



Building a  
New Tradition  
of Excellence

# Student & Family Handbook

**2024-2025**

**Englewood Schools**  
**4101 S. Bannock St.**  
**Englewood, CO 80110**  
**(303) 761-7050**  
<http://www.englewoodschoools.net>

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*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 and Colorado law, Englewood Schools does not unlawfully discriminate on the basis of disability, race, creed, color, sex, gender identity, sexual orientation, marital status, religion, national origin, ancestry, age, or need for special education services in admissions, access to, treatment, or employment in educational programs or activities which it operates. Inquiries or complaints may be referred to Dr. Rana Razzaque, Director of Opportunity, Access and Inclusion, 4101 S. Bannock Street, Englewood, CO 80110, (303) 806-2029, or to the Office for Civil Rights, U.S. Department of Education, Region VIII, Federal Office Building, 1244 North Speer Blvd., Suite 310, Denver, CO 80204.*

Dear Students and Families,

As the new academic year approaches, I wanted to take this opportunity to share some important information regarding our updated handbook. First and foremost, I would like to express my gratitude for your continued support and trust in our school community. Englewood Schools is committed to our vision of graduating the leaders, thinkers, and explorers of tomorrow. Therefore, our schools must be able to provide a safe and orderly environment with a focus on student ownership for personal choices and responsibilities. In order for our students to be successful, it is the school district's responsibility to ensure students and families clearly understand what the school district policies and rules are and what happens if they are violated.

This Family Handbook is intended to:

1. Provide information about Englewood Schools;
2. Provide clarity about student medical information;
3. Provide full transparency related to parent/guardian and student rights and responsibilities;
4. Provide full disclosure and clear expectations related to student conduct and discipline.

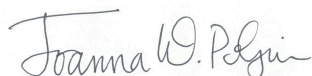
School district officials are required to maintain safe, secure, and productive learning environments in schools. We believe it is important for students to learn and demonstrate appropriate behavior, not only for their own well-being but also for the important contribution students can make to a positive and caring school environment. In Englewood, we have five core values which are high expectations, accountability, integrity, respect, and community. We expect and support students with our core values, including working hard in school, striving to reach their full potential, and maintaining exemplary behavior while at school. Students are vital stakeholders who help make Englewood Schools a true community.

We revise the Family Handbook each year and place it on the Englewood Schools website. We do this to comply with Colorado law. More importantly, we do this so students and parents will know their rights and responsibilities and the rules and policies that govern our schools. Additionally, parents and students need to understand that consequences will be applied when policies and rules are violated. Given this, we are asking all parents and guardians to take a few moments with their children to review this Family Handbook, particularly the Conduct and Discipline sections. We continue to appreciate your efforts to work as our partners as we ensure our schools are safe, focused, learning environments and that our students are becoming critical thinkers, responsible citizens, and ethical decision-makers.

I'm looking forward to working with Englewood families in the 2024-25 school year; together we will work toward our mission of *preparing all students for future success through learning, leading, engagement, and action.*

Welcome to Englewood Schools!

Sincerely,



Joanna W. Polzin, B.S. and M.Ed.  
Superintendent

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## DISTRICT INFORMATION

### EQUAL EDUCATION OPPORTUNITIES ([BOARD POLICY JB](#))

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

This concept of equal educational opportunity shall 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 shall 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.

### VISITORS TO SCHOOLS ([BOARD POLICY KI](#))

The district will make reasonable efforts to accommodate requests to visit the district's schools, yet also recognizes concerns for the welfare of students. Therefore, the district limits visitors to:

1. Parents/guardians of current students;
2. Other family members of current students who are approved by the student's parent/guardian; and
3. Board members and other persons invited by the district for official business purposes.
4. All requests for visits by Board members must be coordinated through the Superintendent.

To ensure visitors do not disrupt the educational process or other school operations and that no unauthorized persons enter schools, all visitors must report to the school office immediately when entering a school. Authorized visitors must: (1) be required to sign in and out; (2) be given name tags to wear identifying themselves as visitors; and (3) be accompanied by a district employee for some or all of the visit. (4) follow District and school visitor check-in procedures. School administrators may approve additional building procedures pertaining to school visitors to preserve a proper and safe learning environment.

Unauthorized persons may not loiter on school property at any time. Law enforcement authorities may be called to enforce this policy provision.

Visiting schools is a privilege, not a right, which may be limited, denied or revoked by a school administrator or designee based on considerations of student and/or staff health safety, efficient school operations, maintenance of a proper educational environment or failure to comply with this policy.

#### ENTRANCE AGE REQUIREMENTS ([BOARD POLICY JEB](#))

A child may enter kindergarten if five years old on or before October 1 of the year of enrollment. Younger students who do not meet the district's entrance age requirement for kindergarten may be accepted if transferring from another kindergarten program if the principal or designee determines that placement of the student in kindergarten is appropriate. A child who is four years old on or before the district's start date for kindergarten, and has been identified as a highly advanced gifted student in accordance with applicable state law may enroll in kindergarten, if the evaluation process for identifying highly advanced gifted children determines that placement of the student in kindergarten is appropriate.

A child may enroll in the first grade if they are six years old on or before October 1 of the year of enrollment. Younger students who do not meet the district's entrance age requirement for the first grade may be accepted if transferring from the first grade in another school or if they are determined by the district to be highly advanced gifted children.

A legal birth certificate or other acceptable record shall be required for enrollment age certification. The principal or designee will make exceptions to these entrance age requirements in accordance with state law pertaining to the education of military children.

#### SOCIAL SECURITY NUMBER

It is recommended that students provide a Social Security Number upon entering an Englewood School.

#### RESIDENCY REQUIREMENTS

Students attending Englewood Schools must meet residency requirements as established by state law or receive approval to attend from the Superintendent or designee.

Students defined in state law as homeless children shall be admitted without payment of tuition. Transportation for homeless students, who enroll in the district, shall be furnished by the district if such transportation is necessary in compliance with federal law. Each homeless child shall be provided services for which the child is eligible comparable to services provided to other students in the school selected regardless of residency.

#### CONTINUING ENROLLMENT OF STUDENTS WHO BECOME NONRESIDENTS ([BOARD POLICY JFAB](#))

##### **Resident elementary students who become nonresidents**

Students enrolled in elementary school who become nonresidents during or between school years may remain enrolled in or re-enroll in the elementary school subject to the following requirements:

1. The student was included in the district's most recent pupil enrollment count and has been enrolled continuously in elementary school since the count was taken.
2. The parent/guardian has submitted a written request to the principal asking for the student to remain enrolled or to re-enroll in the school.
3. The request has been approved by the principal after a determination that space exists in the school to accommodate the student.

Once the elementary student's request is approved, the student may enroll or re-enroll in the requested school as long as he or she enrolls prior to the count date.

##### **Resident secondary students who become nonresidents**

Secondary students who become nonresidents during the school year may remain enrolled through the semester at the student's current school. Students enrolled in the twelfth grade may finish the school year at the current school.

#### INTRA-DISTRICT CHOICE/OPEN ENROLLMENT (*BOARD POLICY JFBA*)

The Board of Education endorses the neighborhood school concept and makes many decisions based on the student population within the attendance areas of residence. The Board recognizes, however, that resident students will wish to attend a school or participate in a program located in an area other than that of their assigned school. Therefore, students shall be allowed to attend any school or participate in any program of their choice on a space available, first-come, first-served basis.

In implementing the Choice enrollment program, the district is not required to:

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school.
2. Establish and offer any particular program in a school if such program is not offered currently in such school.
3. Alter or waive any established eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of performance.

Notwithstanding the provisions of this policy, a student may be assigned outside the attendance area by mutual agreement of the principals in the special interest of the student and/or school.

#### **Choice enrollment and transfers**

Resident students and their parents/guardians will be notified on an annual basis of the options available through choice enrollment in sufficient time to apply.

Students, including home-schooled students desiring to take classes on a part-time basis, within designated attendance areas will have priority in registering in that school. Students may apply for choice enrollment in a school outside their attendance area and will be admitted if there is space available in the requested school and the application has been submitted on or before August 31 in accordance with the regulations accompanying this policy.

Parents and/or students who desire a change of school after August 31 must submit a letter together with the required form requesting a transfer. The request will be reviewed and acted upon in accordance with the regulations accompanying this policy.

Choice enrollment and transfer students attending a school outside their attendance area will be granted admission on a year-to-year basis.

Students granted permission to attend a school other than the school in their assigned attendance area will have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

Any student enrolled pursuant to this policy will be allowed to remain enrolled in the school or program through the end of the school year unless overcrowding or other undesirable conditions develop, as described in the accompanying regulation.

#### **Transportation**

Transportation for students granted permission to attend school outside their attendance area must be furnished by their parents unless space is available in district buses without disruption of regular routes and loading areas.



Homeless students, students in foster care and students with disabilities will be transported, as necessary, in accordance with state and federal law.

### **Military children**

The district will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for choice enrollment in a district school or program. No additional documentation of an inbound active duty military member's child's state address will be required to apply for choice enrollment.

The district school or program in which the child of an inbound active duty military member is choice enrolled will grant guaranteed automatic matriculation while the child remains in the district, including guaranteed automatic matriculation to the next grade, even if the next grade is in a different school level or building, in the same manner guaranteed automatic matriculation is provided to resident students. The district will also grant priority preference for the younger siblings of the child of an inbound active duty military member who is choice enrolled for purposes of enrolling in subsequent school years.

### **Nondiscrimination**

The Board, the superintendent, other administrators and district employees will not unlawfully discriminate based on a student's disability, race, creed, color, gender, gender identity, gender expression, sexual orientation, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy.

### **Special education students**

The district shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. Thereafter, the district shall consider the request for choice enrollment or transfer to another school or program will be considered in accordance with applicable state and federal laws.

### **INTER-DISTRICT CHOICE/OPEN ENROLLMENT ([BOARD POLICY JFBB](#))**

The Board recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries.

Nonresident students from other school districts within the state who are accepted pursuant to the regulations approved by the Board may enroll in particular programs or schools within this district on a space-available basis without payment of tuition, except as otherwise provided by law.

In providing for admission of nonresident students, the school district will not:

1. Make alterations in the structure of the requested school or to the arrangement or function of rooms within a requested school to accommodate the enrollment request.
2. Establish and offer any particular program in a school if such program is not currently offered in such school.
3. Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites and required levels of performance.
4. Enroll any nonresident student in any program or school after the pupil enrollment count day.

Before considering requests for choice enrollment from nonresidents, priority will be given to resident students who apply under the district's choice enrollment/transfer plan.

Any student enrolled pursuant to this policy will be allowed to remain enrolled in the school or program through the end of the school year unless overcrowding or other undesirable conditions develop, as described in the accompanying regulation.

Students granted permission to attend a school pursuant to this policy will have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

### **Military children**

The district will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for choice enrollment in a district school or program. No additional documentation of an inbound active duty military member's child's state address will be required to apply for choice enrollment.

The district school or program in which the child of an inbound active duty military member is choice enrolled will grant guaranteed automatic matriculation while the child remains in the district, including guaranteed automatic matriculation to the next grade, even if the next grade is in a different school level or building, in the same manner guaranteed automatic matriculation is provided to resident students. The district will also grant priority preference for the younger siblings of the child of an inbound active duty military member who is choice enrolled for purposes of enrolling in subsequent school years.

### **Nondiscrimination**

The Board, the superintendent, other administrators and district employees will not unlawfully discriminate based on a student's disability, race, creed, color, gender, gender identity, gender expression, sexual orientation, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy.

### **Special education**

The district shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. Thereafter, the district shall consider the request for choice enrollment in accordance with applicable state and federal laws.

### **INTER-DISTRICT CHOICE/OPEN ENROLLMENT [\*\(BOARD REGULATION JFBB-R\)\*](#)**

The district will consider admission requests from Colorado students who do not reside within the boundaries of the school district but who wish to attend a particular school or program within the district in accordance with the following regulations:

- 1. Determination of residency**

Any questions about a student's residency status must be resolved prior to application for admission. These regulations apply to all Colorado students who do not reside within the boundaries of the school district.

- 2. Requests for admission**

Englewood Schools offers two windows for choice enrollment. For the following academic year, window one begins on December 6th through January 19th. . The second window begins on February 1st and continues through August 31st. Families will be notified no later than two weeks after the end of an enrollment window as to the status of their application for open enrollment.

Requests for choice enrollment as a nonresident student must be initiated by the parent/guardian by filing the approved form with the principal of the school which the student wishes to attend (receiving school) prior to August 31 for enrollment in the following academic year.

Students must submit an choice enrollment request in accordance with these regulations for each school or program requested within the district.

The receiving school principal will make the decision as to whether an application is accepted or rejected based on criteria established in state law and Board policy and regulations. The receiving school principal will be responsible for notifying the parent/guardian and student of approval or disapproval of a choice enrollment request no later than two weeks after an enrollment window closes.

Approval of a request to enroll in the district will be conditioned on compliance with each of the following:

- a. Actual enrollment and attendance prior to the pupil enrollment count day of the following academic year.
- b. Satisfaction of all district requirements for admission.

In the event any information is falsified or withheld from the district during the admission process, approval for open enrollment will be withdrawn.

Those students who apply for choice enrollment who are not accepted at the time of application will be placed on a wait list in the order in which the applications are received and will be considered for approval at a later date if space becomes available. The waitlist will be maintained through August 31st when choice enrollment ends.

Upon approved enrollment, the student should plan to remain in that school for a full academic year. Once a student is accepted under the choice enrollment plan, reasonable effort will be made to permit the student to complete the highest grade in that building subject to the right of residents of the attendance areas to attend this school. Renewal of choice enrollments is not automatic. Students do not need to reapply each year while in the same school program. Students will need to apply for choice enrollment when seeking a change in schools, level, or program.

### **3. Grounds for denial of choice enrollment**

A choice enrollment request may be denied at any time if:

- a. There is a lack of space or teaching staff in a particular program or school requested, in which case priority will be given to resident students applying for enrollment in the program or school.
- b. The school requested does not offer appropriate programs for the student, is not structured or equipped with the necessary facilities to meet the special needs or does not offer the particular program requested.
- c. The student does not meet the established eligibility criteria for participating in a particular program including age requirements, course prerequisites and required levels of performance.
- d. A desegregation plan is in effect for the school district, and denial is necessary in order to enable compliance with the desegregation plan.
- e. The student has been expelled from any school district during the preceding 12 months
- f. The student has demonstrated behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel including but not limited to behavior that has resulted in an out-of-school suspension.
- g. The student has graduated from the 12th grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

### **4. Criteria to determine availability of space or teaching staff**

Enrollment requests are subject to space availability in the school requested contingent upon district class size guidelines and subject availability as determined by the receiving principal taking enrollment projections into consideration. Students whose enrollment requests have been approved will be assigned to classrooms on the basis of available staff and support services as well as the best use of classroom space.

Requests for enrollment in particular programs will take into consideration the applicant's qualification for the program.

Choice enrollment granted to one child in a family will not necessarily support enrollment of another child in the family.

**5. Eligibility for activities**

Eligibility for participation in interscholastic athletics will be determined in accordance with applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

**6. Continuing enrollment criteria**

Any student enrolled pursuant to these procedures and accompanying Board policy shall be allowed to remain enrolled in the school or program through the end of the school year unless the student is expelled from the school or program or the district determines that the student's application contained material misstatements or omissions.

Permission for a nonresident student to attend a district school may be rescinded at the end of the school year if the school's growth in enrollment due to an increase in students living in the school's boundary results in inadequate space or resources for enrolled students. In such cases, the enrollment of nonresident students will be rescinded for particular schools or programs.

Any non-resident student may be denied enrollment for the next school year if, due to a change in circumstances, the school would be required to add programs, space or teaching staff or make an alteration to facilities or equipment in order to serve the student or the student no longer meets the established eligibility criteria for the school.

**7. Appeal procedure**

Should a request for choice enrollment be denied, the parent/guardian will be advised by the principal that they may appeal the denial by contacting the Executive Director of Student Services.

The principal shall submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision shall be final.

**COMPULSORY ATTENDANCE AGES ([BOARD POLICY 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 treatment plan that addresses problems affecting the child's school attendance and that ensures an opportunity for the child to obtain a quality education.

