorized access to facilities, reasonable self-defense against the respondent, or talking publicly about the reported harassment or discrimination.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be concurrently notified in writing of the final outcome of the investigation and any corrective or restorative action taken by the district within five school days following the superintendent’s determination.

A copy of the compliance officer’s report, and any corrective, disciplinary or restorative actions shall be provided to the Board of Education.

## Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1–800–799–SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Violence Free Colorado: <https://www.violencefreecolorado.org/>

The Crisis Center 24/7 Hotline: 303-688-8484

Local resources for use by students include:

Pueblo Police Department (719) 553-2502

Pueblo Sheriff’s Office (719) 583-6250

## Outside Agencies

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR)  
U.S. Department of Education  
1244 Speer Blvd., Suite 310, Denver, CO 80204-3582  
Telephone: 303-844-5695  
Fax: 303-844-4303  
TTY: 303-844-3417.  
Email: OCR. Denver @ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC)  
303 E. 17th Avenue, Suite 410, Denver, CO 80203  
Telephone: 800-669-4000  
Fax: 303-866-1085  
TTY: 800-669-6820  
ASL Video Phone: 844-234-5122  
Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD)  
1560 Broadway, Suite 825, Denver, CO 80202  
Telephone: 303-894-2997 or 800-886-7675  
Fax: 303-894-7830  
Email: DORA\_CCRD@state.co.us (general inquiries),  
DORA\_CCRDIntake@state.co.us (intake unit)

Adopted: 1995  
Revised: March 14, 2006  
December 19, 2013  
December 11, 2018  
August 25, 2020 (Temporarily Approved)  
September 10, 2020 (Permanently Approved)  
June 13, 2024 (Temporarily Approved)

4880-4149-8568, v. 1

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## Harassment and Discrimination Investigation Procedures **File: AC-R-2** for Employees, Applicants for Employment and Members of the Public

The district prohibits discrimination against any employee, applicant for employment, and members of the public. It is a violation of policy for any staff member or student to harass employees, applicants for employment, or members of the public, or to retaliate against those who report harassment or discrimination or participate in an investigation of harassment or discrimination. For the purposes of this regulation, "harassment" is any unwelcome conduct or communication directed at an individual because of their protected class, as described in Policy AC. The conduct or communication must be subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment; (ii) submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or (iii) the conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

The below grievance procedures provide for the fair, impartial, and prompt resolution of complaints of harassment or discrimination against employees, applicants for employment and members of the public.

Allegations of sex-based discrimination or sexual harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

## Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint is made, with an additional thirty-day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

All parties will be treated equitably and will be provided equal opportunity to present evidence.

### 1. Making a Complaint

Any person who witnesses or experiences harassment, discrimination, or retaliation against employees, applicants for employment or community members, is encouraged to report the conduct by making a complaint with the district's compliance officer.

Any staff member who receives information about, witnesses, or experiences harassment, discrimination or retaliation must report the incident to the district's compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged events occurred, and name(s) of the parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:**

Executive Director of Student Support Services

Andrew Burns

315 West 11th Street

Pueblo, Colorado 81003

(719) 549-7100

andrew.burns@pueblod60.org

- **Complaint Form Link:**

[https://www.pueblod60.org/cms/lib/CO50000472/Centricity/domain/69/section%20a/AC-E-2%20Nondiscrimination-Equal%20Opportunity\\_Report%20Form.pdf](https://www.pueblod60.org/cms/lib/CO50000472/Centricity/domain/69/section%20a/AC-E-2%20Nondiscrimination-Equal%20Opportunity_Report%20Form.pdf)

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- **Assistant Superintendent of Human Resources:**

Eric DeCesaro

315 West 11th Street

Pueblo, Colorado 81003

(719) 549-7162

eric.decesar@pueblod60.org

Retaliation against the complainant, respondent, or any other person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

### 2. Evaluation by Compliance Officer

Before proceeding with the investigation, the compliance officer will review the complaint to determine whether the alleged conduct constitutes potential discrimination or harassment. The compliance officer may refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount



of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence collected by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

### 3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

- a. *Initial meeting with Reporting Party, if any, and Complainant:* Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

- b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.
- c. *Information Provided at the Initial Meetings:* The compliance officer will provide to both the complainant and respondent the same basic information, including:
- i. available supportive measures;
  - ii. copies of Board Policy AC and this implementing regulation;
  - iii. timeline for the investigation process and the district’s legal obligations;
  - iv. the possibility of resolving the complaint informally upon agreement of all parties;
  - v. that information collected in the investigation is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct; and
  - vi. all parties have a right to have an advisor present during all stages of the investigation.

### 4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. The informal resolution process may involve mediation, restorative justice, or other settlement but may only be used if both parties are non-students and both parties agree. Agreement must be voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within seven school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

### 5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution. The compliance officer will proceed as follows:

- a. *Collect Evidence:* The compliance officer will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent’s respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or other appropriate ways.
- b. *Determination:* No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred.

The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:

- i. the degree to which the conduct affected the complainant’s ability to participate in or benefit from the school or work environment;
- ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment, and that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
- iii. the number of individuals engaged in the conduct or communication;
- iv. the identity of and relationship between the respondent and the complainant;
- v. the location of the incident and context in which it occurred;
- vi. whether the conduct was threatening;
- vii. the use of epithets, slurs or other conduct that is humiliating or degrading;
- viii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- ix. any power differentials between the parties;
- x. any other relevant circumstances.

Whether harassment has previously occurred in the district is not relevant as to whether the conduct or communication is discriminatory. Petty slights, minor annoyances, and lack of good manners do not constitute harassment, unless, combined, they impact an individual’s employment or create a hostile environment as described in the definition of harassment.

The decision must include a determination of whether the respondent engaged in harassment or discrimination, an explanation of how and why the compliance officer reached the conclusions outlined in the report, a description of any supportive measures/disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer’s report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

## 6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer’s findings and recommendations, the superintendent must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

To the extent permitted by federal and state law, all parties must be notified in writing of the final outcome of the investigation no later than seven days following the superintendent’s final determination.

## Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1–800–799–SAFE (7233)  
National Sexual Assault Hotline: 1-800-656-4673  
Colorado Department of Human Resources Domestic Violence Program:  
<https://cdhs.colorado.gov/dvp>  
Violence Free Colorado: <https://www.violencefreecolorado.org/>  
The Crisis Center 24/7 Hotline: 303-688-8484  
Local resources for use by staff include:

Pueblo Police Department (719) 553-2502  
Pueblo Sheriff’s Office (719) 583-6250

### **Outside Agencies**

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR)  
U.S. Department of Education  
1244 Speer Blvd., Suite 310, Denver, CO 80204-3582  
Telephone: 303-844-5695  
Fax: 303-844-4303  
TTY: 303-844-3417  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Federal Office of Equal Employment Opportunity Commission (EEOC)  
303 E. 17th Avenue, Suite 410, Denver, CO 80203  
Telephone: 800-669-4000  
Fax: 303-866-1085  
TTY: 800-669-6820  
ASL Video Phone: 844-234-5122  
Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD)  
1560 Broadway, Suite 825, Denver, CO 80202  
Telephone: 303-894-2997 or 800-886-7675  
Fax: 303-894-7830  
Email: [DORA\\_CCRD@state.co.us](mailto:DORA_CCRD@state.co.us) (general inquiries)  
[DORA\\_CCRDIntake@state.co.us](mailto:DORA_CCRDIntake@state.co.us) (intake unit)

August 25, 2020: (Temporarily Adopted)  
September 10, 2020 (Permanently Adopted)  
Revised: January 30, 2024  
June 13, 2024 (Temporarily Adopted)

4863-3946-3368, v. 1

## Sex-based Harassment Investigation Procedures (Title IX)

File AC-R-3

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including sex-based harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sex-based discrimination or harassment or participates in a harassment investigation.

### Definitions

For purposes of this regulation, these terms have the following meanings:

- **“Complainant”** means an individual who is alleged to have been subjected to conduct that could constitute sex-based discrimination or sex-based harassment under Title IX.
- **“Decision Maker”** means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged sex-based harassment. The district’s decision maker may be the superintendent, another designated administrator, or a third-party.
- **“Disciplinary Sanction”** means a consequence imposed by the district on a respondent who is found to have violated this policy. Sanctions are designed to remedy and prevent the recurrence of discrimination, harassment, and/or retaliation. Disciplinary sanctions may include: no-contact orders, required training, loss of privileges, suspension, or expulsion.
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control, including disciplinary authority, over both the complainant and respondent and the context in which the sex-based harassment occurs.
  - **“Respondent”** means an individual who has been reported to have violated the district’s prohibition on sex discrimination.
- **“Sex Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **“Sex-based Harassment”** is a form of sex discrimination and includes sexual harassment and other harassment on the basis of sex that satisfies one or more of the following:
  1. Quid pro quo harassment. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
  2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity; or
  3. Specific offenses. Sexual assault, dating violence, domestic violence, or stalking.
- **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent to restore or preserve the party’s access to the education program/activity, including safety measures, or provide support during the grievance procedures, before or after the filing of a formal complaint or where no formal complaint has been filed. Possible supportive measures may include: academic support, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives, access to identified trusted adults at school, increased monitoring of locations, safety planning and referral to outside agencies and supports.
- **“Remedies”** means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the education program or activity after the district determines that sex discrimination occurred. Remedies may include: *[List possible remedies, such as counseling, updating policies, staff or student training, accommodations.]*
- **“Retaliation”** means threats, intimidation, coercion, discrimination, or other adverse action against any person for

the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this policy.

- **“Title IX Coordinator”** means the employee designated by the district to coordinate its efforts to comply with Title IX responsibilities. The Title IX Coordinator will also objectively evaluate the credibility of parties and witnesses and synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each situation.

**The district's Title IX Coordinator is:**

Executive Director of Student Support Services  
Andrew Burns  
315 West 11th Street  
Pueblo, Colorado 81003  
(719) 549--7100  
andrew.burns@pueblod60.org

### **Complaint Resolution Process**

Investigations into complaints alleging violations of Title IX will proceed as described below. The investigation will be adequate, reliable, and impartial. All parties will be treated equitably and will be provided equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. Throughout the investigation, the district will take reasonable steps to protect the privacy of the parties and witnesses during the investigation, provided this does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The district will make a good faith effort to complete the investigation and make any findings within sixty days after the complaint, and the Title IX Coordinator will adhere to all timeframes. Reasonable extensions of timeframes will be granted on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.

No person can serve as a Title IX Coordinator or decisionmaker if they have a conflict of interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. An alternate will be designated in the event it is claimed that an employee with responsibilities under this regulation is the one who committed the alleged discrimination. Additionally, the Title IX Coordinator may assign any or all aspects of the complaint response process to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters. **As used in this regulation, the term “Title IX Coordinator” refers to the compliance officer or their alternate.**

The Title IX Coordinator must offer and coordinate supportive measures, as appropriate, for both the complainant and the respondent. A complainant may request modification of supportive measures if circumstances have changed materially, or they disagree with the district’s decision to provide, deny, modify, or terminate supportive measures. Challenges of a district’s decision must be submitted to the Title IX Coordinator within ten (10) days of the decision, and an impartial employee other than the Title IX Coordinator will review the challenge.

#### **1. Making a Complaint**

A complainant, or a parent or guardian with the legal right to act on the complainant’s behalf, may file a complaint with the Title IX Coordinator. Complaints are an oral or written request that objectively can be understood as a request for the school to investigate and make a determination about alleged discrimination. If a complaint is given to a district employee, the district employee will promptly forward all information regarding the complaint to the Title IX Coordinator. Complaints must be filed within 180 days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence. The complainant will receive assistance as needed in filing a complaint.

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation, is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary sanctions.

#### **2. Evaluation and Dismissal by Title IX Coordinator**

Within five school days after a complaint is received, the Title IX Coordinator will determine if the alleged conduct occurred in the district’s education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures.

At any point throughout the investigation, the Title IX Coordinator may dismiss the complaint if the respondent cannot be identified or is not participating/employed in district programs or activities, or the complainant voluntarily

withdraws the complaint, and the Title IX coordinator declines to initiate a complaint.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant as to the basis of the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the respondent will also be notified. Additionally, the district will provide both parties with an opportunity to appeal the dismissal. Dismissals may be appealed on one of the following bases, if it would change the outcome: new evidence, procedural irregularities, or a conflict of interest.

Allegations in a dismissed complaint may constitute discrimination or harassment prohibited by Policy AC, in which case the investigation will continue under the associated regulations: AC-R-1 or AC-R-2. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.

If the dismissal is appealed, the district will: notify the parties of any appeal, including notice of the allegations if not already provided; implement appeal procedures equally for the parties; ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint; ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations; provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will offer supportive measures to the complainant and respondent and take other prompt and effective steps to ensure that prohibited sex discrimination does not occur, including directing the parties to AC-R-1.

### 3. Initial Meetings with the Parties

Following this determination, the Title IX Coordinator will begin the investigation in a reasonably prompt manner and take the following steps:

- a. *Initial meeting with Reporting Party, if any, and Complainant:* The Title IX Coordinator will meet with the complainant to provide the information detailed in paragraph (c) below. If the complainant does not want to proceed with their complaint, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the school environment.
- b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will provide the respondent written notice as to the allegations against them and give the respondent a chance to respond to those allegations.

The compliance officer may meet with the respondent to advise them of the allegations even if the compliance officer determines, after meeting with the Complainant and any reporting party, that there is no merit to the allegations.

- c. *Notice of Allegations.* At the initial meetings, the Title IX Coordinator will provide to both the complainant and respondent notice of the allegations, which includes the following information:
  - i. Available supportive measures;
  - ii. Copies of Board Policy AC and this implementing regulation;
  - iii. Timeline for the investigation process and the district's legal obligations;
  - iv. Information on the informal resolution process, if offered;
  - v. Sufficient information regarding identities to allow parties to respond;
  - vi. Retaliation is prohibited;
  - vii. Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or a description of the evidence; and
  - viii. Additional notice will be provided if the district decides to investigate additional allegations.

If the complainant or respondent is a student with a disability, the Title IX Coordinator must consult with the student's IEP/504 Plan Team to determine supportive measures and other actions that comply with the requirements of federal law.

### 4. Informal Resolution

When the Title IX Coordinator deems it appropriate, an informal resolution process may be instituted with an impartial facilitator who is not the Title IX Coordinator or decision maker. Informal resolution is not appropriate in all circumstances. It may only be used if both parties must agree, with agreement voluntary, non-coerced, and docu-

mented in writing. Informal resolution is not available in cases where a district employee is alleged to have sexually harassed a student.

Prior to initiating an informal resolution process, both parties must be provided written notice explaining the allegations, the requirements of the informal resolution process, that either party has the right to withdraw from the informal resolution process, that an agreement at the conclusion of the informal resolution process would prevent the parties from initiating grievance procedures arising from the same allegations; the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and what information the district will maintain and whether/how that information could be disclosed for use in the investigation, if informal resolution is not successful and the investigation resumes.

Generally, the informal resolution process should be completed within sixty school days from the parties' agreement to the process, unless good cause is shown.

## 5. Formal Complaint Grievance Process

If informal resolution is inappropriate, unavailable, or unsuccessful, the Title IX Coordinator or their qualified designee will investigate the complaint and provide a report to the decision-maker, who will determine whether discrimination occurred. Any designee must be free of bias and able to act with independence. Either party may raise a concern regarding lack of qualification or bias by contacting the Title IX Coordinator (identified in AC-E-1).

The burden is on the district - not on the parties - to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

- a. *Collect Evidence:* The Title IX Coordinator will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or ways as appropriate.

During the investigation, the Title IX Coordinator will presume that the respondent is not responsible for the alleged sex discrimination until a determination is made (the "presumption of innocence" standard). The Title IX Coordinator may question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. However, the Title IX Coordinator will protect the complainant from inappropriate questions and evidence about the complainant's prior sexual history and will not make credibility determinations based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence protected under legal privilege or provided to a confidential employee, unless waived voluntarily;
  - A party's or witness's records that are made or maintained by a recognized health professional or paraprofessional in connection with the provision or treatment, unless voluntary, written consent for use in the grievance procedures is obtained;
  - Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless offered to prove someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.
- b. *Report:* Within sixty calendar days of the receipt of the complaint, the Title IX Coordinator must issue a report to the decision maker. The Title IX Coordinator's report must be advisory and must not bind the decision maker to any particular course of action or remedial measure.
  - c. *Determination:* The decision maker will determine whether discrimination or harassment occurred, by applying the preponderance of the evidence standard. In making the determination, the decision maker will consider the following:
    - i. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;

- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within the district's education program or activity, previous interactions, and other relevant factors;
- iv. Location and context of the conduct;
- v. Other sex-based harassment in the district's education program or activity;
- vi. Any other relevant considerations.

The decision maker will notify the parties in writing of the determination that sex discrimination occurred under Title IX including the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal.

## 6. Disciplinary Sanctions and Remedies

If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other impacted individuals; coordinate any disciplinary sanctions and notify the complainant; and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

Disciplinary sanctions will not be imposed until the grievance procedures are completed, and parties will not be disciplined under Title IX for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

## 7. Appeal

The investigation is closed after the decision maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the decision maker detailing why the decision should be reconsidered.

Grounds for appeal will be limited in accordance with applicable law, to either a: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or the Title IX Coordinator or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

Both parties shall receive written notice of any appeal and both shall have the opportunity to submit written statements either in support of or challenging the written determination. The superintendent or designee shall have up to ten (10) school days to arrange for and hold a meeting with each of the parties if the party so desires. Following the meeting, the superintendent or designee shall have ten (10) school days to provide a written decision to the parties. Appeal decisions defer to the original decision, making changes to the determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. The Superintendent or designee may 1) affirm the written determination; 2) overturn the written determination, or 3) send the report back for additional investigation. The Superintendent or designee's decision to affirm or overturn the report is final.

## Notice and Training

To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of these procedures to all district schools and departments. The policy and complaint procedures must be prominently posted on the district's website, referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees will receive periodic training related to recognizing and preventing sex-based harassment. District employees must receive additional periodic training related to handling reports of sex-based harassment. Title IX Coordinators, Decision Makers, Informal Resolution Facilitators, and other persons involved in the grievance procedures or with authority to modify or terminate supportive measures must receive additional periodic training specific to their role relating to handling reports of sex-based harassment as required by law.

The Title IX Coordinator must monitor the district for barriers to reporting information that may constitute sex discrimination under Title IX. Additionally, all employees who are not confidential employees must notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under Title IX.

Training materials are available to the public on the district's website.

August 25, 2020 (Temporarily Adopted)

September 10, 2020 (Permanently Adopted)

Revised: January 30, 2024

Revised: June 13, 2024 (Temporarily Adopted)



LEGAL REFS.: 20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972) 34 C.F.R. Part 106  
CROSS REFS: AC, Nondiscrimination/Equal Opportunity  
AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)  
AC-E-3, Title IX Formal Complaint  
JBB, Sex-based Harassment  
GBAA, Sex-based Harassment

4873-9190-5992, v. 1

.....  
**Nondiscrimination/Equal Opportunity**  
**(Sample Notice)**

**File: AC-E-1**

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law, Pueblo School District No. 60 does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment or members of the public on the basis of race, color, creed, sex, sexual orientation, marital status, religion, national origin, ancestry, family composition, disability or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law. Harassment, if it rises to the level described in state law, is a prohibited form of discrimination.

