

Policy JK-R- Student Conduct and Discipline Procedures

INTRODUCTION

The following student conduct and discipline procedures are developed for the implementation of School Board Policy JK - Student Discipline. These procedures are designed to be consistent with the general purpose and principles outlined in Policy JK, as well as consistent with federal and state statutes, and local ordinances.

SECTION ONE: SCHOOL DISCIPLINE ADMINISTRATION

1-1 Characteristics of Disciplinary Practices

A. Successful disciplinary practices have the following characteristics:

1. They are explicit, reasonable, and timely.
2. They have logical, fair, consistent, and age-appropriate consequences.
3. They include a variety of prevention and intervention measures.
4. They provide the opportunity for significant parent/guardian and student participation.
5. They respond to individual differences among students with insight and sensitivity.
6. They ensure the opportunity for students to obtain an education.
7. They address the needs of the student who engaged in the misconduct, the needs of those who were affected by the misconduct, and the needs of the overall school community.

1-2 Staff Training

A. Staff training will be provided as needed to ensure that the disciplinary program in each school is effective and that relevant policies and procedures are equitably applied.

1-3 Non-Discrimination

A. School district staff responsible for implementing this Policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability.

B. Discipline for students with disabilities shall be in accordance with the student's individualized education program (IEP), any behavior intervention plan, 504 Plan, and Board Policy JKF (Discipline of Students with Disabilities).

1-4 Addressing Racial Disparities and Other Protected Class Disparities in School Discipline

A. Efforts shall be made to eliminate any racial disparities in school discipline. Staff members are specifically charged with monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled, or referred to law enforcement.

1-5 Student Conduct Subject to Disciplinary Action

A. Student conduct during either curricular or extracurricular activities in classrooms, in school buildings, on school grounds, or in school vehicles may be subject to disciplinary action, if such conduct is detrimental to the school environment and to the welfare or safety of other students or school personnel.

1-6 Individual School Policies

A. Schools may adopt their own school rules and Codes of Conduct so long as they are consistent with this policy. Any such rules or codes shall be approved by the Superintendent or a designated District official and will be made available to students and their parents/guardians in a manner consistent with Section 1-6 of this policy prior to implementation.

1-7 Distribution

A. The District shall post this policy on the District web site and in each school, in English and Spanish. Copies of this policy and school rules will be made available, upon request, to each student and parent/guardian, and, upon request, translated in a language that the parent/guardian can understand.

B. Individual schools are encouraged to train their students on the contents of this policy and other school rules and Codes of Conduct they adopt.

SECTION TWO: INTERVENTIONS AND CONSEQUENCES

2-1 General

A. Effective school discipline policies promote disciplinary responses that refrain from interrupting a student's education to the extent possible. Schools should minimize the use of out-of-school suspensions, recommendations for expulsion, and referrals to law enforcement, to the extent practicable while remaining consistent with state statute, local ordinances, and mandatory reporting laws.

2-2 Reasonable Consequences

A. Consequences should be reasonable, fair, age-appropriate, and should match the severity of the student's misbehavior, as well as consider the impact on the victim and/or community. Consequences that are paired with meaningful instruction and guidance (corrective feedback and re-teaching) offer students an opportunity to learn from their mistakes and contribute back to the school community, and are more likely to result in getting the student re-engaged in learning.

B. Any use of consequences should be carefully planned with well-defined outcomes in order to provide the greatest benefit. Positive consequences include systematic recognition for appropriate behavior and lead to an increase in that appropriate behavior. Negative consequences are designed to provide feedback to the student that his or her behavior is unacceptable and should not occur again.

2-3 Relevant Factors in Making Discipline Decisions

A. When choosing consequences for students' misbehavior, teachers, administrators, and staff must balance the District's goals of eliminating school disruptions and maximizing student instruction time. Prior to disciplining students, the following factors shall be considered:

1. Age, health, and disability or special education status of the student
2. Appropriateness of student's academic placement
3. Student's prior conduct and record of behavior
4. Student's attitude
5. Level of parent/guardian's cooperation and involvement
6. Student's willingness to repair the harm
7. Seriousness of the offense and the degree of harm caused
8. Impact of the incident on overall school community.

A. The availability of prevention and intervention programs that are designed to address

student misbehavior should also be considered prior to disciplining students.

2-4 Interventions

A. When misconduct occurs, schools shall investigate the circumstances and gather facts that will help to determine appropriate interventions and consequences for that student, with emphasis on correcting student misbehavior through school-based resources at the lowest possible level. Interventions should provide students an opportunity to learn from their mistakes, and re-engage the student in learning. All interventions should balance the needs of the student, the needs of those directly affected by the behavior, and needs of the overall school community.

B. There are three types of intervention strategies that are available to teachers and administrators: Administrative, Restorative, and Skill-based/Therapeutic.

1. Administrative Strategies are statutory, rule-based, or contract-based interventions done "to" the offender, such as:

- a. Removal from classroom
- b. Detention
- c. Suspension
- d. Expulsion.

2. Restorative Strategies are problem solving interventions done "with" the offender. They are driven by justice as much as is possible and focus on the harm caused and how it will be repaired. A successful restorative justice strategy may utilize collaboration in interventions with allied agencies and professionals. An assessment of the incident/conduct will be done, and a determination will be made by the school or District whether a face-to-face meeting with all parties is appropriate. Examples may include:

- a. Family group conferencing
- b. Victim-offender mediation
- c. Classroom peace circles
- d. Reparation of harm.

