

## **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.

## **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 protect the right of students to become educated.

### **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 race, gender, national origin, ethnicity, religion, disability, sexual orientation, or gender identity.
- 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 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 that are over-represented among those students who are suspended, expelled, or referred to law enforcement.

### **1-5 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.

### **1-6 Distribution**

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- A. The District shall post this Policy on the district web site and in each school. Personal copies of this Policy and school rules will be provided to each student and parent/guardian, and translated in a language that the parent/guardian can understand.

**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. The use of out-of-school suspensions, expulsions, and the involvement of law enforcement should be limited to only the most serious misconduct.

**2-2 Reasonable Consequences**

- A. Consequences should be reasonable, fair, age-appropriate, and should match the severity of the student's misbehavior. 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 mitigating 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
- B. 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, an assessment will be completed to determine appropriate interventions and consequences for that student, with emphasis on correcting student misbehavior through school-based resources at the lowest possible level, offering students an opportunity to learn from their mistakes, and getting the student re-engaged in learning. Such interventions should address

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the needs of the student, those directly affected by the behavior, and 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 and rule-based interventions done “to” the offender, such as detention, suspension, and expulsion.
  2. Restorative Strategies are problem solving interventions done “with” the offender. They are driven by the victim as much as is possible and focus on the harm caused and how it will be repaired. An assessment of the situation will be done, and a determination will be made whether a face-to-face meeting with all parties is appropriate (see Appendix for more information). Examples include family group conferencing, victim-offender mediation, or classroom peace circles.
  3. Therapeutic/Resource Strategies are done “by” the offender and require intrinsic motivational behavior change. Such interventions include mental health counseling, anger management classes, and 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 2<sup>nd</sup> or 3<sup>rd</sup> 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, and student/teacher conferences to suspensions and recommendations for expulsion.
- E. For examples of different types of interventions, see Attachment A.

**SECTION THREE: DISCIPLINARY OFFENSES**

**3-1 List of Offenses and Consequences**

- A. The following is a list of disciplinary offenses and the consequences that shall result from them:

<b>DISCIPLINARY OFFENSE</b>	<b>CONSEQUENCES</b>
<b>Type One Offenses</b> <ul style="list-style-type: none"><li>• Classroom disruption</li><li>• Excessive tardiness</li><li>• Picking on, bothering, or distracting other students</li><li>• Use of profanity or vulgarity</li><li>• Dress code violation - <i>see Policy JICA</i></li><li>• Disrupting school activity</li><li>• Minor defiance of</li></ul>	<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 or referred to law enforcement for Type One offenses. The only exception to this is that persistent misconduct resulting in suspensions can</p>

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<p>authority/disobedience (e.g., purposefully not following directions)</p> <ul style="list-style-type: none"> <li>• Verbal insults or put-downs</li> <li>• Use of cell phones, gameboys, and similar electronic devices at unauthorized times</li> <li>• Minor damage or defacement of school property</li> <li>• Tobacco offenses - <i>see Policy JICG</i></li> <li>• Unauthorized use of school equipment</li> <li>• Gambling</li> <li>• Physical aggression with another student (e.g., pushing, shoving)</li> <li>• Scholastic dishonesty</li> <li>• Other minor school-based misconduct</li> </ul>	<p>lead to the student being declared “habitually disruptive,” for which the student will be recommended for expulsion. See Section 4-2 of this Policy for more information.</p>
<p><b>Type Two Offenses</b></p> <ul style="list-style-type: none"> <li>• False activation of a fire alarm (requires a referral to the fire department)</li> <li>• Minor bullying - <i>see Policy JICDE</i></li> <li>• Minor harassment based on race, ethnicity, sexual orientation, gender identity, disability, or religion - <i>see Policy JBBA</i></li> <li>• Destruction of school property, including graffiti (under \$500)</li> <li>• Severe defiance of authority/disobedience (e.g., demonstrating gross disrespect for school personnel)</li> <li>• Trespassing</li> <li>• Theft (under \$500)</li> <li>• Minor sexual harassment - <i>see Policy JBB</i></li> <li>• Other school-based misconduct that disrupts the school environment</li> <li>• Recurring Type One offenses (after going through Levels A through C of the Discipline Ladder (see Section 3-2 of this Policy))</li> </ul>	<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 or referred to law enforcement 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 4-2 of this Policy for more information.</p>