Complaint procedures have been established for students, parents, employees and members of the public. The following person(s) have been identified as the compliance officer(s) for the district:

**Name(s) or title(s) of employee(s) designated as Title IX Coordinator(s) for complaints alleging sex-based harassment under Title IX:**

Executive Director of Student Support Services  
Andrew Burns  
315 West 11th Street Pueblo, Colorado 81003  
(719)549--7100  
andrew.burns@pueblocityschools.us

**Name(s) or title(s) of employee(s) designated as district compliance officer(s) for all other complaints alleging unlawful discrimination or harassment:**

Executive Director of Student Support Services  
Andrew Burns  
315 West 11th Street Pueblo, Colorado 81003  
(719)549--7100  
andrew.burns@pueblocityschools.us

Si tiene alguna pregunta sobre esta información, por favor llame a la escuela de su niño.

**Outside agencies**

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 950 17<sup>th</sup> Street, Suite 303, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 825, Denver, CO 80202

Issued:

Revised: March 22, 2001

Revised: December 11, 2018

Revised: August 25, 2020 (Temporary Approved)  
Revised: September 10, 2020 (Permanently Approved)  
Revised: May 24, 2022  
Revised: June 13, 2024 (Temporarily Approved)

4864-6267-3864, v. 1

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**Nondiscrimination/Equal Opportunity  
(Report Form)**

**File: AC-E-2**

Date: \_\_\_\_\_

Name of reporter: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Summary of alleged unlawful discrimination or harassment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of individual(s) allegedly engaging in prohibited conduct:

\_\_\_\_\_  
\_\_\_\_\_

Date(s) alleged prohibited conduct occurred:

\_\_\_\_\_

Name(s) of witness(es) to alleged prohibited conduct:

\_\_\_\_\_

If others are affected by the possible unlawful discrimination or harassment, please give their names:

\_\_\_\_\_

Your suggestions regarding resolving the alleged prohibited conduct: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please describe any corrective action you wish to see taken with regard to the alleged unlawful discrimination or harassment. You may also provide other information relevant to this report.

\_\_\_\_\_

\_\_\_\_\_  
Signature of reporter

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person receiving report

\_\_\_\_\_  
Date

Issued: December 19, 2013

Revised: August 25, 2020 (Temporary Approved)

September 10, 2020 (Permanently Approved)

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**Title IX Formal Complaint**

**File: AC-E-3**

Date: \_\_\_\_\_

Name of complainant: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name(s) of individual(s) allegedly engaging in prohibited conduct:  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) alleged prohibited conduct occurred:  
\_\_\_\_\_

Location(s) alleged prohibit conduct occurred:  
\_\_\_\_\_

Summary of alleged unlawful discrimination or harassment on the basis of sex:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of witness(es) to alleged prohibited conduct:  
\_\_\_\_\_

**Please deliver completed Title IX Formal Complaint to the Title IX Coordinator in person or send by U.S. mail**

or email to the addresses specified in Administrative Policy AC-E-1.

\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person receiving complaint

\_\_\_\_\_  
Date

Temporary Adopted: August 25, 2020

Permanently Adopted: September 10, 2020

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**Tobacco-Free Schools**

**File: ADC**

To promote the general health, welfare and well-being of students and staff, smoking, chewing or any other use of any tobacco product by staff, students and members of the public is prohibited on all school property.

Possession of any tobacco product by students is also prohibited on school property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented or otherwise used or contracted for by a school, including but not limited to the following:
  - a. All indoor facilities and interior portions of any building or other structure used for students or children under the age of 21 for instruction, educational or library services, routine health care, daycare or early childhood development services, as well as for administration, support services, maintenance or storage. The term does not apply to buildings used primarily as residences, i.e., teacherages.
  - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas and parking areas.
  - c. All vehicles used by the district for transporting students, staff, visitors or other persons.
  - d. At a school sanctioned activity or event.
2. "Tobacco product" means:
  - a. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff and chewing tobacco, or liquid nicotine/e-liquids ; and
  - b. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
  - c. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.
3. "Use" means lighting, chewing, inhaling or smoking, ingesting, vaping, or application of any tobacco product.

Signs shall be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and Board policy. This policy will be published in all employee and student handbooks, posted on bulletin boards and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy shall be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

Adopted: October 10, 1989

Revised: May 11, 1999

Revised: March 13, 2001

Revised: January 11, 2005

Revised: March 14, 2006

Revised: December 19, 2013

Revised: October 20, 2020

LEGAL REFS.: 20 U.S.C. 7181 *et seq.* (*Pro-Children Act of 2001 contained in No Child Left Behind Act of 2001 prohibits smoking in any indoor facility used to provide educational services to children*)  
C.R.S. 18-13-121 (*furnishing tobacco products to minors*)  
C.R.S. 22-32-109(1)(bb) (*policy required prohibiting use of tobacco products on school grounds*)  
C.R.S. 22-32-109.1(2)(a)(I)(H) (*policy required as part of safe schools plan*)  
C.R.S. 25-14-103.5 (*tobacco use prohibited on school property*)  
C.R.S. 25-14-301 (*Teen Tobacco Use Prevention Act*)

CROSS REF.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
KFA, Public Conduct on District Property

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## Equal Educational Opportunities

**File: JB**

Every student of this school district will have equal educational opportunities through programs offered in the school district regardless of race, color, ancestry, creed, sex, sexual orientation, gender identity, gender expression religion, national origin, marital status, or need for special education services.

This concept of equal educational opportunity will guide the Board and staff in making decisions related to school district facilities, selection of educational materials, equipment, curriculum and regulations affecting students. Students with identified physical and mental impairments that constitute disabilities will be provided with a free appropriate public education, consistent with the requirements of federal and state laws and regulations.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the superintendent or designee(s) to periodically monitor the following areas:

1. Curriculum and materials – review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training – provide training for students and staff to identify and alleviate problems of discrimination.
3. Student access – review programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District support – ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Student evaluation instruments – review tests, procedures and guidance and counseling materials for stereotyping and discrimination.
6. Discipline – review discipline records and any relevant data to ensure the equitable implementation and application of Board discipline policies.

Adopted: July 16, 1996  
Revised: June 25, 2013  
Revised: June 9, 2016  
Revised: November 17, 2020  
Revised: January 25, 2022

LEGAL REFS.: 20 U.S.C. §1681 (*Title IX of the Education Amendments of 1972*)  
20 U.S.C. §1701-1758 (*Equal Educational Opportunities Act of 1974*)  
29 U.S.C. §701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)  
C.R.S. 2-4-401 (13.5) (*definition of sexual orientation*)  
C.R.S. 2-4-401 (3.4) (*definition of gender expression*)  
C.R.S. 2-4-401 (3.5) (*definition of gender identity*)  
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt written policies prohibiting discrimination*)  
C.R.S. 22-32-109.1 (2) (*safe school plan to be revised as necessary in response to relevant data collected by school district*)  
C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)  
C.R.S. 24-34-601 (*unlawful discrimination in places of public accommodation*)  
C.R.S. 24-34-602 (*penalty and civil liability for unlawful discrimination*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
JBB\*, Sexual Harassment

NOTE: For purposes of this policy, these terms have the following meanings:

- “Race” includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).
- “Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. Id.
- “Sexual Orientation” means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction. C.R.S. 2-4-401 (13.5).
- “Gender Expression” means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4).
- “Gender Identity” means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth. C.R.S. 2-4-401 (3.5).

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## Sex-based Harassment

File: JBB

The Board is committed to maintaining a learning environment that is free from sex-based harassment consistent with District Policy AC and Title IX of the Education Amendments of 1972. The district also prohibits misconduct of a sexual nature that may not constitute a violation of Title IX, but that nonetheless interferes with a student’s learning environment and/or a student’s participation in district programs or activities.

### Sex-based harassment defined

In accordance with Board Policy AC and its supporting regulation(s), the Board prohibits sex-based harassment of students in violation of Title IX. Sex-based harassment prohibited by Title IX and addressed in Board Policy AC means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditions the provision of benefits, services or opportunities of the district on an individual’s participation in unwelcome sexual conduct;
2. Before August 1, 2024, unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity and, after August 1, 2024, unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity; and/or
3. “Sexual assault” as defined in 20 U.S.C.1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C.12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Pursuant to state law, sex-based harassment means any unwelcome physical, verbal, pictorial, or visual conduct of communication directed at a student or group of students based on sex, sexual orientation, gender identity or gender expression. To be considered sex-based harassment, the conduct or communication must be objectively offensive, and must meet one or a multiple of the following:

1. An employee conditioning education benefits, services or opportunities on submission to the conduct or communication;
2. An employee making educational decisions affecting the student based on submission to, objection to, or rejection of the conduct or communication; or
3. The conduct or communication unreasonably interferes with the student’s access to their educational service or creates an intimidating, hostile, or offensive educational environment.

### Other prohibited misconduct of a sexual nature

The Board recognizes that misconduct of a sexual nature may not always constitute sex-based harassment under Title IX but can nonetheless interfere with a student’s learning environment and/or a student’s participation in a district program or activity. Therefore, in addition to prohibiting sex-based harassment in violation of Title IX or state law, the district also prohibits other misconduct of a sexual nature that interferes with a student’s learning environment and/or a student’s participation in a district program or activity. Such conduct may include, but is not limited to, sex-oriented verbal kidding, remarks to a person with sexual implications, and unwelcome touching of another.

### Reporting, investigation, and discipline

Students who believe they have been a target of sex-based harassment in violation of Title IX or state law or misconduct of a sexual nature in violation of this policy or who have witnessed such harassment or misconduct, shall immediately report

it to a teacher, counselor, principal, district level administrator, or the district's compliance officer or Title IX Coordinator as identified in Policy Exhibit AC-E-1, as appropriate, and file a complaint as set forth in the applicable regulation(s) that accompany Board Policy AC.

The district shall take appropriate action to promptly and impartially investigate allegations of such sex-based harassment and/or misconduct, to end unlawful behavior, to prevent the recurrence of such behavior and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district shall take interim measures during the investigation to protect against further harassment, misconduct, or retaliation.

All reports of sex-based harassment and/or misconduct of a sexual nature will remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Students or employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee, or member of the public may be subjected to adverse treatment in retaliation for any good faith report of sex-based harassment as defined by Title IX or state law or other misconduct of a sexual nature addressed under this policy.

Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

### **Retaliation prohibited**

The district prohibits retaliation of any individual who in good faith has made a report or complaint alleging violation of this policy or who participates in good faith in an investigation of prohibited conduct. The district shall investigate and respond to an allegation of retaliation in the same manner as an allegation of unlawful discrimination or sexual harassment in accordance with Board Policy AC-R-1. Further, it is a violation of this policy to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing held in furtherance of this policy, Board Policy AC, and/or the regulations in support of Board Policy AC, including regulations addressing the district's Title IX Sex-based Harassment Grievance Process.

### **Notice and training**

Notice of this policy and complaint procedures shall be circulated to all district schools and departments, incorporated in all student and employee handbooks, described in hard-copy notices posted at schools, and otherwise made available to all students, staff, and members of the public through electronic or hard-copy distribution.

Students and district employees shall receive periodic training related to recognizing and preventing sex-based harassment in violation of Title IX and state law. Training materials regarding sex-based harassment under Title IX are available to the public on the district's website. District employees shall receive additional periodic training related to handling reports of sex-based harassment in violation of Title IX or state law.

Adopted: February 24, 1987

Revised: July 16, 1996

Revised: April 8, 1997

Revised July 13, 1999

Revised: June 25, 2013

Revised: December 11, 2018

Revised: August 25, 2020 (Temporarily Approved)

Revised: September 10, 2020 (Permanently Approved)

Revised: June 13, 2024 (Temporarily Approved)

LEGAL REFS.: 20 U.S.C. §1681 *et seq.* (*Title IX of the Education Amendments of 1972*)

34 C.F.R. Part 106

C.R.S. 22-32-109(1)(II) (Board duty to adopt written policies prohibiting discrimination)

C.R.S. 22-1-143 (definition of harassment or discrimination)

C.R.S. 22-34-402(1.3)(a) (definition of “harass” in employment practices)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity

AC-R-1, Harassment and Discrimination Investigation Procedures for Students

AC-R-2, Harassment and Nondiscrimination Procedures for Employees, Applicants for Employ-

ment, and Members of the Public  
AC-R-3, Sex-based Harassment and Investigation Procedures (Title IX)  
AC-E-1, Nondiscrimination-Equal Opportunity (Notice)  
AC-E-2, Nondiscrimination/Equal Opportunity (Report Form)  
AC-E-3, Title IX Formal Complaint (Report Form)  
AC-E-4, Guidelines Regarding the Support of Students who are Transgender and Gender  
Nonconforming  
JLF, Reporting Child Abuse  
GBAA, Sex-based Harassment

Pueblo School District No. 60, Pueblo, Colorado

4893-3957-1656, v. 1

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## Compulsory Attendance Ages

**File: JEA**

Every child who has attained the age of six years on or before August 1 of each year and is under the age of 17 is required to attend public school with such exceptions as provided by law. It is the parents' responsibility to ensure attendance.

The courts may issue orders against the child, child's parent, or both compelling the child to attend school or the parent to take reasonable steps to assure the child's attendance. The order may require the parent, child, or both to follow an appropriate attendance and/or behavior plan that addresses problems affecting the child's school attendance and that ensures an opportunity for the child to obtain a quality education.

Adopted: October 28, 2008

Revised: June 25, 2013

LEGAL REFS.: C.R.S. 22-32-110(1)(mm) (*Board may authorize school employee to represent school district in judicial proceedings to enforce compulsory attendance*)  
C.R.S. 22-33-104 (*compulsory school attendance ages*)  
C.R.S. 22-33-104.5 (*home-based education*)  
C.R.S. 22-33-107 (*enforcement of school attendance laws*)  
C.R.S. 22-33-108 (*judicial proceedings to enforce school attendance laws*)

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## Student Absences and Excuses

**File: JH**

One criteria of a student's success in school is regular and punctual attendance. Frequent absences may lead to poor academic work, lack of social development and possible academic failure.

Regular attendance is of utmost importance for school interest, social adjustment and scholastic achievement. No single factor may interfere with a student's progress more quickly than frequent tardiness or absence.

According to state law, it is the obligation of every parent/guardian to ensure that every child under their care and supervision receives adequate education and training and, if of compulsory attendance age, attends school.

Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. In most situations, the work missed cannot be made up adequately. Students who have good attendance generally achieve higher grades, enjoy school more and are more employable after leaving school. For at least these reasons, the Board believes that a student must satisfy two basic requirements in order to earn full class credit: (1) satisfy all academic requirements and (2) exhibit good attendance habits as stated in this policy.

### Excused absences

The following shall be considered excused absences:

1. A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance on a prearranged basis. Prearranged absences shall be approved for appointments or circumstances of a serious nature only which cannot be taken care of outside of school hours.
2. A student who is absent for an extended period due to physical, mental or emotional disability.
3. A student who is pursuing a work-study program under the supervision of the school.



4. A student who is attending any school-sponsored activity or activities of an educational nature with advance approval by the administration.
5. A student who is suspended or expelled.
6. Absences due to court appearances and participation in court ordered activities shall be excused.

As applicable, the district may require suitable proof regarding the above exceptions, including written statements from medical sources.

If a student is in out-of-home placement (as that term is defined by C.R.S. 22-32-138 (1)(h)), absences due to court appearances and participation in court-ordered activities will be excused. The student's assigned social worker must verify the student's absence was for a court appearance or court-ordered activity.

### **Unexcused absences**

An unexcused absence is defined as an absence that is not covered by one of the foregoing exceptions. Each unexcused absence shall be entered on the student's record. The parents/guardians of the student receiving an unexcused absence shall be notified orally or in writing by the district of the unexcused absence.

In accordance with law, the district may impose appropriate consequences that relate directly to classes missed while unexcused. Consequences may include a warning, school detention or in-school suspension. Academic consequences, out-of-school suspensions or expulsion shall not be imposed for any unexcused absence.

The administration shall develop a plan to implement appropriate intervention strategies for students with excessive unexcused absences. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of child's parent, guardian, or legal custodian. The plan should include addressing any underlining academic or non-academic issues. The school administration shall consider the correlation between course failure, truancy and a student dropping out of school in developing these regulations and shall implement research-based strategies to re-engage students with a high number of unexcused absences.

Students and parents/guardians may petition the Board of Education for exceptions to this policy provided that no exception will be sustained if the student fails to abide by all requirements imposed by the Board as conditions for granting any such exception.

The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is ten (10) days during any calendar year or school year.

### **Chronic absenteeism**

When a student has an excessive number of absences, these absences negatively impact the student's academic success. For this reason, a student who has ten (10) total absences in a school year, whether the absences are excused or unexcused, may be identified as "chronically absent" by the principal or designee. Absences due to suspension or expulsion will not be counted in the total number of absences considered for purposes of identifying a student as "chronically absent."

If a student is identified as "chronically absent," the principal or designee will develop a plan to improve the student's attendance. The plan will include best practices and research-based strategies to address the reasons for the student's chronic absenteeism, including but not limited to:

1. Initiate a Response to Intervention meeting that would include student, guardian, and school staff with the focus of supporting the student in assisting and mitigating any potential barriers that may be inhibiting a student from attending school. (determine root cause of the truancy)
2. Provide direct assistance to students and guardians based on the root cause analysis.
3. Develop specific individualized attendance goals that will be monitored by a staff member that the student will check in with on a regular basis. (develop strong trusting relationships with staff)
4. Monitor grades and provide curricular interventions to support student learning.
5. Provide direct access and referrals for Social and Emotional support to the student and family as needed.
6. Determine individual specific engagement strategies to support the student in learning and engagement in school.
7. A staff member daily in the areas of attendance, behavior and grades will review student data. This data will be utilized to support and engage the student with their individual goals.
8. Provide referrals and support to families from Community Agencies and assist in navigating potential barriers.

When practicable, the student's parent/guardian will participate in the development of the plan.

Nothing herein will require the principal or designee to identify a student as “chronically absent” prior to declaring the student as a “habitual truant” and pursuing court proceedings against the student and his or her parents/guardians to compel the student’s attendance in accordance with state law.

“Child who is habitually truant” means a child who has attained the age of six years on or before August 1 of the year in question and is under the age of seventeen years and who has four (4) unexcused absences from public school in any one month or ten (10) unexcused absences from public school during any school year.

### **Make-up work**

Make-up work shall be provided for any class in which a student has an excused or unexcused absence. It is the responsibility of the student/parent/guardian to pick up any make-up assignments which will receive full credit. There shall be one day allowed for make-up work for each day of absence.

Unless otherwise permitted by the building administrator, make-up work will not be provided during a student’s expulsion. Rather, the district will offer alternative education services to the expelled student in accordance with state law. The district will determine the amount of credit the expelled student will receive for work completed during any alternative education program.