**POSTSECONDARY OPTIONS ([BOARD POLICY IHCDA](#))**

The Board of Education believes that students who wish to pursue post-secondary level work while in high school should be permitted to do so. In accordance with this policy and accompanying regulation, high school students may receive course credit toward the fulfillment of high school graduation requirements for successful completion of approved postsecondary courses offered by institutions of higher education.

This policy and accompanying regulation do not apply to students seeking to enroll in postsecondary courses pursuant to the Accelerating Students through Concurrent Enrollment (ASCENT) program or a "dropout recovery program" pursuant to the Concurrent Enrollment Programs Act (the Act). Students seeking to enroll in the ASCENT program or a dropout recovery program will work with district administrators and meet the Act's applicable requirements.

## **Definitions**

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

"Concurrent enrollment" means the simultaneous enrollment of a qualified student in a district high school and in one or more postsecondary courses at an institution of higher education. Concurrent enrollment does not include a student's simultaneous enrollment in: a district high school and in one or more secondary career and technical education courses, advanced placement courses, or international baccalaureate courses; an early college course and a postsecondary course; a p-tech school and a postsecondary course; or a district high school and a postsecondary course that does not fall within the definition of concurrent enrollment.

"Qualified student" means a person who is less than 21 years of age and is enrolled in the ninth grade or higher grade level.

"Postsecondary course" means a course offered by an institution of higher education and includes coursework resulting in the acquisition of a certificate; an associate degree of applied sciences, general studies, arts, or science; and all baccalaureate degree programs.

"Institution of higher education" means:

- a. A state university or college, community college, junior college or area vocational school as described in title 23, C.R.S.;
- b. A postsecondary career and technical education program that offers postsecondary courses and is approved by the state board for community colleges and occupational education pursuant to applicable state law; and
- c. An educational institution operating in Colorado that meets the Act's specified criteria.

## **Eligibility**

Qualified students seeking to enroll in postsecondary courses at the district's expense and receive high school credit for such courses must follow the procedure accompanying this policy, including but not limited to timely submitting an application and establishing an academic plan of study. Qualified students must meet the minimum prerequisites and academic readiness for the postsecondary courses in which they seek to enroll.

The Board determines the manner in which it provides opportunities for concurrent enrollment. However, the district may not unreasonably deny approval for concurrent enrollment or limit the number of postsecondary courses in which a qualified student may enroll unless the district is unable to provide access due to technological capacity.

## **Academic credit**

Academic credit granted for post-secondary courses successfully completed with a grade of D or better, qualified students will count as high school credit toward the Board's graduation requirements unless such credit is denied.

High school credit will be denied if a qualified student does not receive a passing grade for the postsecondary course. High school credit will be denied for postsecondary courses that do not meet or exceed the district's academic standards. High school credit will also be denied for a postsecondary course substantially similar to a course offered by the district unless the qualified student's enrollment in the postsecondary course is approved due to a scheduling conflict or other reason deemed legitimate by the district. Concurrent enrollment is not available for summer school.

### **Agreement with institution of higher education**

When a qualified student seeks to enroll in postsecondary courses at an institution of higher education and receive high school credit for such courses, the district and the participating institution will enter into a written cooperative agreement in accordance with the Act.

### **Payment of tuition**

The district will pay the tuition for up to two credit hours of postsecondary courses successfully completed by a qualified student and for which the qualified student receives high school credit. A qualified student may enroll in up to unlimited credit hours of postsecondary courses per academic term.

The tuition paid by the district for the qualified student's successful completion of an approved postsecondary course will be in accordance with the Act and the district's cooperative agreement with the institution of higher education. The institution of higher education may charge additional tuition and/or associated fees to the qualified student or the student's parent/guardian in addition to the tuition paid by the district.

Prior to paying the tuition for any qualified student, the district will require the student and student's parent/guardian to sign an agreement(s) stating that if the student earns a D, F or otherwise does not complete the postsecondary course for any reason without consent of the principal of the high school in which the student is enrolled, the student and/or student's parent/guardian shall repay the amount of tuition paid by the district on the student's behalf.

The qualified student and the student's parent/guardian will be responsible for the cost of textbooks and fees for post-secondary courses.

### **Transportation**

The district will not provide or pay for the qualified student's transportation to the institution of higher education.

### **Notification**

Information about concurrent enrollment options will be made available to all high school students and to their parents/guardians on an annual basis. In addition, at least six weeks prior to the beginning of the enrollment period for postsecondary concurrent enrollment courses, written notice (which may be sent electronically) will be provided to high school students and their parents/guardians of the postsecondary courses offered at no tuition cost to qualified students at the district and at an institution of higher education, any anticipated costs of textbooks and fees to the qualified student for those courses, and the number and transferability of course credits that a qualified student may earn by enrolling in and successfully completing a concurrent enrollment course.

Information about concurrent enrollment options and the benefits of participating in concurrent enrollment during high school will be provided to middle school students and their parents/guardians electronically at least once during the school year and at least once during the summer.

#### STUDENT ABSENCES & EXCUSES ([BOARD POLICY 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 will 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 will 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 a physical disability or a mental or behavioral health disorder.
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.

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 will 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 penalties that relate directly to classes missed while unexcused. Penalties may include a warning, school detention or in-school suspension. Academic penalties, out-of-school suspensions or expulsion will not be imposed for any unexcused absence.

The administration will develop procedures to implement appropriate penalties. The school administration will consider the correlation between course failure, truancy and a student dropping out of school in developing these procedures and will 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 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 10%, or 16 days (i.e. 10 percent of 160 days, per C.R.S.22-32-109 (1)(n)(l)) 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:

#### **Academic/School:**

- Schedule/Classroom change, Evaluation/Review of 504, Evaluation for Special Education services and more.

#### **Physical Health:**

- District Nurse contact with family, Development/Review of Individual Health Plan, and more.

#### **Interpersonal/Personal/Family:**

- Counseling support group, Individual counseling, JAC referral and more.

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.

### **Make-up work**

Make-up work will be provided for any class in which a student has an excused absence unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school. It is the responsibility of the student to pick up any make-up assignments permitted on the day returning to class. There will be two (2) days allowed for make-up work for each day of absence.

Make-up work will be allowed following an unexcused absence or following a student's suspension from school with the goal of providing the student an opportunity to keep up with the class and an incentive to attend school. This work may receive full or partial credit to the extent possible as determined by the building administrator.

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 penalties may be imposed for excessive tardiness. Parents/guardians will be notified of all penalties regarding tardiness.

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

## TRUANCY ([BOARD POLICY JHB](#))

If a student is absent without an excuse signed by the parent/guardian or if the student leaves school or a class without permission of the teacher or administrator in charge, the student shall be considered truant. A “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 unexcused absences for purposes of defining a student as a “habitual truant.”

In order to reduce the incidents of truancy, parents/guardians of all students shall be notified in writing at the beginning of the 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 to school on a regularly scheduled school day and school personnel have received no indication that the parent/guardian is aware of the absence, school personnel or volunteers under the direction of school personnel shall make reasonable efforts 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 the law, the district may impose appropriate penalties that relate directly to classes missed while truant. Penalties may include a warning, school detention, or in-school suspension. Academic penalties, out-of-school suspensions or expulsion shall not be imposed for any truancy.

The administration shall develop regulations to implement appropriate penalties 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 re-engage students with a high number of trancies.

## ENGLISH LANGUAGE LEARNER (ELL) PROGRAM ([BOARD POLICY IHBEA](#))

In keeping with the intention of the state of Colorado and this school district to offer educational opportunities to those students with limited English proficiency, the district shall provide suitable research-based language instructional programs for all identified English language learners in grades kindergarten through 12 in accordance with the requirements of state and federal statutes, Colorado State Board of Education rules and Colorado Department of Education regulations and guidance.

The district shall identify students as English language learners using the state-approved assessment for English language proficiency. Identified students shall be assessed annually to determine their level of proficiency in the English language.

The district shall certify to the Colorado Department of Education each year those students identified as English language learners.

The district shall provide additional information as required by the Colorado Department of Education to comply with federal law.

#### SPECIAL EDUCATION PROGRAMS FOR STUDENTS WITH DISABILITIES ([BOARD POLICY IHBA](#))

In keeping with the intention of the state of Colorado and this Board of Education to offer educational opportunities to all students, which will enable them to lead fulfilling and productive lives, the district shall provide appropriate educational opportunities to students with disabilities in accordance with the requirements of state and federal law.

Any student identified as a child with disabilities pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (the IDEIA) who is between the ages of three and 21 and who has not been awarded a regular high school diploma and graduated from high school has the right to a free appropriate public education. These eligible students with disabilities shall be provided individualized programs appropriate to meet their educational needs, as determined by the students' Individualized Education Program (IEP) or Individual Family Service Plan (IFSP) teams.

A student identified as a child with disabilities under the IDEIA shall become eligible for special education and related services on his or her third birthday. A student reaching age 21 after the beginning of an academic year shall have the right to complete the semester in which his or her 21st birthday occurs or attend until he or she graduates, whichever comes first. In such a case, the child is not entitled to extended school year services during the summer following such current academic year.

Students with disabilities are required by federal law to be included in state and district-wide assessments, with appropriate accommodations where necessary. Any IEP developed for a student with disabilities shall specify whether the student shall achieve the district's adopted content standards or whether the student shall achieve individualized standards, which would indicate the student has met the requirements of his or her IEP.

#### HOMELESS STUDENTS-INFORMATION FOR SCHOOL-AGED YOUTH

##### **If your family lives in any of the following situations:**

1. Primary nighttime residence is not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.
2. Lives in a shelter, motel/hotel, vehicle, abandoned building, trailer park or campground, due to lack of alternative adequate accommodations.
3. Doubled up or lives with friends or relatives due to loss of housing, economic hardship or similar reason.
4. Unaccompanied youth not in physical custody of a parent or guardian.
5. Awaiting foster care placement.

Then you have certain rights or protections under the McKinney-Vento Homeless Education Assistance Act.

##### **You have the right to:**

1. Go to school, no matter where you live or how long you have lived there. You must be given access to the same public education, including preschool education, provided to other students.

2. Continue in the school you attended before you became homeless or the school you last attended, if that is your choice and is feasible. The school district's local liaison for homeless education must assist you, if needed.
3. Receive transportation to the school you attended before you became homeless or the school you last attended, if you or a guardian requests such transportation.
4. Attend a school and participate in school programs with students who are not homeless. Students cannot be separated from the regular school program because they are homeless.
5. Enroll in school without giving a permanent address. Schools cannot require proof of residency that might prevent or delay school enrollment.
6. Enroll and attend classes while the school arranges for the transfer of school and immunization records or any other documents required for enrollment.
7. Enroll and attend classes in the school of your choice even while the school and you seek to resolve a dispute over enrollment.
8. Receive the same special programs and services, if needed, as provided to all other children served in these programs.
9. Receive transportation to school and to school programs.

**When you move, you should do the following:**

1. Contact the school district's local liaison for homeless education (see phone number below) for help in enrolling your child in a new school or arranging to continue in your former school. (Or, someone at a shelter, social services office, or the school can direct you to the person you need to contact.)
2. Tell your teachers anything that you think they need to know to help the student in school.
3. Ask the local liaison for homeless education, the local shelter, or a social worker for assistance with clothing and supplies, if needed.

**Local Liaison for Homeless Education:**

**Callan Ware**

**303-806-2011**

If you need further assistance, call the National Center for Homeless Education at the toll-free HelpLine number: 1-800-308-2145.

**TITLE I**

Title I – Part A of the Elementary and Secondary Education Act, reauthorized as the No Child Left Behind Act, is the largest federal aid program for schools. It was established to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. Title I funding is used to meet the educational needs of limited-English proficient children, children with disabilities, Indian children, neglected, delinquent, homeless and low achieving students in our highest poverty schools. Englewood Schools Early Childhood Education Center, Bishop Elementary, Cherrelyn Elementary, Clayton Elementary, and Charles Hay Elementary are identified as Title I schools in the district.

**STUDENT FEES, FINES, AND CHARGES (*BOARD POLICY JQ*)**

Students shall not be charged an instructional fee as a condition of enrollment in school or as a condition of attendance in any class that is considered part of the academic portion of the district's educational program except tuition when allowed by law. However, the district may require students to pay textbook fees, fees for expendable materials and other miscellaneous fees as more fully set forth in this policy.

All student fees and charges shall be adopted by the Board. The fees shall remain in place until modified or removed by Board resolution. All student fees adopted by the Board shall be used for the purposes set forth in the motion and shall not be spent for any other purpose.

When publicizing any information concerning any fee authorized to be collected by this policy, the school shall specify whether the fee is voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid.

Among the fees which the Board may authorize are the following:

### **Textbooks, Technology Equipment, library resources and other school property**

Textbooks shall be provided on a loan basis. Students may be asked to pay a nonrefundable rental fee reasonably related to the actual cost of some or all of the textbooks provided for the student. The rental fee and corresponding depreciation schedule shall be adopted by the Board prior to the textbook's introduction into the classroom. No rental fee will be assessed for textbooks and workbooks used in the classroom for reference.

It is expected that students shall return textbooks and library resources and other school property to the school in good condition except for ordinary wear. Students shall be assessed fines for lost, damaged or defaced books (including those checked out from the library), materials or equipment. The fines will be for the amount of the loss. In computing a fine, 20 percent of the original cost of a book, library resource or other school property will be deducted for each year it has been used. The fine for lost or irreparably damaged technology equipment shall be the cost of replacing the equipment.

If the school district has made a reasonable effort to obtain payment for lost or damaged textbooks, library resources or other school property and the student is graduating, the district may deny the privilege of participation in the graduation ceremony if the student fails to return or replace a textbook, library resource or other school property by the date of the ceremony. Alternative payment methods, such as installment plans or school service, shall apply to students who are unable to pay.

A student shall not be refused use of textbooks or technology, based on failure to pay the required fees.

### **Fees for expendable supplies and materials**

Teachers shall determine a basic course for each class that can be completed with materials furnished by the school. However, students may be charged a fee for expendable supplies and materials used in the course. Fees for expendable supplies and materials shall relate directly to the actual cost of providing these materials to the student. Students shall be required to pay for materials that go into shop, crafts or art course projects that are above the basic requirements for the course and are to be retained by the student.

### **Miscellaneous fees**

Students may be asked to pay miscellaneous fees and expenses on a voluntary basis as a condition of attending, participating in or obtaining materials/clothing/equipment used in a school-sponsored activity or program not within the academic portion of the educational program.

Rental fees for the use of items such as choral robes, band uniforms and school-owned instruments shall be approved by the Board upon the recommendation of the superintendent.

Students participating in activities which are not required by the teacher or used in the determination of a grade may be required to pay charges covering the cost of the activity. Such charges may include but are not limited to admission fees, food costs and transportation costs on activity trips. However, it is incumbent upon the teacher and principal to make every effort to be sure no student is denied the right to participate in trips or other enrichment activities because of lack of funds.

The district may impose and collect a fee for the payment of excess transportation costs in accordance with state law. Only those students who use the district's transportation services shall be required to pay any transportation fee.

### Waiver of fees

All fees, fines, and charges for textbooks and expendable supplies and materials required for classes within the academic portion of the educational program and any transportation fee shall be waived for indigent or homeless students. For purposes of determining if a student is able to pay, an indigent student is defined as any child who is eligible for a free or reduced-price lunch under the federal poverty income guidelines or who has been identified as homeless.

All fees for textbooks, expendable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements, as that term is defined by C.R.S 22-32-138 (1)(h-e).

### Fee schedule

The district shall prepare and make available upon request a complete list of student fees, describing how the amount of each fee was derived and the purpose of each fee.

Parents shall be informed on the fee schedule or otherwise regarding how to apply for a waiver of fees, whether fees are voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid. Students qualifying for a fee waiver will receive it without unnecessary embarrassment or public exposure of their need.

## STUDENT INSURANCE INFORMATION

The Englewood School District does **not** have insurance to protect your child against accidents that may occur going to and from school, playing on the playground, or participating in school activities, including sports.

**Be advised that the District does not carry insurance for your child.** The District will not pay for any medical or transportation expenses incurred as a result of an injury sustained by your child, beyond any legal liability of the District. Because the District's legal liability for school-related injuries is substantially limited by the Colorado Governmental Immunity Act, we have selected Markel Insurance Company, a low-cost accident insurance, to offer this student accident coverage.

