



JKD/JKE-R – PROCEDURES REGARDING SUSPENSION/EXPULSION OF STUDENTS

Suspension Procedure

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

1. **Discipline Notice.** The principal or designee at the time of contemplated action must give the student and/or parent/caregiver notice of the contemplated action. The notice will include the following basic information:

- A statement of what the student is accused of doing; and
- The basis for the allegation.

This notice should sufficiently inform the student of the basis for the contemplated action.

2. **Due Process Meeting.** The student will have an opportunity to explain their alleged conduct and surrounding circumstances. The school principal or designee may allow the student to call witnesses or may personally call the accuser or other witnesses. In the event of contradictory statements, the school authorities should attempt to ascertain the facts before disciplinary action is taken.

The notice can be given at the same time as the meeting. The notice and due process meeting should happen before the student is removed from school, unless an emergency requires immediate removal. An emergency includes a continuing danger to people or property or an ongoing threat of disrupting the academic process. If the student is removed prior to the due process meeting because of an emergency, the meeting should be set as soon as practicable.

4. **Notification following Suspension.** If a decision is made to suspend a student, the student and student's parent/caregiver will be notified immediately. The principal or designee shall also send a letter to the parent/caregiver and the student explaining the action taken, stating the days during which the suspension will be in effect and inviting the parent/caregiver, to meet with the principal or designee for the purpose of discussing the matter.
5. **Removal from School Grounds.** A suspended student will be required to leave the school grounds immediately after the parent/caregiver and the principal or

designee have determined the best way to transfer custody of the student to the parent/caregiver. Law enforcement authorities may be involved in removal of students in accordance with state law, when there are reasonable grounds to believe that the student has committed a delinquent act by violation of any statute, county or municipal ordinance, or by lawful order of the juvenile court.

5. **Readmittance.** The principal or designee will make a reasonable effort to meet with the parent/caregiver of the student during the period of suspension. A suspended student will not be readmitted to school until the student's parent/caregiver has met with the principal or designee to discuss the nature of the suspension or if, in the judgment of the principal or designee, the parent/caregiver, has substantially agreed to review the suspension.

The school will not extend the period of suspension because of the failure of the principal or designee to meet with the parent/caregiver. If the principal or designee cannot contact the parent/caregiver or if the parent/caregiver repeatedly fails to appear for scheduled meetings, the student may be readmitted.

6. **Make-Up Work.** The school will provide an opportunity for the student to make up schoolwork during the period of suspension for full credit, to allow the student to reintegrate into the educational program following suspension.
7. **Damages to Property.** The principal has the right to assess damages to school property caused by the student and collect for the Board a reasonable sum as established by the District, from the student and/or the parent/caregiver. The District will not require the sum to be collected prior to the student's readmittance.
8. **Recommendation for Additional Action.** Any student conduct requiring additional action beyond the building administrator's initial period of suspension is to be reported to the appropriate assistant superintendent with a complete report and, if warranted, a recommendation for expulsion.

Expulsion Procedure

1. **Expulsion Notice.** The student and the student's parent/caregiver will be given written notice of the reasons alleged for the contemplated action, which must be one or more of those set forth as grounds for expulsion under District policy and state law.
2. **Hearing Request.** If the student and the student's parent/caregiver wish to request a hearing regarding the expulsion, they must do so within the timeframe noted in the notice of hearing. Failure to request a hearing within the specified timeframe will result in a waiver of the right to a hearing.

3. **Records.** At least two school days prior to the expulsion hearing, all records the school intends to use as supporting evidence must be provided to the student or the student's parent/caregiver. If a record is discovered or made available after the deadline, the record must be provided to the student or the student's parent/caregiver as soon as possible.

4. **Conduct of Hearing.**

- **Hearing officer.** If a hearing is requested by the parent/caregiver, the hearing will be conducted by a hearing officer who does not have a conflict of interest regarding the student or any alleged victim. The hearing officer must be trained on how to serve impartially, including avoiding prejudgment of the facts at issue and conflicts of interest in compliance with state law and the Department of Education requirements.
- **Burden of Proof.** The District has the burden to prove, based on a preponderance of the evidence, that the student's actions constitute grounds for expulsion and that the student was provided due process. The hearing officer makes this determination.
- **Student's representation.** At the expulsion hearing, the student may be represented by counsel or may choose to have an advocate. If a student is represented by counsel, the student or student's parent/caregiver must notify the superintendent or designee of this fact by phone or in writing at the time the expulsion hearing is requested. Failure by the student or student's parent/caregiver to provide timely notification of attorney representation will result in a continuance of the hearing and corresponding extension of the period of suspension to allow the District to arrange for legal counsel.
- **Witnesses.** At the expulsion hearing, the student will have an opportunity to call witnesses and question any witness called by the administration. The school administration may call witnesses and question any witnesses called by the student. The hearing officer may limit the number of witnesses called based on consideration of the competence, relevance and/or cumulative nature of their testimony.
- **Evidentiary standards.** Testimony and information will be presented under oath. However, formal rules of evidence will not apply. The hearing officer may consider the context when determining the appropriate weight to give testimony and evidence presented.
- **Audio recording.** An audio recording of the hearing must be made by the District. Preparation of any transcript will be at the expense of the party requesting the transcript.
- **Interpretation.** At a student or parent/caregiver's request, the District will provide interpretation services into the student or parent/caregiver's primary language.
- **Student written statement.** At an expulsion hearing concerning alleged student conduct for which expulsion is mandatory under state law (see District Policy JKDA/JKEA – Grounds for Suspension/Expulsion of Students), a

written statement prepared by the student concerning the conduct may only be used as evidence if one of the following applies:

- If the statement is signed by the student, and the student's parent/caregiver was present when the student signed;
- If the statement is signed by the student, and reasonable attempts to have the parent/caregiver present when the student signed were unsuccessful; or
- If the statement is signed by the student, and both the student and their parent/caregiver expressly waived the requirement that a parent/caregiver be present upon the student signing the statement, pursuant to C.R.S. 22-33-106.3(2).