### **Tardiness**

Tardiness is defined as the appearance of a student without proper excuse after the scheduled time that a class begins. Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy student to uninterrupted learning, appropriate consequences may be imposed. Parents/guardians shall be notified of all consequences regarding tardiness.

In an unavoidable situation, a student detained by another teacher or administrator shall not be considered tardy provided that the teacher or administrator gives the student a pass to enter the next class. Teachers shall honor passes presented in accordance with this policy. The provisions of this policy shall be applicable to all students in the district, including those above and below the age for compulsory attendance as required by law.

Adopted: March 12, 1985

Revised: June 27, 2000

Revised: May 25, 2004

Revised: June 25, 2013

Revised: December 11, 2018

Revised: August 25, 2020

LEGAL REFS: C.R.S. 22-14-101 et seq. (*dropout prevention and student re-engagement*)  
C.R.S. 22-32-109 (1)(n) (*length of school year, instruction & contact time*)  
C.R.S. 22-32-109.1 (2)(a) (*conduct and discipline code*)  
C.R.S. 22-32-138 (6) (*excused absence requirements for students in out-of-home placements*)  
C.R.S. 22-33-101 et seq. (*School Attendance Law of 1963*)  
C.R.S. 22-33-105 (3)(d)(III) (*opportunity to make up work during suspension*)  
C.R.S. 22-33-107 (3)(II)(b)  
C.R.S. 22-33-107 (3)(I)(5)  
C.R.S. 22-33-108 (*judicial proceedings to enforce school attendance laws*)  
C.R.S. 22-33-203 (*educational alternatives for expelled students and determination of credit*)  
1 CCR 301-67, Rule 2.01 (7) (*definition of “dropout” student*)  
1 CCR 301-78 Rules

CROSS REFS: IC/ICA, School Year/School Calendar/Instruction Time  
JF-R, Admission and Denial of Admission (*Procedures for Students in Out-of-Home Placements*)  
JFC, Student Withdrawal from School/Dropouts  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students

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## **Student Absences and Excuses**

**File: JH-R**

In accordance with Policy JH, schools shall monitor student absences as follows:

The student’s parent/guardian shall notify the school of a student’s absence on the day of the absence via telephone, written notification or other verifiable documentation as required by the school administration. If the parent/

guardian is unable to provide an excuse on the day of the student’s absence, the school may accept a written excuse from the parent/guardian, including a written statement from a medical source if necessary.

1. Appointments/serious circumstances: A student who has an appointment or serious circumstance that cannot be resolved outside of school hours shall be excused if the student’s parent/guardian obtains prior approval, when reasonably possible, from the school principal or designee. Such absences shall be considered on a case-by-case basis.
2. School sponsored activities: Up to five school days may be approved for students to participate in school-sponsored educational activities. Approval for school-sponsored educational activities shall be determined by the school principal or designee on a case-by-case basis in accordance with but not limited to the following criteria.
  - a. The student must be passing all classes with a grade of C – or better
  - b. The student must not have any unexcused absences or tardies,
  - c. The student must not have more than five excused absences in a semester and/or no more than nine excused absences for the school year.
3. Family business: A student’s parent/guardian may request that the student be excused for family business (i.e. funerals, weddings, etc.). Such absences shall not exceed three days per school year. The principal or designee may make exceptions.

If the parent/guardian has not notified the school of a student’s absence before 11:30 a.m., school personnel shall make reasonable efforts to notify the parent/guardian of the student’s absence by a personal telephone call to the parent/guardian at work or at home. Recorded messages may be used if the parent/guardian cannot be reached in person.

When a student has two or more unexcused absences, the school principal or designee shall contact the student’s parent/guardian to discuss the unexcused absences. If the absenteeism is not resolved and the student is determined to be habitually truant, then the school principal or designee shall develop an intervention plan. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child’s truancy. The plan shall be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child’s parent, guardian, or legal custodian.

A school district shall initiate court proceedings to compel a child and the child’s parent to comply with the attendance requirement but only as a last-resort approach to address the child’s truancy and only if a child, who has been determined to be habitually truant, has four unexcused absences after school or school district personnel have created and implemented a plan to improve the child’s school attendance. Exceptions to the commencement of court proceedings may only be made under special circumstances as determined by the District’s Department of Intervention and Student Support Services in consultation with the school principal or designee.

Approved: March 12, 1985  
Revised: June 27, 2000  
Revised: May 25, 2004  
Revised: June 25, 2013  
Revised: December 11, 2018

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**Truancy**

**File: JHB**

“Habitual truant” shall be defined as a student of compulsory attendance age who has four total days of unexcused absences from school in any one month or 10 total days of unexcused absences during any school year. Absences due to suspension or expulsion shall not be counted in the total of unexcused absences for purposes of defining a student as “habitually truant.”

In order to reduce the incidents of truancy, parents/guardians of all students shall be notified in writing at the beginning of each school year of their obligation to ensure that all children of compulsory attendance age attend school. Parents/guardians shall be required to acknowledge in writing awareness of their obligations and to furnish the school with a telephone number or other means of contacting them during the school day.

The school shall establish a system of monitoring individual unexcused absences. When a student fails to report

on a regularly scheduled school day and school personnel have received no indication that the parent/guardian is aware of the absence, school personnel shall make a reasonable effort to notify the parent/guardian by telephone.

A plan shall be developed for a student who is at risk of being declared habitually truant with the goal of assisting the child to remain in school. The plan shall also include strategies to address the reasons for the truancy. When practicable, the student's parent, guardian or legal custodian shall participate with district personnel during the development of the plan. Appropriate school personnel shall make reasonable efforts to meet with the parent, guardian or legal custodian to review and evaluate the reasons for the student's truancy.

In accordance with law, the district may impose appropriate consequences that relate directly to classes missed while truant. Consequences may include a warning, school detention or in-school suspension. Academic consequences, out-of-school suspensions or expulsion shall not be imposed for any truancy.

The administration shall develop regulations to implement appropriate consequences for truancy. The school administration shall consider the correlation between course failure, truancy and a student dropping out of school in developing these regulations and shall implement research-based strategies to reengage students with a high number of truantries.

Adopted: July 16, 1996  
Revised: June 25, 2013  
Revised: December 11, 2018

LEGAL REFS.: C.R.S. 22-14-101 et seq. (*dropout prevention and student re-engagement*)  
C.R.S. 22-33-104 (*compulsory school attendance*)  
C.R.S. 22-33-105 (*suspension/expulsion*)  
C.R.S. 22-33-107 (*enforcement of compulsory school attendance*)  
1 CCR 301-67, Rule 2.01 (7) (*definition of "dropout" student*)  
1 CCR 301-78 Rules 1.00 et seq. (*standardized calculation for counting student attendance and truancy*)

CROSS REFS.: IHBG, Home Schooling  
JEA, Compulsory Attendance Ages  
JFC, Student Withdrawal from School/Dropouts  
JH, Student Absences and Excuses

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## Student Conduct

**File: JIC**

It is the intention of the Board that the district's schools help students achieve maximum development of individual knowledge, skills and competence and that they learn behavior patterns which will enable them to be responsible, contributing members of society.

The Board in accordance with state law shall adopt a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct. The code shall emphasize that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action.

All Board-adopted policies and Board-approved regulations containing the letters "JIC" in the file name shall be considered as constituting the conduct section of the legally-required code.

The Board shall consult with parents/guardians, students, teachers, administrators and other community members in the development of the conduct and discipline code.

The rules shall not infringe upon constitutionally protected rights, shall be clearly and specifically described, and shall be printed in a handbook or some other publication made available to students and parents/guardians.

The superintendent shall arrange to have the conduct and discipline code distributed once to each student in elementary, middle, junior high and high school and once to each new student in the district. The superintendent shall ensure reasonable measures are taken to ensure each student is familiar with the code. Copies shall be posted or kept on file in each school of the district. In addition, any significant change in the code shall be distributed to students and parents and posted in each school.

In all instances, students shall be expected to conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all district employees, the educational purpose

underlying all district activities, the widely shared use of district property, and the rights and welfare of other students. All employees of the district shall be expected to share the responsibility for supervising the behavior of students and for seeing that they abide by the established rules of conduct.

Adopted: March 12, 1985  
Revised: July 16, 1996  
Revised: March 14, 2006  
Revised: June 25, 2013

LEGAL REFS.: C.R.S. 22-32-109.1 (2) (*policy required as part of safe schools plan*)  
C.R.S. 22-32-109.1 (2) (a) (*school district shall take reasonable measures to familiarize students with the conduct and discipline code*)  
C.R.S. 22-33-106 (1)(a-g) (*grounds for suspension, expulsion and denial of admission*)

CROSS REFS.: GBGB, Staff Personal Security and Safety  
JIC subcodes (*all pertain to student conduct*)  
JK, Student Discipline, and subcodes

CONTRACT

REF.: Pueblo Education Association Agreement, Article 14, Student Discipline, 14-1 to 14-4

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**Student Dress Code**

**File: JICA**

A safe and disciplined learning environment is essential to a quality educational program. District-wide standards on student attire are intended to help students concentrate on schoolwork, reduce discipline problems, and improve school order and safety. The Board recognizes that students have a right to express themselves through dress and personal appearance; however, students shall not wear apparel that is deemed disruptive or potentially disruptive to the classroom environment or to the maintenance of a safe and orderly school. This policy is designed to ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance or body type/size.

Students must abide by the following general guidelines:

1. Students must wear a top, bottom, and hard-sole footwear while on school premises.
2. Students may not wear gloves or sunglasses while inside a school building.
3. Students may not wear head coverings except for religious or documented medical purposes.
4. Whether standing or sitting, items must cover underclothing, shoulders, back, genitals, buttocks, stomach, and chest.
5. Items must be opaque.

Student may not wear:

1. Items that make the student unidentifiable (except as a religious observation).
2. Items that contain sexually suggestive language or messages that is prohibited by the Student Code of Conduct.
3. Items that could be used as weapons, including items with spikes or chains, or items that could be used to conceal weapons.
4. Items that promote illegal activity for students including drugs, alcohol, tobacco, weapons and/or gang affiliation, or violent conduct.
5. Items that depict hate speech, intimidation, or intolerance toward protected groups that is prohibited by the Student Code of Conduct

**Penalties**

Penalties for violations of this policy shall be as follows:

**1st offense:** The student shall be warned, educated about this policy and provided an opportunity to correct the violation.

**2nd offense:** One day of in-school suspension may be imposed. The parent/guardian and student shall be required to review and sign a statement indicating their understanding of this policy.

**Exceptions**

Appropriate athletic clothing may be worn in physical education classes. Clothing normally worn when participating in school-sponsored extracurricular or sports activities (such as cheerleading uniforms and the like) may be worn to school when approved by the sponsor or coach.

Hair restraints, gloves, goggles, or other protective attire necessary for safe participation in vocational programs are permissible as approved by staff.

Protective hairstyles, per C.R.S.22-32-110 (1)(k), are permissible.

Dress guidelines for special events or school-sponsored purposes, including but not limited to dances, extracurricular activities, and fundraisers shall be at the discretion of school administration based upon the nature of the particular event. Students may avoid the risk of being asked to leave or change clothing at an event by having attire approved in advance by an administrator.

School uniforms may be required as designated by individual schools or the superintendent.

Building principals, in conjunction with the school accountability committee, may develop and adopt school-specific school uniform dress codes that are consistent with this policy.

Students who violate or are suspected to be in violation of this policy may be referred to school administration for investigation.

Revised: December 14, 1993

Revised: July 16, 1996

Revised: October 14, 1997

Revised: June 22, 2010

Revised: August 6, 2011

Revised: June 25, 2013

Revised: May 24, 2022

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(J) (*board duty to adopt student dress code*)

CROSS REFS: IMDB, Flag Displays  
JBB\*, Sexual Harassment  
JH, Student Absences and Excuses  
JIC, Student Conduct  
JICDA, Code of Conduc  
JICF, Secret Societies/Gang Activities  
JICH, Drug and Alcohol Use by Students  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students

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## **Student Conduct in School Vehicles**

**File: JICC**

The privilege of riding in a school vehicle is contingent upon a student's good behavior and observance of the student code of conduct and established regulations for student conduct both at designated school vehicle stops and on-board school vehicles.

The operator of a school vehicle shall be responsible for the safety of the students in the vehicle, both during the ride and while students are entering or leaving the vehicle. Students shall be required to conform to all regulations concerning discipline, safety and behavior while riding in the school vehicle. It is the vehicle operator's duty to notify the supervisor of transportation and the principal of the school involved if any student persists in violating the established rules of conduct.

After due warning has been given to the student and to the student's parents/guardians, the principal may withhold from the student the privilege of riding in the school vehicle. Violation of district policies and regulations while in a school vehicle may also result in the student's suspension or expulsion from school, in accordance with district policy.

Adopted: March 12, 1985

Revised: December 14, 1993

Revised: July 16, 1996

Revised: April 10, 2001

Revised and recoded: June 25, 2013

LEGAL REFS.: C.R.S. 22-32-109.1 (2)(a)(I)(B) (*discipline code to address conduct in school vehicles*)  
C.R.S. 42-1-102 (88.5) (*definition of school vehicle which includes a school bus*)

CROSS REFS.: JIC, Student Conduct, and subcodes  
JK, Student Discipline, and subcodes

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## Code of Conduct

File: JICDA

### Students in third grade and higher grade levels

The principal may suspend or recommend expulsion of a student in third grade or higher grade levels who engages in one or more of the following activities while in school buildings, on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event and off school property when the conduct has a nexus to school or any district curricular or non-curricular event:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Commission of any act which if committed by an adult would be robbery or assault as defined by state law.
4. Committing extortion, coercion or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
5. Engaging in verbal abuse, i.e., name calling, making a threat of harm to other individuals or property, ethnic or racial slurs, or derogatory statements addressed publicly to others that precipitate disruption of the school program or incite violence.
6. Engaging in "hazing" activities, i.e., forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior which recklessly endangers the health or safety of an individual for the purpose of initiation into any group.
7. Violation of the district's policy on bullying prevention and education.
8. Violation of criminal law which has an effect on the school or on the general safety or welfare of students or staff.
9. Violation of district policy or building regulations.
10. Violation of the district's policy on weapons in the schools. Expulsion shall be mandatory for using or possessing a firearm, in accordance with federal law.
11. Violation of the district's alcohol use/drug abuse policy.
12. Violation of the district's violent and aggressive behavior policy.
13. Violation of the district's tobacco-free schools policy.
14. Violation of the district's policy on sexual harassment.
15. Violation of the district's policy on nondiscrimination.
16. Violation of the district's dress code policy.
17. Throwing objects, unless part of a supervised school activity, that can cause bodily injury or damage property.
18. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or visitors to the school.
19. Lying or giving false information, either verbally or in writing, to a school employee.
20. Scholastic dishonesty which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
21. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
22. Behavior on or off school property which is detrimental to the welfare or safety of other students or school personnel.
23. Repeated interference with the school's ability to provide educational opportunities to other students.

24. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the school staff.

**Students in preschool through second grade**

In accordance with applicable law and Board policy concerning student suspensions, expulsions, and other disciplinary interventions, 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:

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 or alcohol.
3. Conduct that endangers the health or safety of others.
  - a. Failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; AND
  - b. Before suspending or expelling the student the principal or designee shall document any alternative behavioral and disciplinary interventions that it employs.

Adopted: December 14, 1993

Revised: June 27, 2000

Revised: June 25, 2013

Revised: May 19, 2020

- LEGAL REFS.: C.R.S. 18-3-202 *et seq.* (offenses against person)  
C.R.S. 18-4-301 *et seq.* (offenses against property)  
C.R.S. 18-9-124 (2) (a) (prohibition of hazing)  
C.R.S. 18-18-102 (5) (definition of controlled substance)  
C.R.S. 22-12-105 (3) (authority to suspend or expel for false accusations)  
C.R.S. 22-32-109.1 (2) (a) (I) (policy required as part of safe schools plan)  
C.R.S. 22-32-109.1 (2) (a) (I) (A) (duty to adopt policies on student conduct, safety and welfare)  
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)  
C.R.S. 22-33-106 (1) (a-g) (grounds for suspension, expulsion, denial of admission)  
C.R.S. 22-33-106.1 (gsuspension and expulsion for students in preschool through second grade)

- CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
ADC, Tobacco-Free Schools  
ADD, Safe Schools  
ECAC, Vandalism  
GBGB, Staff Personal Security and Safety  
JBB\*, Sexual Harassment  
JIC, Student Conduct  
JICA, Student Dress Code  
JICC, Student Conduct in School Vehicles  
JICDD\*, Violent and Aggressive Behavior  
JICDE\*, Bullying Prevention and subcodes  
JICF, Secret Societies/Gang Activity  
JICH, Drug and Alcohol Use by Students  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students

CONTRACT REF: Pueblo Education Association Agreement, Article 14, Student Discipline, 14-1 to 14-4

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**Violent and Aggressive Behavior**

**File: JICDD\***

The Board recognizes there are certain behaviors that, if tolerated, would compromise the learning environment to which the students and staff of the district are entitled. These behaviors, categorized as violent or aggressive,



will not be tolerated.

Students exhibiting violent or aggressive behavior or warning signs of future violent or aggressive behavior shall be subject to appropriate disciplinary action including suspension and/or expulsion in accordance with Board policy concerning student suspensions, expulsions, and other disciplinary interventions. As appropriate and in accordance with applicable law and Board policy, students may also be referred to law enforcement authorities. At the district's discretion and when appropriate, the student may receive appropriate intervention designed to address the problem behavior. The district may also conduct a threat assessment of the student.

Students must immediately report questionable behavior or potentially violent situations to an administrator, counselor or teacher.

A staff member who witnesses or receives a report of a student's act of violence and aggression must notify the building principal or designee as soon as possible.

An act of violence and aggression is any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury or damage to persons or property. A threat of violence and aggression carries with it implied notions of risk of violence and a probability of harm or injury.

The following behaviors are defined as violent and aggressive:

1. Possession, threat with or use of a dangerous weapon — as described in the Board's weapons policy.
2. Physical assault — the act of striking or touching a person or that person's property with a part of the body or with any object with the intent of causing hurt or harm.
3. Verbal abuse — includes, but is not limited to, swearing, screaming, obscene gestures or threats directed, either orally (including by telephone) or in writing (including by text, social media, or other electronic means), at an individual, their family or a group.
4. Intimidation — an act intended to frighten or coerce someone into submission or obedience.
5. Extortion — the use of verbal or physical coercion in order to obtain financial or material gain from others.
6. Bullying — as described in the Board's policy on bullying prevention and education.
7. Gang activity — as described in the Board's secret societies/gang activity policy.
8. Sexual harassment or other forms of harassment — as described in the Board's sexual harassment policy and nondiscrimination policy.
9. Stalking — the persistent following, contacting, watching or any other such threatening actions that compromise the peace of mind or the personal safety of an individual.
10. Defiance — a serious act or instance of defying or opposing legitimate authority.
11. Discriminatory slurs — insulting, disparaging or derogatory comments made directly or by innuendo regarding a person's race, color, ancestry, creed, sex, sexual orientation, gender identity, gender expression, religion, national origin, disability or need for special education services.
12. Vandalism — damaging or defacing property owned by or in the rightful possession of another.
13. Terrorism — a threat to commit violence communicated with the intent to terrorize or with reckless disregard for the risk of creating such terror or to cause serious public inconvenience, such as the evacuation of a building.