3. Therapeutic/Resource Strategies are done "by" the offender and require intrinsic motivational behavior change. Such interventions include:

- a. Mental health counseling
- b. Anger management classes
- c. Informal mentoring and behavior coaching.

C. Teachers and administrators should consider utilizing different types of strategies, or multiple strategies simultaneously, to deal with misbehavior, especially for 2nd or 3rd offenses. For example, in compliance with this Policy, the three types of interventions may be used in the following ways:

1. Independently (e.g., 1-day after-school detention)
2. As alternatives to each other (e.g., choice of mediation or 1-day suspension)
3. In conjunction with each other (e.g., 2-day in-school suspension along with anger management class and mediation).

D. Interventions can range from reminders, redirection, student/teacher conferences to classroom removal, behavior contracts, suspensions, recommendations for expulsion, and/or referral to law enforcement.

E. For examples of different types of interventions, see Attachment A.

SECTION THREE: DISCIPLINARY OFFENSES

3-1 Offenses and Consequences

A. The offenses listed below consist of both rule violations and law violations. Rule violations can be addressed through the various interventions described above in Section 2-4, and law violations can be addressed through those interventions or through the juvenile and criminal justice systems.

B. The District and the Board of Education recognize that some school-based offenses victimize other students, and respect the rights of those affected by such offenses. When a law violation occurs in which a student is the victim, the school must immediately notify a parent or guardian of that student and notify him or her of the circumstances and how the school is responding to the incident. In this instance, the parent or guardian has the option of contacting law enforcement, and may request that the school facilitate that process. With full respect for those rights, the District and the Board of Education District strongly encourage informing parents and guardians of alternative strategies such as restorative justice, mediation, and other interventions for addressing the incident, and using such strategies instead of engaging the juvenile and criminal justice systems when appropriate and adequate to address both the victim's needs and the misconduct.

1. For the purpose of this section, those offenses listed below in 3-1(H) that victimize other students and are classified as Type Two or above may constitute law violations. If a school official is unsure whether a particular disciplinary offense constitutes a law violation, the DPS Safety and Security Office should be consulted.

C. When the victim of a law violation is a school or the District, or when there is no victim, incidents are to be resolved without the involvement of law enforcement whenever practicable, subject to the requirements listed below.

D. The potential consequences listed below include the appropriate references to the Discipline Ladder in Section 3-2, whether the offense can result in a recommendation of expulsion, and whether the offense can result in a "school referral." A school referral indicates when an offense may or shall result in the school contacting an outside individual or entity in response to the offense. There are five types of mandatory referrals:

1. Mandatory referral to law enforcement

a. For these offenses, the student must be referred to law enforcement.

i. Whenever the school notifies the police concerning student misconduct, the school must also immediately attempt to contact the parent/guardian of that student. For more information on the rights of students when being interrogated by law enforcement officials, see Policy JIH.

ii. For incidents of suspected child abuse, unlawful sexual behavior, unlawful sexual contact, or indecent exposure, see also Policy JLF, JLF-R, and the DPS Child Abuse and Neglect Protocol Bulletin. Offenders under 10 years of age are referred to Denver Department of Human Services. Offenders 10 years of age or older are referred to law enforcement.

b. These offenses are marked with an asterisk ("*") below.

2. Optional referral to law enforcement

a. For these offenses, the student may be referred to law enforcement. However, these incidents are to be resolved without the involvement of law enforcement whenever practicable. The discretionary exercise of a school official's authority to notify law enforcement should involve the consideration of a variety of factors. Those factors include, but are not limited to:

i. Whether the misconduct was particularly egregious;

- ii. Whether the student persists in misconduct after being told to cease such behavior, and continues to endanger the health, safety, or welfare of others;
 - iii. The age of the student engaging in misconduct (e.g., students under the age of 10 should not be referred to law enforcement);
 - iv. Whether the student has received prior warnings;
 - v. Whether the student's misconduct is specifically intended to cause, or irresponsibly causes, others physical harm or endangers the health, safety, or welfare of others;
 - vi. Whether the offense victimized another person, and that person expresses a desire to contact law enforcement.
- b. If a school official has any questions regarding the decision of whether to notify the police, he or she should contact DPS Safety and Security for consultation before notifying the police.
 - c. Whenever the school notifies the police concerning student misconduct, the school must also immediately attempt to contact the parent/guardian of that student. For more information on the rights of students when being interrogated by law enforcement officials, see Policy JIH.
 - d. These offenses are marked with a double asterisk ("**") below.
3. Mandatory referral to Safety and Security
- a. For these offenses, the school shall contact DPS Safety and Security to determine whether the offense should be reported to law enforcement.
 - b. These offenses are marked with a triple asterisk ("***") below.
4. Mandatory referral to Title IX Officer
- a. For these offenses, the District Title IX Officer should be contacted pursuant to DPS Policy JBB.
 - b. These offenses are marked with a quadruple asterisk ("****") below.
5. Mandatory referral to fire department
- a. For these offenses, the student must be referred to the fire department.
 - b. These offenses are marked with five asterisks ("*****") below.

