



# BECS Discipline

Disciplinary action, when necessary, will be firm, fair, and consistent to be the most effective in addressing and changing negative student behavior. Based on the philosophy that discipline is an opportunity to redirect and learn from negative behaviors, BECS staff will promote positive relationships with students to help foster relationships and redirect the negative behavior. Students are expected to demonstrate the attributes of SOAR and Leader In Me by listening to staff members, being kind to others, and being considerate of others' and the school's property.

Circumstances surrounding any situation vary and what is fair, does not necessarily mean "the same consequence" in every case. The Executive Director and/or designated school officials reserve the right to decide what's most appropriate for each individual case. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of the misbehavior, the student's attitude, the effect of the misconduct on the school environment and the presence of a disability and requirement of law.

Bromley East follows the 27J Schools' Code of Conduct Rules for Discipline procedures. A school is judged by the actions of its students within and outside of school. At any time students are under school jurisdiction, they are expected to conduct themselves in an orderly, courteous, dignified and respectful manner. In an effort to maintain an orderly atmosphere, any staff member's authority extends to all students during field trips, on school grounds, or other school-sponsored functions, whether or not the student is in that teacher's class.

[27J Superintendent Policy 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 a school vehicle or at a school activity or event. The goal of the remedial discipline plan shall be to address the student's disruptive behavior and educational needs while keeping the student 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 student in school. The plan will include incentives for good behavior and consequences if the student violates the plan.
4. The plan may be written in the form of a contract which the student and the parent/guardian will sign and date.
5. The parent/guardian will be provided a copy of the remedial discipline plan and it will be placed in the student's cumulative file.

## Habitually disruptive students

A student 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 on school grounds, in a school vehicle or at a school activity or sanctioned event.

1. The principal will inform the superintendent when a student causes a second material and substantial disruption.
2. The student and the 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.

## **Disciplinary Removal from Classrooms**

Pursuant to C.R.S. 22-32-109.1(2)(a)(B), the School may remove a student from the classroom, vehicle, or activity when the student cause a disruption or otherwise violated the School's code of conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event. Upon the third such removal from a teacher's class, the disruptive student may be removed from the teacher's class for the remainder of the term of the class, except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the School has first developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and must be developed after the second removal from class. If a student is removed from class, the teacher or the school principal will contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any removal of a student with disabilities must be in compliance with applicable federal and state laws.

## **Student Due Process**

Bromley East Charter School will provide due process to students through procedures consistent with applicable laws regarding suspension, expulsion or denial of admission to students.

## **Factors for Interventions and Consequences**

Proportionate disciplinary interventions and consequences will be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff. The following factors will be considered in determining consequences for student violations of the Code of Conduct.

- 1.1 The student's age;
- 1.2 The student's disciplinary history;
- 1.3 The student's eligibility as a student with a disability;
- 1.4 The seriousness of the violation committed by the student;
- 1.5 The threat posed to any student or staff; and
- 1.6 The likelihood that a lesser intervention would properly address the violation.
- 1.7 The impact the violation had or is likely to have on the school learning environment.

## Definitions

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

- 2.1 "Suspension" means the exclusion of a student from attending school and participating in school activities for a specified period of time as set forth in suspension procedures set forth below.
- 2.2 "Expulsion" means the withdrawal and exclusion of a student from attending school and participating in all school activities, whether on or off campus, for a period of time as determined by the Executive Director and/or Superintendent not to exceed 365 days. Access to continuing educational services for expelled students will be offered as required by law.
- 2.3 "In School Suspension" means the exclusion of a student from the classroom and from participation in school activities, with staff supervision and access to continuing academic work, in a location separate from the traditional classroom. The opportunity for and appropriateness of in-school suspension is at the discretion of school administration, and is dependent upon the circumstances of the violations and the availability of necessary resources to provide this service.
- 2.4 "Informal Hearing" means an opportunity for a student to be informed of the evidence and to explain his or her position regarding an incident suspected of violating the Code of Conduct, and thus subject

to disciplinary action. An informal hearing does not include legal representation, the ability to confront or cross-examine witnesses, or the ability to call upon witnesses.