Insurance plans available include school-time, around the clock (24-hour), and football.

**Football Coverage:** Senior High football is **not** covered in either the school-time or 24-hour policies. It is a separate policy and must be purchased separately. Please check the brochure for details. If you are interested in obtaining insurance for your student, an online application will be available through the District website, For Parents—Documents/Forms—Student Accident Insurance. Informational brochures/applications will also be available through your school's main office.

## SEXUAL HARASSMENT ([BOARD POLICY JBB](#))

The Board recognizes that sex-based harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sex-based harassment in schools is essential to ensure a non-discriminatory, safe environment in which students can learn. In addition, sex-based harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination, as addressed in Board policy concerning unlawful discrimination and harassment ([AC](#))

## District's commitment

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

## Sex-based Harassment Defined

Pursuant to Title IX of the Educational Amendments of 1972, "sex-based harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, "sex-based harassment" means any unwelcome physical or verbal, pictorial or visual conduct or 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 more of the following:**Reporting, Investigation and Sanctions**

Students are encouraged to report all incidences of sex-based harassment to either a teacher, counselor or principal in their school building and file a complaint, through the district's complaint addressing sex-based discrimination. All reports and indications from students, district employees and third parties must be forwarded to the Title IX Coordinator..

The district will initiate and conduct an investigation in accordance with the appropriate procedures addressing sex-based discrimination and sex-based harassment.

All matters involving sex-based harassment reports must remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing a complaint or otherwise reporting sex-based harassment will not reflect upon the individual's status or affect grades.

The district will take appropriate corrective action to: make the harassed student whole by restoring lost educational opportunities, prevent harassment from recurring, or prevent retaliation against anyone who reports sex-based harassment or participates in a harassment investigation. A formal report or finding of harassment will not be required before the district takes corrective action.

## Notice and Training

To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all district schools and departments. All communications regarding this policy must be written in simple and age-appropriate language. The policy and complaint procedures must be 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. Training materials are available to the public on the district's website.

## TOBACCO-FREE SCHOOLS ([BOARD POLICY ADC](#))

To promote the general health, welfare, and well-being of students and staff, the Board is committed to establishing the Englewood Schools as a tobacco-free school district.

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, 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, pipe, or vape.
- 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, smoking, ingesting, inhaling or vaping, or application of any tobacco product.

Signs will 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 district 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 will 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 may 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.

#### PARKING LOT SEARCHES ([BOARD POLICY JHHB](#))

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband.

Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination without further hearing of the privilege of bringing the vehicle on to school premises. Refusal to submit to search also may result in disciplinary action and notification of law enforcement officials. Routine patrolling of student parking lots and inspection of the outside of student automobiles shall be permitted at all times.

#### REPORTING CHILD ABUSE/CHILD PROTECTION (*BOARD POLICY JLE*)

It is the policy of the Board of Education that this school district comply with the Child Protection Act.

To that end, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately upon receiving such information report or cause a report to be made to the Arapahoe Department of Social Services and/or the Englewood Police Department as required by law. Failure to report promptly may result in civil and/or criminal liability. A person who reports child abuse or neglect in good faith is immune from civil or criminal liability.

Reports of child abuse or neglect, the name and address of the child, family or informant or any other identifying information in the report shall be confidential and shall not be public information. The Board shall provide periodic in-service programs for all teachers in order to provide them with information about the Child Protection Act, to assist them in recognizing and reporting instances of child abuse and to instruct them on how to assist victims and their families.

School employees and officials shall not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school official or employee to prove that the child has been abused or neglected.

The superintendent shall submit such procedures as are necessary to the Board for approval to accomplish the intent of this policy.

#### NO CHILD LEFT BEHIND (TEACHER QUALIFICATIONS)

##### **Requirements Under Federal Law**

Elementary and Secondary Education Act (ESEA), reauthorized January, 2002 as "No Child Left Behind"

Federal laws have created higher standards for teacher qualifications in public schools across the United States. The US Department of Education now defines minimum standards for the education and licensing of teachers, and requires that local school districts work with their staff to ensure that all teachers of core subjects and all instructional paraprofessionals meet the federal definition of "highly qualified". Englewood Schools' staff already meet and exceed the new requirements. We have an exceptionally well-qualified cadre of teachers, who, on average, have over 11 years of teaching experience. Over half of our teachers hold advanced degrees. Our paraprofessionals are also a highly experienced group, with educational credentials generally exceeding the standard, and many possessing other special skills as well.

Under federal law, all parents of children attending US public schools receiving certain types of federal aid (Title I funding) have the right to know the professional qualifications of the classroom teachers who instruct their children. Parents are allowed to ask for certain information about their child's classroom teacher(s), and the school is required to provide this information in a timely manner if asked for it. Specifically, parents have the right to ask for the following information about their child's classroom teachers:

1. Whether the Colorado Department of Education has licensed or qualified the teacher for grades and subjects s/he teaches.
2. Whether the Colorado Department of Education has waived licensing requirements for the teachers because they have determined that special circumstances apply.



3. The teacher's college major; whether the teacher has any advanced degrees, and if so, the subject of the degrees.
4. Whether any paraprofessionals provide services to your child and, if so, their qualifications.

In addition, as extra assurance to parents, the school must inform parents if their child's class is taught for four or more weeks by a teacher who does not meet the definition of "highly qualified." Should this happen parents will be notified by the district. We expect that this might occur rarely, if ever, in the case of a substitute teacher whose assignment has been unexpectedly extended. Every effort is made to place licensed teachers in permanent classroom positions and long-term substitute assignments.

To request information about a teacher or paraprofessional's qualifications, please contact the Englewood Schools Department of Human Resources, 4101 S. Bannock St., Englewood, CO 80110, 303-806-2001.

To ensure that fair and uniform information is provided, all such requests will be processed by the Englewood Schools Department of Human Resources and will not be provided over the telephone. Parents will be provided with written information by mail within 30 days of receiving the request. Please do not contact teachers, the principal or other school staff to request information about teacher qualifications, as they do not have immediate access to personnel records.

For further information on these federal policies, the website listed below may be helpful:

<http://www.ed.gov/policy/landing.jhtml>

#### STAFF PERSONAL SECURITY AND SAFETY PROTECTION (*BOARD POLICY GBGB*)

##### **Offenses against school employees**

The following procedures shall be followed in instances of assault, disorderly conduct, harassment, knowingly making a false allegation of child abuse or any alleged offense under the "Colorado Criminal Code" by a student directed towards a teacher or school employee.

These same procedures shall be followed in instances of damages by a student to the personal property of a teacher or school employee occurring on school district premises.

1. The teacher or employee shall file a written complaint with the building principal, the Director of Safety and Security and the Superintendent's office.
2. The principal shall, after receipt of the complaint and proof deemed by the principal, suspend the student for three days in accordance with established procedures.
3. The superintendent shall initiate procedures for the further suspension or expulsion of the student when injury or property damage has occurred.
4. The superintendent or designee shall report the incident to the district attorney or the appropriate local law enforcement agency or officer who shall be requested, upon receiving the report, to investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

##### **Communication of disciplinary information to teachers/counselors**

The principal or designee shall communicate discipline information concerning any student enrolled in the district to all teachers and counselors who have direct contact with that student. Any teacher or counselor who is assigned a student with known serious behavior problems will be informed of the student's behavior record. Any school employee who is provided this information shall maintain its confidentiality and shall not communicate it to any other person.

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# District Wellness

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## HEALTH INFORMATION

### IMMUNIZATION OF STUDENTS ([BOARD POLICY 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, and 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.

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

Students who do not submit an up-to-date certificate of immunization, a written authorization signed by one parent/guardian requesting local public 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 this policy's accompanying 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.

### IMMUNIZATION OF STUDENTS ([BOARD REGULATION 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.
2. A student will be exempted 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.
  - b. a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment.
  - c. a completed certificate of nonmedical exemption signed by a parent/guardian or the emancipated student and a physician, qualified physician assistant, or advanced practice nurse.

In the event of an outbreak of any communicable disease for which immunization is required by State law, no exemption will be recognized and those students will be excluded from school.

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## District Wellness

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3. 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 non-medical exemption is asserted.
4. 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.
5. Each school in the district annually provides 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.
6. 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.
7. If there is a failure to comply with the immunization requirements, the school nurse, then principal 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 14 days of notification, the parent/guardian must submit one of the following: an authorization for administration of the immunization by public health officials; a completed certificate of medical or nonmedical exemption; a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment; 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 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.
8. A student who fails to comply will be suspended by the principal for up to five days and a notice of the suspension sent to the Health Department, in accordance with applicable law.
  9. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
  10. Any suspension or expulsion under this policy shall terminate automatically upon compliance.
  11. 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.

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## District Wellness

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### 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)(h).

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 written authorization for administration of immunizations within 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.

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# District Wellness

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Advancing Colorado's health and protecting the places we live, learn, work and play

## Dear parents/guardians of students attending Colorado kindergarten - 12<sup>th</sup> grade schools for the 2024-25 school year:

We know there's nothing more important than making sure your children stay healthy and learning all year long. Getting vaccinated is an important part of keeping kids in school, as it prevents them from catching and spreading diseases that can make them sick. This letter includes important information about Colorado's school vaccine requirements, as well as other resources.

### Required and recommended vaccines

Colorado law requires students who attend a public, private, or parochial kindergarten - 12th grade school to be vaccinated against many of the diseases vaccines can prevent, unless a Certificate of Exemption is filed. For more information, visit [cdphe.colorado.gov/schoolrequiredvaccines](https://cdphe.colorado.gov/schoolrequiredvaccines).

To attend school, your child must be vaccinated against:

- Diphtheria, tetanus, and pertussis (DTaP, Tdap)
- Hepatitis B (HepB)
- Measles, mumps, and rubella (MMR)
- Polio (IPV)
- Varicella (chickenpox)

Colorado follows recommendations set by the Centers for Disease Control and Prevention's [Advisory Committee on Immunization Practices](#). This committee is a group of medical and public health experts who study vaccines and recommend them for the public. **Before starting kindergarten**, students must receive their final doses of DTaP, IPV, MMR, and varicella. **Before starting sixth grade**, students must receive one dose of Tdap vaccine, even if the student is age 10. View recommended vaccine schedules at: [www.cdc.gov/vaccines/schedules/easy-to-read/child-easyread.html](https://www.cdc.gov/vaccines/schedules/easy-to-read/child-easyread.html) (birth through 6 years) or [www.cdc.gov/vaccines/schedules/easy-to-read/adolescent-easyread.html](https://www.cdc.gov/vaccines/schedules/easy-to-read/adolescent-easyread.html) (7 to 18 years).

CDC also recommends vaccines for COVID-19, hepatitis A (HepA), human papillomavirus (HPV), influenza (flu), and meningococcal disease (MenACWY and MenB) for the K-12 population, but these are not required for school entry in Colorado.

This recommended schedule is safe and effective. It's based on how your child's immune system responds to vaccines at various ages, and how likely your child is to be exposed to a particular disease.

### Exclusion from school

Your child may be excluded if their school does not have an up-to-date Certificate of Immunization, Certificate of Exemption, or an in-process plan on file for your child.

If someone is sick or there is an outbreak of a vaccine-preventable disease at your child's school, and your child has not received the vaccine for that disease, they may be excluded from school activities. That could mean lost learning time for them and lost work and wages for you. For example, if your child has not received a MMR vaccine, they may need to stay home from school for 21 days after someone gets sick with measles.

### Have questions?

Talk with a health care provider or your local public health agency to ask questions and find out which vaccines your child needs. Find a vaccine provider at [cdphe.colorado.gov/get-vaccinated](https://cdphe.colorado.gov/get-vaccinated). Read about the safety and importance of vaccines at [www.cdc.gov/vaccines/parents/FAQs.html](https://www.cdc.gov/vaccines/parents/FAQs.html), [childvaccineco.org](https://childvaccineco.org), [immunizeforgood.com](https://immunizeforgood.com), and [cdphe.colorado.gov/immunization-education](https://cdphe.colorado.gov/immunization-education).

Staying up to date on routine immunizations is important for adults as well as children. It's never too late for families to get back on track! Learn more at [www.cdc.gov/vaccines/adults/rec-vac/index.html](https://www.cdc.gov/vaccines/adults/rec-vac/index.html).

### Paying for vaccinations

If you need help finding free or low-cost vaccines, go to [COVax4Kids.org](https://COVax4Kids.org), contact your local public health agency ([cdphe.colorado.gov/find-your-local-public-health-agency](https://cdphe.colorado.gov/find-your-local-public-health-agency)), or dial [2-1-1](https://2-1-1.org) for information on Health First Colorado (Medicaid) and vaccine clinics in your area.

# District Wellness

## Vaccination records

Share your child's updated Certificate of Immunization with their school every time they receive a vaccine.

Need to find your student's vaccine record? It may be available from the [Colorado Immunization Information System \(CIIS\)](https://coloradoimmunizationinformation.org/). Visit [COVaxRecords.org](https://COVaxRecords.org) for more information, including directions on how to view and print your student's vaccine record.

## Exemptions

If your student cannot get vaccines for [medical reasons](#), you must submit a Certificate of Medical Exemption to your school, signed by an advanced practice nurse (APN), physician (MD, DO), or physician assistant (PA) licensed to practice in any state or territory in the United States. You only need to submit this certificate once, unless your student's school or information changes. Get the form at [cdphe.colorado.gov/vaccine-exemptions](https://cdphe.colorado.gov/vaccine-exemptions).

If you choose not to have your student vaccinated according to Colorado's school vaccine requirements for nonmedical reasons, you must submit a Certificate of Nonmedical Exemption to your school. Nonmedical exemptions must be submitted on an annual basis. There are two ways to obtain a nonmedical exemption.

1. Submit the Certificate of Nonmedical Exemption *signed by* an advanced practice nurse (APN), pharmacist, physician (MD, DO), physician assistant (PA), or registered nurse (RN), licensed in Colorado, or
2. Submit the Certificate of Nonmedical Exemption you will be able to access upon completion of the state's Online Immunization Education Module.

Find certificates and the Online Immunization Education Module at [cdphe.colorado.gov/vaccine-exemptions](https://cdphe.colorado.gov/vaccine-exemptions).

## How's your school doing on vaccinations?

Annually, schools must report immunization and exemption numbers (but not student names or birthdates) to the state health department. Schools do not control their specific immunization and exemption rates or establish the Vaccinated Children Standard described in [§25-4-911, CRS](#).

Your child's school's immunization rates from the 2022-23 school year. Find previous years' data at <a href="https://COVaxRates.org">COVaxRates.org</a> .		
School name	2022-23 MMR immunization rate (required)	2022-23 MMR exemption rate (required)
Schools may choose to include rates for other school-required vaccines		
<b>Vaccinated Children Standard 95% immunization rate for all school-required vaccines</b>	2022-23 DTaP immunization rate	2022-23 DTaP exemption rate
	2022-23 Tdap immunization rate (for grades 6-12)	2022-23 Tdap exemption rate (for grades 6-12)
	2022-23 HepB immunization rate	2022-23 HepB exemption rate
	2022-23 Polio immunization rate	2022-23 Polio exemption rate
	2022-23 varicella immunization rate	2022-23 varicella exemption rate

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## District Wellness

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### ADMINISTERING MEDICINES TO STUDENTS ([BOARD POLICY JLCD](#))

School personnel may not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours.

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.

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

The administration of medical marijuana must be in accordance with the Board's policy JLCDB\* on the administration of medical marijuana to qualified students.

The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements.

Medication may be administered to students only when the following requirements are met:

1. Medication must be in the original properly labeled container. If it is a prescription medication, the student's name, name of the medication, dosage, how often it is to be administered and name of the prescribing health care practitioner shall be printed on the container.
2. The school must have received written permission from the student's parent/guardian to administer the medication to the student and either:
  - a. written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law; or
  - b. a standing medical order, if the medication is an over-the-counter medication such as Advil or Tylenol.
3. The parent/guardian is responsible for providing all medication to be administered to the student unless it is an over-the-counter medication such as Advil or Tylenol.
4. Nonprescription medication is a product that has been approved by the federal Food and Drug Administration (FDA).