DISCIPLINARY OFFENSE CONSEQUENCES

DISCIPLINARY OFFENSE	CONSEQUENCES
<p>Type One Offenses</p> <ul style="list-style-type: none"> · Classroom disruption · Excessive tardiness · Picking on, bothering, or distracting other students · Use of profanity or vulgarity · Dress code violation - see Policy JICA · Minor disruption of school activity · Minor defiance of authority/disobedience (e.g., purposefully not following directions) · Verbal insults or put-downs · Use of cell phones, gameboys, and similar electronic devices at unauthorized times · Minor damage or defacement of school property · Tobacco offenses - see Policy JICG 	<p>For Type One offenses, school officials shall refer to Level A of the Discipline Ladder (see Section 3-2 of this policy). If similar violations occur during the same school year, the intervention moves to the next level on the ladder (e.g., from Level A to Level B, and so on).</p> <p>Students shall not be recommended for expulsion for Type One offenses. The only exception to this is that persistent misconduct resulting in suspensions can lead to the student being declared "habitually disruptive," for which the student will be recommended for expulsion. See Section 6-7 of this policy for more information.</p>

<ul style="list-style-type: none"> · Unauthorized use of school equipment · Gambling · Minor physical aggression with another student (e.g., pushing, shoving) · Scholastic dishonesty · Other minor school-based misconduct 	
<p>Type Two Offenses</p> <ul style="list-style-type: none"> · False activation of a fire alarm***** · Possession of fireworks/firecrackers · Bullying: Level I (e.g., verbal and written aggression or intimidation)- see Policy JICDE · Harassment based on race, ethnicity, sexual orientation, gender identity, disability, or religion: Level I (e.g., verbal and written harassment) - see Policy JBBA · Sexual harassment: Level I (e.g., verbal and written harassment)**** - see Policy JBB · Consensual but inappropriate physical contact · Destruction or theft of school property, including graffiti (under \$500) · Severe defiance of authority/disobedience (e.g., demonstrating gross disrespect for school personnel) · Trespassing · Theft from an individual (under \$500) · Other school-based misconduct that disrupts the school environment · Recurring Type One offenses (after going through Levels A through C of the Discipline Ladder (see Section 3-2 of this Policy)) 	<p>For Type Two offenses, school officials shall refer to Level D of the Discipline Ladder (see Section 3-2 of this policy). If similar violations occur during the same school year, the intervention moves to a higher level on the ladder (e.g., from Level D to Level E, and so on).</p> <p>Students shall not be recommended for expulsion for Type Two offenses. The only exception to this is that persistent misconduct resulting in suspensions can lead to the student being declared "habitually disruptive," for which the student will be recommended for expulsion. See Section 6-7 of this policy for more information.</p> <p>A student may be referred to law enforcement for the offense of "trespassing" but only if, after being asked to leave the school campus, the trespassing student refuses.</p>
<p>Type Three Offenses</p> <ul style="list-style-type: none"> · Bullying: Level II (e.g., physical acts of aggression or intimidation and repeat Level I behavior) - see Policy JICDE · Harassment based on race, ethnicity, sexual orientation, gender identity, disability, or religion: Level II (e.g., acts of physical harassment and repeat Level I behavior) - see Policy JBBA · Sexual harassment: Level II (e.g., acts of physical harassment and repeat Level I behavior)**** - (Policies JBB and JLF should be referenced to determine whether the student's behavior rose to the level of an offense that must 	<p>For Type Three offenses, school officials shall refer to Level E of the Discipline Ladder (see Section 3-2 of this policy). If similar violations occur during the same school year, the intervention moves to a higher level on the ladder (e.g., from Level E to Level F).</p> <p>Students shall not be recommended for expulsion for Type Three offenses. The only exception to this is that persistent misconduct resulting in suspensions can lead to the student being declared "habitually disruptive," for which the student will be recommended for expulsion. See Section 6-7 of this policy for</p>

<p>be reported to law enforcement or the Denver Department of Human Services.)</p> <ul style="list-style-type: none"> · Fighting: Level I (may include incidents that result in minor injuries like cuts, scrapes, and bloody noses) · Being under the influence of drugs or alcohol - see Policies JICH, JICH-R · Possession of alcohol or unauthorized (but legal) drugs · Possession of illegal drugs** · Destruction or theft of school property, including graffiti (\$500 - \$5000)** · Theft from an individual (\$500 - \$5000) · Other school-based misconduct that substantially disrupts the school environment · Recurring Type Two offenses 	<p>more information.</p>
<p>Type Four Offenses</p> <ul style="list-style-type: none"> · Arson · Fighting: Level II (including incidents with significant injuries, but which do not rise to the level of the Type Five offense "1st or 2nd degree assault")*** (Note: will be classified as 3rd degree assault for reporting purposes) · Destruction or theft of school property, including graffiti (over \$5000)** · Theft from an individual (over \$5000) · Possession of an explosive (non-fireworks/firecrackers) that seriously endangers the welfare or safety of other students or school personnel* · Willfully causing damage to the property of a school employee* · Assault, harassment, or false allegation of abuse against a school employee* · Hazing activities (e.g., 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 group) ** · Child Abuse * · Unlawful Sexual Behavior and/or Unlawful Sexual Contact, and/or Indecent Exposure * · Witness Intimidation or Retaliation * 	<p>For Type Four offenses, school officials shall refer to Level F of the Discipline Ladder. If the misconduct has seriously endangered the welfare or safety of other students or school personnel, and the student's continued presence in the school constitutes a significant safety risk, the student may be recommended for expulsion.</p> <p>Persistent misconduct resulting in suspensions can lead to the student being declared "habitually disruptive." "Habitual disruption" is not an independent offense, but rather refers to a classification under state law in which persistent misconduct at any level can result in the student being declared "habitually disruptive," for which the student may be recommended for expulsion. See section 6-7 of Policy JK-R for more information.</p>