- 2.5 “Alternative to Suspension” means the opportunity for a student to have the length or terms of a suspension reduced through completions of intervention activities, or by having a parent shadow the student in school with permission of the building principal. Alternatives to suspension are not required and are considered exclusively at the discretion of school administration depending on the nature and circumstances of the violations for which the student was suspended.
- 2.6 “Alternative to Expulsion” means the opportunity for a student to avoid expulsion or to reduce the length of an existing expulsion by completing required interventions as may be identified by district administration, in cooperation with the building principal. Alternatives to expulsion are not required and are considered exclusively at the discretion of school and district administration depending on the nature and circumstance of the violation(s) for which the student was expelled.
- 2.7 “Denial of Admission” means a student is restricted from requested enrollment in school based upon grounds authorized by policy and law.

## **Referral to Law Enforcement**

School personnel shall refer any student who brings a firearm or dangerous weapon to school without authorization of the school or the school district to law enforcement.

NOTE: As a condition of receiving federal funds the school district is required to expel for one calendar year students who bring firearms to school. The district is required to include a description of the circumstances surrounding these expulsions, the name of the school concerned, the number of students expelled and the types of weapons.

A case-by-case exception to the one-year expulsion requirement must be in writing

and may include students with disabilities in order to meet requirements of federal law concerning students with disabilities. It is important to note that federal law requires that educational services must continue for students with disabilities who are properly expelled, although such services may be provided in another setting.

## **Law Enforcement Officers' Involvement**

The principal or his designee may request a search on school premises be conducted by a law enforcement officer. Law enforcement authorities will then determine how the search should proceed. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer. If law enforcement personnel seek permission from school authorities to search a student, the student's personal property or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted unless:

1. There is uncoerced consent by the student.
2. There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search.
3. The search is incident to an arrest and is limited to the person and his immediate surroundings. When law enforcement officials request permission to question students when students are in school or participating in school activities, for possible reason to arrest, the principal or his designee shall be present. If the student is under 18, his parent(s) or legal guardian also shall be present unless the juvenile is emancipated as that term is defined in state law. Every effort shall be made not to draw any attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

## **Custody and/or Arrest**

When custody and/or arrest by the police is involved, the principal shall request that all procedural safeguards as prescribed by law be observed by the law enforcement officers. This includes all due process procedures including but not limited to

obtaining proper arrest warrants when required. Seizure of Items Anything found in the course of a search conducted by school officials which is evidence of a violation of law or School policy or school rules or which by its presence presents an immediate danger of physical harm may be in the discretion of school officials:

1. Seized and turned over to any law enforcement officer in accordance with this policy.
2. Seized and offered as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
3. Returned to the student or his parents or guardian. Appeals within 10 school days after a search, the student may appeal the search decision to the superintendent who shall investigate the reason(s) and circumstances of the search. The superintendent shall issue written findings within five school days after receiving the appeal. The superintendent's decision shall constitute the final district determination. Approved June 12, 1990 Revised October 10, 2000 School District 27J, Brighton, Colorado

## Student Suspension and Expulsion

### Suspension

The School principal, or an administrator designated in writing by the principal, is delegated the authority to suspend a student for not more than five school days on the following grounds:

1. Continued willful disobedience or open and persistent defiance of proper authority;
2. Willful destruction or defacing of school property;
3. Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children.
4. Repeated interference with a school's ability to provide educational

opportunities to other students.

Or not more than ten school days on the following grounds:

1. Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event: Possession of a dangerous weapon without the authorization of the school or the school district; The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102(5), C.R.S.; or The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.
  - a. A “dangerous weapon” is defined as a firearm, as defined in section 18-1-901(3)(h), C.R.S.; Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air; A fixed-blade knife with a blade that exceeds three inches in length; A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length; or Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.
2. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.
3. Declaration as a habitually disruptive student, when and if expulsion is being pursued.
4. Making an intentionally false accusation of criminal activity against an employee of an educational entity to law enforcement authorities, school district officials or personnel, or both.