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

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 allergies, 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 allergies, anaphylaxis or other related, life-threatening condition 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.

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## District Wellness

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### 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.

The district will have a stock supply of opiate antagonists to assist a student who is at risk of experiencing an opiate-related drug overdose event. For purposes of this policy, an opiate antagonist means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose.

The stock supply of opiate antagonists may also be used to assist a district employee or any other person who is at risk of experiencing an opiate-related drug overdose event.

Administration of an opiate antagonist by a district employee to a student or any other person must be in accordance with applicable state law.

### STUDENTS WITH FOOD ALLERGIES ([BOARD POLICY JLCDA](#))

The Board recognizes that many students are being diagnosed with potentially life-threatening food allergies. To address this issue and meet state law requirements concerning the management of food allergies and anaphylaxis among students, the Board sets forth the following requirements.

#### Health care plan

The school nurse, or a school administrator in consultation with the school nurse, shall develop and implement a health care plan (plan) for each student with a diagnosis of a potentially life-threatening food allergy. The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders. If a student qualifies as a student with a disability in accordance with federal law, the student's Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

#### Reasonable accommodations

Reasonable accommodations shall be made to reduce the student's exposure to agents that may cause anaphylaxis within the school environment. If a student qualifies as a student with a disability in accordance with federal law, the student's Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

#### Access to emergency medications

Emergency medications for treatment of the student's food allergies or anaphylaxis shall be kept in a secure location accessible to designated school staff. Whenever possible and in a timely fashion, the student's parent/legal guardian shall supply the school with the medication needed for treatment of the student's food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with Board policy JLCD, Administration of Medications.



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## District Wellness

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### Staff training

The principal or equivalent school administrator, in consultation with the school nurse, shall determine the appropriate recipients of emergency anaphylaxis treatment training, which shall include those staff directly involved with a student who has a known food allergy during the school day. At a minimum, the training shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize symptoms of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

#### HEALTH EDUCATION—EXEMPTION PROCEDURE—([BOARD REGULATION IHAM-R](#))

Exemption will be granted from a specific portion of the health education curriculum upon the request of the student's parent/guardian.

1. A request for exemption must be submitted in writing to the principal at least five school days in advance of instruction in that portion of the curriculum for which the exemption is requested.
2. The principal will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternative activity for which the student will receive credit.
3. The principal or teacher will inform the parent/guardian of disposition of the request within three school days of receipt of the request.

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# Student and Parent Rights

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## STUDENT AND PARENT RIGHTS

### GRADING/ASSESSMENT SYSTEMS ([BOARD POLICY IKA](#))

The Board believes that students will respond more positively to the opportunity for success than to the threat of failure. The district seeks, therefore, in its instructional program to make achievement both recognizable and possible for students. It emphasizes achievement in its processes of evaluating student performance.

#### **State assessment system**

State and federal law require district students to take standardized assessments in the instructional areas of English language arts, math and science. State law also requires students in elementary and middle school to take standardized assessments in the instructional area of social studies. Accordingly, the district will administer standardized assessments pursuant to these state and federal legal requirements.

State law requires the district to adopt policies and/or procedures concerning the use of pencil and paper on the computerized portion of state assessments; parent requests to excuse their children from taking state assessments; and the district's assessment calendar. This policy and its accompanying regulation represent the district's processes to address these requirements.

#### **1. Pencil and paper testing option**

The district may determine that a specific classroom or school within the district will use pencil and paper to complete the computerized portions of a state assessment. Factors that will be considered in making this determination include:

- the technological capacity and resources of the particular school/classroom;
- students' previous experience with computerized and written assessments;
- whether the instructional methodology of the particular school/classroom is consistent with the use of computerized assessments or written assessments: and
- the logistics of administering the state assessment in different formats at a particular school or schools.

Prior to making this determination, the superintendent or designee must consult with the school principal(s) affected by this determination as well as parents/guardians of students enrolled in the district.

For students with disabilities, the use of pencil and paper instead of a computer to complete a state assessment will be determined by the student's Individualized Education Program (IEP) team or Section 504 team, in accordance with applicable law.

#### **2. Parent/guardian request for exemption**

A parent/guardian who wishes to exempt their child from a particular state assessment or assessments will make this request in accordance with this policy's accompanying regulation (Board Policy IKA-R).

In accordance with state law, the district will not impose a negative consequence upon a student whose parent/guardian has requested an exemption from a state assessment or assessments. Students excused by their parents/guardians from participating in a state assessment or assessments will not be prohibited from participating in an activity or from receiving any other form of reward that the district provides to students for participating in the state assessment.

This policy's exemption process shall apply only to state assessments administered pursuant to C.R.S. 22-7-1006.3 and shall not apply to district or classroom assessments.

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# Student and Parent Rights

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### 3. Sharing of student state assessment results with parents/guardians

The Colorado Department of Education is required to provide diagnostic academic growth information for each student enrolled in the district and for each public school in the district based on the state assessment results for the preceding school years. Appropriate school personnel, including those who work directly with the student, will have access to the student's state assessment results and longitudinal academic growth information and must share with and explain that information to the student's parent/guardian.

#### District assessment system

In addition to the state assessment system, the district has developed a comprehensive assessment system that:

- challenges students to think critically and apply what they have learned and gives them the opportunity to demonstrate their skills and knowledge;
- includes "early warning" features that allow problems to be diagnosed promptly to let students, teachers and parents/guardians know that extra effort is necessary;
- provides reliable and valid information on student and school performance to educators, parents/guardians and employers; and
- provides timely and useful data for instructional improvement and improved student learning, including feedback useful in determining whether the curriculum is aligned with the district's academic standards.

In accordance with applicable law, the district's assessment system will accommodate students with disabilities and English language learners.

The district's assessment results, in combination with state assessment results, will be used as the measurement of student achievement. It is believed these results will provide reliable and valid information about student progress on the district's academic standards.

#### Additional assessment information for parents/guardians

In accordance with state law and this policy's accompanying regulation, the district will distribute an assessment calendar and related information to parents/guardians on an annual basis to inform them about the state and district assessments that the district plans to administer during the school year.

#### Classroom assessment system

Classroom assessment practices will be aligned with the district's academic standards and assessment system. Assessment is an integral part of the teaching and learning process that should occur continuously in the classroom. The primary purpose of classroom assessment is to enable teachers to make instructional decisions for students on a continual basis.

Students are encouraged to engage in informal self-assessments as they study and attempt to solve problems, monitor their own progress and improve their learning.

#### Grading system

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## Student and Parent Rights

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The administration and professional staff will devise a grading system for evaluating and recording student progress and to measure student performance in conjunction with the district's academic standards. The records and reports of individual students will be kept in a form meaningful to parents/guardians as well as teachers. The grading system will be uniform district-wide at comparable grade levels. Peer grading of student assignments and classroom assessments is permissible. The intent of this practice is to teach material again in a new context and to show students how to assist and respect fellow students.

The Board will approve the grading, reporting and assessment systems as developed by the professional staff, upon recommendation of the superintendent.

The Board recognizes that classroom grading and/or assessment systems, however effective, are subjective in nature but urges all professional staff members to conduct student evaluations as objectively as possible.

### GRADING/ASSESSMENT SYSTEMS ([BOARD REGULATION IKA R](#))

#### Parent/guardian request for exemption

In accordance with the accompanying policy, the parent/guardian of a student enrolled in the district may request that his or her child be exempt from participating in one or more state assessments.

1. The request for exemption must be submitted in writing to the school principal.
2. The parent/guardian will not be required to state the reason for asking for the exemption.
3. The request for exemption may apply to all or specific state assessments administered to the student during the school year.
4. A request for exemption will be valid for one school year. Requests for exemption from state assessments in subsequent school years require a new written request.
5. Parents/guardians are encouraged to submit their requests for exemption at the earliest possible date each school year so that the district may plan accordingly.

#### Information to parents/guardians

Each school year at the earliest possible time, the district shall distribute information to students' parents/guardians regarding the state and district assessments that the district will administer that year. This information shall also be posted on the district's website.

The district shall also distribute a district assessment calendar to students' parents/guardians at the earliest possible time each school year, and shall post the calendar on the district's website.

At a minimum, the district assessment calendar shall include:

- an estimate of the testing hours required on each testing day; and
- whether the assessment is required by federal and/or state law or was selected by the district.

### SCREENING/TESTING OF STUDENTS ([BOARD POLICY 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 will be subject to applicable state and federal laws protecting the confidentiality of student records.

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## Student and Parent Rights

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

Except as otherwise permitted by law, students will 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 the 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 will give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and will make a copy of the document available for viewing at convenient times and locations. The notice will 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

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## Student and Parent Rights

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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 will:

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 the district's academic standards
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 will receive a 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

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## Student and Parent Rights

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At the beginning of each academic year, the district will 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.

### **Psychological/psychiatric/behavior testing methods or procedures**

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for 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 will 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 will 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 or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teaches about psychological or psychiatric methods or procedures will 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**

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## Student and Parent Rights

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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.

### NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA) ([Board Exhibit 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.



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## Student and Parent Rights

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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 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:

U.S. Department of Education  
Student Privacy Policy Office  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

### NON-DISCRIMINATION/EQUAL OPPORTUNITY ([BOARD POLICY 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

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## Student and Parent Rights

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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.

### Definitions

- “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

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## Student and Parent Rights

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a student's ability to participate in the district's educational services, or creates an intimidating, hostile, or offensive educational environment;

- for 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.
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- "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.

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## Student and Parent Rights

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- “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.

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## Student and Parent Rights

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- “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: **Dr. Rana Razzaque, Director of Opportunity, Access and Inclusion**, 4101 S. Bannock St., Englewood, CO 80110, 303-806-2004, rana\_razzaque@engschools.net.

### **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.

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## Student and Parent Rights

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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.

### NON-DISCRIMINATION/EQUAL OPPORTUNITY GENDER EQUITY ([BOARD POLICY AC-1](#))

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to usage of electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school and district staff, students, parents and volunteers.

**The purpose of this policy is** to foster an educational environment that is safe and free from discrimination for all students, regardless of, sexual orientation, gender identity (including transgender), or gender expression and to facilitate compliance with local, state and federal laws concerning bullying, harassment and discrimination. This policy should be interpreted consistent with the goals of reducing the stigmatization of and improving the educational integration of transgender and gender non-conforming students, maintaining the privacy of all students, and fostering cultural competence and professional development for school staff. Furthermore, this policy will support healthy communication between educators and parents/guardians to further the successful educational development and well-being of every student.

#### **DEFINITIONS:**

These definitions are provided not for the purpose of labeling students but rather to assist in understanding this policy and the legal obligations of District staff. Students may or may not use these terms to describe themselves.

**GENDER IDENTITY:** A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. All people have a gender identity, not just transgender people. Gender identity is an

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## Student and Parent Rights

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innate, largely inflexible characteristic of each individual's personality that is generally established by age four, although the age at which individuals come to understand and express their gender identity may vary based on each person's social and familial social development.

**GENDER EXPRESSION:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

**TRANSGENDER:** An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that can have similar meanings are transsexual and trans.

**TRANSITION:** The process in which a person goes from living and identifying as one gender to living and identifying as another.

**GENDER NONCONFORMING:** A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender expansive.

**BULLYING:** Bullying means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion [or any other distinguishing characteristics that may be included by the state or local educational agency]. This also includes conduct that targets a student because of a characteristic of a friend, family member or other person or group with whom a student associates.

**HARASSMENT:** Harassment means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion [or any other distinguishing characteristics that may be defined by the state or local educational agency]. This also includes conduct that targets a student because of a characteristic of a friend, family member or other person or group with whom a student associates.

### **Bullying, Harassment, and Discrimination**

Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression shall be prohibited within the Englewood School District. It is the responsibility of each school and the District and all staff to ensure that all students, including transgender and gender-nonconforming students, have a safe school environment. The scope of this responsibility includes ensuring that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints. School administrators shall make every effort to keep transgender and gender nonconforming students at the original school site. Transfers shall not be a school's first or preferred response to harassment of transgender and gender-nonconforming students and shall be considered only when necessary for the

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# Student and Parent Rights

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protection or personal welfare of the transferred student or when requested by the student or the student's parent. The student or the student's parent or guardian must consent to any such transfer.

## Privacy/Confidentiality

All persons, including students, have a right to privacy, and this includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. Disclosing this information to other students, their parents or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA). The District shall ensure that all medical information relating to transgender and gender nonconforming students shall be kept confidential in accordance with applicable state, local and federal privacy laws. School staff shall not disclose information that may reveal a student's transgender status to others, including parents and other school staff unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender-nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her transgender status to staff or other students does not authorize school staff to disclose other medical information about the student. When contacting the parent or guardian of a transgender student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

## Media and Community Communication

When communicating to the media or community about issues related to gender identity, the school or District shall have a single spokesperson to address the issue. Rather than directly commenting on the issue, other District and school staff shall direct parents and the media to the designated spokesperson. Protecting the privacy of transgender and gender nonconforming students must be a top priority for the spokesperson and all staff, and all medical information shall be kept strictly confidential. Violating confidentiality of this information is a violation of this policy and may be a violation of local, state or federal privacy laws.

## Official Records

The school shall maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, the school shall use the name and gender preferred by the student. The school will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally issued identification. [School IDs, for example, are not legal documents and should use the student's preferred name.] In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

## Names and Pronouns



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# Student and Parent Rights

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Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. It is strongly recommended that teachers privately ask transgender or gender nonconforming students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's guardian.

## **Access to Gender-Segregated Activities and Areas**

With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restroom, locker room or changing facilities for male and female students, provided that they allow students to access them based on their gender identity. In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, the addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring a transgender or gender nonconforming student to use a separate, nonintegrated space threatens to publicly identify and marginalize the student as transgender and should not be done. Under no circumstances may students be required to use sex-segregated facilities that are inconsistent with their gender identity. Where available, schools are encouraged to designate facilities designed for use by one person at a time as accessible to all students regardless of gender and to incorporate such single-user facilities into new construction or renovation. However, under no circumstances may a student be required to use such facilities because they are transgender or gender nonconforming.

## **Physical Education Classes and Intramural and Interscholastic Athletics**

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, association all students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

## **Other Gender-Based Activities, Rules, Policies and Practices**

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including but, not limited to, classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

## **Dress Code**

Schools may enforce dress codes pursuant to District policy. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress codes adopted by the school. School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

## **Student Transitions**

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish — but are not required — to transition over a summer break or between grades.

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## Student and Parent Rights

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Regardless of the timing of a student's transition, the school shall act in accordance with the following age-appropriate policies.

### **ELEMENTARY SCHOOL:**

Generally, it will be the parent or guardian that informs the school of the impending transition. However, it is not unusual for a student's desire to transition to first surface at school. If school staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, approaching parents about the issue is appropriate at the elementary level. Together, the family and school can then identify appropriate steps to support the student.

### **SECONDARY SCHOOL:**

Generally, notification to a student's parent about his or her gender identity, expression or transition is unnecessary, as they are already aware and may be supportive. In some cases, however, notifying parents carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, the school staff should work closely with the student to assess the degree to which, if any, the guardian will be involved in the process. Such an assessment must consider the health, well-being, and safety of the transitioning student. When a student transitions during the school year, the school shall hold a meeting with the student (and parents if they are involved in the process) to ascertain their desires and concerns. The school should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, the school shall train school administrators and any educators that interact directly with the student on the transition plan, timelines for transition, and any relevant legal requirements.

### **Training and Professional Development**

The District shall conduct staff training for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, and health staff. Information regarding this policy shall be incorporated into training for new school employees. To the extent funding is available, the School District shall implement ongoing professional development to build the skills of all staff members to prevent, identify and respond to bullying, harassment and discrimination. The content of such professional development shall include, but not be limited to: terms, concepts, and current developmental understandings of gender identity, gender expression, and gender diversity in children and adolescents; developmentally appropriate strategies for communication with students and parents about issues related to gender identity and gender expression that protect student privacy; developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyberbullying; school and district policies regarding bullying, discrimination, and gender identity and expression issues and responsibilities of staff.

### **Publication**

This policy will be distributed annually and will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites. This policy will be referenced with all parents with any concerns regarding the individuality of our students.