<ul style="list-style-type: none"> · Other student behavior presenting an active or ongoing danger to the welfare or safety of school occupants* · Recurring Type Three offenses** · Habitual disruption (see Section 4-3 of this policy; habitually disruptive students are eligible for expulsion, though not for referral to law enforcement) 	
<p>Type Five Offenses</p> <ul style="list-style-type: none"> · Robbery* · First or second degree assault, and sexual assault* · Sale or distribution of, or intent to sell or distribute, unauthorized drugs or controlled substances* · Carrying, bringing, using, or possessing a knife or dangerous weapon without the authorization of the school or District (including firearm facsimile that could reasonably be mistaken for an actual firearm, spring action or compressed air devices such as BB guns, fixed-blade knives with blades longer than 3", pocket knives with blades longer than 3.5", spring-loaded knives, and any other objects used or intended to be used to inflict death or serious bodily injury)* 	<p>The Discipline Ladder does not apply to Type Five Offenses. Students who commit these offenses are to be given a 3-10 day out-of-school suspension and law enforcement shall be notified as required by state law. Schools shall request an expulsion hearing.</p>
<p>Type Six Offense</p> <ul style="list-style-type: none"> · Possession of a firearm on school grounds* 	<p>The Discipline Ladder does not apply to a Type Six Offense. Students who commit this offense are to be given a 3-10 day out-of-school suspension, and, as required by state law, schools are required to request an expulsion hearing and notify law enforcement. At hearing, the sentence for a founded Type Six Offense is expulsion for a duration of one year. This sentence may only be modified in writing by the Superintendent or designee.</p>

E. DPS Safety and Security shall develop a list of school-based offenses that also constitute criminal violations. These violations must be reported to law enforcement to comply with statutory requirements. Each school, through its principal and/or designee, shall submit a written report of all such crimes, or suspected crimes, and submit them to DPS Safety and Security for District-wide compilation and prompt reporting to law enforcement.

F. What follows is a list of disciplinary offenses and the consequences that shall result from them.

3-2 Discipline Ladder

A. Six levels of intervention are defined in the discipline ladder. Disciplinary action should begin and be resolved at the lowest level possible, consistent with the nature of the violation. If similar violations continue, the intervention moves to a higher level on the ladder (e.g., from Level A to Level B). It is the intent of this policy that disciplinary offenses or violations are cumulative for a current school year. Past school years' referrals of a student should generally not be considered in determining the maximum consequence or ladder level for a disciplinary offense or violation during a current school year.

B. The discipline ladder is used to provide students with support so as to avoid future disciplinary action. At all levels of the disciplinary referral ladder, interventions considered may include any of the types referenced above in Section 2-4 of this policy.

C. See Attachment A for examples of different types of interventions, Attachment B for a simplified version of the Discipline Matrix, and Attachment C for a simplified version of the Discipline Ladder.

Discipline Ladder

Level A - Teacher/Student

- The student is provided an opportunity to tell his/her version of the incident.
- The teacher or designated staff counsels with the student.
- One or more interventions are initiated as appropriate.
- Any interventions will be documented.

Level B - Teacher/Student/Parent

- The student is provided an opportunity to tell his/her version of the incident.
- The teacher or designated staff notifies the student's parent/guardian.
- The teacher counsels with the student and, if possible, the parent/guardian.
- One or more interventions are initiated as appropriate.
- Any interventions will be documented.

Level C - Teacher/Support Staff/Student/Parent

- If intervention at Level B has not been successful, the teacher or designated staff can determine whether to involve a social worker, nurse, guidance counselor, psychologist, or any other member of the school's support staff.
- The student is provided an opportunity to tell his/her version of the incident.
- The parent/guardian is notified.
- The teacher and any member of the support staff who has been involved will conference with the student and, if possible, the parent/guardian to provide support for correcting the misbehavior. If possible, all of the student's teachers will be included in the conference.
- One or more interventions are initiated as appropriate.
- Any referrals or interventions will be documented.

Level D - Administrative Level Referral

- The student is referred to the appropriate administrator or designated staff person.
- Documentation of the steps taken to intervene and change the student's behavior is provided.
- The student is provided an opportunity to tell his/her version of the incident.
- The administrator or designated staff person schedules a conference with the parent/guardian and determines if further consultation with support personnel is necessary.
- One or more interventions are initiated as appropriate.
- If necessary, in-school suspension of up to three days may be utilized (see Section 6-2 of this policy for more details).
- School officials should consider developing a behavior intervention plan for the student (in some cases, such a plan might be mandatory; see Section 5-3 of this policy).
- Referrals and interventions will be documented.