This provision only applies to instances of alleged student conduct for which expulsion is mandatory under state law; it does not apply where expulsion is mandatory under District policy but not state law.

5. **Findings of Fact, Recommendation, and Decision.** The District-appointed hearing officer will make specific findings and a recommendation regarding the expulsion to the superintendent. The superintendent will review the hearing officer's findings and recommendation and issue a written decision within five business days after the hearing is conducted. The written decision will be provided to the student and the student's parent/caregiver in the parent/caregiver's primary language.
6. **Appeal.** A student who is denied admission or expelled has ten business days after the decision of the superintendent for the student and the student's parent/caregiver to appeal the decision to the District Board of Education. The written request for appeal must state the grounds for appealing the superintendent's written decision. The superintendent or designee may address matters raised in the request for appeal through a written response, which will be included in the record to be considered by the Board. Failure to request an appeal within 10 business days after the effective date of the expulsion will result in a waiver of the right to appeal, and the superintendent's written decision will become final, unless the Board, in its sole discretion, grants an extension for good cause shown.

If an appeal is properly requested, the Board will hear the appeal at the next regularly scheduled meeting that is at least seven days after the request is received. The Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the suspension and expulsion; the transcript of the testimony, if requested and paid for by a party; the hearing exhibits; the hearing officer's findings and recommendation; the superintendent's written decision; and other documents concerning the expulsion. The student may be represented by counsel at the appeal. If the student will be represented by counsel, the student must notify the

District in the written request for appeal. Representatives of the District and the parent/caregiver 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. The Board will determine how much time will be allowed for the District and the student to make statements.

The Board will make a final determination regarding the expulsion of the student and will inform the student and his or her parent/caregiver of the right to judicial review.

If a student between the ages of six and seventeen is expelled for the remainder of the school year, the parent/caregiver of the student will be responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion.

6. **Information to Parent/Caregiver.** Upon expelling a student, the District will provide information to the student's parent/caregiver concerning the educational alternatives available to the student during the period of expulsion. If the parent/caregiver chooses to provide a home-based educational program for the student, the District will assist the parent/caregiver obtaining appropriate curricula for the student.
7. **Readmittance to School.** No student will be readmitted to school after an expulsion until a meeting has taken place between the principal or designee and the student's parent/caregiver to review the expulsion or until, in the discretion of the principal or designee, the parent/caregiver of the expelled student has substantially agreed to review the expulsion with the principal or designee. However, if the principal or designee cannot contact the parent/caregiver of such student or if such parent/caregiver repeatedly fails to appear for scheduled meetings, the principal or designee may readmit the student. The purpose of the readmittance conference is to answer questions about the expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student.

A student who has been expelled will 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 as a juvenile delinquent, received a deferred judgment, or was placed in a diversion program because 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 a crime against property.

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

Procedure for Suspension, Expulsion, or Placement in an Alternative Education Program for Students Charged with Crimes of Violence and Unlawful Sexual Behavior

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

1. The superintendent or designee will make a preliminary determination whether it will proceed with suspension or expulsion, based on the following factors:
 - Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students or school personnel.
 - 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 school of the District, the District may suspend or expel the student, in accordance with the procedures set forth in this regulation.
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 an online program authorized by state law or a home-based education program, will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated a delinquent juvenile, the superintendent or designee may proceed to suspend or expel the student following the procedures set forth in this regulation.
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 regulation but will remain confidential unless the information is otherwise available to the public by law.

Approved by Board: April 1972

Revised by Board: February 1974

Revised by Board: June 1982
Revised by Board: August 1982
Revised by Board: June 1988
Revised by Board: November 1992
Revised by Board: December 1993
Revised by Board to conform with practice: May 22, 1995
Revised by Board: August 14, 1995
Revised by Board: August 12, 1996
Revised by Board: July 25, 1997
Revised by Board: June 22, 1998
Revised by Board: May 15, 2000
Revised by Board: October 11, 2004
Revised by Board: April 23, 2007, effective July 1, 2007
Revised by Board: May 26, 2009, effective July 1, 2009
Revised by Board: June 21, 2011, effective July 1, 2011
Revised by Board: June 12, 2012, effective July 1, 2012
Revised by Board: May 27, 2025, effective July 1, 2025
Revised by Board: June 9, 2026, effective July 1, 2026

Legal References:

C.R.S. 19-2.5-204 (arrest of a juvenile with a warrant)
C.R.S. 19-2.5-209 (arrest of a juvenile without a warrant)
C.R.S. 22-33-105 (suspension, expulsion, and denial of admission)