

SUSPENSION/EXPULSION OF STUDENTS

The Board of Education shall provide due process of law to students, parents and school personnel through written procedures consistent with law for the suspension or expulsion of students and the denial of admission.

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

- the student's age;
- the student's disciplinary history;
- the student's eligibility as a student with a disability;
- the seriousness of the violation committed by the student;
- the threat posed to any student or staff; and,
- the likelihood that a lesser intervention would properly address the violation.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative 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 and may include detention, in-school suspension, counseling, participation in a restorative justice program or positive behavioral intervention support (PBIS) program, peer mediation, referral to a juvenile assessment center for counseling or other services, or other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system.

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

This alternative to suspension shall not be used if expulsion proceedings have been or are about to be initiated or if the principal or designee determines that the student's presence in school,

even if accompanied by a parent/guardian, would be disruptive to the operations of the school or be detrimental to the learning environment.

Delegation of Authority

1. **Students in third grade or higher grade levels:** The Board of Education delegates to the principals of the school District or to a person designated in writing by the principals the power to suspend a student in third grade or higher grade levels in his/her school for not more than five (5) school days on the grounds stated in CRS 22-33-106 (l) (a),(l) (b), (l) (c) or (1) (e) or not more than ten (10) school days on the grounds stated in CRS 22-33-106 (l) (d) unless expulsion is mandatory under law.

Students in preschool through second grade: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in C.R.S. 22-33- 106.1 (2), unless the principal or designee determines that a longer period of suspension is necessary to resolve the safety threat or expulsion is mandatory under law.

2. The Board of Education delegates to the Superintendent of Schools the authority to suspend a student, in accordance with CRS 22-33-105 and 22-33-106.1(d), for an additional ten (10) school days plus up to and including and additional ten (10) days necessary in order to present the matter to the Board, but the total period of suspension shall not exceed 25 school days.

3. The Board of Education delegates to the Superintendent of Schools the authority, in accordance with CRS 22-33-104, 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 school of the District. Such denial of admission or expulsion by the Superintendent shall be subject to appeal to the Board.

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 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled. The information shall be used by the Board of Education to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with this policy.

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

Annual Reports:

LEGAL REFS.:

- C.R.S. 16-22-102 (9) (unlawful sexual behavior)
- C.R.S. 18-1.3-406 (crime of violence)
- C.R.S. 22-32-109.1 (2)(a) (adoption and enforcement of discipline code)
- C.R.S. 22-32-109.1 (2)(a)(I)(E) (policy required as part of conduct and discipline code)
- C.R.S. 22-32-109.1 (3) (agreements with state agencies)
- C.R.S. 22-32-144 (restorative justice practices)
- C.R.S. 22-33-105 (suspension, expulsion and denial of admission)
- C.R.S. 22-33-106 (grounds for suspension, expulsion and denial of admission)
- C.R.S. 22-33-106.1 (suspension and expulsion for students in preschool through second grade)
- C.R.S. 22-33-106.3 (use of student's written statements in expulsion hearings)
- C.R.S. 22-33-106.5 (information concerning offenses committed by students)
- C.R.S. 22-33-107 (compulsory attendance law)
- C.R.S. 22-33-107.5 (notice of failure to attend)
- C.R.S. 22-33-108 (juvenile judicial proceedings)

ADOPTED: 4/97

REVISED: 1/13, 8/20