Level E - Suspension Options

- The student is referred to the appropriate administrator or designated staff person.
- Documentation of the steps taken to intervene and change the student's behavior is provided.
- The student is provided an opportunity to tell his/her version of the incident.
- The administrator or designated staff person schedules a conference with the parent/guardian and determines if further consultation with support personnel is necessary.
- One or more interventions are initiated as appropriate.
- If previous interventions have not been successful, the principal or principal's designee may consider the use of an in-school suspension of 1-3 days or a one-day out-of-school suspension (see Sections 6-2, 6-3, and 6-4 of this policy regarding the use of suspensions).
- Elementary school students shall not receive out-of-school suspensions for Type One offenses.
- School officials should consider developing a behavior intervention plan for the student (in some cases, such a plan might be mandatory; see Section 5-3 of this policy).
- Upon return to school after suspension, further steps to encourage positive behavior are to be considered.

Level F - Additional Suspension Options

- The student is referred to the appropriate administrator or designated staff person.
- Documentation of the steps taken to intervene and change the student's behavior is provided.
- The student is provided an opportunity to tell his/her version of the incident.
- The administrator or designated staff person schedules a conference with the parent/guardian and determines if further consultation with support personnel is necessary.
- One or more interventions are initiated as appropriate.
- If previous interventions have not been successful, the principal or principal's designee may issue an additional 1-3 day in-school suspension and/or a 1-3 day out-of-school suspension (see Sections 6-2, 6-3, and 6-4 of this policy regarding the use of suspensions).
- Elementary school students shall not receive out-of-school suspensions for Type One offenses.
- School officials should consider developing a behavior intervention plan for the student (in some cases, such a plan might be mandatory, see Section 5-3 of this policy).
- Persistent misconduct can result in the student being declared "habitually disruptive," for which the student will be recommended for expulsion. See Section 6-7 of this policy for more information.
- Upon return to school after suspension, further steps to encourage positive behavior are to be considered.

SECTION FOUR: DISRUPTIVE STUDENTS IN THE CLASSROOM

4-1 Removal from Classroom

A. The District acknowledges the important role and responsibility of teachers in an effective discipline plan. A classroom free of disruption is essential for learning. When a teacher judges it necessary to protect the instructional process, he or she may remove a disruptive student from class to an alternative setting. The Board of Education defines "Classroom Disruption" as a willful and substantial disobedience or open and persistent defiance, or repetitive interfering with the school's or teacher's ability to provide an appropriate learning environment in the classroom which cannot be managed through effective classroom management and/or the intervention strategies identified in this policy.

B. In the event a student is removed from the classroom, the teacher shall see that the student has his or her textbooks and class work to complete assignments. Each School Leadership Team ("SLT") should collaborate with the school's principal to formulate a plan regarding alternative setting(s) for students removed from a classroom by a teacher. The student will be returned to class only after the teacher has been consulted and a conference has been held with the student. As soon as reasonably possible the teacher or school principal (or designee) will contact the parent or legal guardian regarding the removal and request his or her attendance at a conference, if appropriate.

C. A behavior plan may be developed at this time, but must be developed after the second removal of the student from the class. The plan should be consistent with the building disciplinary plan. Conditions under which students will be returned to class after the second removal, including the time period which should expire before the student is returned, shall be part of the behavior plan if developed. A referral to the school intervention team (with adequate documentation) is appropriate. The student will be returned to class only after the teacher has been consulted and a conference has been held with the student.

D. Upon the third removal (with the exception of students with an active IEP), the student may be removed from the teacher's class for the remainder of the term. A referral to the school intervention team (with adequate documentation) is appropriate. Whether the student will be placed in a different education setting or suspended shall be consistent with this policy and IDEA regulations.

E. In the disciplinary plan the SLT (or designee) will incorporate the requirements of CRS 22-32-109.1 and Board policy concerning disorderly conduct toward, harassment of and making knowingly a false accusation of child abuse against a teacher. In implementing the disciplinary plan a teacher shall be protected from civil or criminal liability as provided by CRS 22-32-109.1 (9).

F. If a principal has evidence a teacher is referring an excessive number of students for disciplinary reasons, the principal shall review the classroom practices with the teacher and try to determine if a more preventive approach is possible through change in practice, or if the teacher would benefit from staff development. However, this concern shall not be utilized as a reason for returning a student to class who has been excluded by the teacher without the conference referred to above.

SECTION FIVE: SUSPENSION AND EXPULSION PREVENTION

5-1 General

- A. Alternatives such as restorative or therapeutic interventions should be utilized to help students who are at risk of suspension or expulsion before such disciplinary measures become necessary.
- B. The principal of each school or a designee shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who have been or are likely to be declared habitually truant or habitually disruptive.
- C. At-risk students could be defined as those students with previous behavioral problems or students who were suspended, expelled, or removed from class at any point in the last calendar year.