A student may be suspended on any of the grounds stated above, or in C.R.S. 22-33-106, for not more than another ten school days. The School’s executive officer may extend a suspension to an additional ten school days if necessary in order to present the matter to the next meeting of the board of directors, but the total period of any

suspension must not exceed twenty-five school days.

As an alternative to suspension, the School may consider allowing the student to remain in school by having the student's parent agree, with the consent of the student's teachers, to attend class with the student for a period of time specified by the School. If the parent fails to attend class with the student, the student will be suspended in accordance with this policy.

A student suspended for a period of ten days or less will receive an opportunity to be heard (i.e. tell his/her side of the story) to the principal or the principal's designee prior to the student's removal from school, unless an emergency requires immediate removal from school, in which case the opportunity to be heard will follow as soon after the student's removal as practicable. Any student suspended for more than ten days will be given the opportunity to request a review of the suspension by the Executive Director, unless an expulsion recommendation is pending, in which case the student will have an opportunity to be heard at a formal expulsion hearing.

### **Habitually Disruptive Students**

A "habitually disruptive student" means a student who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. The student and the parent must be notified in writing for each disruption counted toward declaring the student as habitually disruptive, and the student and parent must be notified in writing and by telephone or other means at the home or the place of employment of the parent of the definition of "habitually disruptive student".

### **Parent Contact for Suspension**

When the principal or designee determines that suspension is warranted, reasonable effort will be made as promptly as possible under the circumstances at the time to notify the parent of the suspension and of the grounds for the suspension, the period of the suspension, and the time and place for the parent to meet with the School to review the suspension.

## **Appealing a Suspension**

Appeals of suspensions must be directed to the building principal within two (2) days after the suspension is imposed. The decision of the building principal on suspensions of nine (9) days or less shall be final.

Appeals of suspensions ten (10) or more days should be directed to the Executive Director for review within two (2) days after the suspension is imposed. The decision of the Executive Director regarding the suspension will be final.

## **Effect of a Suspension**

Upon suspension, the student will be required to leave the school building and the school grounds immediately, following a determination by the parent and the school of the best way to transfer custody of the student to the parent or an authorized designee of the parent. The student will not be readmitted until a meeting between the parent and the School has taken place or until, at the discretion of the School, the parent has substantially agreed to review the suspension with the School. If the School cannot contact the parent or the parent repeatedly fails to appear for scheduled meetings, the School may readmit the student. The readmission meeting between the School and the parent will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent future disciplinary action.

The School will make every reasonable effort to meet with the parent, guardian, or legal custodian of the student during the period of suspension; and will not extend a period of suspension because of the failure of the School to meet with the parent during the period of suspension, except when safety concerns exist.

## **Make Up Work for Suspended Students**

To provide an opportunity for the student to reintegrate into the educational program of the School and to help prevent students from dropping out of school because of an inability to reintegrate into the educational program following the

period of suspension, the School will provide an opportunity for a student to make up school work during the period of suspension for full or partial academic credit, as determined by the School, to the extent possible.

## **In School Suspension**

“In School Suspension” means the exclusion of a student from the classroom and from participation in school activities, with staff supervision and access to continuing academic work, in a location separate from the traditional classroom. The opportunity for and appropriateness of in-school suspension is at the discretion of school administration, and is dependent upon the circumstances of the violations and the availability of necessary resources to provide this service.

## **Expulsion**

A student may be expelled from the School on any of the grounds stated in state law, which include:

1. Continued willful disobedience or open and persistent defiance of proper authority;
2. Willful destruction or defacing of school property;
3. Behavior on or off school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the child or to other children.
4. Repeated interference with a school's ability to provide educational opportunities to other students.
5. Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event: Possession of a dangerous weapon without the authorization of the school or the school district; The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102(5), C.R.S.; or The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an

act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

- a. A "dangerous weapon" is defined as a firearm, as defined in section 18-1-901(3)(h), C.R.S.; Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air; A fixed-blade knife with a blade that exceeds three inches in length; A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length; or Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.
5. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.
6. Declaration as a habitually disruptive student.
7. Making an intentionally false accusation of criminal activity against an employee of an educational entity to law enforcement authorities, school district officials or personnel, or both.