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# Student and Parent Rights

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## HARASSMENT AND DISCRIMINATION INVESTIGATION PROCEDURES FOR STUDENTS ([BOARD POLICY 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.

Harassment under Colorado law also includes the knowing or intentional use of a name other than a student’s chosen name, or the refusal to use a student’s chosen name. (See Policy ACA).

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, modifications of schedules, excused absences, individualized supervision during passing periods or other unstructured times or activities, mutual restrictions on contact between the parties, and other similar measures.

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.

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# Student and Parent Rights

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## 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: Dr. Rana Razzaque, 303-806-2004, 4101 S. Bannock St., Englewood, CO 80110, rana\_razzaque@engschools.net.
- Complaint Form Link: AC-E-2

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.

- Deputy Superintendent Ryan Cowell, 303-806-2029, 4101 S. Bannock St., Englewood, CO 80110, ryan\_cowell@engschools.net.

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.

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## Student and Parent Rights

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### 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

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## Student and Parent Rights

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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;

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## Student and Parent Rights

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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 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: IMatter. <https://www.imattercolorado.org/>.

En espanol: Yo Importo. <https://yoimportocolorado.org/>

### Outside Agencies

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## Student and Parent Rights

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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)

### HARASSMENT AND DISCRIMINATION INVESTIGATION PROCEDURES FOR EMPLOYEES, APPLICANTS FOR EMPLOYMENT AND MEMBERS OF THE PUBLIC (*BOARD POLICY AC-R-2*)

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.



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## Student and Parent Rights

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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.

Optional language: The procedures detailed herein, when coupled with the training requirements included in Policy AC, are designed to satisfy the statutory requirements for the affirmative defense to claims of harassment brought under C.R.S. 22-34-402.

### 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: Dr. Rana Razzaque; 303-806-2004; 4101 S. Bannock St., Englewood, CO 80110; rana\_razzaque@engschools.net.
- Complaint Form Link: [AC-E-2](#)

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.

- Deputy Superintendent: Ryan Cowell; 303-806-2029; 4101 S. Bannock St., Englewood, CO 80110; ryan\_cowell@engschools.net.

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## Student and Parent Rights

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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

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## Student and Parent Rights

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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 and restorative justice 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.

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## Student and Parent Rights

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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, according to board policy.

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

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## Student and Parent Rights

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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 The Employee Assistance Program (EAP)

### 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)

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# Student and Parent Rights

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## SEX-BASED HARASSMENT INVESTIGATION PROCEDURES (TITLE IX) ([BOARD POLICY 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 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

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## Student and Parent Rights

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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. Potential supportive measures may include, but are not limited to: academic support, counseling, extensions of deadlines, no contact agreements, community-based mental health resources.
- **"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 but are not limited to: schedule changes, access to counseling, reflective learning opportunities regarding sex-based harassment, staff or student training, updating expectations.
- **"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, synthesize all available evidence -- including inculpatory and exculpatory evidence -- and take into account each situation's unique and complex circumstances.
  - The district's Title IX Coordinator is Director of Opportunity, Access and Inclusion, Dr. Rana Razzaque, 303-806-2004, rana\_razzaque@engschools.net, 4101 S. Bannock St., Englewood, CO 80110.

### 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.

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# Student and Parent Rights

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No person can serve as a Title IX Coordinator or decisionmaker if they have a conflict or 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 Title IX Coordinator 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 oral or written requests that objectively can be understood as requests 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.



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## Student and Parent Rights

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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 Title IX Coordinator 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 Title IX Coordinator 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 Title IX Coordinator will provide the respondent written notice as to the allegations against them and give the respondent a chance to respond to those allegations.

The Title IX Coordinator may meet with the respondent to advise them of the allegations even if the Title IX Coordinator 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;

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## Student and Parent Rights

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- 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
- vii. 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. **Formal Complaint Grievance Process**

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.

- b. **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:

- c. Evidence protected under legal privilege or provided to a confidential employee, unless waived voluntarily;
- d. 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;

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## Student and Parent Rights

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- e. 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.
- f. 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.
- g. 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.

### 5. **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.

### **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.

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## Student and Parent Rights

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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.

### NON-DISCRIMINATION/EQUAL OPPORTUNITY (COMPLAINT PROCESS) ([BOARD EXHIBIT 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, Englewood Schools does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment, or members of the public on the basis of disability, race, creed, color, sex, sexual orientation, marital status, gender identity (including transgender), religion, national origin, ancestry, family composition 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 as follows:

- Policy AC-R-1: Students
- Policy AC-R-2: Employees, Applicants for Employment and Members of the Public
- Policy AC-R-3: Sex-based Harassment (Title IX)

The following person(s) have been identified as the **compliance officer** for the district:

**Rana Razzaque, Director of Opportunity, Access & Inclusion**  
**4101 S. Bannock St**  
**Englewood, CO 80110**  
**303-806-2004**  
**[rana\\_razzaque@engschools.net](mailto:rana_razzaque@engschools.net)**

Name of employee(s) designated as the **Title IX Coordinator**:

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# Student and Parent Rights

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Rana Razzaque, Director of Opportunity, Access & Inclusion  
4101 S. Bannock St.  
Englewood, CO 80110  
303-806-2004  
rana\_razzaque@engschools.net

## Outside agencies

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex, gender), Section 504/ADA (handicap or disability) may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Boulevard, Suite 310, Denver, Colorado, 80204-3582. 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, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 825, Denver, CO 80202.

NON-DISCRIMINATION/EQUAL OPPORTUNITY (COMPLAINT FORM) PLEASE SEE [\(AC E 2\)](#)

STUDENT RECORDS/RELEASE OF INFORMATION ON STUDENTS ([BOARD POLICY JRA/JRC](#))

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent/guardian or the eligible student, except as set forth in law and this policy.

The superintendent or designee shall provide for the proper administration of student records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

## Content and custody of student education records

The building principal is the official custodian of records in his or her building.

Student education records in all formats and media, including photographic and electronic, are those records that relate directly to a student. Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any individualized education program (IEP).

Student education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

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## **Student and Parent Rights**

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Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

In accordance with applicable law, requests for inspection and review of student education records, requests for copies of such records and disclosure of personally identifiable information therein shall be maintained as a part of each student's education record.

School personnel shall use reasonable methods to authenticate the identity of parents, students, school officials and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures shall be required.

### **Access to student education records by parents and eligible students**

A parent/guardian ("parent") has the right to inspect and review their child's education records, if the student is under 18 years of age. If a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own education records and provide written consent for disclosure of such records and personally identifiable information therein. However, the parent is also entitled to access his/her child's education records, despite the lack of written consent from the eligible student, if the eligible student is a dependent for federal income tax purposes or the disclosure is in connection with a health or safety emergency. Access to student education records by parents or eligible students shall be in accordance with the regulation accompanying this policy.

### **Request to amend student education records**

A parent or eligible student may ask the district to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record shall be in accordance with the regulation accompanying this policy.

### **Disclosure with written consent**

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information from a student's education record, the notice provided to the parent or eligible student shall contain the following:

- a. The specific records to be disclosed;
- b. The specific reasons for such disclosure;
- c. The specific identity of any person, agency or organization requesting such information and the intended uses of the information;
- d. The method or manner by which the records will be disclosed; and
- e. The right to review or receive a copy of the records to be disclosed.

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## Student and Parent Rights

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The parent's or eligible student's consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required by this policy.

All signed consent forms shall be retained by the district.

### **Disclosure without written consent**

The district may disclose student education records or personally identifiable information contained therein without written consent of the parent or eligible student if the disclosure meets one of the following conditions:

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy shall be permitted access to specific student education records.
  - a. For purposes of this policy, a "school official" is a person employed by the district as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, consultant or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.
  - b. A school official has a "legitimate educational interest" if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official's areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data is maintained.
2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll, or has enrolled. Any records sent during the student's application or transfer period may be supplemented, updated or corrected as necessary.
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education or state and local educational authorities.
4. The disclosure is in connection with a student's application for, or receipt of, financial aid.

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## Student and Parent Rights

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5. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; to administer student aid programs; or to improve instruction.
7. The disclosure is to accrediting organizations for accrediting functions.
8. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.
9. The disclosure is in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or others.
10. The disclosure is to comply with a judicial order or lawful subpoena. The district shall make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena unless:
  - a. The court order or subpoena prohibits such notification; or
  - b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.
11. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.
12. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because of such agency or organization is legally responsible, in accordance with applicable state or tribal law for the care and protection of the student.
13. The disclosure is of "directory information" as defined by this policy.

### **Disclosure of directory information**



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## Student and Parent Rights

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Directory information may also be disclosed without written consent of the parent or eligible student. "Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information which may be released includes but is not limited to the student's name, phone number, address, email address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent and previous education agency or institution attended by the student and other similar information. Directory information also includes a student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password known only by the authorized user.

Student telephone numbers and addresses shall not be disclosed pursuant to this section.

The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 30 or the following Monday if September 30 is a Saturday or Sunday, or within 30 days of enrollment.

### **Disclosure of disciplinary information to school personnel**

In accordance with state law, the principal or designee shall communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person.

State law requires the principal or designee to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the shared disciplinary information. The student and/or the student's parent may challenge the accuracy of disciplinary information through the process outlined in this policy and accompanying regulation.

### **Disclosure to military recruiting officers**

Names, addresses and home telephone numbers, as well as directory information, of secondary school students shall be released to military recruiting officers within 90 days of the request, unless a parent or student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

### **Disclosure to Medicaid**

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## Student and Parent Rights

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In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the district shall include a consent form with IEP packet materials.

### **Disclosure to the Colorado Commission on Higher Education (CCHE)**

On or before December 31 of each school year, the school district shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

### **Annual notification of rights**

The district shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. For notice to parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act, and this policy and accompanying regulation and exhibit may be obtained from the office of the superintendent during normal business hours.

### **Governing law**

The district shall comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The district shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

### **REQUEST TO REVIEW/AMEND EDUCATION RECORDS ([BOARD REGULATION JRA/JRC-R](#))**

In accordance with policy JRA/JRC, this regulation contains the procedures to follow when a parent or eligible student seeks to review or challenge the content of student education records.

### **Request to review student education records**

1. The parent or eligible student shall submit a written request to the principal of the school attended by the student, asking to review the student's education records.

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## **Student and Parent Rights**

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2. Upon receipt of the written request, the principal or designee shall set a date and time for inspection and review of the records (usually within three working days after the request has been made).
3. The parent or eligible student shall examine the student's education records in the presence of the principal and/or other person(s) designated by the principal. The record itself shall not be taken from the school building.
4. During inspection and review of student education records by a parent or eligible student and when requested by them, the principal will provide personnel necessary to give explanations and interpretations of the records.
5. Upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student at a cost of \$0.25 per page.

### **Request to amend student education records**

1. The parents or eligible student shall submit a written request to the building principal, clearly identifying the part of the record to be amended and specifying why the record is inaccurate, misleading or otherwise violates the student's privacy rights.
2. The written request to amend the student's education records must be made in writing within 10 school days of the date the records were first examined by the parent or eligible student, unless additional time is granted by the district for good cause shown.
3. If the principal denies the request to amend the student education record, the principal shall notify the parent or eligible student of the decision and advise him or her of the right to a hearing to appeal the denial.

### **Request for a formal hearing**

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The district's response to the request shall be mailed within 10 school days.

The hearing shall be held in accordance with the following:

1. The hearing shall be held within 25 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent or eligible student by certified mail.
2. The hearing will be conducted by a principal or central office administrator as designated in writing by the superintendent. The official conducting the hearing shall not be the principal who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.
3. Parents or eligible students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.

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## Student and Parent Rights

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4. The official designated above shall make a decision in writing within 20 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
5. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
6. The decision shall include a statement informing the parents or eligible student of the right to place in the student education record a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the district. If the student education record is disclosed by the district to any other party, the explanation shall also be disclosed to that party.

### NOTIFICATION TO PARENTS AND STUDENTS OF RIGHTS CONCERNING STUDENT SCHOOL RECORDS [\*\(Board Exhibit JRA/JRC-E-1\)\*](#)

The Family Educational Rights and Privacy Act (FERPA) and Colorado law afford parents/guardians (parents) and students over 18 years of age (eligible students) certain rights with respect to the student's education records, as follows:

1. The right to inspect and review the student's education records within a reasonable time period after the request for access is made (not to exceed 45 days). See JRA/JRC-R.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights. See JRA/JRC-R.
3. The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA and state law authorize disclosure without consent. See JRA/JRC.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education,  
400 Maryland Avenue, SW,  
Washington, DC 20202-8520

5. The right to refuse to permit the designation of any or all of the categories of directory information. See JRA/JRC.
6. The right to request that information not be provided to military recruiting officers. See JRA/JRC and JRA/JRC-E-2.

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# Student and Parent Rights

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## SHARING OF STUDENT RECORDS/INFORMATION BETWEEN SCHOOL DISTRICT AND STATE AGENCIES (*BOARD POLICY JRCA*)

It is the Board of Education's intention to utilize all avenues under state law to facilitate the sharing of relevant student records and information when necessary to protect the safety and welfare of school district staff, visitors, students and the public and to protect property.

The superintendent is directed to develop procedures and a training program for staff consistent with this policy. The procedures shall direct school district personnel to provide and obtain student records and information to/from state agencies, including law enforcement and judicial department agencies, to the extent required or allowed by state and federal law.

### **Sharing of information by the school district**

Disciplinary and attendance information shall only be shared with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to adjudication. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.

School personnel who share disciplinary and attendance information concerning a student pursuant to this policy are immune from civil and criminal liability if they act in good faith compliance with state law.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from student's education records.

### **Information obtained from state agencies**

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including to protect public safety and safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

School district personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained. School personnel who knowingly violate this provision are subject to disciplinary action pursuant to district policy and to a civil penalty of up to \$1,000.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Education Rights and Privacy Act of 1974 ("FERPA").

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

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## Student and Parent Rights

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alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

### STUDENT PUBLICATIONS (*BOARD POLICY JICEA*)

The Board encourages students to express their views in school-sponsored publications while observing rules for responsible journalism and complying with this policy and state and federal law. To protect the rights of all members of the school community and to support the district's educational mission and purposes, students are prohibited from publishing 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.

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.

### STUDENT DISTRIBUTION OF NON-CURRICULAR MATERIALS (*BOARD POLICY 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 that respects the rights of all students on school grounds and during school-sponsored activities.

Students may distribute noncurricular materials on school property in accordance with this policy, its accompanying regulation and applicable state and federal law.

### Prohibited distribution

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## Student and Parent Rights

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Students may not distribute any noncurricular materials on school property or at school-sponsored activities or events that in themselves or in the manner they are distributed:

- create or threaten to create a substantial disruption or material interference with the normal operation of the school, school activity or event;
- advocate or encourage unlawful conduct or conduct that violates Board policy, including but not limited to the Board's policies prohibiting unlawful discrimination, harassment and bullying;
- cause or threaten to cause injury to persons or property; or
- are obscene, defamatory or violate any person's privacy rights.

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 may not be used for publication of such material.

### STUDENT ORGANIZATIONS (*BOARD POLICY 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 shall be prohibited in a student organization. No initiation shall be held for a student organization which will 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.

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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.

### STUDENT USE OF TECHNOLOGY AND ELECTRONIC COMMUNICATIONS *(BOARD POLICY JS\*)*

The Internet and electronic communications (email, chat rooms and other forms of electronic communication) have vast potential to support curriculum and student learning. The Board of Education believes they should be used in schools as a learning resource to educate and to inform.

Use of the Internet and electronic communications requires students to think critically, analyze information, write clearly, use problem-solving skills and hone computer and research skills that employers demand. Use of these tools also encourages an attitude of lifelong learning and offers an opportunity for students to participate in distance learning activities, ask questions of and consult with experts, communicate with other students and individuals and locate material to meet educational and personal information needs.

The Internet and electronic communications are fluid environments in which students may access materials and information from many sources, including some that may be harmful to students. While it is impossible to predict with certainty what information students might locate or come into contact with, the district shall take reasonable steps to protect students from accessing material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Board. Students shall take responsibility for their own use of district technology devices to avoid contact with material or information that may be harmful to minors. For purposes of this policy, "district technology device" means any district-owned computer, hardware, software, or other technology that is used for learning purposes and has access to the Internet.