5-2 Behavior Intervention Plans

- A. The use of behavior intervention plans to prevent or correct persistent discipline problems is strongly encouraged. The goals of the plan are to address the student's disruptive behavior and educational needs, and emphasize the importance of maintaining the child's enrollment in school.
- B. To develop the plan, the principal or a designee will arrange for a meeting with the student, the student's parent/guardian, and any members of the staff whom the principal or designee believes should attend. The purpose of the meeting will be to address the reasons for the student's disruptive behavior and cooperatively to establish goals, objectives, and timelines to modify such behavior.
- C. A written plan will be prepared that addresses the student's disruptive behavior, educational needs, and the steps necessary to keep the child in school. Functional behavioral assessments (see Attachment D) are encouraged in developing the plan. The plan will include incentives for good behavior and consequences if the student is disruptive in violation of the plan. The behavioral plan shall include a description of the support and educational services that will be provided by the school to help the student avoid future suspensions and expulsion.
 - 1. The District must work with the student's parent or guardian in providing these services.
 - 2. Such services may be provided through agreements with appropriate local governmental agencies, community-based organizations, and institutions of higher education.
- D. Every effort will be provided for parent/guardian and teacher(s) input and involvement in the contract's development. Notification of the plan will be presented to the parent/guardian in a language he or she understands.
- E. The parent/guardian, student, and the principal or designee should sign the contract.
- F. Every effort will be made to ensure that a plan of services is in place and acted upon before any action is taken to suspend or expel a student, barring emergency situations in which immediate disciplinary action is necessary to ensure the safety of the school and its occupants.

5-3 Mandatory Behavior Intervention Plans

- A. There are two situations in which a behavior intervention plan must be developed: when a student has been twice removed from class for being disruptive; and when a student receives a suspension that counts toward being declared a "habitually disruptive student."
 - 1. See Section 6-7 for more information on "habitually disruptive students."

SECTION SIX: SUSPENSIONS OR EXPULSIONS

6-1 General

A. Suspensions, both in-school and out-of-school, are only to be given in accordance with Section 3-1 of this policy.

B. A student may not be suspended for conduct that occurs off of school property and outside the school day unless the conduct substantially disrupts, or will substantially disrupt, the school environment, or seriously endangers the welfare or safety of other students or school personnel. In this instance, the provisions in Section 3-1 of this policy shall be followed.

C. Students who are suspended may not participate in extracurricular activities or school sponsored events during the period of the suspension. However, students on suspension during the administration of state assessments shall be provided an opportunity to take the test and may be allowed to participate in related test preparation activities, upon approval by the school principal or a designee.

D. The school shall provide the student with the opportunity to earn equivalent grades and credits as other students during the student's suspension, and the ability to make-up tests, final examinations, and complete class and homework assignments without penalty while on suspension or within a reasonable time following the completion of the suspension. The intent of this provision is to provide an opportunity for the student to reintegrate into the educational program of the district following the period of suspension.

6-2 In-School Suspensions

A. Students with consistently problematic behavior patterns should not be allowed to disrupt the educational process; yet when these students are suspended from school it often adds to the problems of the students, the school, and the community. Therefore, the District and the Board of Education endorse the concept of in-school suspension.

B. The purpose of in-school suspension is to provide a more effective means of discipline than detention or out-of-school suspension. By using in-school suspension, students should not fall behind on school assignments, but should still learn from their mistakes and misbehavior. All in-school suspensions shall be imposed in a manner that is consistent with students' due process rights, as outlined in this and other policies. The following guidelines shall be observed:

1. Students shall be assigned to a special class, if available, where they shall be adequately supervised at all times. The in-school suspension supervisor shall see that each student has appropriate assignments and materials from his/her regular teachers.

2. The principal or a designee shall notify the parents/guardians at once by telephone if their child has been placed under in-school suspension. If the parent/guardian cannot be reached by phone, or if requested by the parent/guardian, there shall be a written notification in a language the parent/guardian can understand. Reasons for the in-school suspension shall be given, and a conference may be scheduled prior to the student's readmission to regular class.

6-3 Out-of-school Suspensions

A. Students can only be suspended out-of-school if they commit a Type Three, Type Four, Type Five or Type 6 offense (see Section 3-1 of this policy), or if they have reached Level E in the Discipline Ladder (see Section 3-2 of this policy).

B. Elementary school students shall not receive out-of-school suspensions for Type One offenses (see Section 3-2 of this policy).

6-4 Procedures for Out-of-school Suspensions

A. The Board of Education delegates to each school principal, or to a person designated in

writing by the principal, the authority to suspend a student out of school in a manner consistent with this policy. In exercising this authority, the principal or designee must follow the procedures prescribed to afford due process.

B. Before a student is suspended, he or she has the right to an informal conference with the principal or designee. At the conference, the student must:

1. Be allowed to call a parent or guardian, and have the parent or guardian attend the conference if they are able to within a reasonable amount of time.
2. Be informed of the charges and evidence against him or her.
3. Have an opportunity to respond to the charges, verbally or in writing, and present his or her version of events.
4. Be informed of the right not to submit a written statement, if a written statement is requested.
5. Have an opportunity to present evidence in his or her defense, including the right to have his or her witnesses interviewed by the principal or designee.

C. It is best practice for the principal, or principal's designee, to interview all known witnesses and to review all evidence prior to making a determination regarding suspensions.

D. If, after the informal conference, the principal or designee decides to suspend the student out of school, the school must make a reasonable attempt to contact the parent or guardian at once by phone. The school must also provide a written notice of suspension in a language that the parent/guardian can understand. Both the oral and written notices must inform the parent/guardian that the student has been suspended, and must include the grounds for the suspension, the period of the suspension, and offer to schedule a time and place for the parent/guardian to meet with the principal or designee to review the suspension prior to or concurrent with reinstatement. It must also state that make-up work will be provided during the period of suspension, and that the student has the right to appeal the suspension and how to do so.