Adopted: June 25, 2013

Revised: October 20, 2020

Revised: January 25, 2022

LEGAL REF.: C.R.S. 22-32-109.1 (1)(b) (*definition of bullying*)  
 C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)  
 C.R.S. 24-34-301 (7) (*definition of sexual orientation, which includes transgender*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
 JICDE\*, Bullying Prevention and Education JICF, Secret Societies/Gang Activity  
 JICI, Weapons in School

NOTE: For purposes of this policy, these terms have the following meanings:

- "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race. C.R.S. 22-32-110 (1)(k).

- “Protective Hairstyle” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps. *Id.*
- “Sexual Orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person’s perception thereof. C.R.S. 2-4-401 (13.5).
- “Gender Expression” means an individual’s way of reflecting and expressing the individual’s gender to the outside world, typically demonstrated through appearance, dress, and behavior. C.R.S. 2-4-401 (3.4).
- “Gender Identity” means an individual’s innate sense of the individual’s own gender, which may or may not correspond with the individual’s sex assigned at birth. C.R.S. 2-4-401 (3).

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## **Bullying Prevention and Education**

**File: JICDE\***

The Board of Education supports a secure school climate, conducive to teaching and learning that is free from threat, harassment and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying is the use of coercion or intimidation to obtain control over another person or to cause physical, mental or emotional harm to another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of their academic performance or any basis protected by federal and state law, including disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry or the need for special education services, whether such characteristic(s) is actual or perceived.

Bullying is prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school or any district curricular or non- curricular activity or event.

A student who engages in any act of bullying and/or a student who takes any retaliatory action against a student who reports in good faith an incident of bullying, is subject to appropriate disciplinary action including but not limited to suspension, expulsion and/or referral to law enforcement authorities. The severity and pattern, if any, of the bullying behavior shall be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment shall be subject to investigation and discipline under related Board policies and procedures. Students targeted by bullying when such bullying behavior may constitute unlawful discrimination or harassment also have additional rights and protections under Board policies and procedures regarding unlawful discrimination and harassment.

The superintendent shall develop a comprehensive program to address bullying at all school levels. The program shall be aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re- education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents and community members in order to help maintain a bullying-free environment.
6. To support targets of bullying by means of individual and peer counseling.
7. To help develop peer support networks, social skills and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

Adopted: June 25, 2013

Revised: October 20, 2020

Revised: January 25, 2022

LEGAL REF.: C.R.S. 22-32-109.1 (2) (a) (I) (K) (*policy required as part of safe schools plan*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
JB, Equal Educational Opportunities JBB\*, Sexual Harassment  
JICDA, Code of Conduct  
JICDD\*, Violent and Aggressive Behavior  
JICJ, Student Use of Electronic Communication Devices JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students  
JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)

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## School-Related Student Publications

**File: JICEA**

School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Because the Board recognizes creative student expression as an educational benefit of the school experience, it encourages freedom of comment, both oral and written, in a school setting with a degree of order in which proper learning can take place.

The Board encourages students to express their views in school-sponsored publications and to observe rules for responsible journalism. This means expression which is false or obscene, libelous, slanderous or defamatory under state law; presents a clear and present danger of the commission of unlawful acts, violation of school rules or material and substantial disruption of the orderly operation of the school; violates the privacy rights of others; or threatens violence to property or persons shall not be permitted.

Student editors of school-sponsored publications are responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this policy, its accompanying regulation, and applicable state and federal law. The publications advisor within each school is responsible for supervising the production of school-sponsored publications and for teaching and encouraging free and responsible expression and professional standards of journalism.

The publications advisor has authority to establish or limit writing assignments for students working with publications and to otherwise direct and control the learning experience that publications are intended to provide when participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given.

All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board policy. The school district and employees are provided immunity from civil or criminal penalties for any expression made or published by students.

Adopted: March 12, 1985  
Revised: November 26, 1991  
Revised: July 16, 1996  
Revised: March 14, 2006  
Revised: June 25, 2013  
Revised: November 17, 2020

LEGAL REFS.: 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, assessment, analysis or evaluation without obtaining written parental consent as long as participation is not prohibited by federal law*)  
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JLDAC, Screening/Testing of Students

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## Student Distribution of Noncurricular Materials

**File: JICEC\***

To understand Constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.

It is the goal of this policy to strike a necessary balance between a student's right of free speech and the school's

need to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.

Students shall be allowed to distribute noncurricular written materials on school property subject to restrictions on time, place and manner of distribution set out in the accompanying regulations and the prohibitions set out below and in state law.

Any material in any media containing expression which is obscene, pornographic, sexually explicit, libelous, slanderous or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board or district policy and/or regulations, violates another person’s right to privacy, causes a material and substantial disruption of the orderly operation of the school or threatens violence to property or persons. Also prohibited are materials that contain insulting words or words the very expression of which injures or harasses other people and which are inconsistent with the shared values of a civilized social order (e.g. threats of violence or defamation of a person’s race, religion, ethnicity, national origin, etc.).

Students who distribute materials in violation of this policy may be subject to appropriate disciplinary action, including suspension and/or expulsion.

School equipment and supplies shall not be used for publication of such material.

Adopted: July 16, 1996

Revised: June 25, 2013

LEGAL REFS.: Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988)  
Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1968)  
Colo. Const. Art 9, §5  
C.R.S. 22-1-120 (*rights of free expression for public school students*)  
C.R.S. 22-32-110(1) (r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JICEA, School-Related Student Publications  
JK, Student Discipline, and subcodes  
KHC, Distribution/Posting of Noncurricular Materials

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## **Secret Societies/Gang Activity**

**File: JICF**

The Board of Education desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence or disruptive behavior. The principal or designee shall maintain continual, visible supervision of school premises, school vehicles and school-related activities to deter gang intimidation of students and confrontations between members of different gangs.

The superintendent or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The superintendent or designee shall provide inservice training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities and respond appropriately to gang behavior. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help students.

### **Gang symbols**

The Board prohibits the presence on school premises, in school vehicles and at school-related activities of any apparel, jewelry, accessory, notebook or manner of grooming which by virtue of its color, arrangement, trademark or any other attribute denotes membership in gangs which advocate drug use, violence or disruptive behavior. This policy shall be applied at the principal’s discretion after consultation with the superintendent or designee as the need for it arises at individual school sites.

Adopted: December 14, 1993

Revised: July 16, 1996

Revised: August 26, 1997

Revised: March 14, 2006

Revised: June 25, 2013

LEGAL REFS.: C.R.S. 22-1-120 (8)  
C.R.S. 22-32-109.1 (2) (a) (I) (F) (*policy required as part of safe schools plan*)

CROSS REFS.: IHACA\*, Law-Related Education  
JICA, Student Dress Code

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## **Secret Societies/Gang Activity**

**File: JICF-R**

### **Gangs**

At the principal's discretion, staff members may use the following techniques to discourage the influence of gangs:

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang affiliation will be referred to the principal or designee. The student's parents/guardian will be contacted and the student sent home to change clothes if necessary.
2. Any gang graffiti on school premises will be quietly removed, washed down or painted over as soon as discovered.
  - a. Daily checks for graffiti will be made throughout the campus, including restroom walls and doors.
  - b. Graffiti will be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
3. Classroom and after-school programs at each school will be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior and foster interest in a variety of wholesome activities.
4. Staff members will actively promote membership in authorized student organizations which can provide students companionship, safety and a sense of purpose and belonging.

Approved: December 14, 1993

Revised: June 25, 2013

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## **Student Drug, Alcohol and Controlled Substance Offenses**

**File: JICH**

Pueblo School District No. 60 shall promote a healthy environment for students by providing education, support and decision making skills in regard to alcohol, drugs and other controlled substances and their abuse. In order to accomplish this goal, a cooperative effort must be made among the schools, parents/guardians, community and its agencies.

It shall be a violation of Board policy and considered to be behavior which is detrimental to the welfare or safety of other students or school personnel for any student to possess drug paraphernalia and to possess, use, sell, distribute or procure or to be under the influence of alcohol, drugs or other controlled substances. The unlawful possession or use of alcohol or controlled substances is wrong and harmful to students.

This policy shall apply to any student on district property, being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, off school property when the conduct has a reasonable connection to school or any district curricular or non-curricular event, or whose conduct at any time or place interferes with the operations of the district or the safety or welfare of students or employees.

Students violating this policy shall be subject to disciplinary sanctions and interventions in accordance with Board policy, including suspension and/or expulsion from school and referral for prosecution.

### **Definitions**

For purposes of this policy and accompanying regulation, the following definitions shall apply.

Controlled substances. Controlled substances include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medicine, vitamin or other chemical substances not taken in accordance with the Board's policy and regulations on administering medications to students or the Board's policy on administration of medical marijuana to qualified students. Controlled substances also include alcohol and substances that are represented by or to the student to be a controlled substance or what the student believes to be any such substance, including but not limited to vitamins, supplements or over-the-counter medications.

Possession. Bringing, possessing or having in one's control a controlled substance or drug paraphernalia.

Sale. Exchanging money or any other item of value in a transaction where a controlled substance is exchanged.

Distribution. Providing a controlled substance to another regardless of the exchange of money or item of value.

Solicitation. Communicating about the sale, purchase, transfer or distribution of a controlled substance.

Drug paraphernalia. Any equipment, product or material which is used, or intended to be used or designed for

use in introducing a controlled substance into the body.

**Under the influence.** When a student has ingested, inhaled, or applied a controlled substance or when a student’s behavior, condition, speech, appearance, odor, well being or the well being of others is affected by the use of a controlled substance.

### **Notification**

Parents shall be notified following an initial investigation and determination that a student is believed to have violated this policy, after any emergency health or safety needs are first addressed.

In appropriate circumstances, school officials shall notify law enforcement regarding violations of this policy and shall cooperate with any investigation that may result.

The district shall provide all students and parents/guardians with a copy of this policy and its accompanying procedures on an annual basis.

### **Intervention**

Situations in which a student seeks counseling or information from a professional staff member for the purpose of overcoming substance abuse shall be handled on an individual basis depending upon the nature and particulars of the case. When appropriate, parents shall be involved and effort made to direct the substance abuser to sources of help.

The Board, in recognition that drug and alcohol abuse is a community problem, shall cooperate actively with law enforcement, social services or other agencies and organizations, parents and any other recognized community resources committed to reducing the incidents of illegal use of drugs and alcohol by school-aged youths.

Whenever possible in dealing with student problems associated with drug and alcohol abuse, school personnel shall provide parents/guardians and students with information concerning available education and rehabilitation programs.

Information provided to students and/or parents about community substance abuse treatment programs or other resources shall be accompanied by a disclaimer to clarify that the district assumes no financial responsibility for the expense of drug or alcohol assessment or treatment provided by other agencies or groups unless otherwise required.

### **Review**

The district shall conduct a periodic review of its drug prevention program to determine its effectiveness and to implement any necessary changes.

Adopted: March 12, 1985

Revised: July 16, 1996

Revised: June 25, 2013

Revised: August 23, 2016

- LEGAL REFS.: 20 U.S.C. §7101 et seq. (*Safe & Drug-Free Schools and Communities Act of 1994*)  
C.R.S. 18-18-102 (3), (5) (*definition of “anabolic steroid” and “controlled substance”*)  
C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess controlled substance on or near school grounds or school vehicles*)  
C.R.S. 22-1-110 (*instruction related to alcohol and drugs*)  
C.R.S. 22-1-119.3 (3) (c), (d) (*no student possession or self-administration of medical marijuana, but school districts must permit the student’s primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event*)  
C.R.S. 22-32-109.1 (2) (a) (I) (G) (*policy required as part of safe schools plan*)  
C.R.S. 22-33-106 (1) (d) (*suspension or expulsion discretionary for the sale of a drug or controlled substance*)  
C.R.S. 25-1.5-106 (12) (b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)

- CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
JIH, Student Interrogations, Searches and Arrests  
JK\*-2, Discipline of Students with Disabilities  
JKD/JKE, Suspension/Expulsion of Students  
JLCD, Administering Medications to Students  
JLCDB, Administration of Medical Marijuana to Qualified Students

## **Student Drug, Alcohol and Controlled Substance Offenses File: JICH-R**

In accordance with the accompanying policy, the following procedures are established for addressing alcohol- or drug-related misconduct. These procedures supplement and complement authority conferred elsewhere by Board

policy and shall not be deemed to limit or suspend such authority. Students shall be disciplined as appropriate in accordance with this regulation and Board policy JKD/JKE. However, when a student is recognized to be under the influence of a controlled substance and school officials believe the student’s judgment is impaired, due process procedures may be delayed until immediate health and safety needs are first addressed.

While this regulation identifies sanctions and interventions for violations, parents who have questions or concerns about student drug or alcohol issues are encouraged to contact their school counselor or mental health provider, school administration, or the district’s Office of Student Support to discuss resources that may be available to assist them. Schools will provide opportunities for students to increase awareness regarding the consequences of controlled substance use and abuse.

In order to promote a healthy school environment and the general health, welfare and well-being of students, use or possession of tobacco or other nicotine delivery devices by students while in or on school property or at school-sponsored activities is prohibited. Any student in possession of tobacco or other nicotine delivery devices is subject to disciplinary action including suspension from school

### **Sanctions and interventions**

1. Students are subject to disciplinary action up to and including suspension and expulsion for any single violation of the accompanying policy.
2. Offenses and consequences shall be cumulative for a period of four calendar years.
3. Recommended expulsion. The sale of a controlled substance shall result in suspension for 5 days out of school and may be recommended for expulsion.
4. Recommended expulsion. The solicitation, distribution or transfer of a controlled substance, regardless of the exchange of an item of value, shall result in a suspension of 5 days out of school, and recommended expulsion. Alternative to expulsion options may be considered at the discretion of school and district officials.
5. Recommended expulsion. Controlled substance offenses resulting in arrests or felony charges, or those during which the violating student endangered the immediate safety of others, including driving other students while under the influence of a controlled substance, shall result in a suspension of 5 days out of school and recommended expulsion.
6. Discretionary consequence offenses. Controlled substance offenses other than those involving the sale, transfer, distribution or solicitation shall result in the following sanctions and intervention opportunities. However, in some situations other co-occurring offenses and/or a student’s past discipline history may impact eligibility for alternative to suspension or alternative to expulsion programming opportunities.
  - a. 1st offense – Student shall be suspended for 5 days out of school. An alternative to suspension opportunity may be offered by which the student may return after 3 days of suspension, upon agreement to complete an intervention program. Should the student fail to participate in or successfully complete the intervention program, the remainder of the suspension must be served in full.
  - b. 2nd offense – Student shall be suspended for 5 days out of school. An alternative to expulsion opportunity may be offered upon request by school administration and approval by district officials by which the student may return after a minimum of 3 days of suspension, upon agreement to complete an intervention program. Should the student fail to participate in or successfully complete the intervention program, the remainder of the suspension must be served in full.
  - c. 3rd offense – Student shall be suspended for 5 days out of school and expulsion may be recommended.

### **Suspicion of use or influence**

1. Self admission by the student suspected of being under the influence of a controlled substance constitutes sufficient evidence to proceed with disciplinary action.
2. If a student is determined to be under the influence of a controlled substance, discipline sanctions shall proceed as described in this regulation.

### **Transfer of records**

Records of violations of the accompanying policy, noting the date, type of offense, and resulting disciplinary action, shall be maintained electronically in district records. Tracking of such records is not meant to be punitive, but is intended to prevent overlap or misuse of intervention services.

Approved: March 12, 1985

Revised: July 16, 1996

Revised: August 26, 1997

Revised: February 22, 2011

Revised: June 25, 2013

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## **Weapons in School**

**File: JICI**

The Board of Education determines that possession and/or use of a weapon by students is detrimental to the welfare and safety of the students and school personnel.

### **Dangerous weapons**

Using, possessing or threatening to use a dangerous weapon without the authorization of the school or district is prohibited on district property, on district vehicles, at any school-sponsored or district-sponsored activity or event, and off district property when the conduct has a reasonable connection to school or any district curricular or non-curricular event. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

As used in this policy, “dangerous weapon” means:

- a. A firearm, whether loaded or unloaded.
- b. Any pellet, BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- c. A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or pocket knife with a blade that measures longer than three and one-half inches in length.
- d. Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury including but not limited to a slingshot, bludgeon, brass knuckles or artificial knuckles of any kind, nunchucks, mace, pepper spray, stun gun or taser.

Student possession, use and/or threatened use of a dangerous weapon in violation of this policy shall be grounds for suspension and/or expulsion. In accordance with federal law, expulsion shall be mandatory for no less than one full calendar year for a student who is determined to have brought a firearm to or possessed a firearm at school. The superintendent may modify the length of this federal requirement for expulsion on a case-by-case basis. Such modification shall be in writing.

### **Firearm facsimiles**

Carrying, using, actively displaying or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm without the authorization of the school or district is prohibited on district property, on district vehicles, at any school-sponsored or district-sponsored activity or event, and off district property when the conduct has a reasonable connection to school or any district curricular or non-curricular event. Students who violate this policy provision may be subject to disciplinary action including but not limited to suspension and/or expulsion.

A student may seek prior authorization from the building principal to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on district property for purposes of a school-related or non-school related activity. A student’s failure to obtain such prior authorization is a violation of this policy provision and may result in disciplinary action, including but not limited to suspension and/or expulsion. The principal’s decision to deny or permit a student to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on district property shall be final.

School administrators shall consider violations of this policy provision on a case-by-case basis to determine whether suspension, expulsion or any other disciplinary action is appropriate based upon the individual facts and circumstances involved.

### **Local restrictions**

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, using, possessing or threatening to use any knife, regardless of the length of the blade, without the authorization of the school or district, is prohibited on district property, on district vehicles, at any school-sponsored or district-sponsored activity or event, and off district property when the conduct has a reasonable connection to school or any district curricular or non-curricular event. Students who violate this policy provision shall be referred for appropriate disciplinary proceedings, including suspension and/or expulsion.

### **Recordkeeping**

The district shall maintain records which describe the circumstances involving expulsions of students who bring weapons to school including the name of the school, the number of students expelled and the types of weapons



involved as required by law.

**Referral to law enforcement**

In accordance with applicable law, school personnel shall refer any student who brings a firearm or weapon to school without authorization of the school or district to law enforcement.

Adopted: November 22, 1994

Revised: July 16, 1996

Revised: August 26, 1997

Revised: March 9, 1999

Revised: March 14, 2006

Revised: June 25, 2013

- LEGAL REFS.: 18 U.S.C. §921 (a) (3) (*federal definition of “firearm”*)  
20 U.S.C. §7151 (*Gun-Free Schools Act*)  
20 U.S.C. §7151 (h) (*requiring schools to have policies requiring referral to law enforcement*)  
C.R.S. 18-1-901 (3) (h) (*state law definition of “firearm”*)  
C.R.S. 22-32-109.1 (2) (a) (I) (G) (*policy required as part of safe schools plan*)  
C.R.S. 22-33-102 (4) (*definition of dangerous weapon*)  
C.R.S. 22-33-106 (1) (*grounds for suspension, expulsion, denial of admission*)  
C.R.S. 22-33-106 (1) (f) (*must adopt policy regarding firearm facsimiles*)

- CROSS REFS.: JK\*-2, Discipline of Students with Disabilities  
JKD/JKE, Suspension/Expulsion of Students  
KFA, Public Conduct on School Property

**Gun-Free Schools Act**

**File: JICI-E**

*(Definition of “Firearm”)*

Section 921 of Title 18, U.S.C. defines “firearm” as:

- a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- b) the frame or receiver of any weapon described above;
- c) any firearm muffler or firearm silencer; or
- d) any destructive device.