A student who is denied admission pursuant to C.R.S. 22-33-105 and 106 will be afforded the same rights and process, to the extent required by law, as students expelled under this policy.

## **Notice of Expulsion**

If the School administration decides to proceed with a recommendation for expulsion, the student's parent/guardian will be provided notice of the recommended action, including the grounds for expulsion and details of any allegations, and a request for a hearing. The notice will inform the student or the student's parent/guardian of the student's due process rights and information about the hearing.

## **Prior to the Expulsion Hearing**

The School will prepare any necessary evidence to prove that the student committed the infractions that form the grounds for expulsion, and will provide all records that the School intends to use as supporting evidence for expulsion to the student or the student's parent at least two business days in which school is in session prior to the expulsion hearing. Upon discovery of a record not previously provided, the School must immediately provide the record to the student or the student's parent.

## **Expulsion Hearing**

The hearing will be conducted by a hearing officer contracted through School District 27J. The hearing officer must not have a conflict of interest and must be impartial. The hearing officer cannot have been involved in the investigation of the alleged misconduct. The School must ensure that any person acting as a hearing officer receives training on how to serve impartially, including avoiding prejudgment of the facts at issue and conflicts of interest. Beginning January 1, 2025, a hearing officer must have completed an initial 5 hour training and annual training in the topics required by CDE and CRS 22-33-106.

At the hearing the School has the burden of proving by a preponderance of the evidence (meaning it is "more likely than not") that the student did what is alleged and violated section 22-33-106 and the School's code of conduct. The hearing officer will determine how the hearing will proceed and how evidence will be introduced, but at a minimum the student and/or student's parent must have the opportunity to present evidence, challenge any evidence of the School, call/question witnesses, and otherwise be afforded a reasonable opportunity to be heard and defend the student against the allegations.

If the proposed time and date for the hearing do not work for the student and/or the student's parent or guardian, the School will attempt, within reason, to reschedule the hearing. If a student and/or student's parent or guardian fail to participate in the expulsion hearing then they forfeit their right to appeal or further participate in the process.

## **Expulsion Fact Finding and Recommendation Report**

If the Executive Director acts as a hearing officer to conduct the expulsion hearing then the Executive Director shall create a report with findings of fact and recommendations, including specific findings regarding consideration of : (a) The age of the student; (b) The disciplinary history of the student; (c) Whether the student has a disability; (d) The seriousness of the violation committed by the student; (e) Whether the violation committed by the student threatened the safety of any student or staff member; and (f) Whether a lesser intervention would properly address the violation committed by the student.

If a designee acting as a hearing officer conducts the expulsion hearing, the designee shall, within 2 business days, forward findings of fact and recommendations to the Executive Director at the conclusion of the expulsion hearing, including specific findings regarding the factors (a) through (f) set forth above.

## **Executive Director's Expulsion Decision**

Upon review of the fact-finding and recommendations report, the Executive Director shall, within 5 business days after the hearing, render a written opinion that imposes or refrains from imposing expulsion as a disciplinary sanction and the duration of any expulsion, not to exceed one year. In making a decision, the Executive Director will consider whether alternative remedies are appropriate and whether excluding the student from school is necessary to preserve the learning environment, and the student must not be expelled unless this is considered. .The Executive Director shall provide the written opinion to the student or the student's parent. The Executive Director shall report on each case acted upon at the next meeting of the board of directors, in executive session, briefly describing the circumstances and the reasons for the Executive Director's decision.

## **Expulsion Appeal**

A student who is expelled as a result of this process has ten business days after the decision of the Executive Director is rendered to appeal the decision to the board of directors. The appeal before the board of directors must, at a minimum, consist of a review of the facts presented and determined at the hearing, arguments relating to the decision, and questions of clarification from the board of directors. If the board of directors upholds the determination of the Executive Director to expel a student, the student is entitled to a review of the decision in court, pursuant to state law.

## **Alternative Education for Expelled Students**

When a student is expelled, The School will provide any required educational services required by federal law for students with disabilities, and appropriate alternative educational services required by C.R.S. 22-33-203. A student's parent is responsible for seeing that the student complies with continuing to receive an education during the period of expulsion.