E. If an emergency requires immediate removal of the student from school, the informal hearing shall follow as soon after the student's removal as practicable. If immediate removal from school is necessary, the school shall immediately notify the parent/guardian to determine the best way to transfer custody of the student to the parent/guardian.

F. If the suspension will count toward declaration of the student as "habitually disruptive," the parent/guardian and student must be so notified in writing, as discussed in Section 6-7 of this Policy.

G. Upon reinstatement from suspension of any student, the principal or designee shall attempt to meet with the student's parent or legal guardian to discuss the student's behavior and the possible need for a behavior intervention plan (as discussed in Sections 5-2 and 5-3) for the student in an effort to prevent further disciplinary action.

H. For Type Three offenses (see Section 3-1 of this policy), if the student's presence in school presents a danger or severe disruption to the school and its occupants or additional time is needed to further investigate the incident, the principal has the option of extending the maximum one-day out-of-school suspension available under Section 3-1 by up to two days, for a total of three days.

I. For Type Four offenses (see Section 3-1 of this policy), if there has been a recommendation for expulsion, or a request for an extension of the suspension period made to the Superintendent or designee through Section 6-6 of this policy, the principal has the option of extending the maximum three-day out-of-school suspension available under Section 3-1 by up to two days, for a total of five days, if deemed necessary for the safety of the school.

6-5 Out-of-school Suspension Appeal Rights

- A. The student must be informed of his or her right to appeal an out-of-school suspension with the principal or designee in the notice of suspension.
- B. The student shall have the following rights in the suspension appeal process:
1. The right to request a meeting with the principal or designee.
 2. The right to a representative to be present at the meeting.
 3. The right of the student, parent/guardian, and/or representative to address the principal or designee on the evidence and the appropriateness of the penalty.
 4. The right to submit, or have a parent, guardian, or representative submit, a dissenting opinion regarding the suspension, and have it included in the student's disciplinary file.
 5. The right to review, or have a parent, guardian, or representative review, any evidence relied upon in the suspension decision and which is reasonably available for production. The district shall not be obligated to produce evidence which would be in violation of the Family Education Rights and Privacy Act or without an individual(s) consent or Court order.
- C. The principal or designee will:
1. Review all written documents.
 2. Make a determination of whether there was sufficient evidence to find:
 - a. That the alleged violation occurred, and
 - b. Whether the penalty imposed was appropriate.
 3. Provide a written decision within five days of the meeting.
 4. If it is determined that no violation occurred, all school records pertaining to the suspension will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail.
 5. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the principal or designee.
- D. If the principal or designee denies the appeal, the student may pursue a second appeal of the suspension to a Superintendent designee.
- E. The student shall have the following rights in the second appeal process:
1. The right to request a meeting with a Superintendent designee.
 2. The right to a representative to be present at the meeting.
 3. The right of the student, parent/guardian, and/or representative to address the Superintendent designee on the evidence and the appropriateness of the penalty.
 4. The right to submit, or have a parent, guardian, or representative submit, a dissenting opinion regarding the suspension.
- F. The Superintendent designee will:
1. Review all written documents.
 2. Make a determination of whether there was sufficient evidence to find:
 - a. That the alleged violation occurred, and
 - b. Whether the penalty imposed was appropriate.
 3. Provide a written decision within five days of the meeting.
 4. If it is determined that no violation occurred, all school records pertaining to the suspension will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail.
 5. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the Superintendent designee.

6-6 Extensions of Out-of-school Suspensions

- A. The Board of Education delegates to the Superintendent or a designee the authority to extend a student's out-of-school suspension by up to ten (10) days as necessary, upon recommendation of the principal. The total period of suspension shall not exceed twenty-five (25) days.
- B. A suspension shall only be extended if the student committed a Type Four or Type Five Offense (see Section 3-1 of this policy), the student's presence in school presents a danger or severe disruption to the school and its occupants, and either additional time is needed to further investigate an incident or there has been a recommendation to the Superintendent or designee to expel the student.
- C. If an extension of the suspension is to be recommended, the principal or a designee shall make a reasonable attempt to notify a parent/guardian at once by telephone and shall follow up with a written notification in a language the parent/guardian can understand. Through this oral and written notification, the principal or designee shall attempt to schedule a conference with the parent/guardian to explain the reason for the extension.
- D. If the suspension has been extended so that the total suspension is ten (10) days or more, and there has not been a recommendation of expulsion, the student is to receive the same right to a hearing as described below in Section 6-8 of this policy.
- E. If a student's suspension is extended beyond a total of ten (10) days, the student must be provided with an alternative learning environment in which he or she shall have the opportunity to earn equivalent grades and credits as other students during the suspension period.

6-7 Habitually Disruptive Students

- A. A "habitually disruptive student" is a child who has been suspended out-of-school by the principal or a designee three (3) times during the course of a school year for causing a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events.
- B. For violations which are counted toward declaration as a habitually disruptive student, consideration will be given to whether a change in the student's schedule is appropriate to address the disruptive behavior.
- C. The student and parent/guardian must be notified in writing of each suspension counted toward declaring the student as habitually disruptive. The student and parent/guardian must be notified in writing and by telephone or other means at the home or the place of employment of the parent/guardian of the definition of "habitually disruptive student" and the option to recommend expulsion of such students. This written notification must be provided in a language that the parent/legal guardian can understand.