Section 921 of Title 18, U.S.C. defines “destructive device” as:

- a) any explosive, incendiary, or poison gas:
  - 1) bomb;
  - 2) grenade;
  - 3) rocket having a propellant charge of more than four ounces;
  - 4) missile having an explosive or incendiary charge of more than one-quarter ounce;
  - 5) mine; or
  - 6) device similar to the devices described in paragraphs 1-5 of this sub-paragraph a.
- b) any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- c) any combination or parts either designed or intended for use in converting any device into any destructive device described in sub-paragraphs a and b and from which a destructive device may be readily assembled.

Issued: June 25, 2013

**Student Use of Electronic Communication Devices**

**File: JICJ**

The Board of Education recognizes that electronic communication devices can play a vital communication role during emergency situations. However, ordinary use of electronic communication devices in school situations

disrupts and interferes with the educational process and is not acceptable. For purposes of this policy, “electronic communication devices” include cell phones, beepers, pagers, walkie-talkies, and any other telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Students may carry electronic communication devices but these devices must be turned off inside school buildings, on school buses, at school-sponsored activities and on field trips. In these locations, electronic communication devices may be used only during emergencies. For purposes of this policy, “emergency” shall mean an actual or imminent threat to public health or safety, which may result in loss of life, injury or property damage.

Electronic communication devices with cameras are prohibited in locker rooms, bathrooms, or other locations where such operation may violate the privacy rights of another person.

It is the student’s responsibility to ensure that the device is turned off and out of sight during unauthorized times. Violation of this policy and/or use that violates any other district policy shall result in disciplinary measures and confiscation of the electronic communication device. Confiscated devices shall be returned to the student only after a conference with the parent/guardian, student and school personnel. The building principal or designee may also refer the matter to law enforcement, as appropriate.

The district shall not be responsible for loss, theft or destruction of electronic communication devices brought onto school property.

Adopted: June 25, 2013

CROSS REFS.: JIC and subcodes, Student Conduct  
JIH, Interviews and Searches  
JK and subcodes, Student Discipline

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## **Interviews and Searches**

**File: JIH**

The Board of Education seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, school personnel may search a student, student lockers, desks, storage areas, student motor vehicles or student personal property and may seize any illegal, unauthorized or contraband materials discovered in the search. School personnel also may interview students without the prior consent of the student’s parent or guardian in accordance with the provisions of this policy and state law.

### **Interviews by school administration**

When a violation of Board policy or school rules occurs, the principal or designee may question potential student victims and witnesses without prior consent of the student’s parent/guardian. If a school official is investigating a report of child abuse and the suspected perpetrator is a member of the student’s family, no contact with the student’s family will be made.

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interview the suspected student if the principal or designee has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning will be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally or in writing.

### **Searches conducted by school personnel**

School personnel may search a student and/or the student’s personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized or contraband materials.

If school personnel elect to search a student or a student’s personal effects, then, whenever reasonably possible, the student will be informed of the reason(s) for conducting the search and the student’s permission to perform the search will be requested. A student’s failure to cooperate with school officials conducting a search may be considered grounds for disciplinary action.

An administrative report shall be prepared by the school official conducting a search explaining the reasons for the search, the results and the names of any witnesses to the search.

### **Searches of school property**

School lockers, desks and other storage areas are school property and remain at all times under the control of the school. All such lockers, desks and other storage areas, as well as their contents, are subject to inspection at any time, with or without notice or consent.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school, as well as for any loss or damage relating to the contents of such desks and lockers.

### **Searches of a student's person or personal effects**

The principal or designee may search the person of a student or a student's personal effects such as a purse, backpack, book bag, or briefcase on school property or at school-sponsored events or activities if the school official has reasonable grounds to suspect that the search will uncover:

- a. Evidence of a violation of Board and/or district policies, school rules, or federal, state, or local laws.
- b. Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

Search of a student shall be limited to the student's pockets, any object in the student's possession such as a purse, backpack, book bag or briefcase, and a "pat down" of the exterior of the student's clothing.

The extent of the search of a student's person or personal effects, as well as the means to conduct the search, must be reasonably related to the objectives of the search and the nature of the suspected violation. Additionally, school officials conducting the search shall be respectful of privacy considerations, in light of the sex and age of the student.

Searches of the person shall be conducted out of the presence of other students and as privately as possible by a person of the same sex as the student being searched. At least one person of the same sex as the student being searched shall witness but not participate in the search.

Searches of a student's person and/or personal effects may be conducted without the prior consent of the student's parent/guardian. However, the parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person which may require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. School personnel shall not participate in such searches.

### **Searches of motor vehicles**

Motor vehicle are subject to searches in accordance with Board policy JIHB.

### **Seizure of items**

Anything found in the course of a search conducted by school officials which is evidence of a violation of law or Board policy or school rules or which by its presence presents an immediate danger of physical harm may be:

1. Seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
2. Returned to the student or the parent/guardian.
3. Turned over to a law enforcement officer.

### **Law enforcement officers' involvement**

#### **Interviews**

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or designee shall ascertain that the law enforcement officer has proper identification. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interviews are discouraged during students' class time.

Upon request by law enforcement to question a student victim, witness, or suspect, school officials shall make an effort to notify the student's parent/guardian, except in cases involving investigation of reported child abuse where the suspected perpetrator is a member of the student's family, when law enforcement has a court order directing that the student's parent/guardian not be notified, or when an emergency or other exigent circumstances exist. It is the responsibility of the law enforcement officer interviewing the student victim, witness, or suspect to assure compliance with all applicable procedural safeguards. School personnel are not responsible for law enforcement compliance with the law. If a parent has not given consent or has refused consent for law enforcement questioning, it is the law enforcement officer's responsibility to proceed appropriately.

#### **Search and seizure**

The principal or designee may request that a search on school premises be conducted by a law enforcement officer. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search. It is expected that searches by law enforcement will be conducted in accordance with

the requirements of applicable law.

**Custody and/or arrest**

Students will be released to law enforcement officers if the student has been placed under arrest or if the student’s parent/guardian and the student consent to such release. When a student is removed from school by law enforcement officers for any reason, school officials will make reasonable efforts to notify the student’s parent/guardian. It is the responsibility of law enforcement officers to conduct arrests in accordance with all applicable procedural safeguards. School personnel are not responsible for law enforcement compliance with the law.

**School resource officers**

Although the district contracts with the City of Pueblo for the provision of School Resource Officers (SROs) to assist in maintaining school safety, SROs are employees of the City of Pueblo who are subject to the direct supervision and control of the City of Pueblo Police Department.

Adopted: March 12, 1985

Revised: July 16, 1996

Revised: February 27, 2001

Revised: June 25, 2013

LEGAL REFS.: C.R.S. 19-2-511 et seq.  
C.R.S. 22-32-109.1 (2) (a) (I) (I) (*policy required as part of safe schools plan*)

CROSS REFS.: JIHB, Parking Lot Searches  
JK, Student Discipline, and subcodes

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**Student Organizations**

**File: JJA-1**

Schools in the district may encourage students to broaden their knowledge and citizenship by permitting the formation of clubs or other groups that relate to subject matter covered by the curriculum. Such organizations shall operate within the framework of state statutes, Board policy, administrative rules and the parameters of the learning program.

Each building principal shall develop general guidelines for the establishment and operation of student organizations within the particular school. Among other provisions, such guidelines shall require the approval of the principal prior to the formation of any club or organization in a school and the assignment of at least one faculty adviser to each approved student organization.

All student organizations are required to open membership to all interested and/or eligible students. Fraternities, sororities and/or secret societies shall not receive recognition in any manner under this policy.

All forms of hazing in initiations shall be prohibited in a student organization. No initiation shall be held for a student organization which will bring criticism to the school system or be degrading to the student.

The faculty adviser must attend every meeting of the student organization whether conducted on school premises or at another location.

The principal is responsible for determining whether the purpose of a student organization is related to the curriculum.

Student organizations shall be considered directly related to the curriculum if one or more of the following applies:

1. The subject matter of the group actually is taught in a regularly-offered course.
2. The subject matter of the group concerns the body of courses as a whole.
3. Participation in the group is required for a particular course.
4. Academic credit or extra credit is given for participation in the group.

When the principal denies the request of a student organization desiring to meet or form in a particular school, the principal shall inform the group of the reasons for the denial. The students and/or group may submit a written request to the superintendent within 10 days of the denial for a review of the principal’s decision.

In the event that the principal denies a group of secondary students the right to organize and conduct meetings as a curriculum-related student organization, then students may seek permission to meet as a non-curricular student organization in accordance with Board policy JJA-2.

Adopted: July 16, 1996  
Revised and recoded: June 25, 2013

LEGAL REFS.: 20 U.S.C. §4071 *et seq.*  
C.R.S. 22-1-117  
C.R.S. 22-1-118

CROSS REF.: JJA-2, Student Organizations - Open Forum (Secondary Schools)

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## **Student Organizations - Open Forum (Secondary Schools)**

**File: JJA-2**

In addition to clubs and groups related to the curriculum, students in secondary schools (grades 7-12) in this district shall be permitted to organize and conduct meetings of noncurriculum-related student clubs or other groups to pursue specialized activities outside the classroom. Such groups shall not be considered school-sponsored student organizations nor be given all the privileges afforded to school-sponsored organizations.

Students may conduct meetings under this policy on school premises only during noninstructional time so that meetings do not interfere with the orderly conduct of the educational activities of the school. Meetings of noncurricular student groups must be scheduled, organized and conducted within the guidelines established by this policy and accompanying regulations.

For purposes of this policy, “noninstructional time” means time set aside by each school before actual classroom instruction begins or after actual classroom instruction ends.

Requests for permission to conduct a noncurricular student meeting must originate from a student or groups of students. Persons not attending school in this district, parents, school personnel or any other non-school persons are prohibited from directing, conducting, controlling or regularly attending the activities of a noncurricular student group.

All noncurricular student groups meeting on school premises are required to open membership to all interested and/or eligible students. Fraternities, sororities and/or secret societies shall not receive recognition in any manner under this policy. Attendance at all meetings must be voluntary.

The administration shall develop general guidelines and rules so that students will be informed about the procedure for scheduling meetings and activities, the hours available for meetings and the facilities available for meeting space. Students must request permission for a meeting of a noncurriculum-related group from the principal and submit all scheduling requests to the principal for approval.

A member of the professional staff must be invited to attend every meeting or activity scheduled on school premises as a monitor for purposes of general supervision.

Students shall be responsible for ensuring the presence of a faculty monitor prior to every meeting.

Under no circumstances shall the school compel a faculty member or school employee to monitor or attend a meeting of a noncurricular student group if the content of the speech at the meeting is contrary to the beliefs of the school employee.

School employees may be present at religious meetings of a noncurricular group only in a non-participatory capacity.

All forms of hazing in initiations shall be prohibited in any group meeting on school premises. No initiation shall be held for any noncurricular student group which will bring criticism to the school system or be degrading to the student.

The school district, through the building principal, retains the authority to prohibit meetings which otherwise would be unlawful. Further, nothing in this policy shall be construed to limit the authority of the school to maintain discipline on school premises, to protect the well-being of students and faculty and to ensure that attendance at meetings is voluntary. Neither shall anything in this policy be used to imply that the school is sponsoring a noncurricular student group. No public funding or support shall be extended to noncurricular student groups other than an opportunity to meet on school premises.

In providing equal access to school facilities for all noncurricular groups, the district is not expressing any opinion or approval of the subject matter discussed at any meeting nor is it advocating or supporting in any manner the point of view expressed by any student or group meeting as allowed by this policy.

Noncurricular student groups shall not be denied equal access to school facilities solely on the basis of the religious, political, philosophical or other content of any speech at such meetings.

Adopted: July 16, 1996

Revised and recoded: June 25, 2013

LEGAL REFS.: 20 U.S.C. §4071 *et seq.*  
C.R.S. 22-1-117  
C.R.S. 22-1-118

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## **Student Discipline**

**File: JK**

The Board affirms that quality education cannot proceed without good discipline, fairly and consistently applied. The Board believes that each student is unique and has the potential for making a positive contribution to society. The Board also recognizes that in order to function in society, individuals need to master certain basic skills and to continue learning throughout life. While learning the need for the value of group dynamics, individuals come to know and appreciate their worth and the worth of others. By accepting and fulfilling appropriate responsibilities, individuals come to value resultant privileges.

District schools serve many age groups whose levels of maturity differ. The Board believes that schools must create an orderly environment in which learning is not jeopardized by disruptions. Within these limitations, students must be given opportunities to bear responsibilities and to accept the reasonable exercise of authority. A necessary assumption is that students will accept these responsibilities. The most important student responsibility is to obey all Board and school policies and rules.

The Board desires each student to develop an awareness of and a sensitivity to creativity in all things, whether they be functional or aesthetic. Therefore, the Board commits itself to a cooperative effort with parents, community and school personnel to provide an atmosphere that will allow all students to:

1. Be accountable for their own actions and to realize that with privileges go responsibilities
2. Acquire the values and attitudes necessary for lawful and responsible citizenship
3. Display a positive attitude toward learning and the school environment
4. Know and obey the rules and decisions of those in authority
5. Demonstrate appreciation for the dignity and integrity of all
6. Respect persons belonging to various cultural, social and ethnic groups
7. Develop a sense of responsibility to groups in which they participate
8. Develop their talents to the fullest
9. Respect rights and educational opportunities of both students and teachers

The principals shall be authorized to establish written standards of conduct and administrative procedures dealing with less serious behavior. Teachers and administrators shall be expected to hold students strictly accountable for their failure to obey standards of conduct outlined in Board policy.

All Board-adopted policies and Board-approved regulations containing the letters “JK” in the file name constitute the discipline section of the legally required code.

### **Immunity for enforcement of discipline code**

Administrators, teachers, parents and students shall be responsible for maintaining an atmosphere of acceptable and consistent discipline at all times while engaged in performing their duties and responsibilities. Students in all district schools shall be expected to follow the disciplinary policies and regulations established by the Board and school.

All employees of the district shall be required to administer and enforce Board and school discipline policies and regulations in a consistent manner at all times.

An act of a teacher or other employee shall not be considered child abuse if the act was performed in good faith

and in compliance with Board policy and procedures.

A teacher or any other person acting in good faith and in compliance with the discipline code adopted by the Board shall be immune from criminal prosecution or civil liability unless the person is acting willfully or wantonly.

### **Remedial discipline plans**

The principal may develop a remedial discipline plan for any student who is deemed habitually disruptive and/or causes a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events. The goal of the remedial discipline plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school and following the habitually disruptive process as outlined on page 18 of the Student Conduct and Discipline Code.

### **Discipline of habitually disruptive students**

Students who have caused a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events three times during the school year shall be declared habitually disruptive students. Any student enrolled in the district's schools may be subject to being declared a habitually disruptive student. Declaration as a habitually disruptive student may result in the student's expulsion.

### **Discipline of special education students**

Appropriate discipline for special education students shall be determined by the student's Individualized Education Plan (IEP). The special education director shall be contacted prior to the use of any disciplinary measure which is not authorized by the student's IEP as additional procedural considerations are required in accordance with the district's responsibilities under state and federal law.

### **Distribution of conduct and discipline code**

The superintendent shall arrange to have a copy of the conduct and discipline code provided once to each student in elementary, middle, junior high and high school and once to each new student in the district. The superintendent shall ensure reasonable measures are taken to ensure each student is familiar with the code. Copies shall be posted in each school of the district. In addition, any significant change in the code shall be distributed to each student and posted in each school.

The Board shall consult with administrators, teachers, parents, students and other members of the community in the development of the conduct and discipline code.

Adopted: December 14, 1993

Revised: July 16, 1996

Revised: March 14, 2006

Revised: June 25, 2013

LEGAL REFS.: C.R.S. 18-6-401 (1) (*definition of child abuse*)  
C.R.S. 22-32-109.1 (2) (a) (*adoption and enforcement of conduct and discipline code*)  
C.R.S. 22-32-109.1 (2) (a) (I) (*school district shall take reasonable measures to familiarize students with the conduct and discipline code*)  
C.R.S. 22-32-109.1 (2) (a) (I) (C) (*discipline of habitually disruptive students is required part of safe schools plan*)  
C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)  
C.R.S. 22-33-106 (1) (*grounds for suspension, expulsion and denial of admission*)  
C.R.S. 22-33-106 (1) (c.5) (*habitually disruptive students*)

CROSS REFS.: GBG, Liability of School Personnel/Staff Protection  
JIC, Student Conduct, and subcodes  
JK subcodes (*all relate to student discipline*)

CONTRACT

REF.: Pueblo Education Association Agreement, Article 14, Student Discipline

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## **Student Discipline**

**File: JK-R**

### **Remedial discipline plans**

1. The principal may develop a remedial discipline plan for any student who causes a material and substantial disruption on school grounds, in a school vehicle or at a school activity or sanctioned event. The goal of the plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.
2. To develop the plan, the principal will arrange for a Response to Intervention (RtI) meeting with the student,

the student's parent/guardian and any members of the staff whom the principal believes should attend.

3. The purpose of the RtI meeting will be to address the reasons for the student's disruptive behavior and to establish goals, objectives and timelines to modify such behavior. A written plan will be prepared which addresses the student's disruptive behavior, educational needs and what steps are necessary to keep the child in school. The plan will include incentives for good behavior and consequences if the student violates the plan.
4. The plan may be written in the form of a contract which the student and the parent/guardian will sign and date.
5. The parent/guardian will be provided a copy of the remedial discipline plan and it will be placed in the student's cumulative file.

**Habitually disruptive students**

A student will be declared "habitually disruptive" if three times during the course of the school year the student causes a material and substantial disruption on school grounds, in school vehicle or at a school activity or sanctioned event.

1. The principal will inform the superintendent when a student causes a second material and substantial disruption.
2. The student and the parent/guardian will be notified in writing of each disruption which counts toward declaring the student habitually disruptive. The student and parent/guardian will also be notified in writing and by telephone or other oral communication of the definition of "habitually disruptive student."
3. A student who has been declared habitually disruptive may be suspended and/or expelled in accordance with Board policy JKD/JKE.

Approved: December 14, 1993  
Revised: July 16, 1996  
Revised: March 14, 2006  
Revised and recoded: June 25, 2013

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**Discipline of Students with Disabilities**

**File: JK\*-2**

Students with disabilities are neither immune from a school district's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with their Individualized Education Programs (IEPs), any behavioral intervention plan and this policy.

Nothing in this policy shall prohibit an IEP team from establishing consequences for disruptive or unacceptable behavior as a part of the student's IEP and/or behavioral intervention plan.