#### **Blocking or filtering obscene, pornographic and harmful information**

Technology that blocks or filters material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Board, shall be installed on all district computers having Internet or electronic communications access. Students shall report access to material and information that is inappropriate, offensive or otherwise in violation of this policy to the supervising staff member. If a student becomes aware of other students accessing such material or information, he or she shall report it to the supervising staff member.

#### **No expectation of privacy**

District technology devices are owned by the district and are intended for educational purposes at all times. Students shall have no expectation of privacy when using district technology devices. The district reserves the right to monitor, inspect, copy, review and store (at any time and without prior notice) all usage of district technology devices, including all Internet and electronic communications access and transmission/receipt of



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materials and information. All material and information accessed/received through district technology devices shall remain the property of the school district.

### **Unauthorized and unacceptable uses**

Students shall use district technology devices in a responsible, efficient, ethical and legal manner.

Because technology and ways of using technology are constantly evolving, every unacceptable use of district technology devices cannot be specifically described in policy. Therefore, examples of unacceptable uses include, but are not limited to, the following.

### **No student shall access, create, transmit, retransmit or forward material or information:**

- that promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturing or purchasing of destructive devices or weapons
- that is not related to district education objectives
- that contains pornographic, obscene or other sexually oriented materials, either as pictures or writings, that are intended to stimulate erotic feelings or appeal to prurient interests in nudity, sex or excretion
- that harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons in violation of the district's nondiscrimination policies
- for personal profit, financial gain, advertising, commercial transaction or political purposes
- that plagiarizes the work of another
- that uses inappropriate or profane language likely to be offensive to others in the school community
- that is knowingly false or could be construed as intending to purposely damage another person's reputation
- in violation of any federal or state law or district policy, including but not limited to copyrighted material and material protected by trade secret
- that contains personal information about themselves or others, including information protected by confidentiality laws
- using another individual's Internet or electronic communications account without written permission from that individual
- that impersonates another or transmits through an anonymous remailer
- that accesses fee services without specific permission from the system administrator

Examples of proper and acceptable activities might include, but are not limited to the following:

- Completing school work;
- Creating and presenting original academic work;

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## Student and Parent Rights

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- Researching topics being studied in school;
- Researching opportunities outside of school related to community service, employment, or further education;
- Publishing of student work online;
- Engaging in distance learning experiences;
- Completing online assessments;
- Engaging in online collaborative projects and/or using other collaborative tools;
- Engaging in electronic discussions with students, teachers, and experts outside the classroom;
- Sharing or exchanging school-related files with students/teachers in or outside the classroom;
- Completing online/Internet-based college or financial aid applications using district technology resources;
- Downloading educational videos, podcasts, simulations or content;
- Following any individual school's or teacher's instruction for Internet use that may be imposed in addition to this policy.

### Security

Security on district technology devices is a high priority. Students who identify a security problem while using district technology devices must immediately notify a system administrator. Students should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Students shall not:

- use another person's password or any other identifier
- gain or attempt to gain unauthorized access to district technology devices
- read, alter, delete or copy, or attempt to do so, electronic communications of other system users

Any user identified as a security risk, or as having a history of problems with technology, may be denied access to the Internet, electronic communications and/or district technology devices.

### Safety

Students shall not reveal personal information, such as home address or phone number, while using the Internet or electronic communications. Without first obtaining permission of the supervising staff member, students shall not use their last name or any other information that might allow another person to locate him or her. Students shall not arrange face-to-face meetings with persons met on the Internet or through electronic communications.

### Vandalism

Vandalism will result in cancellation of privileges and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. Vandalism is defined as any malicious or intentional attempt to harm, destroy, modify, abuse or disrupt operation of any network within the school district or any network connected to the Internet, operation of any form of electronic communications, the data contained on any network or electronic

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## **Student and Parent Rights**

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communications, the data of another user, usage by another user, or district technology device. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

### **Unauthorized content**

Students are prohibited from using or possessing any software applications, mobile apps or other content that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees.

### **Assigning student projects and monitoring student use**

The district will make reasonable efforts to see that the Internet and electronic communications are used responsibly by students. Administrators, teachers and staff have a professional responsibility to work together to monitor students' use of the Internet and electronic communications, help students develop the intellectual skills needed to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to evaluate and use information to meet their educational goals. Students shall have specifically defined objectives and search strategies prior to accessing material and information on the Internet and through electronic communications.

### **Student use is a privilege**

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Student use of the Internet, electronic communications and district technology devices is a privilege, not a right. Failure to follow the use procedures contained in this policy shall result in the loss of the privilege to use these tools and restitution for costs associated with damages, and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. The school district may deny, revoke or suspend access to district technology or close accounts at any time.

### **School district makes no warranties**

The school district makes no warranties of any kind, whether express or implied, related to the use of district technology devices, including access to the Internet and electronic communications services. Providing access to these services does not imply endorsement by the district of the content, nor does the district make any guarantee as to the accuracy or quality of information received. The district shall not be responsible for any damages, losses or costs a student suffers in using the Internet and electronic communications. This includes loss of data and service interruptions. Use of any information obtained via the Internet and electronic communications is at the student's own risk.

### **Parent Responsibility - Notification of Student Internet Use**

The use of technology in Englewood Schools is vital to the curricular programs offered in and outside of the classroom. As such, the district has gone to great expense to offer 1-to-1 technology access to all students. The success of using technology for learning is largely dependent on the skill of the teachers, the efforts of the students, and the positive involvement of the parents/guardians. Therefore, students and parents/guardians shall be required to sign the district's Responsible Use Agreement (next section) annually before Internet or electronic communications accounts shall be issued or access shall be allowed.

Outside of school, parents bear responsibility for the same supervision and guidance of students online as they exercise with other information sources such as television, telephones, radio, movies and other possibly

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# Student and Parent Rights

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offensive media. Parents are responsible for monitoring their student's use of the school district system and/or electronic resources from home or another remote location.

Englewood Schools does not provide internet access for home use; however, parents are encouraged to review options for low-income families found at <https://www.EnglewoodSchools.net/our-district/departments/technology/discounted-internet> as an affordable option for those that qualify.

## STUDENT AND PARENT/GUARDIAN RESPONSIBLE USE AGREEMENT *(JS\*-E)*

### Student and Parent/Guardian Responsible Use Agreement

These guidelines and procedures are necessary for each student and parent/guardian to understand and student to follow in order to help make the use of technology, and especially iPads/Chromebooks, safe and successful.

#### A. Terms of Student Technology Equipment Loans

1. Englewood Schools retains ownership of issued technology devices and software.
2. Students may be subject to loss of privilege, disciplinary action, legal action and/or be financial responsible for the replacement cost of the loaned technology in the event of negligent or malicious damage and/or violation of policies and guidelines as outlined in this policy and agreement.
3. A student's possession of district owned technology devices terminates upon withdrawal from Englewood Schools or no later than the last day of school, unless there is a reason for later/earlier termination as determined by the principal and district Technology Department. At that time, all loaned devices, cases, accessories, chargers, cords and other loaned technology must be returned to the district.

#### B. Damage, Loss, or Theft

Englewood Schools requires that students take responsibility for the care of district technology equipment loaned to them for use as part of Englewood Schools' learning program. If loaned technology is damaged, school administration will determine if it is accidental, negligent, or malicious damage. If damages are not found to be negligent or malicious, the Technology Department will repair the damages one time per school year. Any incidents of damage beyond the first accidental one (per school year) are the responsibility of the student's family to pay a fine to cover the costs of repair. Any information about fees that are owed to the district for repairs can be found in the Fee Section of the online Campus Portal.

The student and parent/guardian agree to the following fee/fine schedule in case of a damage, loss, or theft:

<b>Accidental**</b> Student accidentally broke or damaged equipment (i.e. iPad)	<b>Negligent*</b> Student negligently damaged, broke or lost equipment (i.e. Chromebook)	<b>Malicious*</b> Student purposely damaged, broke, or stole equipment (i.e. Chromebook)
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<ul style="list-style-type: none"> <li>● Incident #1: no fine;</li> <li>● Incident #2: Raised to Negligent level</li> <li>● Incident #3: Raised to Negligent level with mandatory meeting w/ student</li> <li>● Incident #4: Raised to Negligent level and the student does not take the equipment home for the remainder of the year. Equipment is stored at school in the administrative offices for check-in/out.</li> </ul>	<ul style="list-style-type: none"> <li>● Fine issued (amount of fine depends on the repair/replacement costs)</li> </ul>	<ul style="list-style-type: none"> <li>● Fine issued (amount of fine depends on the repair/replacement costs).</li> <li>● School discipline consequences are likely.</li> </ul>
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\*As determined by an investigation by school administration.

\*\*Englewood Schools' warranty covers manufacturer defects. These are no-cost wear and tear replacements and do not count as an accidental damage incident.

The district will not cover any costs due to loss, theft, negligence, and abuse of devices and chargers. For example, throwing a device or using the device as an umbrella would be considered examples of neglect and abuse. If a device needs to be replaced due to loss, theft, neglect, or abuse, it is the family's financial responsibility to replace the device at the district's current replacement cost.

The student or parent/ guardian is required to immediately notify a member of the technology support team in all cases of stolen or lost devices. The technology support team and administration may be able to assist in relocating the equipment if they are notified immediately.

1. Parents/Guardians are responsible for filing a police report if the device was stolen from their student.
2. Parents/Guardians are responsible for the replacement cost of a lost or stolen device. The only exception to this rule is if the device was stolen while under the direct responsibility and supervision of a district staff member.
3. Students should not store their data on their device but are advised to use their Google Drive account to backup their data.

### A. **Repossession**

Englewood Schools reserves the right to repossess technology at any time. Since district issued devices are a vital tool for instruction, device repossession will only occur under extreme circumstances.

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# Student and Parent Rights

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## B. Appropriation

All Englewood Schools issued devices are the sole property of the school district. Any items not returned within 30 days of the last day of enrollment or the last day of the school year may be considered stolen property. Failure to return issued devices in a timely manner will be referred to law enforcement. If referred to law enforcement, stolen property charges may be filed. Furthermore, until all outstanding fees/fines are paid, there will be a hold on the student's official records.

## C. Modification to the Program

Englewood Schools reserves the right to modify the terms of loaned technology use at any time.

## D. General Care of District Issued Devices

Do not do anything to the device that will permanently alter it in any way. This includes attempting to load an operating system different than ChromeOS or iOS.

1. Student devices in need of repair must be reported to a teacher or another member of the technology support team
2. General guidelines to follow:
  - a. Do not write, draw, paint, place stickers or labels or otherwise deface your device.
  - b. Never put weight, such as a pile of books, on a device.
  - c. Liquids, food and other debris can damage the device. Avoid eating or drinking while using the device.
  - d. Take care when inserting and removing cords to avoid damage to the ports and cables.
  - e. Charge your device every school night.
  - f. Do not expose your device to extreme temperatures, direct sunlight, or ultraviolet light for long or extended periods of time. Extreme heat or cold may cause damage to the device and/or battery. If your device has been in a cold or hot environment for a long period of time, let it reach room temperature before using it.
  - g. NEVER leave your device outside or in a vehicle.

## E. General Security

1. Never leave devices unsecured. Devices should be locked in a designated area or secured when not in use.
2. Students are expected to maintain the security of loaned devices even during after- school activities. Unsupervised devices will be confiscated by staff, and disciplinary actions may be taken.
3. Each device has several identifying labels, including the district identification label (also known as the asset tag), and the student name. Under no circumstances are you to modify, remove or destroy these labels.

## F. End of the Year Collection Procedure

Technology such as devices, cords, chargers and cases will be returned on the date designated by the principal and the technology support team. If a student is leaving Englewood Schools, they will return all loaned technology, such as their device and charger, on or before the date of withdrawal. The devices do not transfer between buildings without processing. Each year, all loaned technology will be

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## Student and Parent Rights

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turned in at the end of the school year and reissued the following year.

**G. Student use of Technology and Electronic Communications [\(JS\)](#)**

Parents and students have read, signed and agreed to follow the Student use of the Internet and Electronic Communications (JS) at all times. The policy is available for review on District's webpage at Policy JS.

**H. End User License Agreement**

The school district and parents/guardians are considered to be the end users for all applications installed on the student Chromebook and available in Google Apps for Education.

### Signatures

Please print all information for your records. **The signature is electronic and part of the online registration system.**

1. I have read, understand, and agree to follow all responsibilities as outlined in the Student Use of Technology and Electronic Communications (JS) policy and;
2. I have read, understand and agree to follow all responsibilities as outlined in this Responsible Use Agreement.
3. I understand that the district will issue each student a district-owned and managed email account.

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# Conduct and Discipline

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## CONDUCT AND DISCIPLINE

### STUDENT CONDUCT (*BOARD POLICY JIC*)

It is the intention of the Board of Education 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 applicable law, has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall be enforced uniformly, fairly and consistently for all students.

All Board-adopted policies and Board-approved regulations containing the letters "JIC" in the file name constitute 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 and review of the conduct and discipline code.

The conduct and discipline code shall be provided to each student upon enrollment in elementary, middle, and high school. The district shall take reasonable measures to ensure each student is familiar with the code. Copies shall be posted or kept on file in each school of the district and provided electronically to all parents. In addition, any significant change in the code shall be provided to each student 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 school activities, the widely shared use of district, and the rights and welfare of other students and staff. 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 conduct and discipline code.

### STUDENT DRESS CODE (*BOARD POLICY 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.

Any student deemed in violation of the dress code shall be required to change into appropriate clothing or make arrangements to have appropriate clothing brought to school immediately. In this case, there shall be no further penalty.

If the student cannot promptly obtain appropriate clothing, on the first offense, the student shall be given a written warning and an administrator shall notify the student's parents/guardians. On the second offense, the student shall remain in the administrative office for the day and do schoolwork and a conference with parents/guardians shall be held. On the third offense, the student may be subject to suspension or other



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disciplinary action in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

### Unacceptable items

The following items are deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school and are not acceptable in school buildings, on school grounds, or at school activities:

1. Shorts, dresses, skirts or other similar clothing shorter than mid-thigh length
2. Sunglasses and/or hats worn inside the building
3. Inappropriately sheer, tight or low-cut clothing (e.g., midriffs, halter tops, backless clothing, tube tops, garments made of fishnet, mesh or similar material, muscle tops, etc.) that bare or expose traditionally private parts of the body including, but not limited to, the stomach, buttocks, back and breasts
4. Tank tops or other similar clothing with straps narrower than 1.5 inches in width
5. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
  - Refer to drugs, tobacco, alcohol, or weapons
  - Are of a sexual nature
  - By virtue of color, arrangement, trademark, or other attribute denote membership in gangs which advocate drug use, violence, or disruptive behavior
  - Are obscene, profane, vulgar, lewd, or legally libelous
  - Threaten the safety or welfare of any person
  - Promote any activity prohibited by the student code of conduct
  - Otherwise disrupt the teaching-learning process

### 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.

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

### STUDENT CONDUCT ON BUSES ([BOARD POLICY JICC](#))

The privilege of riding 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 school 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 the school vehicle. Violation of district policies and regulations

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## Conduct and Discipline

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while in a school vehicle may also result in the student's suspension or expulsion from school, in accordance with district policy.

### VIOLENT AND AGGRESSIVE BEHAVIOR ([BOARD POLICY 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 will be subject to appropriate disciplinary action including suspension, 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 shall notify the staff to the building principal or designee as soon as possible.

Acts of violence and aggression shall be documented and communicated by the staff to the building principal and the superintendent. The immediate involvement of the parents/guardians is also essential. Law enforcement officials shall be involved if there is any violation of law.

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.

An act of violence and aggression includes but is not limited to the following behaviors:

1. Possession, threat with or use of a weapon - as described in the district'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 district's policy on bullying prevention and education.

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## Conduct and Discipline

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7. Gang activity - as described in the district's secret societies/gang activity policy.
8. Sexual harassment - as described in the district's sexual harassment 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 disability, race, creed, color, sex, gender identity, gender expression, sexual orientation, marital status, national origin, religion, ancestry, 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.