6-8 Procedures for Expulsion

- A. The Board of Education delegates to the Superintendent the authority to expel for any period up to one (1) calendar year a student who does not qualify for admission to or continued attendance in the public schools of the district.
- B. Procedures for expulsion of a student will be initiated by the school principal's recommendation to the Superintendent or a designee. The principal will, at the time of making such recommendation, give to the student and the student's parent/guardian written notice of the recommendation in a language that they can understand. The notice will contain:

1. A statement of the reasons for the recommended action.
 2. A statement that a hearing on the question of expulsion will be held unless waived by the student or the parent/guardian within ten (10) days after the date of the notice.
 3. A statement that the student may be present at the hearing to hear the evidence, may have an opportunity to present relevant evidence, and may be accompanied by a parent/guardian and a representative of choice.
- C. Unless the student or parent/guardian expressly waives their right to a hearing, the Superintendent or designee shall not expel any child without a hearing at which evidence may be presented in the child's behalf by the parent, an attorney or an advocate of the parent/guardian's choice.
- D. Hearings will be conducted by a hearing officer, who may not be a current employee of the school, the District, or the Board of Education. At the hearing, testimony and information will be presented under oath. Technical rules of evidence will not apply. The student, parent/guardian, or representative may question individuals presenting information.
1. Written statements made by the student may not be used as evidence unless his or her parent/guardian was present at the time it was signed by the student, or school officials had made reasonable attempts to have the parent/guardian present at the time of signing.
 2. For a Level Six offense, if the hearing officer determines that the student possessed a firearm on school grounds, the recommended consequence shall be expulsion for a duration of one year.
- E. The Superintendent or designee will, following review of the recommended action and the report of the hearing officer take action on the recommended expulsion. A written opinion notifying the student and his or her parent/guardian of the action taken shall be issued within five (5) days of the hearing. If the Superintendent or designee determines that the penalty for a Level Six offense does not merit expulsion for the duration of one year, the written opinion will state the reasons for the exception. The notice shall be in a language that the parent/guardian can understand.
- F. The Superintendent or a designee will notify the student and his or her parent/guardian of their right to appeal the decision to the Board of Education within ten (10) days of the receipt of the notice. The notice shall be in a language that the parent/guardian can understand.
- G. If an appeal is timely requested, the Board of Education will review the record and offer the opportunity for representatives of the District and the student to make statements to the Board of Education. The Board of Education will:
1. Make a determination of whether there was sufficient evidence to find:
 - a. That the alleged violation occurred, and
 - b. Whether the penalty imposed was appropriate.
 2. Provide a written decision within five days of the meeting.
 3. If it is determined that no violation occurred, all school records pertaining to the expulsion will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail.
 4. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the Board of Education.
- H. Information will be provided to the parent/guardian of every expelled student regarding educational alternatives available during the period of expulsion. If the parent/guardian desires a home-based educational program, curricula at the appropriate grade level will be made available.

SECTION SEVEN: ANNUAL REVIEW AND DISCIPLINE COMMITTEES

7-1 Annual Review and Report

- A. Both individual schools and the District will evaluate and monitor the effectiveness of the school discipline plan using school disciplinary data disaggregated by race, ethnicity, and sex of student. This will allow schools and the District to: identify areas of need; target areas of concern; access professional development, supports, and services; and revise school procedures as needed.
- B. Schools will annually review their school climate and submit a written report in a form to be prescribed to the Board of Education, the Superintendent, and the District School Improvement and Accountability Council; based on the review, schools will make changes consistent with the intent of this and other policies.
- C. The review will include the following:
1. Intervention and prevention strategies.
 2. The number of referrals, in-school suspensions, out-of-school suspensions, expulsions, tickets, and arrests, disaggregated by race, ethnicity, age, grade, disability, and gender of the students, where available.
 3. Differences in referrals among staff members.
 4. The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students.
- D. Based on the review, schools will make changes consistent with the intent of this and other policies.

7-2 Discipline Committees

- A. Schools are also encouraged to establish a discipline committee of school personnel, parents, and students to develop, monitor, and evaluate school discipline policy and school climate. The use of school discipline data is recommended in this process

EFFECTIVE DATE

October 1, 1996

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LEGAL REFERENCES:

- C.R.S. 22-32-109.1 (general policies on student conduct, safety, and welfare)
C.R.S. 22-32-126(5) (disclosure of disciplinary information)
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. 22-33-106.3 (student statements used in expulsion hearings)
C.R.S. 22-33-202 (identification of at-risk students)
C.R.S. 18-3-202 through 204 (definitions of first, second, and third degree assault)
C.R.S. 18-8-704 through 706 (witness intimidation and retaliation)
C.R.S. 19-3-304 (Persons Required to Report Child Abuse / Neglect)

C.R.S. 19-1-103 (Child Abuse)

C.R.S. 16-22-102 (Unlawful Sexual Behavior, Unlawful Sexual Contact, Indecent Exposure)

Family Educational and Privacy Rights (FERP) 20 U.S.C. 1232g(h))