



JKD/JKE - SUSPENSION/EXPULSION OF STUDENTS

In matters involving student behavior that may or will result in the suspension or expulsion of a student, a parent, guardian, or legal custodian shall be notified and involved to the greatest practicable extent in the disciplinary procedures. In all cases of suspension or expulsion, students shall be afforded due process of law through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. (See District Policy JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students)

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 or its designees shall consider all the following factors in determining whether to suspend or expel a student:

1. The student's age;
2. The student's disciplinary history;
3. The student's eligibility as a student with a disability;
4. The seriousness of the violation committed by the student;
5. The threat posed to any student or staff; and
6. The likelihood that a lesser intervention would properly address the violation.

A student shall not be expelled or denied admission unless the District, through the superintendent or designee, considers whether alternative remedies are appropriate and 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 or its designees must make an additional finding 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 document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

Other Disciplinary Interventions/Alternatives to Suspension

The principal or designee may consider the following alternatives to out-of-school suspension or expulsion to address a student's misconduct, in accordance with applicable law. The use of such interventions will vary, depending upon the facts and circumstances of each individual case. Such interventions shall be at the principal's or designee's discretion and may include:

- Detention
- In-school suspension
- Counseling
- Mental health support
- Participation in the District's restorative justice/restorative practices program
- Referral to the juvenile assessment center for counseling or other services
- Participation in a behavioral or safety plan
- Permitting the student to remain in school on the condition that the student's parent, guardian, or legal custodian attend class with the student for a period of time established by the principal or designee. The principal or designee shall consult with the student's teachers and obtain their consent before implementing this alternative. If this alternative becomes disruptive when used, the school shall immediately terminate this option and suspend the student in accordance with District policy. If the student's parent, guardian or legal custodian does not agree or fails to attend class with the student, the principal or designee shall suspend the student in accordance with District policy.
- 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

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

Nothing in this policy limits 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 school principal, or designee by written authority of 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), (1)(c.5), (1)(e) or (1)(f), 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 JKDA/JKEA).

Students in preschool through second grade: The Board of Education delegates to the school principal, or designee by written authority of 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, or designee by written authority of the superintendent, the authority to suspend a student, in accordance with C.R.S. §§ 22-33-105 and 22-33-106.1(3), for another 10 school days, plus an additional 10 school days as necessary in order to present the matter to the Board of Education, but the total period of suspension shall not to exceed 25 school days.

Expulsion Authority

3. The Board of Education may conduct a hearing at which the question of expulsion is determined.
4. Unless otherwise determined by the Board of Education, the Board delegates to the superintendent the authority to deny admission or to expel students for any period not extending beyond one (1) year any student whom the superintendent, in accordance with the limitations imposed by C.R.S. § 22-33-101 through -110, determines does not qualify for admission to or continued attendance at the public schools of the District. 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 in compliance with state law and the Department of Education requirements.
5. The decision of the superintendent may, upon the written request of the student or the student's parent, guardian, or legal custodian, be appealed to the Board of Education.

Reports

Each building principal shall annually, in the manner and by the date specified by the State Board of Education, a written report to the Board of Education concerning the learning environment in their schools, containing, at a minimum, the information required by law in addition to any information deemed necessary by the Colorado Department of Education.

The Board of Education shall annually compile the principals' reports from each school in the District and submit its compiled report to CDE, as required by law. The Board's compiled report shall also include the average size of each school in the District, calculated as the total number of students enrolled in the school divided by the number of full time teachers in the school. The Board's compiled report shall also be made available to the general public, but not in such a way as to disclose confidential personally identifiable student information in violation of state or federal law.

The Superintendent shall provide regular reports on each expulsion and denial of admission to the Board in compliance with state law.

Information to Parents

Within five days of expelling a student, the District shall notify the student and the student's parent, guardian, or legal custodian of the student's opportunity to receive educational services for expelled students.

Upon request of a student or the student's parent, guardian, or legal custodian, the District shall provide any educational services that are deemed appropriate by the District for any student who is expelled from the District. The services provided shall be designed to provide a second chance for the student to succeed in achieving an education. The District shall determine the amount of credit the student shall receive toward graduation for the educational services provided.

The District is not required to provide additional educational services to any student who is suspended or expelled while receiving educational services until the period of suspension or expulsion is completed. The District may provide services for a student who is expelled through agreements with local governmental agencies and managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit organizations; with the department of military and veteran affairs; and public or private institutions of higher learning to provide appropriate services such as tutoring, counseling, drug treatment, family preservation, alternative education, or vocational education programs. If a student is expelled for the remainder of the school year and the student is not receiving educational services, the District will contact the student's parent, guardian, or legal custodian at least once every 60 days until the beginning of the next school year to determine whether the student is receiving educational services. The District need not contact the student's parent, guardian, or legal custodian after the student is enrolled in another school district or, in an independent or nonpublic school, or if the student is committed to the Department of Human Services or is sentenced pursuant to the Children's Code.

Expulsion for Unlawful Sexual Behavior or Crime of Violence

When a petition is filed in juvenile court or district court that alleges a student 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 C.R.S. § 18-1.3-406, 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.

Once the Board receives the information, the Board 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 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 delegates to the superintendent or superintendent's designee the authority to make this determination.

If it is determined that the student should not be educated at school, the District may proceed to suspend or expel the student. Alternatively, the District may delay consideration of the student's suspension or expulsion pending the outcome of the juvenile court or district court proceedings, during which time the District shall provide the student with an appropriate alternate education program. The student shall not be permitted to return to the education program in the public 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 District may proceed to expel the student. The time that a student spends in an alternate education program shall not be considered a period of suspension or expulsion.

Student's Return to School Following an Expulsion

In accordance with state law, a student who has been expelled on grounds stated in C.R.S. §§ 22-33-106 (1) (c), (1) (d), or (1.5) and has been convicted or adjudicated as a juvenile delinquent, received a deferred judgment, or placed in a diversion program for such conduct 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. This does not apply to an offense that constitutes a crime against property. If the student cannot be placed in another school, the school may provide the expelled student with a schedule that avoids contact with the victim or the victim's immediate family members.

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Revised by Board: June 22, 1998

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CROSS REFERENCES:

JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students

JLCB – Immunization of Students

LEGAL REFERENCES:

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) (safe school plan)

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. 22-33-107 (compulsory attendance law)

C.R.S. 22-33-108 (juvenile judicial proceedings)