## **Options for Students Charged with Certain Crimes**

If a petition is filed in juvenile court that alleges that a student who is at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in C.R.S. 16-22-102(9), or a crime of violence, as defined in CRS 18-1.3-406, if committed by an adult or whenever charges filed in district court allege that a student has committed such an offense, basic identification information concerning the student should be provided to the School. Upon receipt of such information, the board of directors (in executive session) or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the School 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. If a determination is made that the student should not be educated in the school, the School may proceed with suspension or expulsion in accordance with this policy.

Alternatively, the board of directors or its designee may determine that it will wait until the conclusion of the juvenile criminal proceedings to consider the expulsion matter, in which case it shall be the responsibility of the School to provide the student with an appropriate alternate education program, including but not limited to an online program or online school, or a home-based education program during the period pending the resolution of the juvenile criminal proceedings.

A student who is being educated in an alternate education program or a home-based education program will not be allowed to return to the School until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the School may proceed to expel the student. The time that a student spends in an alternate education program will not be considered a period of expulsion.

## **Out of School Suspension Grades K-2**

Any out of school discipline of students in grades Kindergarten through 2nd grade will be in compliance with C.R.S. 22-33-106.1, including its prohibition on out-of-school suspension or expulsion of a student enrolled in preschool, kindergarten, first grade, or second grade unless:

1. The School determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:  
Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different; involves the use, possession, or sale of a drug or controlled substance, as defined in C.R.S. 18-18-102(5); or;  
Endangers the health or safety of others.
2. The School determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed;  
and
3. The School, on a case-by-case basis, considers each of the factors set forth in C.R.S. 22-33- 106(1.2) before suspending or expelling the student. The School must document any alternative behavioral and disciplinary interventions that

it employs before suspending or expelling the student.

The out-of-school suspension of a K-2 student shall not exceed three school days unless the Principal determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled.

## **Students with Disabilities**

If the student facing potential suspension or expulsion is a student with disabilities, then the School will follow applicable laws with regards to the suspension or expulsion. Before the student with disabilities is suspended for 10 or more days (singularly or cumulatively during the school year if for the same conduct) or expelled, the School will conduct a manifestation determination review to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or if the conduct in question was the direct result of the School's failure to implement the IEP; or the relevant standard under Section 504.

## **Student Statements**

Except as provided in this policy a School employee will not use in an expulsion hearing a student's statement concerning an act alleged to have been committed by the student regarding:

1. Possession of a dangerous weapon without the authorization of the school or the school district; The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102(5), C.R.S.; or The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.
  - a. A "dangerous weapon" is defined as a firearm, as defined in section 18-1-901(3)(h), C.R.S.; Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or

compressed air; A fixed-blade knife with a blade that exceeds three inches in length; A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length; or Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.

A statement may be used in the expulsion hearing only if it is signed by the student and a parent present when the student signs the statement or admission; or if a reasonable attempt was made to contact the parent to have the parent present when the student signed the statement. The school will be deemed to have made a reasonable attempt to contact the parent if the school calls each of the phone numbers the parent provides to the school and all phone numbers the student provides to the school for the parent.

Further, the student and his or her parent may expressly waive the requirement that the parent be present when a student signs a statement or admission. This express waiver must be in writing and must be obtained only after full advisement of the student and his or her parent of the student's rights prior to the signing of the statement or admission by the student.

The requirements of this policy do not apply if the student makes any deliberate misrepresentations affecting the applicability or requirements of this policy and a school official, acting in good faith and in reasonable reliance on such deliberate misrepresentation, obtains a signed statement or admission of the student that does not comply with the requirements of this policy.

Nothing in this policy will prevent or interfere with a fact-finding or information-gathering investigation by a school or school employee.

## **Denial of Admission**

Students may be denied or excluded from admission to school subject to guidelines established in Superintendent Policy JHD - Denial of Admission, Exclusions and

Exemptions from School Attendance.