### CODE OF CONDUCT ([BOARD POLICY JICDA](#))

#### **Students in third grade and higher grade levels**

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 third grade and higher grade levels who engage 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 district 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 or defacing of district property or stealing or attempting to steal district property.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Willful destruction or defacing of district property
4. Commission of any act which if committed by an adult would be robbery or assault as defined by state law.
5. 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.
6. Engaging in verbal/digital abuse, i.e., name-calling, ethnic or racial slurs, either orally or in writing or derogatory statements addressed publicly to an individual or group that precipitate disruption of the district or school program or incite violence.
7. 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 purposes of initiation into any student

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## Conduct and Discipline

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8. Violation of the district's policy on bullying prevention and education.
9. Violation of criminal law which has an immediate effect on the school or on the general safety or welfare of students or staff.
10. Violation of district policy or regulations, or established school rules
11. 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.
12. Violation of the district's policy on student conduct involving drugs and alcohol.
13. Violation of the district's violent and aggressive behavior policy.
14. Violation of the district's tobacco-free schools policy.
15. Violation of the district's policies prohibiting sexual or other harassment.
16. Violation of the district's policy on nondiscrimination.
17. Violation of the district's dress code policy.
18. Violation of the district's policy on gangs and gang-like activity.
19. Throwing objects, unless part of a supervised school activity, that can cause bodily injury or damage to property.
20. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or others.
21. Lying or giving false information, either verbally or in writing, to a district employee.
22. Engaging in scholastic dishonesty which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
24. Behavior on or off school property which is detrimental to the welfare or safety of other students or school personnel, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students.
25. Repeated interference with the district's ability to provide educational opportunities to other students.
26. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the district staff.

**Students in preschool through second grade**

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## Conduct and Discipline

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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 and alcohol. Conduct that endangers the health or safety of others.
3. Conduct that endangers the health or safety of others.

### BULLYING PREVENTION & EDUCATION ([BOARD POLICY JICDE](#))

#### **Statement of purpose**

The Board of Education supports a secure and positive 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 and other behaviors as defined below are 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.

#### Prohibited behavior

- Bullying
- Retaliation against those reporting bullying and/or other behaviors prohibited by this policy
- Making knowingly false accusations of bullying behavior

#### Definitions

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 expressions (i.e., cyberbullying) 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, gender identity, gender expression, sexual orientation, marital status, national origin, religion, ancestry or the need for special education services, whether such characteristic(s) is actual or perceived.

Retaliation is an act or communication intended as retribution against an individual who reports an act of bullying. Retaliation can also include knowingly making false accusations of bullying or acting to influence the investigation of, or the response to, a report of bullying.

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## Conduct and Discipline

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False accusations of bullying are those made knowingly by an individual or group of individuals with the purpose of causing harm to another individual and which are false.

### Prevention and intervention

The superintendent or designee will develop a comprehensive program to address bullying at all school levels and will ensure that the program is consistently applied across all students and staff. The program will 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 in taking pro-active steps to prevent bullying from occurring, which includes but is not limited to, training on the bullying prevention and education policy, how to recognize and intervene in bullying situations, and positive school climate practices.
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 bully-free environment across settings.
6. To support targets of bullying through a layered continuum of supports that includes, but is not limited to, individual and peer counseling.
7. To help develop peer support networks, social skills and confidence for all students.
8. To support positive school climate efforts that clearly define, teach, and reinforce pro-social behavior. This includes intentional efforts to promote positive relationships between staff and students as well as students with other students.
9. To designate a team of persons at each school who advise the school administration on the severity and frequency of bullying. The team of persons at the school may include, but need not be limited to, school resource officers, social workers, school psychologists, health professionals, mental health professionals, members of bullying prevention or youth resiliency community organizations, counselors, teachers, administrators, parents, and students.
10. To survey students' impressions of the severity and frequency of bullying behaviors in their school.
11. To include students in the development, creation, and delivery of bullying prevention efforts as developmentally appropriate.
12. To provide character building for students that includes, but is not limited to, age-appropriate, evidence-based social and emotional learning as well as information on the recognition and prevention of bullying behaviors.

### Reporting

Any student who believes they have been a victim of bullying and/or other behaviors prohibited by this policy, or who has witnessed such bullying and/or other prohibited behaviors, is strongly encouraged to immediately report it to a school administrator, counselor, or teacher.

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## Conduct and Discipline

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### Investigating and responding

As part of the superintendent's comprehensive program to address bullying, procedures will be developed with the aim toward accomplishing the following goals:

- Initiate efforts to change the behavior of students engaged in bullying behaviors.
- Support targets of bullying in ways that avoid increasing their likelihood of discipline.
- Support witnesses of bullying.

A student who engages in any act of bullying, retaliation, and/or other behaviors prohibited by this policy 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 will be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment also have additional rights and protections under Board policies and procedures regarding unlawful discrimination and harassment.

### SECRET SOCIETIES AND GANGS [\*\(BOARD POLICY JICF\)\*](#)

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 take reasonable steps to deter gang intimidation of students and confrontations between members of different gangs on school grounds, in school vehicles and at school activities or sanctioned events.

The presence 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 is prohibited on school grounds, in school vehicles and at school activities or sanctioned events.

### DRUG & ALCOHOL USE BY STUDENTS [\*\(BOARD POLICY JICH\)\*](#)

Englewood Schools 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, 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.

For purposes of this policy, 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 policy and regulations on administering medications to students.

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## Conduct and Discipline

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This policy also includes substances that are represented by or to the student to be any such controlled substance or what the student believes to be any such substance.

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 which may include suspension and/or expulsion from school and referral for prosecution.

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/guardians 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 education and rehabilitation programs which are available.

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

### WEAPONS IN SCHOOL ([BOARD POLICY JICI](#))

The Board of Education determines that student possession, use and/or threatened use of a weapon is detrimental to the welfare and safety of the students and school personnel within the district.

#### **Dangerous weapons**

Using, possessing or threatening to use a dangerous weapon 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 reasonable connection to school or any district curricular or non-curricular event, without the authorization of the school or the school district is prohibited. 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:



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## Conduct and Discipline

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- a. A firearm.
- 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 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.
- e. 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 slingshot, bludgeon, nunchucks, brass knuckles or artificial knuckles of any kind.

Students who use, possess or threaten to use a dangerous weapon in violation of this policy shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

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 in violation of this policy. 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 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 such conduct has a reasonable connection to school or any district curricular or non-curricular event without the authorization of the school or school district is prohibited. Students who violate this policy provision may be subject to disciplinary action including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

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 school 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, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions. 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 school 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, the, using, possessing, or threatening to use any knife, regardless of the length of the blade, on district property, when being transported in vehicles dispatched by the district or one of its schools, during a

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## Conduct and Discipline

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school-sponsored or district-sponsored activity or event, and off school property when the conduct has a reasonable connection to school or any district curricular or non-curricular event without authorization of the school or school district is prohibited. Students who violate this policy provision shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

### 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 the school district to law enforcement.

### STUDENT USE OF ELECTRONIC DEVICES *(BOARD POLICY JICJ)*

The Board of Education believes personal technology devices may be useful tools for students in the educational environment and can play a vital communication role during emergency situations. However, ordinary use of personal technology devices in school situations must be regulated to assure that the use of such devices does not disrupt or interfere with the educational process or school operations. Therefore, students may only use PTD's on district property, on a district vehicle or at a district or school-sponsored activity or event in accordance with this policy.

For purposes of this policy, "personal technology device" (PTD) includes any privately-owned portable technology device, including but not limited to cell phones, pagers, tablets, laptops, cameras, audio and/or video recorders and players, and all other hand-held electronic communication and data storage devices.

Students may use PTD's as a designated tool for learning if authorized by the student's teacher. It is the student's responsibility to ensure that the PDT is turned off or placed in silent mode during unauthorized times.

Students shall not use PTD's to engage in, promote or facilitate any other conduct that violates the student code of conduct, other Board policies or regulations, or state or federal law.

Violation of this policy or any other district, school or classroom rule or regulation on student use of PTD's may result in disciplinary measures and/or temporary confiscation of the PDT. Confiscated devices may be returned to the student only after a conference with the parent/guardian, student and school personnel. If the building principal or designee believes a student's possession or use of a PTD may involve a violation of the law, the building principal or designee may also refer the matter to law enforcement,

The district shall not be responsible for loss, theft or destruction of PTD's brought onto school or district property or while the student is attending district or school-sponsored activities or events.

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# Conduct and Discipline

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## STUDENT INTERROGATIONS, SEARCHES AND ARRESTS ([BOARD POLICY IIIH](#))

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, it may be necessary for school personnel to search the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

### **Interviews by school administrators**

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 school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must 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.

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. A student's failure to cooperate with school officials conducting a search shall 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.

### **Search 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.

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.

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

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## **Conduct and Discipline**

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The principal or designee may search the person of a student or a student's personal effects such as a purse, briefcase, backpack or book bag 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 the person 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 the 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.

### **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 any law enforcement officer in accordance with this policy.

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

#### **Interrogations and 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

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## Conduct and Discipline

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emergency or other exigent circumstances exist, such interrogations and interviews are discouraged during students' class time.

It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards. Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall make an effort to notify the student's parent/guardian, except in cases involving the 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. However, whether or not to postpone the interview or interrogation until the parent/guardian arrives is the law enforcement officer's decision.

### Search and seizure

The principal or designee may request 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 expected that all procedural safeguards prescribed by law are followed by law enforcement officers conducting student arrests. However, district staff is not responsible for an officer's legal compliance when arresting a student.

### PARKING LOT SEARCHES ([BOARD POLICY JIHB](#))

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband.

Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination without further hearing of the privilege of bringing the vehicle on to school premises. Refusal to submit to search also may result in disciplinary action and notification of law enforcement officials.

Routine patrolling of student parking lots and inspection of the outside of student automobiles shall be permitted at all times.

### USE OF METAL DETECTORS ([BOARD POLICY JIHC](#))

When the administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at school or when violence involving weapons has

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## Conduct and Discipline

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occurred at the school or at school sponsored events, the administration shall be authorized to use stationary or mobile metal detectors in accordance with procedures approved by the Board. Any search of a student's person as a result of the activation of the detector shall be conducted in private in accordance with the policy on personal searches.

### STUDENT DISCIPLINE (*BOARD POLICY JK*)

The Board believes that effective student discipline is a prerequisite for sound educational practice and productive learning. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline and socially acceptable behavior.

All policies and procedures for handling student discipline problems shall be designed to achieve these broad objectives.

The Board in accordance with applicable law has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall be enforced uniformly, fairly and consistently for all students.

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.

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

Remedial discipline plans.

The principal may develop a remedial discipline plan for any student who 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.

### **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 or more times during the course of a school year may 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 suspension and/or expulsion and other disciplinary interventions.

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

The conduct and discipline code shall be provided to each student upon enrollment in elementary, middle, and high school. The district shall take reasonable measures to ensure each student is familiar with the code. Copies shall be posted in each school of the district and provided electronically to all parents. In addition, any significant change in the code shall be provided to students and posted in each school.

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# Conduct and Discipline

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## STUDENT DISCIPLINE ([BOARD REGULATION JK-R](#))

### Remedial discipline plans

1. The principal may develop a plan for any student who 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.
2. To develop the plan, the principal or designee will contact the student's parent/guardian to schedule a 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 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 is disruptive in violation of 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 may be declared "habitually disruptive" if three or more times during the course of the school year the student causes a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or sanctioned events.

1. The principal will inform the superintendent when a student causes a second material and substantial disruption.
2. The student and the student's 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 shall be suspended and/or expelled in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

## DISCIPLINE OF STUDENTS WITH DISABILITIES ([BOARD POLICY 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.

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## **Conduct and Discipline**

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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 may 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 11th 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 non-disabled



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## **Conduct and Discipline**

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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, within a reasonable time of making this determination, the IEP team shall: (1) conduct a FBA if one was not conducted prior to the behavior; 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. 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.

### **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

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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.

### USE OF PHYSICAL INTERVENTION ([BOARD POLICY JKA](#))

To maintain a safe learning environment, district employees may, within the scope of their employment and consistent with state 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 or volunteer, in accordance with state law.

Within the scope of their employment, district employees may use reasonable and appropriate physical intervention with a student, that does not constitute restraint as defined by this policy, 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 more than one minute unless the provisions regarding restraint contained in this policy and accompanying regulation are followed.

#### Restraint

For purposes of this policy and accompanying regulation, restraint is defined as any method or device used to involuntarily limit a student's freedom of movement including but not limited to bodily physical force, and seclusion. If property damage may be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the individual or another person. Restraint shall 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 restraint in state law.

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If a student is physically restrained for a period of time longer than one minute, but less than five minutes, the student's parent(s)/guardian(s) are required to be notified. The notice must be given in writing on the same day the restraint occurs and must include the date of restraint, student's name, and the number of times that day that the student was restrained. If a student is physically restrained for a period of time longer than five minutes, the school administration shall verbally notify the parent or guardian as soon as possible, but not later than the end of the school day that the restraint was used. Additionally, the school administration shall mail, fax, or email a written report of the incident, including all information required by law, to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student.

District employees shall not use restraint as a form of discipline or to control or gain compliance from a student. District employees are also prohibited from restraining a student by use of a prone restraint, mechanical restraint or chemical restraint, as those terms are defined by applicable state law and this policy's accompanying regulation.

If a student is placed in a seclusion room, the student must be continually monitored. The seclusion room must have at least one window to monitor students when the door is closed. If it is not feasible to utilize a room with a window, monitoring by video camera must be possible. The seclusion room must be a safe space free from injurious items and must not be a space used by school staff for offices, storage, or custodial purposes.

Restraint shall only be administered by district employees trained in accordance with the applicable State Board of Education rules.

### Use of Mechanical or Prone Restraints

The prohibition on the use of mechanical or prone restraints in this policy and accompanying regulation shall not apply to:

1. Certified peace officers or armed security officers working in a school and who meet the legal requirements of C.R.S. 26-20-111 (3); however, no law enforcement officer or armed security official shall use handcuffs on any student unless the student poses an immediate danger to themselves or others or if handcuffs are solely used during a custodial arrest requiring transport.
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. 18-1-901 (3)(e).

### USE OF PHYSICAL INTERVENTION ([BOARD REGULATION JKA-R](#))

#### A. Definitions

In accordance with state law and the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, the following definitions apply for purposes of this regulation and accompanying policy:

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, and seclusion.
2. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint" does not include:

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- a. holding of a student for less than oneminute by a staff person for the protection of the student or others;
  - b. brief holding of a student by one adult for the purpose of calming or comforting the student;
  - c. minimal physical contact for the purpose of safely escorting a student from one area to another; or
  - d. 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 IEP team or Section 504 team and used in accordance with the student's Individualized Education Program (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
  - 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. "Prone restraint" means a restraint in which the student being restrained is secured in a prone (i.e., facedown) position.
6. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:
  - a. placement of a student in residential services in the student's room for the night; or
  - b. time-out.
7. "Time-out" is 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.
8. "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.

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9. "Bodily injury" means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901 (3)(c).
10. "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.
11. "Parent" shall be 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. a determination that such alternatives would be inappropriate or ineffective under the circumstances.
  - c. Restraints shall never be used as a form of discipline or to control or gain compliance of a student.
3. 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, the district 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. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
5. 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
6. the student is reasonably monitored to ensure the student's physical safety.

Additionally, in the case of seclusion, staff shall reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student.

### D. **Proper administration of specific restraints**

1. Chemical restraints shall not be used.
2. Mechanical and prone restraints shall not be used, except in the limited circumstances permitted by state law and described as exceptions in the accompanying policy.

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### 3. Physical restraint

- a. a person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student;
- b. a restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised; and
- c. a student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

### 4. Seclusion

- a. relief periods from seclusion shall be provided for reasonable access to toilet facilities; and
- b. any space in which a student is secluded shall have adequate lighting, ventilation and size and shall not be any space used by school staff for storage, custodial purposes, or office space.
- c. Any space used for student seclusion must have at least one window to monitor students when the door is closed. If an adequate space with a window is not feasible, video camera monitoring must be possible. Continuous monitoring is required throughout the time a student is secluded.
- d. The space must be a safe space free of injurious items.