**Suspensions, expulsions and provision of services**

Students with disabilities may be suspended for up to 10 school days in any given school year for violations of the student code of conduct. These 10 days need not be consecutive. During any such suspension, the student shall not receive educational services.

A disciplinary change of placement occurs when a student is removed for more than 10 consecutive school days or subjected to a series of removals that constitute a pattern of removal under governing law.

Upon the eleventh school day of suspension or removal when such suspension or removal does not result in a disciplinary change of placement, educational services shall be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. School personnel, in consultation with at least one of the student's teachers, shall determine the educational services to be provided to the student during this period of suspension or removal.

When a student is expelled or subject to a removal that results in a disciplinary change of placement, educational services shall be provided as determined by the student's IEP team to enable the student to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals.

Prior to expulsion or other disciplinary change in placement, the student's parents shall be notified of the decision to take such disciplinary action and of their procedural safeguards. This notification shall occur not later than the date on which such decision is made.

**Manifestation determination**

Within 10 school days from the date of the decision to take disciplinary action that will result in a disciplinary change of placement, relevant members of the student's IEP team, including the student's parents, shall review



all relevant information in the student’s file, including the student’s IEP, any teacher observations, and any relevant information provided by the parents, to determine whether the student’s behavior was a manifestation of the student’s disability.

The team shall determine: (1) whether the student’s conduct in question was caused by, or had a direct and substantial relationship to, the student’s disability; and (2) whether the student’s conduct in question was the direct result of the school’s failure to implement the student’s IEP. If the answer to either of these two questions is “yes,” the student’s behavior shall be deemed to be a manifestation of the student’s disability.

### **Disciplinary action for behavior that is not a manifestation**

If the team determines that the student’s behavior was not a manifestation of the student’s disability, disciplinary procedures shall be applied to the student in the same manner as applied to nondisabled students. As stated above, the student shall receive educational services during the period of expulsion or other disciplinary change of placement.

Within a reasonable amount of time after determining that the student’s behavior is not a manifestation of the student’s disability, the student may receive, as appropriate, a functional behavioral assessment (“FBA”). In addition, a behavioral intervention plan (“BIP”) may be developed for the student, as appropriate. If a BIP has already been developed, the BIP may be reviewed and modified, as appropriate.

### **Disciplinary action and/or alternative placement for behavior that is a manifestation**

If the team determines that the student’s behavior is a manifestation of the student’s disability expulsion proceedings or other disciplinary change of placement will be discontinued. However, the student may be placed in an alternative setting for up to 45 school days as discussed below or the student’s placement may be changed for educational reasons as determined by the IEP team or as otherwise permitted by law.

Within a reasonable amount of time after determining that the student’s behavior is a manifestation of the student’s disability, the student’s IEP team shall: (1) conduct an FBA of the student, unless an FBA has already been conducted; and (2) implement a BIP for the student. If a BIP has already been developed, the IEP team shall review it and modify it as necessary to address the student’s behavior.

### **Placement in an alternative setting for 45 school days**

School personnel may remove a student with disabilities to an interim alternative setting for not more than 45 school days without regard to the manifestation determination if:

1. the student carried a weapon to school or a school function;
2. the student possessed a weapon at school or a school function;
3. the student possessed or used illegal drugs at school or a school function;
4. the student sold or solicited the sale of a controlled substance at school or a school function;
5. the student inflicted serious bodily injury on another person while at school or a school function; or
6. a hearing officer or court of appropriate jurisdiction so orders.

Such removal to an alternative setting is permissible even if the student’s behavior is determined to be a manifestation of the student’s disability. The student’s IEP team shall determine the educational services to be provided to the student in the alternative setting.

### **Students not identified as disabled**

Students who have not been identified as disabled shall be subjected to the same disciplinary measures applied to students with disabilities if the district had “knowledge” of the student’s disability before the behavior that precipitated the disciplinary action occurred.

The district is deemed to have knowledge of the student’s disability if:

1. the student’s parent has expressed concern in writing to district supervisory or administrative personnel, or the student’s teacher, that the student is in need of special education and related services;
2. the student’s parent has requested an evaluation; or
3. the student’s teacher or other district personnel have expressed specific concerns about the student’s pattern of behavior directly to the director of special education or other district supervisory personnel.

If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited. Until the evaluation is completed, the student shall remain in the district’s determined educational placement, which can include suspension or expulsion.

The district shall not be deemed to have knowledge that the student is a child with a disability if the parent has

not allowed an evaluation of the student, or the student has been evaluated and it was determined that he or she is not a child with a disability, or the student was determined eligible for special education and related services, but the parent refused services.

Adopted: December 14, 1993

Revised: July 16, 1996

Revised: March 14, 2006

Revised and recoded: June 25, 2013

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. 22-33-106 (1)(c)

CROSS REFS.: IHBA, Special Education Programs for Students with Disabilities  
JIC, Student Conduct, and subcodes  
JK, Student Discipline, and subcodes  
JRA/JRC, Student Records/Release of Information on Students

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## Use of Physical Intervention and Restraint

**File: JKA**

To maintain a safe learning environment, district employees may, within the scope of their employment and consistent with applicable law, use physical intervention and restraint with students in accordance with this policy and accompanying regulation. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with this policy and accompanying regulation.

### Physical intervention

Corporal punishment shall not be administered to any student by any district employee.

Within the scope of their employment, district employees may use reasonable and appropriate physical intervention with a student to accomplish the following:

1. To quell a disturbance threatening physical injury to the student or others.
2. To obtain possession of weapons or other dangerous objects upon or within the control of the student.
3. For the purpose of self-defense.
4. For the protection of persons against physical injury or to prevent the destruction of property which could lead to physical injury to the student or others.

Under no circumstances shall a student be physically held for one (1) or more minutes unless the provisions regarding restraint contained in this policy and accompanying regulation are followed.

### Restraint

Restraint is defined by state law and this policy as any method or device used to involuntarily limit a student's freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion. Restraint, however, does not include the holding of a student for less than one minute by a district employee for the protection of the student or others and other actions excluded from the definition of physical restraint in state law.

District employees shall not use restraint as a punitive form of discipline or as a threat to control or gain compliance of a student's behavior. District employees are also prohibited from restraining a student by use of a mechanical restraint, chemical restraint, or prone restraint, as those terms are defined by applicable State Board of Education Rules and this policy's accompanying regulation. Restraint shall only be administered by district employees trained in accordance with applicable State Board of Education Rules.

Adopted: June 25, 2013

Revised: May 16, 2023

LEGAL REFS.: C.R.S. § 18-1-703 (*use of physical force by those supervising minors*)  
C.R.S. § 18-1-901(3)(e) (*definition of a deadly weapon*)  
C.R.S. § 18-6-401 (1) (*definition of child abuse*)  
C.R.S. § 19-1-103 (1) (*definition of abuse and neglect*)

C.R.S. § 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)

C.R.S. § 22-32-109.1 (2)(a)(IV) (*policy required as part of safe schools plan*)

C.R.S. § 22-32-109.1 (2)(a)(I)(L) (*policies for use of restraint and seclusion on students and information on the process for filing a complaint regarding the use of restraint or seclusion shall be included in student conduct and discipline code*)

C.R.S. § 22-32-109.1 (9) (*immunity provisions in safe schools law*)

C.R.S. § 22-32-147 (*use of restraints on students*)

C.R.S. § 26-20-101 et seq. (*Protection of Persons from Restraint Act*)

1 CCR 301-45 (*State Board of Education Rules for the Administration of the Protection of Persons from Restraint Act*)

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## Use of Physical Intervention and Restraint

**File: JKA-R**

### A. Definitions

In accordance with Colorado law and the State Board of Education Rules for the Administration of the Protection of Persons from Restraint Act, the following definitions apply for purposes of this regulation and accompanying policy (JKA).

1. “Restraint” is defined as any method or device used to involuntarily limit freedom of movement, including bodily physical force, mechanical devices, chemicals, and seclusion. With certain exceptions, prone, mechanical, and chemical restraints shall not be used.
2. “Physical restraint” means the use of bodily, physical force to involuntarily limit an individual’s freedom of movement for one (1) minute or more. “Physical restraint” does not include:
  - a. the use of protective or adaptive devices for providing physical support, prevention of injury, or voluntary or life-saving medical procedures;
  - b. holding of a student for less than one (1) minute by a staff member for the protection of the student or others, except nothing in this policy may be interpreted to permit the holding of a student in a prone position, except as described below;
  - c. brief holding of a student by one adult for the purpose of calming or comforting the student;
  - d. minimal physical contact for the purpose of safely escorting a student from one area to another; or
  - e. minimal physical contact for the purpose of assisting the student in completing a task or response.
3. “Mechanical restraint” means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of the student’s body. “Mechanical restraint” does not include:
  - a. devices recommended by a physician, occupational therapist, or physical therapist and agreed to by a student’s Individualized Education Program (IEP) team or Section 504 team and used in accordance with the student’s IEP or Section 504 plan;
  - b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student’s IEP or Section 504 plan;
  - c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student’s IEP or Section 504 plan; or
  - d. positioning or securing devices used to allow treatment of a student’s medical needs.
4. “Chemical restraint” means administering medication to a student (including medications prescribed by the student’s physician) on an as-needed basis for the sole purpose of involuntarily limiting the student’s freedom of movement. “Chemical restraint” does not include:
  - a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student’s freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
  - b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
5. “Seclusion” means the placement of a student alone in a room from which egress is involuntarily prevented. Unlike physical restraints, there is no minimum time limit that triggers a seclusion. Rather, if a student is placed alone in a room for which egress is involuntarily prevented for any amount of time, this constitutes a seclusion, and the duties and notification requirements apply. “Seclusion” does not mean:
  - a. placement of a student in residential services in the student’s room for the night; or
  - b. time-out, which means the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.
6. “Emergency” means serious, probable, imminent threat of bodily injury to self or others with the present

ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property. If property damage might be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the individual or another person.

7. “Prone Restraint” means a restraint in which the student being restrained is secured in a prone (i.e. face-down) position.
8. “State Board Rules” mean the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.
9. “Parent” means the student’s parent or legal guardian as defined by the State Board Rules.

**B Basis for use of restraint**

Restraints shall only be used:

1. In an emergency and with extreme caution; and
2. After:
  - a. the failure of less restrictive alternatives (such as positive behavior supports, constructive and non-physical de-escalation, and re-structuring the environment); or
  - b. the staff members determines that such alternatives would be inappropriate or ineffective under the circumstances.
3. If property damage might be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the individual or another person.
4. Restraints shall never be used as a punitive form of discipline or as a threat to gain control or gain compliance of a student’s behavior.
5. School personnel shall:
  - a. use restraints only for the period of time necessary and using no more force than necessary; and
  - b. prioritize the prevention of harm to the student

**C. Duties related to the use of restraint – general requirements**

When restraints are used, school personnel shall ensure that:

1. no restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
2. no restraint is administered in such a way that places excess pressure on the student’s chest, back, or causes positional asphyxia;
3. restraints are only administered by district staff who have received training in accordance with the State Board Rules;
4. a person administering the physical restraint may use only the amount of force necessary to stop the dangerous or violent actions of the student;
5. the student is continuously monitored during seclusions and physical restraints to ensure the student’s physical safety, including ensuring that the breathing of the student in such physical restraint is not compromised;
6. relief periods from seclusion shall be provided for reasonable access to toilet facilities;
7. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
8. when it is determined by trained district staff that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed and in the case of seclusion, staff shall reintegrate the student or clearly communicate to the student that she/he are free to leave the area used to seclude the student; and
9. A student shall be released from a physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

**D. Duties relating to the environment for seclusion**

Any space where a student is secluded shall have adequate lighting, ventilation, and size, be free of injurious items, and have at least one window for monitoring when the door is closed. If the space does not have a window, monitoring shall be conducted through a video camera.

If the school uses a designated seclusion room, then the room shall be dedicated to the purpose of de-escalating students in a safe manner and shall not be a room that is used by school staff for storage, custodial, or office space.

### **E. Notification requirements**

1. If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff shall notify, in writing, the student's parents, and, if appropriate, the student of:
  - a. the restraint procedures (including types of restraints) that might be used;
  - b. the specific circumstances in which restraint might be used; and
  - c. the staff who may be involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification provided, school personnel shall ensure that the meeting is convened.
3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

### **F. Documentation and review of specific incidents of restraint**

#### **Notification & Documentation of Brief Physical Restraints** *(This process does not include seclusions, which shall be documented as outlined below)*

1. For physical restraints lasting one (1) minute or more, but less than five (5) minutes, the school shall provide parents written notice on the day of the restraint, which shall include the following information.
  - a. review of the incident, including review of the written report submitted by the staff involved and any related documentation to ensure the use of alternative strategies; and
  - b. recommendations for adjustment of procedures, if appropriate.
2. A copy of the written notice shall be placed in the student's educational record and forwarded to the Director of Exceptional Student Services or designee.

#### **Notification & Documentation of Other Restraints**

1. For all seclusions and physical restraints lasting five (5) minutes or more, the school principal or designee shall verbally notify the student's parents as soon as possible but no later than the end of the school day that the restraint was used.
2. Within one (1) school day, the staff involved shall submit a written report regarding the incident to school administration.
3. Within two (2) school days, appropriate school staff shall meet to review the incident. This review shall include, but not be limited to:
  - a. review of the incident, including review of the written report submitted by the staff involved and any related documentation to ensure the use of alternative strategies;
  - b. recommendations for adjustment of procedures, if appropriate; and
  - c. follow-up communication with the student and the student's family.
4. A written report based on the findings of the staff review shall be emailed, faxed or mailed to the student's parents within five (5) calendar days of the use of restraint. The written report of the use of restraint shall include:
  - a. the antecedent to the student's behavior, if known;
  - b. a description of the incident;
  - c. efforts made to de-escalate the situation;
  - d. alternatives that were attempted;
  - e. the type and duration of the restraint used;
  - f. injuries that occurred, if any; and
  - g. the staff present and staff involved in administering the restraint
5. A copy of the written report shall be placed in the student's confidential file and forwarded to the Director of Exceptional Student Services or designee.
6. If requested by the district or the student's parents, the district shall convene a meeting with parents to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

### **G. General review process**

1. The district shall ensure that a general review process is conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the

use of positive behavior interventions, and reducing the incidence of injury to students and staff.

2. The review shall include, but is not limited to, an analysis of:
  - a. incident reports, including all reports prepared to fulfill the documentation requirements outlined in the policy, but not limited to, analysis of the procedures used during any incidents of restraint, the preventative or alternative techniques tried, and staff compliance with documentation and review requirements contained in paragraph F above;
  - b. training needs of staff;
  - c. staff to student ratio; and
  - d. environmental conditions, including physical space, student seating arrangements, and noise levels.

**H. Staff training**

1. The district shall ensure that staff utilizing restraint in schools are trained in accordance with the State Board Rules.
2. Training shall include:
  - a. a continuum of prevention techniques;
  - b. environmental management;
  - c. a continuum of de-escalation techniques;
  - d. nationally recognized physical management and restraint practices including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
  - e. methods to explain the use of restraint to the student who is to be restrained and to the student’s family; and
  - f. appropriate documentation and notification procedures as described in paragraphs E and F above.
3. Retraining shall occur at a frequency of at least every two years.

**I. I. Exceptions**

1. A school officer or law enforcement officer acting in the officer’s official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall not use handcuffs (i.e. mechanical restraint) on any student, unless there is a danger to themselves or others or handcuffs are used during a custodial arrest that requires transport.
2. This prohibition on the use of mechanical or prone restraints in this policy shall not apply
  - a. to armed security officers or certified peace officers working in a district school when the officer (a) has received documented training in defensive tactics utilizing handcuffing procedures and in restraint tactics utilizing prone restraint and (b) has made a referral to a law enforcement agency; and
  - b. when a student is openly displaying a deadly weapon such as a firearm, whether loaded or unloaded, a knife, bludgeon, or any other weapon, device, instrument, material, or substances, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury as that term is defined in C.R.S. § 18-1-901(3) (p).

Adopted: June 25, 2013

Revised: May 16, 2023

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**Disciplinary Removal from Classroom**

**File: JKBA\***

It is the policy of the Board to maintain classrooms in which student behavior does not interfere with the ability of the teacher to teach effectively or the ability of other students to participate in classroom learning activities.

Students shall be expected to abide by the code of conduct adopted by the Board and any other appropriate classroom rules of behavior established by the building principal and/or classroom teacher for the purpose of maintaining order and a favorable academic atmosphere. Any student who violates the code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action.

Student removal from class is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when they are communicated as clearly as possible to students. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every circumstance that would justify removal from class under this

policy. Teachers are expected to exercise their best professional judgment in deciding whether it is appropriate to remove a student from class in any particular circumstance. All instances of formal removal from class shall be documented.

A teacher is authorized to immediately remove a student from the teacher’s classroom if the student’s behavior:

1. violates the code of conduct adopted by the Board;
2. is dangerous, unruly, or disruptive; or
3. seriously interferes with the ability of the teacher to teach the class or other students to learn.

A student with a disability may be removed from class and placed in an alternative educational setting only to the extent authorized by state and federal laws and regulations.

Removal from class under this policy does not prohibit the district from pursuing or implementing additional disciplinary measures, including but not limited to detentions, suspensions, or expulsions for the conduct or behavior for which the student was removed.

The superintendent is directed to establish procedures to implement this policy so that removals from a classroom occur in a consistent manner throughout the district. Parents/guardians shall be notified of the student’s removal from class in accordance with established procedures.

Adopted: June 25, 2013

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(B) (policy required as part of safe school plan)

CROSS REFS.: JIC, subcodes (all pertain to student conduct)  
JK, Student Discipline, and subcodes

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## **Disciplinary Removal from Classroom**

**File: JKBA\*-R**

Staff, including administrators and teachers, must use their training, experience and authority to create schools and classes where effective learning is possible. Students should be able to attend school and classes as free as reasonably possible from unnecessary and unwarranted distraction and disruption. Such behavior interferes with the classroom environment and will not be tolerated.

A student who engages in classroom conduct or behavior prohibited by the code of conduct may be removed from class by a teacher and placed temporarily in an alternative setting in accordance with these procedures and consistent with state and federal law.

For purposes of this policy and procedure, a “class” includes regular classes, special classes, resource room sessions, labs, study halls, library time, school assemblies and other such learning opportunities taught or supervised by a teacher. “Teacher” means a person holding a teaching license or authorization issued by the state who is employed to instruct, direct or supervise the instructional program. It does not include substitute teachers as defined in state law.

### **Informal removal to the principal’s office**

An informal removal from class occurs when a student breaks one or several classroom rules in a class period or during the school day. The teacher may remove a student by using approved discipline management techniques such as having the student stand in the hall outside the door or some other safe “time out” environment either in or out of the classroom, or sending the student to the principal’s office for a short period of time. Generally, the student will be allowed to return to his or her classroom later the same day. The procedures set forth below do not apply to an informal removal from class.