## **Miscellaneous**

### **Trespassing**

Students who are suspended or expelled are prohibited from attending any District or school sanctioned activity or event, whether on or off campus, as well as from being on any District or school campus or property without prior written approval of school administration. Failure to abide by the restriction will be considered trespassing, and as such may be referred to law enforcement. Such violations may also result in an extension of the student's exclusion from school.

### **Victim Concerns**

When a student is expelled for violations on or off campus which victimize or jeopardize the safety of specific students or staff, the offending student may be prohibited from returning to the school in which the victim of the offense, or a member of the victim's immediate family, is enrolled or employed, as provided by law. Administrative transfers may be imposed in such cases at the discretion of the Superintendent of District administrative designee. Such transfers may occur in lieu of or in addition to expulsion, and may occur immediately or at the conclusion of the student's exclusion from school.

### **Completion of Proceedings**

Should a parent request to withdraw a student from school during an active suspension or pending expulsion proceedings, such proceedings will continue through completion with or without participation by the parent(s) or student. Records of such discipline proceedings will be included in the educational records provided to a subsequent school in which the parent may seek to enroll the student, upon the School's receipt of a valid request for educational records.

## **Reopening Investigations**

The School may reopen any investigation of Code of Conduct violations involving student safety if newly acquired information or evidence is discovered.

## **Transfer of Records**

Records of violations of Code of Conduct related policies noting the date, type of offense and resulting disciplinary action will be maintained in the District's electronic student database, consistent with the recording of all other student behavior records.

## **Immunity**

An act of a School employee shall not be considered child abuse if the act was performed in good faith and in compliance with School policy. Any employee acting in good faith and in compliance with the Code of Conduct shall be immune from criminal prosecution or civil liability unless acting willfully or wantonly.

## **Assessment of Potentially Dangerous Student Behavior**

Upon recognition or receipt of a report that a student may pose a safety risk to himself or herself, or to other students or staff, trained staff may conduct a suicide and/or a threat assessment. The purposes of such assessment are to consider the possible risk, to initiate measures to ensure the safety of involved parties, and to help identify an appropriate response and support plan. Parents or guardians will be notified when a suicide or threat assessment will be conducted or as soon as possible after such an assessment has been conducted. Exact timing of the notification may depend on the circumstances at the time. Records of such assessments will be provided to parents upon request.

# Interrogations and Searches

Adapted from [Superintendent Policy JIH](#)

The Executive Director 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, or in certain scenarios, law enforcement officials 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 School 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 School 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 will be informed of the reason(s) for conducting the

search and the student's permission to perform the search will be requested. A student's failure to cooperate with school officials conducting a search will be considered grounds for disciplinary action.

An administrative report will 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 will assume full responsibility for the security of their lockers and/or other storage areas. Students will 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 the Student's Person or Personal Effects**

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

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

Search of the person will 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" or "screening wand" on 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 will be respectful of privacy considerations, in light of the sex and age of the student.

Searches of the person will 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 will 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 will be notified of the search as soon as reasonably possible.

Searches of the person which may require removal of clothing other than a coat or jacket will be referred to a law enforcement officer. School personnel will 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:

- a. Seized and offered as evidence in any suspension or expulsion proceeding. Such material will be kept in a secure place by the principal until it is presented at the hearing;
- b. Returned to the student or the parent/guardian;
- c. Turned over to a law enforcement officer in accordance with this policy.

## Law Enforcement Officers' Involvement

### a. Interrogations and Interviews

The principal or his designee may request a search on school premises be conducted by a law enforcement officer. Law enforcement authorities will then determine how the search should proceed. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from school authorities to search a student, the student's personal property or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted unless:

- There is uncoerced consent by the student.
- There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search.
- The search is incident to an arrest and is limited to the person and his immediate surroundings.
- When law enforcement officials request permission to question students when students are in school or participating in school activities, for possible reason to arrest, the principal or his designee shall be present. If the student is under 18, his parent(s) or legal guardian also shall be present unless the juvenile is emancipated as that term is defined in state law.

Every effort shall be made not to draw any attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

### b. 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 will 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.

### **c. 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 are not responsible for an officer's legal compliance when arresting a student.