### 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. specific circumstances in which restraint might be used; and
  - c. staff involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, 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 requirements

1. If restraints are used, a written report shall be submitted within one school day to school administration.
2. The school principal or designee shall verbally notify the parents as soon as possible but no later than the end of the school day that the restraint was used.
3. If a student is restrained for more than one, but less than five minutes, written notice must be given to the student's parent or legal guardian on the day of the restraint. The written notice shall include the date of restraint, student's name, and the number of times the student was restrained that day.
4. If a student is restrained for five minutes or more, a written report based on the findings of the staff review required by paragraph G. below shall be e-mailed, faxed or mailed to the student's parent within five calendar days of the use of restraint. The written report of the use of restraint shall include:

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- 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.
2. A copy of the written report on the use of restraint shall be placed in the student's confidential file.

### G. Review of specific incidents of restraint

1. The district shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint.
2. The review shall include, but is not limited to:
  - a. staff review of the incident;
  - b. follow up communication with the student and the student's family;
  - c. review of the documentation to ensure use of alternative strategies; and
  - d. recommendations for adjustment of procedures, if appropriate.
2. If requested by the district or the student's parents, the district shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

### H. General review process

1. The district shall ensure that a general review process is established, 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:
  - a. analysis of incident reports, including all reports prepared pursuant to paragraphs F.1 and F.3 above and including, but not limited to, procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
  - b. training needs of staff;
  - c. staff to student ratio; and
  - d. environmental conditions, including physical space, student seating arrangements and noise levels.

### I. 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;

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- 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.
2. Retraining shall occur at a frequency of at least every two years.

COMPLAINT PROCEDURES AND REGULATIONS REGARDING THE USE OF RESTRAINT OR SECLUSION ([BOARD EXHIBIT \[KA-E-2\]](#))

According to applicable rules of the Colorado State Board of Education, the following represents the process that must be followed when a student or the student's parent/guardian wishes to file a complaint about the use of restraint or seclusion by a district employee.

2.07(1) A student or a parent or legal guardian may file a complaint about the use of restraint or seclusion used by an employee or volunteer of a school or charter school of [a] school district or Board of Cooperative Services or any institute charter school by using the procedures established under this section 2.07.

2.07(2) Required Content of the Complaint: The Complaint must contain the following information:

2.07(2)(a) A statement that the employee or volunteer has violated a requirement regarding the use of restraints and an identification of the portion of the statute, rule, or regulation alleged to have been violated, if known by the complainant;

2.07(2)(b) The background information and facts on which the Complaint is based that identify persons, actions and/or omissions;

2.07(2)(c) The name and the residential address of the child against whom the alleged violation occurred;

2.07(2)(d) The name of the school that the child was attending when the alleged violation occurred;

2.07(2)(e) A proposed resolution of the problem to the extent known and available to the complainant at the time the Complaint is filed;

2.07(2)(f) The Complaint must allege that the violation(s) set forth in the Complaint occurred not more than one (1) year prior to the date that the Complaint is filed with the Colorado Department of Education (CDE);

2.07(2)(g) The signature and contact information (minimally, address and telephone number) for the complainant; and

2.07(2)(h) Written verification in a cover letter accompanying the Complaint that a complete copy of the Complaint and any attachments have also been mailed, hand-delivered, or delivered by other secure method to the public education agency (i.e. a school district, BOCES, or the Charter School Institute) serving the child.

2.07(3) The Complaint, including any attachments, must be mailed, hand-delivered, or delivered by other secure method to the IDEA State Complaints:

IDEA Part B State Complaints Officer  
Colorado Department of Education  
Exceptional Student Leadership Unit, Dispute Resolution Office  
1560 Broadway, Suite 1175



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Denver, Colorado 80202

Additionally, as noted in paragraph 2.07(2)(h) above, a complete copy of the Complaint, including any attachments, must also be mailed, hand-delivered, or delivered by other secure method to the public education agency (i.e. a school district, BOCES or the Charter School Institute) serving the child.

### 2.07(4) Complaints involving children with disabilities

2.07(4)(a) If the State Complaints Officer determines that the Complaint alleges a violation of the IDEA or its implementing regulations in 34 CFR Part 300, then the Complaint shall be processed through CDE's IDEA dispute resolution process. In these cases, the State Complaints Officer shall also have the authority to investigate and process a Complaint alleging improper use of seclusion and restraints in accordance with the timelines and procedures outlined in these rules.

2.07(4)(b) If the State Complaints Officer determines that the Complaint does not meet the criteria under section 2.07(4)(a), he or she shall refer the Complaint to the Restraint Complaints Officer (RCO) within five (5) calendar days of receiving the Complaint and shall notify the complainant in writing of this referral.

2.07(4)(c) Nothing in this subsection shall require the complainant to submit an additional Complaint directly to the RCO.

2.07(5) The Complaint shall be considered properly filed with the Department when it is received in CDE's Dispute Resolution Office and satisfies paragraph 2.07(2) above. A Complaint, once filed, will not be accepted for investigation if the CDE does not have jurisdiction (i.e., authority) to investigate; or if the Complaint does not set forth sufficient grounds on which to grant relief.

2.07(6) Within ten calendar (10) days of receipt of the Complaint, the RCO shall decide to accept or reject the Complaint for investigation and notify the complainant in writing. If the Complaint was sent via mail, the RCO's decision shall be postmarked by the 10th day. If the Complaint is accepted, the RCO shall:

2.07(6)(a) Notify the complainant of receipt and acceptance of the Complaint;

2.07(6)(b) Notify, by certified or overnight mail, the public education agency of each and every allegation contained in the Complaint together with a complete copy of the Complaint; and

2.07(6)(c) Initiate an investigation concerning the allegations contained in the Complaint.

### 2.07(7) Complaint Timelines:

2.07(7)(a) Response: Within fifteen (15) calendar days of receiving the RCO's notification of the Complaint, the public education agency may file a Response to the Complaint allegations and provide information which it deems necessary or useful for the RCO to consider in conducting a thorough investigation. If the public education agency fails to timely respond to an allegation, the RCO may, in his/her sole discretion, deem the allegation admitted.

The Response is due by 5:00 p.m. on the date due. The public education agency shall provide any written Response to the RCO and also a complete copy of the Response, including any attachments, to the complainant unless doing so would violate relevant laws regarding confidentiality. The public education agency shall provide the RCO with a legible copy of the written tracking receipt which verifies that a complete copy of the Response, including any attachments, was sent by certified or overnight mail to the complainant.

2.07(7)(b) Reply: Within ten (10) calendar days of delivery of the response, the complainant may file a written Reply to the Response, including any attachments, in support of his/her position. The

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complainant shall provide any written Reply to the RCO at the address identified in paragraph 2.07(3), above, and also provide the RCO by 5:00 p.m. on the date due with written verification that a complete copy of the Reply, including any attachments, was also mailed or hand-delivered to the public education agency.

The Response and Reply must be delivered by 5:00 p.m. on the date due to the office of the RCO and not merely postmarked by the due date. If the Response or Reply is untimely, the RCO may, within his or her sole discretion, refuse to consider the late document.

2.07(7)(c) **Timeline Extensions:** If the RCO finds that exceptional circumstances exist with respect to a particular Complaint, the RCO may, in his or her sole discretion, extend for a reasonable period of time, any of the timelines set forth in these Complaint procedures. Any request and extension of a timeline must occur prior to expiration of the timeline and shall be documented in a written order issued by the RCO prior to the expiration of the timeline and mailed to the parties. The RCO does not have authority to extend the regulatory statute of limitations of one (1) year described in Section 2.07(2)(f) above.

2.07(7)(d) If one or more due dates in the process fall on a weekend or a state holiday, the due date shall be the next calendar day following a weekend or state holiday if the due date is on a weekend or state holiday.

### 2.07(8) Complaint Investigations:

2.07(8)(a) The Complaint investigation may include, but is not limited to: an onsite investigation; request(s) that the complainant or public education agency provide additional information; and request(s) to review records in the possession of either party.

2.07(8)(b) Any time after a Complaint is filed and before the Complaint is resolved, the RCO may recommend a public education agency to undertake immediate action in an extraordinary situation when it is imperative to do so in order to protect the rights, health or safety of any student.

2.07(8)(c) The CDE, through the RCO, shall have sixty (60) calendar days from the date of receipt of the properly filed Complaint, to resolve the Complaint. The parties may mutually agree to extend the sixty (60) calendar day time limit in order to engage in voluntary mediation. Any extension of the Decision due date will be set by the RCO to a date certain as per section 2.07(7)(c), above.

### 2.07(9) Complaint Resolution:

2.07(9)(a) The RCO shall issue a written decision which details the findings of fact and conclusions of law unless the issues have been previously resolved. Based upon a finding that a public education agency has failed substantially to comply with state laws and regulations for the use of restraint, the RCO will, as part of the resolution of the Complaint, make recommendations to the public education agency of remedial actions that may be taken in order to come into compliance with applicable law and regulations, (e.g., technical assistance and training activities).

2.07(9)(b) The RCO shall have no authority to require corrective action by the public education agency, including but not limited to compensatory education for the child who is the subject of the complaint, monetary reimbursement or attorney fees.

2.07(9)(c) The decision of the RCO shall be final.

### DISCIPLINARY REMOVAL FROM CLASSROOM ([BOARD POLICY 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.

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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. Upon the third formal removal from class, a teacher may remove the student from the teacher's class in accordance with this policy, its accompanying regulation and applicable law.

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, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

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.

### DISCIPLINARY REMOVAL FROM CLASSROOM ([BOARD REGULATION JKBA\\* R](#))

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

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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 deliberates and determines the results of 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, staff or other students; 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.

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### **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 from class and call the building principal's office.
2. Obtain coverage for the class and escort the student to the main 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 school 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

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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 regulation and accompanying policy and the applicable provisions of state and federal law. All teacher actions under this regulation shall be subject to evaluation and supervision by the teacher's supervisor as provided in Board policies and procedures.

### SUSPENSION/EXPULSION OF STUDENTS ([BOARD POLICY JKD-JKE](#))

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

Proportionate disciplinary interventions and consequences shall be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff.

The Board and its designee(s) shall consider the following factors in determining whether to suspend or expel a student:

1. the student's age;

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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; and
7. whether excluding the student from school is necessary to preserve the learning environment.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

### Other disciplinary interventions

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the principal or designee may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to:

Detention, in-school suspension, counseling, participation in the district's restorative practices program or positive behavioral intervention support (PBIS) program, community service, peer mediation, referral to a juvenile assessment center for counseling or other services,

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

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

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

### Delegation of authority

1. Students in third grade and higher grade levels: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S.22-33-106 (1) (a), (1) (b), (1) (c), 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 exhibit coded JKD/JKE-E), but the total period of suspension shall not exceed 25 school days.
2. 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

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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).

3. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105 and 22-33-106.1 (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.
4. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the superintendent, in accordance with the limitations imposed by Title 22, Article 33 of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the superintendent at the conclusion of the hearing. The superintendent shall render a written opinion that imposes or refrains from imposing disciplinary action in the expulsion matter within five business days after the hearing whether the hearing is conducted by the hearing officer or the superintendent.

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

5. Any person serving as a hearing officer shall receive training on how to serve impartially, including avoiding prejudgment of the facts at issue and conflicts of interest. The Board shall comply with all state law and Department of Education requirements regarding the content, timing, and frequency of the training.

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

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

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

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

PROCEDURES FOR SUSPENSIONS AND EXPULSIONS ([BOARD REGULATION JKD/JKE-R](#))

### Procedure for suspension of 10 days or less



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Through written policy the Board of Education has delegated to any school principal the power to suspend a student for not more than five or 10 days, depending upon the 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.

1. **Notice.** The principal, designee or the superintendent at the time of contemplated action will give the student and 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.

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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 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 or its designee 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 five days prior to the date of 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 five school 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. **Records.** At least two business days in which school is in session prior to the expulsion hearing, all records intended to be used as supporting evidence must be provided to the student or their parent/guardian. If a record is discovered afterwards, the record must be provided to the student or their parent/guardian as soon as possible.
5. **Conduct of hearing.** A hearing may be requested by the parent/guardian. Such hearing will be conducted by the superintendent, unless the superintendent was involved in investigating or reporting an incident that led to the hearing. In such a case, the superintendent will delegate their ability to conduct the hearing to a designee who was not involved in investigating or reporting such an incident. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the superintendent 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.

During the hearing, the district will have the burden of proving by a preponderance of the evidence that the student has violated one of the grounds for expulsion in the school district's policy and state law. Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the superintendent may consider and give appropriate weight to such information or evidence he or she 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.

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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 superintendent will prepare specific factual findings, issue a written decision within five business days after the hearing, and provide the written decision to the student or parent/guardian.

6. **Appeal.** Within 10 business days after the decision of the superintendent, the student may appeal the decision to the Board. Failure to request an appeal within 10 days will result in a waiver of the right to appeal and the superintendent's decision will become final.

If an appeal is properly requested, the Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the challenged action, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the superintendent, the superintendent's written decision and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the district and the parents may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Board may ask questions for purposes of clarification of the record.

The Board will make a final determination regarding the expulsion of or denial of admission to the student and will inform the student and the parent/guardian of the right to judicial review.

7. **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 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.

8. **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:**
- 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;
  - there is an identifiable victim of the expelled student's offense; and
  - the offense for which the student was expelled does not constitute 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

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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 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 will remain confidential unless the information is otherwise available to the public by law.

### RECORDINGS ON TRANSPORTATION VEHICLES ([BOARD POLICY EEAEF\\*-R](#))

#### **Student records**

1. The district shall comply with applicable state and federal law regarding student records requirements in the district's use of video recordings. Video recordings considered for retention as part of a student's behavioral record will be maintained in accordance with the district's student record procedures governing access, review and release of student records
2. The district will include a notice in parent/student handbooks that video cameras may be used on school vehicles transporting students to and from school or extracurricular activities
3. Parents/guardians and students will not be notified when a recording device is on board and in use on a district vehicle.

#### **Storage/security**

1. All video recordings will be stored and secured to ensure confidentiality.
2. Video recordings will be stored for a minimum of five days after initial recording, whereupon if no reason for continued storage is known to the district such recordings will be released for erasure.
3. Video recordings held for review of student incidents will be maintained in their original form pending resolution. Video recordings then will either be released for erasure or retained as necessary in accordance with applicable Board policy and district regulations.

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## Conduct and Discipline

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### Use

1. Video cameras will be used on school transportation vehicles as determined by the transportation supervisor.
2. Staff and students are prohibited from tampering with or otherwise interfering with recording equipment.

### Viewing requests

1. Requests for viewing recordings will be limited to the appropriate bus driver, transportation supervisor, school administrator, parent/guardian or eligible student (18 years of age or older) or others as deemed appropriate by the principal.
2. Requests for viewing may be made to the principal or designee within five school days of the date of recording.
3. Requests for viewing will be limited to those parents/guardians, students and district officials with a direct interest in the proceedings as deemed appropriate by the principal or designee.
4. Only the portion of the recording concerning a specific incident will be made available for viewing.
5. Approval/denial for viewing will be made within five school days of receipt of the request and so communicated to the requesting individual.
6. Video recordings will be made available for viewing within three school days of the request approval.

### Viewing

1. Actual viewing will be permitted only at school-related sites including the transportation office, school buildings or central administrative offices.
2. All viewing will include the transportation supervisor and/or building principal.
3. Video recordings will remain the property of the district and may be reproduced only in accordance with applicable law and Board policy and regulations.
4. A written log will be maintained of those viewing video recordings including the date of viewing, reasons for viewing, date the recording was made, vehicle video-taped, name of driver and signature of the viewer.

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## Board Policies/Sex Offender Information/SAFE2TELL

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### BOARD POLICIES ON THE WEB

A complete set of Board Policies is available on the District Website:  
<https://www.EnglewoodSchools.net> under Board of Education -- Board Policy.

### SEX OFFENDER INFORMATION

A list of sex offenders who may be living in the area may be obtained from the Englewood Police Department 3615 S. Elati, Englewood, CO 80110 or call 303-761-7410.

### SAFE2TELL INFORMATION:

SAFE2TELL® is designed to help YOU anonymously report any threatening behavior that endangers you, your friends, your family, or your community.

877-542-7233

877-542-SAFE

<http://safe2tell.org>