### **Formal removal from class**

A teacher may formally remove a student from class for the following conduct or behavior:

1. Conduct that is prohibited in the student code of conduct. It should be noted that building administrators make decisions regarding suspension and the superintendent makes recommendations for expulsion. Thus, a teacher’s decision to remove a student from class for behavior covered by district policies regarding suspension and expulsion may, but does not necessarily, mean that the student will also be suspended or expelled.
2. Disruptive, dangerous, or unruly behavior. The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous, or unruly:

- a. inappropriate physical contact intended or likely to hurt, distract, or annoy others such as hitting, biting, pushing, shoving, poking, pinching, or grabbing;
  - b. Inappropriate verbal conduct intended or likely to upset, distract, or annoy others such as name calling, teasing, or baiting;
  - c. Behavior that may constitute sexual or other harassment;
  - d. Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment, particularly when others are talking (e.g., lecture by teacher, response by other student, presentation by visitor) or during quiet study time;
  - e. Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.;
  - f. Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out;
  - g. Destroying or damaging the property of the school, the teacher or another student; or
  - h. Loud, obnoxious, or outrageous behavior.
3. Conduct that otherwise interferes with the ability of the teacher to teach effectively. Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly, and responding appropriately when called upon. A student's noncompliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation, this behavior includes:
- a. Open defiance of the teacher, manifest in words, gestures, or other overt behavior;
  - b. Open disrespect of the teacher, manifest in words, gestures, or other overt behavior; or
  - c. Other behavior likely or intended to sabotage or undermine classroom instruction.

### **Procedures to be followed for formally removing a student from class**

Unless the behavior is extreme as determined by the teacher, a teacher shall warn a student that continued misbehavior may lead to removal from class. When the teacher determines that removal is appropriate, the teacher should take one of the following courses of action:

1. Instruct the student to go to the main office. Unless prevented by the immediate circumstances, the teacher shall send a note with the student stating the reason for the student's removal and call the building principal's office.
2. Obtain coverage for the class and escort the student to the main school office. The teacher shall inform the building principal or designee of the reason for the student's removal from class.
3. Seek assistance from the main school office or other available staff. When assistance arrives, the teacher or the other staff member should accompany the student to the main office. The principal or designee shall be informed of the reason for the student's removal.

Within 24 hours of the student's removal from class, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the student's removal from class.

### **Notice to parent/guardian**

As soon as practicable, the building principal or designee shall notify the student's parent/guardian, in writing, that the student was removed from class. The written notice shall specify the class from which the student was removed, the duration of the removal, and the basis for the removal as stated by the teacher. The notice shall provide an opportunity for the parent/guardian to attend a student-teacher conference regarding the removal. If the student's removal from class is also subject to disciplinary action (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

### **Placement procedures**

Each building principal shall designate a room or other suitable place in the school to serve as the short-term removal area.

When the student arrives at the main office, the building principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal or designee is not available immediately upon the student's arrival, the student will be taken to the designated short-term removal area and the principal or designee will speak to the student as soon as practicable.

At the discretion of the building principal or designee, the student may be placed in another appropriate class, program or educational setting, provided students are supervised in such alternative setting.



Students placed in the short-term removal area shall be supervised. During their time of placement, students are expected to do work of an academic nature. If possible, such work shall be related to the work in the class from which the student was removed or may be related to the student’s misconduct. In no event shall a student’s time in the short-term removal area be recreation or other free time.

In most cases, a student shall remain in the short-term removal area for the duration of the class from which he or she was removed. Prior to allowing the student to resume his or her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building principal or designee may consider a different placement option.

**Behavior plan**

The principal or designee and teacher shall consider whether a behavior plan should be developed for the student upon the student’s first removal from class. The behavior plan will be similar, if not the same, as a remedial discipline plan developed for disruptive students in accordance with Policy JK. A behavior plan shall be developed and implemented after the teacher formally removes a student from class for the second time and must be developed and implemented before a student may be removed from class for the remainder of the term of the class.

**Removal for remainder of term**

Upon the third formal removal from class, a student may be officially removed from the teacher’s class for the remainder of the term. The principal shall be responsible for determining the appropriate educational placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. The principal’s decision regarding placement is final.

Once a student is officially removed from class, a loss of credit may occur if the principal determines that it would be too disruptive to enroll the student in another class after the start of the term.

**Review by principal**

The principal is required to collect data pertaining to the number of students who are removed from class during the year. This information will be reported to the public on the safety section of the school report card. While there are a variety of factors to consider when analyzing this data, an unusually high number of formal documented student removals from any one teacher may be cause for concern. The principal shall review this data with teachers at least annually.

A student may be removed from a classroom by a teacher only in accordance with the requirements of this policy and the applicable provisions of state and federal law. All teacher actions under this policy shall be subject to evaluation and supervision by the teacher’s supervisor as provided in school district policies and procedures, including the evaluation policy.

Approved: June 25, 2013

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**Suspension/Expulsion of Students**

**File: JKD/JKE**

The Board of Education shall provide due process of law to students, parents/guardians and school personnel 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; and
6. The likelihood that a lesser intervention would properly address the violation.

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 behavior and disciplinary interventions that it employs before suspending or expelling the student.

As an 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.

### **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) 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 (see JKD/JKE-E).

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 (see JKD/JKE-E).

2. The Board of Education delegates to the superintendent the authority to suspend a student, in accordance with C.R.S. 22-33-105 and 22-33-106.1 (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 period of suspension shall not exceed 25 school days.

3. The Board of Education retains the authority to deny admission to or expel for any period not extending beyond one year any student whom the Board, 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.

### **Expulsion for unlawful sexual behavior or crimes 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 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 shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

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.

### **Annual reports**

The Board annually shall report to the State Board of Education the number of students expelled from district schools for disciplinary reasons or for failure to submit certificates of immunization. Expelled students shall not be included in calculating the dropout rate for the school or the district.

Adopted: March 12, 1985

Revised: May 11, 1993

Revised: July 16, 1996

Revised: March 14, 2006

Revised: June 25, 2013

Revised: May 19, 2020

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 safe schools plan*)  
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. 22-33-106.1 (*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. 22-33-107 (*compulsory attendance law*)  
C.R.S. 22-33-107.5 (*notice of failure to attend*)  
C.R.S. 22-33-108 (*juvenile judicial proceedings*)  
C.R.S. 25-4-903 (1) (*immunization*)

CROSS REFS.: ECAC, Vandalism  
GBGB, Staff Personal Security and Safety  
JF, Admission and Denial of Admission  
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

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## Grounds for Suspension/Expulsion

File: JKD/JKE-E

According to Colorado Revised Statutes 22-33-106 (1) (a-g), 22-33-106.1, and 3 (e) and 22-12-105 (3), the following may be grounds for suspension or expulsion from a public school:

1. Continued willful disobedience or open and persistent defiance of proper authority.
2. Willful destruction or defacing of school property.
3. Behavior on or off school property which is detrimental to the welfare (including health) or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or other children.
4. Declaration as a habitually disruptive student.
  - a. For purposes of this paragraph, "habitually disruptive student" means a child who has caused a material and substantial disruption three or more times during the course of the school year on school grounds, in a school vehicle or at a school activity or sanctioned event. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.
  - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student."
5. The use, possession or sale of a drug or controlled substance as defined in C.R.S. 18-18-102(5) on school grounds, in a school vehicle, or at a school activity or sanctioned event.
6. The commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S., other than the commission of an act that would be third degree assault under C.R.S. 18-3-204 if committed by an adult.
7. Possession of a dangerous weapon without the authorization of the school or the school district on school grounds, in a school vehicle, or at a school activity or sanctioned event.

For purposes of this paragraph, "dangerous weapon" means:

  - a. A firearm;

- b. Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;
  - c. A fixed-blade knife with a blade that exceeds three inches in length;
  - d. A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length; or
  - e. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.
8. Repeated interference with a school's ability to provide educational opportunities to other students.
  9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.
  10. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any suspension, expulsion or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
  11. Pursuant to C.R.S. 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

According to C.R.S. 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Education Act and applicable federal law (see policy JK\*-2, Discipline of Students with Disabilities), the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.

Issued: January 14, 1997

Revised: June 25, 2013

Revised: May 19, 2020

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## **Suspension/Expulsion of Students**

**File: JKD/JKE-R**

*(Hearing Procedures)*

### **A. Procedure for suspension of 10 days or less**

Through written policy the Board of Education has delegated to any school principal the power to suspend a student for not more than three, five, or 10 school days, depending upon the grade of the student and type of infraction. Pursuant to policy JKD/JKE, the superintendent has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed 25 school days. As a general rule, a suspension will be three school days or less for students in preschool through second grade, and 10 school days or less for students in third grade and higher grade levels.

The following procedures shall be followed in any suspension, unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures shall apply.

When the term "parent/guardian" is used, it refers to the parent/guardian of students under 18 years of age; if the student is 18 years or older, it refers to the student. All references to parent/guardian are intended to also include legal custodian.

1. **Notice.** The principal, designee or the superintendent at the time of contemplated action will give the student and the parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be given in person. If written, delivery may be by United States mail addressed to the last known address of the student or student's parent/guardian.
2. **Contents of notice.** The notice will contain the following basic information:
  - a. A statement of the charges against the student.
  - b. A statement of what the student is accused of doing.
  - c. A statement of the basis of the allegation. Specific names may be withheld if necessary.

This information need not be set out formally but should sufficiently inform the student and parent/guardian of the basis for the contemplated action.

3. **Informal hearing.** In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a decision on the contemplated action.
4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the informal hearing.
5. **If the student's presence in school presents a danger.** Notice and an informal hearing need not be given prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, an informal hearing will follow as soon after the student's removal as practicable.
6. **Notification following suspension.** If a student is suspended the administrator delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the administrator to review the suspension.
7. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately after the parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.
8. **Readmittance.** No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
9. **Make-up work.** Suspended students will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work which is completed satisfactorily.

#### **B. Procedure for expulsion or denial of admission**

In the event the Board of Education contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed:

1. **Notice.** Not less than 10 days prior to the date of the contemplated action, the Board of Education or an appropriate administrative officer of the district will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be by United States mail addressed to the last known address of the student or the student's parent/guardian.
2. **Emergency Notice.** In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened provided that the student or the student's parent/guardian have actual notice of the hearing prior to the time it is held.
3. **Contents of Notice.** The notice will contain the following basic information:
  - a. A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.
  - b. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within 10 days after the date of the notice.
  - c. A statement of the date, time and place of the hearing in the event one is requested.
  - d. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present such information as is relevant and that the student may be accompanied and represented by a parent/guardian and an attorney.
  - e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
4. **Conduct of hearing.** A hearing may be requested by the parent/guardian. Such hearing will be conducted by the Board of Education. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Board president but including in all events the student, the parent/guardian and, if requested, the student's attorney. Such individuals as may have pertinent information

will be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the Board may consider and give appropriate weight to such information or evidence it deems appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or representative may question individuals presenting information.

A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting the same.

The Board of Education may retire to executive session to review and discuss the evidence. However, the final decision will be made in public session. The Board will inform the student and the student's parent/guardian of the right to judicial review.

5. **Information to parents.** Upon expelling a student, district personnel shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right of a parent/guardian to request that the district provide services during the expulsion. If the parent or guardian chooses to provide a home-based education program for the student, district personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled and is not receiving educational services through the district, the school district shall contact the expelled student's parent/guardian at least once every 60 days until the student is eligible to re-enroll to determine whether the child is receiving educational services. District personnel need not contact the parent/guardian after the student is enrolled in another school district or in an independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

6. **Readmittance.** A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:
  - a. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
  - b. there is an identifiable victim of the expelled student's offense; and
  - c. the offense for which the student was expelled does not constitute a crime against property.

If the district has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

No student will be readmitted to school until after a meeting between the principal or designee and the parent/guardian has taken place except that if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

### C. Procedure for crimes of violence or unlawful sexual behavior

The following procedures will apply when the district receives notification that a student has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

1. The Board or its designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors:
  - a. Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students or school personnel.
  - b. Whether educating the student in school may disrupt the learning environment, provide a negative example for other students or create a dangerous and unsafe environment for students, teachers and other school personnel.
2. If it is determined that the student should not be educated in the schools of the district, the district may suspend or expel the student, in accordance with the procedures set forth above.
3. Alternatively, suspension or expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the suspension or expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program, including but not limited

to, an online program authorized by state law or a home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.

4. If the student pleads guilty to the charge, is found guilty or is adjudicated a delinquent juvenile, the Board or designee may proceed to suspend or expel the student following the procedures set forth in these regulations.
5. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this policy, but shall remain confidential unless the information is otherwise available to the public by law.

Adopted: June 25, 2013

Revised: May 19, 2020

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## **Expulsion Prevention**

**File: JKG**

District personnel shall enforce provisions of the student code of conduct so that students demonstrating unacceptable behavior and their parents/guardians or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code.

However, it is the belief of the Board that all available alternatives should be explored to help students who are at risk of expulsion before expulsion becomes a necessary step. Expulsion shall be regarded as a punishment of last resort unless a student's behavior would cause imminent harm to others in the school, or when federal law or the school's conduct and discipline codes require expulsion. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive.

The district, working with the student's parent/guardian, shall provide students who are identified by the district as at risk of suspension or expulsion with a plan to provide necessary support services to help them avoid expulsion. Services may include:

1. educational services (tutoring, on line services, alternative educational programs or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies)
2. counseling services
3. drug or alcohol addiction treatment programs, and/or
4. family preservation services.

The district shall not pay for such services unless otherwise required by law.

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations and institutions of higher education.

The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures including but not limited to suspension and/or expulsion.

Adopted: May 11, 1999

Revised: April 24, 2001

Revised: June 25, 2013

- LEGAL REFS.:
- C.R.S. 22-14-101 et seq. (dropout prevention and student re-engagement)
  - C.R.S. 22-33-202 (identification of at-risk students)
  - C.R.S. 22-33-204 (services for at-risk students)
  - C.R.S. 22-33-204.5 (students in facility schools shall be considered at-risk)
  - C.R.S. 22-33-205 (grants for services to expelled, at-risk and truant students)

## Immunization of Students

**File: JLCB**

The Board directs the superintendent or designee(s) to annually provide parents/guardians of each student enrolled in the district a copy of the standardized immunization document developed by the Colorado Department of Public Health and Environment. The standardized immunization document includes a list of required and recommended immunizations and the age at which each immunization should be given, the school's specific immunization and exemption rates for the measles, mumps, and rubella vaccine for the school's enrolled student population for the previous school year compared to the vaccinated children standard, and a statement that the school is required to collect and report the information, but the school does not control the school's specific immunization rates or establish the vaccinated children standard.

No student is permitted to attend or continue to attend any school in this district without meeting the legal requirements of immunization against disease unless the student has presented one of the following, as provided by law.

1. a written authorization signed by a parent/guardian requesting local public health officials administer the immunizations;
2. a certificate of medical exemption;
3. a certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment; or
4. a certificate of nonmedical exemption.

Students who do not submit an up-to-date certificate of immunization or a written authorization signed by one parent/guardian requesting local health officials to administer the immunizations or a valid certificate of medical or nonmedical exemption will be suspended and/or expelled from school according to regulation JLCB-R.

All information distributed to parents/guardians by the district will inform them of their rights to seek an exemption from immunization requirements.

Adopted: July 16, 1996  
Revised: June 25, 2013  
Revised: January 25, 2022

LEGAL REFS.: C.R.S. 22-32-140 (annual distribution of standardized immunization document required)  
C.R.S. 22-33-106 (grounds for suspension, expulsion and denial of admission)  
C.R.S. 25-4-901 et seq. (school entry immunizations)  
6 CCR 1009-2 (school immunization requirements)

CROSS REFS.: JF, Admission and Denial of Admission  
JF-R, Student Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)  
JKD/JKE, Suspension/Expulsion of Students  
JRA/JRC, Student Records/Release of Information on Students

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## Immunization of Students

**File: JLCB-R**

1. No student may attend school in the district unless the student has presented to the school an up-to-date certificate of immunization, a written authorization signed by a parent/guardian requesting local public health officials administer the immunizations or a valid certificate of medical or nonmedical exemption form. [Note: please refer to current standardized immunization documents developed and updated by the Colorado Department of Public Health and Environment for a list of immunization requirements and recommendations.]
2. A student will be exempted from required immunizations only upon submission of:
  - a. a completed certificate of medical exemption from a licensed physician, qualified physician assistant, or advanced practice nurse that the student's physical condition is such that immunization would endanger the student's life or health or is otherwise medically contraindicated due to other medical conditions (see paragraph 5, below),
  - b. a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment (see paragraph 4, below), or
  - c. a completed certificate of nonmedical exemption signed by a parent/guardian or an emancipated student and physician assistant, or advanced practice nurse (see paragraph 4, below).
3. In the event of an outbreak of any communicable disease for which immunization is required, no exemption



will be recognized and those students will be excluded from school.

4. Parents/guardians or emancipated students who assert a nonmedical exemption must submit either a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment or a completed certificate of nonmedical exemption that is signed by a parent/guardian or emancipated student and a physician, qualified physician assistant, or advanced practice nurse on an annual basis. Such submission will occur at the beginning of each school year that the nonmedical exemption is asserted.
5. Parents/guardians or emancipated students who assert an exemption from immunizations based on a medical reason must submit the required medical exemption form to the school one time. The medical exemption form must be maintained on file at each new school the student attends.
6. Each school in the district annually provides the school's specific immunization and exemption rates for the measles, mumps, and rubella vaccine [optional: the school may also include immunization and vaccination rates for any other vaccine] for the school's enrolled student population for the previous school year compared to the vaccinated children standard.
7. The district will provide upon request an immunization reporting form. The school nurse is responsible for seeing that required information is included on the form and transferred to an official certificate of immunization as required.
8. If there is a failure to comply with the immunization requirements, the school nurse will personally notify the parent/guardian or emancipated student. Such notification will be accomplished by telephone, e-mail, or in person. If this is not possible, contact will be by physical mail. Emancipated Students must be contacted directly rather than through their parents/guardians.

The parent/guardian or emancipated student will be notified of the following:

- a. that up-to-date immunizations are required under Colorado law.
  - b. that within fourteen (14) days of notification, the parent/guardian must submit one of the following: (i) an authorization for administration of the immunization by public health officials; (ii) a completed certificate of medical or nonmedical exemption; (iii) a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment; (iv) or documentation to the school showing that the next required immunization has been given and a written plan for completion of all required immunizations.
  - c. that if the required documentation is not submitted within fourteen (14) days of notification or if the student begins but does not continue or complete the written plan, the student will be suspended or expelled.
9. A student who fails to comply shall be suspended by the principal for up to five days and notice of the suspension sent to the Health Department.
  10. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
  11. Any suspension or expulsion under this policy will terminate automatically upon compliance.
  12. Record of any such suspension or expulsion will be contained in the student's health file, with an appropriate explanation, not in the student's disciplinary file.

Any student expelled for failure to comply with the immunization requirements will not be included in calculating the dropout rate but will be included in the annual report to the State Board of Education.

### **Students in out-of-home placements**

The following procedure applies to students in out-of-home placements, as that term is defined by C.R.S. 22-32-138(1)(e).

Unless the district or school is otherwise authorized to deny enrollment to a student in out-of-home placement, the district or school must enroll the student regardless of whether the district or school has received the student's immunization records. Upon enrolling the student, the school must notify the student's legal guardian that unless the school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the school will suspend the student until such time as the school receives the certificate of immunization or authorization.

Approved: July 16, 1996

Revised: March 14, 2006

Revised: June 25, 2013  
Revised: January 25, 2022

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**Administering Medications to Students**

**File: JLCD**

School personnel may not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours and the student's parent/guardian is not available to administer the medication during the school day.

Medication may be administered to students by school personnel whom a registered nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical marijuana. The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements. The administration of medical marijuana must be in accordance with the Board's policy on administration of medical marijuana to qualified students.

Medication may be administered to students by the school nurse or other school designee only when the following requirements are met:

1. Medication must be in the original properly labeled container. If it is a prescription medicine, the student's name, name of the medication, dosage, how often it is to be administered, and the name of the prescribing health care practitioner must be printed on the container.
2. The school must have received written permission to administer the medication from the student's parent/guardian and health care practitioner with prescriptive authority under Colorado law.
3. The school shall have received written permission from the student's parent/guardian to administer the medication to the student under a standing medical order, if the medication is an over-the-counter medication such as Advil or Tylenol.
4. The parent/guardian shall be responsible for providing all medication to be administered to the student.

**Self-administration of medication for asthma, allergies or anaphylaxis**

A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition, or who is prescribed medication by a licensed health care practitioner may possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis, or related, life-threatening condition, or other condition for which the medication is prescribed. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication must be in accordance with regulation JLCD-R.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or other related, life-threatening condition, or other condition for which the medication is prescribed may be limited or revoked by the school principal after consultation with the school nurse and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

**Use of stock epinephrine auto-injectors in emergency situations**

The district will have a stock supply of epinephrine auto-injectors for use in emergency anaphylaxis events that occur on school grounds. Any administration of a stock epinephrine auto-injector to a student by a district employee must be in accordance with applicable state law, including applicable State Board of Education rules.

The district's stock supply of epinephrine auto-injectors is not intended to replace student-specific orders or medication provided by the student's parent/guardian to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition.

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy will be considered a violation of policy JICH, Drug and Alcohol Use by Students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with policy JICH.

Adopted: March 12, 1985  
Revised: July 16, 1996  
Revised: June 8, 1999  
Revised: April 28, 2008  
Revised: June 25, 2013  
Revised: January 25, 2022

LEGAL REFS.: C.R.S. 12-38-132 (*delegation of nursing tasks*)  
C.R.S. 12-38-132.3 (*school nurses – over-the-counter medication*)  
C.R.S. 22-1-119 (*no liability for adverse drug reactions/side effects*)  
C.R.S. 22-1-119.5 (*Colorado Schoolchildren’s Asthma, Food Allergy, and Anaphylaxis Health Management Act*)  
C.R.S. 22-1-119.3 (3)(c) and (d) (*no student possession or self-administration of medical marijuana, but school officials must permit the student’s primary caregiver to administer medical marijuana to the student on school grounds, on a school bus, or at a school-sponsored event*)  
C.R.S. 22-2-135 (*Colorado School Children’s Food Allergy and Anaphylaxis Management Act*)  
C.R.S. 24-10-101 et seq. (*Colorado Governmental Immunity Act*)  
1 CCR 301-68 (*State Board of Education rules regarding Administration of Colorado School Children’s Asthma and Anaphylaxis Act and Colorado School Children’s Food Allergy and Anaphylaxis Management Act*)  
6 CCR 1010-6, Rule 9-105 (*regulations*)

CROSS REF.: JICH, Drug and Alcohol Use by Students  
JLCDA\*, Students with Food Allergies  
JLCE, First Aid and Emergency Medical Care  
JLCDB, Administration of Medical Marijuana to Qualified Students

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**Permission for Medication**

**File: JLCD-E**

Name of student \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

Medication \_\_\_\_\_ Dosage \_\_\_\_\_

Purpose of medication \_\_\_\_\_  
\_\_\_\_\_

Time of day medication is to be given \_\_\_\_\_

Possible side effects \_\_\_\_\_  
\_\_\_\_\_

Anticipated number of days it needs to be given at school \_\_\_\_\_

Date \_\_\_\_\_  
\_\_\_\_\_  
*Signature of health care practitioner*

It is understood that the medication is administered solely at the request of and as an accommodation to the undersigned parent or guardian. In consideration of the acceptance of the request to perform this service by the school nurse or other designee employed by the \_\_\_\_\_ (*name of school district*), the undersigned parent or guardian hereby agrees to release the \_\_\_\_\_ (*name of school district*) and its personnel from any legal claim which they now have or may hereafter have arising out of side effects or other medical consequences of the medication.

I hereby give my permission for \_\_\_\_\_ (*name of student*) to take the above medication at school as ordered. I understand that it is my responsibility to furnish this medication.

A new Permission for Medication form must be completed for each medication change and each school year.

\_\_\_\_\_  
*Parent/guardian printed name*

Date \_\_\_\_\_

\_\_\_\_\_  
*Signature of parent or guardian*

Issued: June 25, 2013  
Revised: January 25, 2022

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**Administering Medications to Students**

**File: JLCD-R**

If under exceptional circumstances a student is required to take medication during school hours, only the school nurse or the school nurse's designee may administer the medication to the student in compliance with the following regulation. In the alternative, the parent/guardian may come to school to administer the medication.

1. All directives of the accompanying policy must be followed
2. Written orders from the student's health care practitioner with prescriptive authority under Colorado law must be on file in the school stating:
  - a. The student's name, address, and school
  - b. Name, telephone/emergency numbers of parent(s)/ legal guardian(s)/legal custodian(s)
  - c. Name of the medication
  - d. The purpose of the medication
  - e. The time of day the medication is administered
  - f. The dosage and route of administration
  - g. Special instructions or possible side effects
  - h. Anticipated number of days it needs to be administered at school and the termination date of medication
  - i. Licensed prescribing practitioner name, address, telephone number, signature and date; witness signature, and date
3. Medication must be brought to school in a container appropriately labeled by the pharmacy or health care practitioner.
4. An individual record must be kept of medications administered by school personnel.
5. The medication must be stored in a clean, locked cabinet or container. Emergency medications (such as epinephrine) must be kept in a secure location accessible to designated school staff.

Unless these requirements are met, medication will not be administered to students at school.

**Self-administration of medication for asthma, allergies, anaphylaxis, or other prescription medication**

A school may permit a student to possess and self-administer medication, such as an inhaler, epinephrine, or other prescription medication, if all of the following conditions are met:

1. Written authorization signed by the student's health care practitioner must be on file with the school which must include the student's name; the name, purpose, prescribed dosage, frequency, and length of time between dosages of the medication(s) to be self-administered; and confirmation that the student has been instructed and is capable of self-administration of the medication.
2. The school nurse or school administrator, in consultation with the school nurse, the student's health care practitioner, and the student's parent/guardian collaborate to make an assessment of the student's knowledge of his or her condition and ability to self-administer medication.
3. A written statement signed by the student's parent/guardian must be on file with the school, which must include permission for the student to self-administer his/her medication and a release from liability for any injury arising from the student's self-administration of such medication.
4. A written contract between the school nurse, school administrator, the student, and the student's parent/guardian must be on file with the school, assigning levels of responsibility to the student's parent/guardian, student, and school employees.

A treatment plan authorizing a student to possess and self-administer medication for asthma or anaphylaxis is effective only for the school year in which it is approved.

A student must report to the school nurse or designee or to some adult at the school immediately after the student uses an epinephrine auto-injector during school hours. Upon receiving such report from a student, the school nurse, designee, or other adult will provide appropriate follow-up care to the student, which must include making a 911 emergency call.

Approved: March 12, 1985  
Revised: May 12, 1992  
Revised: June 6, 1995  
Revised: June 8, 1999  
Revised: June 25, 2013  
Revised: January 25, 2022

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**Administration of Medical Marijuana to Qualified Students File: JLCDB**

The Board strives to honor families’ private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, the district restricts the administration of medications, including medical marijuana, during school hours unless administration cannot reasonably be accomplished outside of school hours.

Administration of medical marijuana to qualified students shall be in accordance with this policy. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and the Board’s policy concerning the administration of medications to students.

**Definitions**

For purposes of this policy, the following definitions shall apply:

1. “Designated location” means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.
2. “Medical marijuana” means a cannabis produce with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.<sup>1</sup>
3. “Permissible form of medical marijuana” means non-smokeable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student’s primary caregiver to the superintendent, who may authorize such a request after consultation with appropriate medical personnel chosen by the district.
4. “Primary caregiver” means the qualified student’s parent, guardian or other responsible adult over eighteen years of age who is identified by the student’s parent/guardian as the qualified student’s primary caregiver. In no event shall another student be recognized as a primary caregiver. Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the Board’s policy and/or procedures concerning visitors to schools and all other applicable policies.
5. “Qualified student” means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

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<sup>1</sup> Cannabis products with THC concentration of 0.3 percent or less are not considered marijuana under state law and are not considered a controlled substance under federal law. These products would be covered under district policy JLCD Administering Medications to Students.

**Permissible administration of medical marijuana to a qualified student**

A qualified student’s primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all the following parameters are met:

1. The qualified student’s parent/guardian has provided the school with a copy of the student’s valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student’s parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;

3. The qualified student's parent/guardian or primary caregiver shall be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. Either the district determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency, or after administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver must remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan shall be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

### **Permissible administration of medical marijuana to a qualified student by school personnel**

School personnel may volunteer to store, administer, or assist in the administration of medical marijuana to a qualified student in a designated location if the following parameters are met:

1. The qualified student's parent/guardian has provided the school with a copy of the student's valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student's parent/guardian signs a written acknowledgment granting permission for the school personnel who volunteer to store, administer, or assist in the administration of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. The district determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the school personnel who volunteer to store, administer, or assist in the administration of the medical marijuana, the qualified student (if capable), and the qualified student's parent/guardian.

### **Additional parameters**

No school nor the district may require school personnel to possess, administer, or assist in the administration of medical marijuana in non-smokeable form against their will; no school nor the district may discipline school personnel for refusing to possess, administer, or assist in the administration of medical marijuana; and no person has any right to demand that someone volunteer to possess, administer, or assist in the administration of medical marijuana. To the extent permitted by applicable law, employees who volunteer to possess, administer or assist in the administration of medical marijuana in non-smokeable form in accordance with this policy and applicable standards of care will not be personally liable for claims by third-parties.

Per this policy no one such as the student, student's parents/guardians or other primary caregiver has the right to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy does not apply to school grounds, school buses or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Student possession, use, distribution, sale or being under the influence of marijuana inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

Medical marijuana in non-smokeable form shall not be administered at a school pursuant to this policy, if the school loses or, in the district’s reasonable judgment determines that a school or the district will lose federal funding as a result of implementing this policy and the district can demonstrate a reasonable documented expectation of lost federal funding based on federal guidance or grant requirements directly as a result of implementing this policy. In that case, the Superintendent may immediately suspend the policy upon written notice to the Board of Education and shall post notice in a conspicuous place on the district’s website that the policy has been suspended and the administration of medical marijuana has been prohibited.

Adopted: August 23, 2016

Revised: January 25, 2022

LEGAL REFS.: Colo. Const. Art. XVIII, Section 14 (*establishing qualifications for use of medical marijuana*)  
C.R.S. 22-1-119.3 (3) (a) (*Board must adopt and implement a policy including processes for the storage, possession, and administration of medical marijuana*)  
C.R.S. 22-1-119.3 (3) (c), (d) (*no student possession or self-administration of medical marijuana, but school districts must permit the student’s primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school sponsored event*)  
C.R.S. 22-1-119.3 (3) (d) (I) (*school personnel may volunteer to possess, administer, or assist in the administration of medical marijuana*)  
C.R.S. 22-1-119.3 (3) (d) (III) (*board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event*)  
C.R.S. 22-1-119.3 (d.5) (III) (B) (*nothing in statute requires school personnel to volunteer to store, possess, or administer medical marijuana*)  
C.R.S. 22-1-119.3 (7) (*a school or district may not require school personnel to store, possess or administer medical marijuana*)

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCD, Administering Medications to Students  
JLCE, First Aid and Emergency Medical Care

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## **Screening/Testing of Students (And Treatment of Mental Disorders)**

**File: JLDAC**

Parents/guardians and eligible students have the right to review any survey, assessment, analysis or evaluation administered or distributed by a school to students whether created by the district or a third party. For purposes of this policy, “eligible student” means a student 18 years of age or older or an emancipated minor. Any survey, assessment, analysis or evaluation administered or distributed by a school to students shall be subject to applicable state and federal laws protecting the confidentiality of student records.

### **Survey, assessment, analysis or evaluation for which consent is required**

Except as otherwise permitted by law, students shall not be required to submit to a survey, assessment, analysis, or evaluation that is intended to reveal information, whether the information is personally identifiable or not, without prior written consent of the parent/guardian or eligible student, if that survey, assessment, analysis, or evaluation reveals information in the following areas (“protected information”):

1. political affiliations or beliefs of the student or the student’s parent/guardian
2. mental or psychological conditions of the student or the student’s family
3. sexual behavior or attitudes
4. illegal, anti-social, self-incriminating or demeaning behavior
5. critical appraisals of other individuals with whom the student has a close family relationship
6. legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers

7. religious practices, affiliations or beliefs of the student or the student's parent/guardian
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
9. social security number

School personnel responsible for administering any such survey, assessment, analysis or evaluation shall give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and shall make a copy of the document available for viewing at convenient times and locations. The notice shall offer to provide the following written information upon request:

1. records or information that may be examined and required in the survey, assessment, analysis or evaluation
2. the means by which the records or information shall be examined, reviewed, or disseminated
3. the means by which the information is to be obtained
4. the purposes for which the records or information are needed
5. the entities or persons, regardless of affiliation, who will have access to the information; and
6. a method by which a parent/guardian can grant or deny permission to access or examine the records or information

These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

### **Exceptions to policy**

Nothing in this section of the policy shall:

1. prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, assessment, analysis or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law
2. be construed to prevent a district employee from reporting known or suspected child abuse or neglect as required by state law
3. be construed to limit the ability of a health professional that is acting as an agent of the school district to evaluate an individual child
4. be construed to require parental notice or consent for a survey, assessment, analysis or evaluation related to educational products or services for or to students or educational institutions. These products and services include, but are not limited to, the following:
  - college or other postsecondary education recruitment or military recruitment activities
  - book clubs, magazines and programs providing access to low-cost literary products
  - curriculum and instructional materials used by district schools
  - tests and assessments used by district schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students
  - the sale by students of products or services to raise funds for school-related or education-related activities
  - student recognition programs
5. be construed to require parental notice or consent for assessments used to collect evidence of what a student knows and is able to do and to measure a student's academic progress toward attaining a content standard
6. limit the ability of the district to administer a suicide assessment or threat assessment

### **Surveys, assessment, analysis or evaluation for marketing purposes**

Parents/guardians and eligible students shall receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

### **Annual notice**

At the beginning of each academic year, the district shall inform parents/guardians and eligible students that the parent/guardian or eligible student has the right to consent before students are required to submit to a survey that concerns one or more of the protected areas and to opt out of the following:

1. activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information;
2. the administration of any protected information survey; or
3. any non-emergency, invasive physical examination or screening (other than a hearing, vision or scoliosis



screening) that is:

- required as a condition of attendance;
- administered by the school and scheduled by the school in advance; and
- not necessary to protect the immediate health and safety of the student or of other students.

### **Psychiatric/psychological/behavior testing methods or procedures**

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for any students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used. Prior to conducting any such testing, school personnel shall obtain written permission from the parent/guardian or eligible student in accordance with applicable law.

School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian, and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns that school personnel may have. Only those persons appropriately certified or licensed may expose students to any psychiatric or psychological method or procedure for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent/guardian.

Licensed school personnel are encouraged to be knowledgeable about psychiatric or psychological methods and procedures but shall not be involved in any diagnosis, assessment or treatment of any type of mental disorder or disability unless appropriately certified. In accordance with state law, school personnel including certified school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teach about psychological or psychiatric methods or procedures shall be permissible and considered outside the scope of this policy. It is understood that there is a significant difference between practicing therapy and providing activities that may be therapeutic in nature. Any teacher who questions whether a planned activity is one involving psychiatric or psychological methods or procedures for which the teacher may not be properly certified or licensed shall consult with the school principal.

### **Special education evaluation**

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

Adopted: April 23, 1991

Revised: September 27, 2011

Revised: June 25, 2013

LEGAL REFS.: 20 U.S.C. 1232g (*Family Education Rights and Privacy Act*)  
 20 U.S.C. 1232h (*rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation*)  
 C.R.S. 13-22-101 (*18 is age of competence for certain purposes*)  
 C.R.S. 22-1-123 (*district shall comply with federal law on protection of pupil rights; Colorado provisions regarding survey, assessment, analysis and evaluation of students*)  
 C.R.S. 22-32-109(1)(ee) (*duty to adopt policy prohibiting personnel from ordering behavior tests without parent permission*)  
 C.R.S. 22-32-109.2 (*screening and treatment of emotional/mental disorders or disabilities*)  
 C.R.S. 27-10-103 (*voluntary applications for mental health services*)

CROSS REFS.: GBEB, Staff Conduct  
 GCS, Professional Research and Publishing  
 ILBA, District Program Assessments  
 ILBB, State Program Assessments  
 JLCA, Physical Examinations of Students  
 JRA/JRC, Student Records/Release of Information on Students

LC, Relations with Education Research Agencies

**Notification of Rights Under the  
Protection of Pupil Rights Amendment (PPRA)**

**File: JLDAC-E**

PPRA affords parents/guardians certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”), if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - a. Political affiliations or beliefs of the student or student’s parent/guardian.
  - b. Mental or psychological problems of the student or student’s family.
  - c. Sex behavior or attitudes.
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior.
  - e. Critical appraisals of others with whom respondents have close family relationships.
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers.
  - g. Religious practices, affiliations, or beliefs of the student or parents/guardians.
  - h. Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
  - a. Any other protected information survey, regardless of funding.
  - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student.
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use:
  - a. Protected information surveys of students.
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes.
  - c. Instructional material used as part of the educational curriculum.

These rights transfer from the parents/guardians to a student who is 18 years old or an emancipated minor (“eligible student”) under state law.

The district will develop and adopt policies, in consultation with parents/guardians, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The district will directly notify parents/guardians of these policies at least annually at the start of each school year and after any substantive changes. The district will also directly notify, such as through U.S. Mail or electronic mail, parents/guardians of students who are scheduled to participate in the specific activities or surveys noted above and will provide an opportunity for the parent/guardian to opt his or her child out of participation in the specific activity or survey. The district will make this notification to parents/guardians at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time.

For surveys and activities scheduled after the school year starts, parents/guardians will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents/guardians will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents/guardians and eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

Issued: June 25, 2013

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**Sex Offender Information**

**File: JLFF\***

At the beginning of each school year, the district shall provide written information to parents and eligible students identifying where and how members of the community may obtain information collected by law enforcement agencies related to registered sex offenders. This information will also be posted on the district's website.

Adopted: June 25, 2013

LEGAL REF: C.R.S. 22-1-124 (sex offender information to parents)