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<p><b>Type Three Offenses</b></p> <ul style="list-style-type: none"> <li>• Severe bullying - <i>see Policy JICDE</i></li> <li>• Severe harassment based on race, ethnicity, sexual orientation, gender identity, disability, or religion - <i>see Policy JBBA</i></li> <li>• Severe sexual harassment - <i>see Policy JBB</i></li> <li>• Low-level fighting (may include incidents that result in minor injuries like cuts, scrapes, and bloody noses)</li> <li>• Being under the influence of drugs or alcohol - <i>see Policies JICH, JICH-R</i></li> <li>• Possession of unauthorized drugs or alcohol*</li> <li>• Destruction of school property, including graffiti (\$500 and over)*</li> <li>• Theft (\$500 and over)*</li> <li>• Other school-based misconduct that substantially disrupts the school environment</li> <li>• Recurring Type Two offenses</li> </ul>	<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 4-2 of this Policy for more information.</p> <p>The only Type Three offenses for which students may be referred to law enforcement are those that are marked with an asterisk. For those offenses, incidents are to be resolved without the involvement of law enforcement whenever possible. Refer to Section 7-3 of this Policy for additional guidance.</p>
<p><b>Type Four Offenses</b></p> <ul style="list-style-type: none"> <li>• Serious fighting (including incidents with significant injuries, but which do not rise to the level of the Type Five offense “1<sup>st</sup> or 2<sup>nd</sup> degree assault”) (Note: will be classified as 3<sup>rd</sup> degree assault for reporting purposes)</li> <li>• Terrorist threats (pending a threat assessment)</li> <li>• Possession of an explosive that seriously endangers the welfare or safety of other students or school personnel</li> <li>• Unlawful sexual conduct – <i>see Policy JBB</i></li> <li>• Willfully causing damage to the property of a school employee*</li> <li>• Assault, harassment, or false allegation of abuse against a school employee*</li> <li>• Hazing activities (e.g., forcing</li> </ul>	<p>For Type Four offenses, school officials shall refer to Level F of the Discipline Ladder.</p> <p>As required by state law, the two offenses marked with an asterisk must be reported to law enforcement. For all other offenses, if the misconduct has seriously endangered the welfare or safety of other students or school personnel, the student may be recommended for expulsion and can be referred to law enforcement. However, incidents are to be resolved without the involvement of law enforcement whenever possible. Refer to Section 7-3 of this Policy for additional guidance.</p> <p>If there is a referral to law enforcement or a recommendation of expulsion, the suspension period can be extended if necessary. See Section 6-6 of this Policy for more information.</p> <p>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 4-2 of</p>

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<p>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)</p> <ul style="list-style-type: none"><li>• Other student behaviors that most seriously disrupt the school environment or seriously endanger the welfare or safety of other students or school personnel</li><li>• Recurring Type Three offenses</li></ul>	<p>this Policy for more information.</p> <p>Note that recurring Type One offenses can eventually proceed to Type Two and Type Three, but shall never result in referral to law enforcement.</p>
<p><b>Type Five Offenses</b></p> <ul style="list-style-type: none"><li>• Robbery</li><li>• First or second degree assault</li><li>• Sale of unauthorized drugs or controlled substance</li><li>• Carrying, bringing, using, or possessing a knife or dangerous weapon without the authorization of the school or District (including any firearm or 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)</li><li>• Habitual disruption (see Section 4-3 of this Policy; habitually disruptive students are eligible for expulsion, though not for referral to law enforcement)</li></ul>	<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, as required by state law, there will be a recommendation for expulsion and notification of law enforcement (with the exception of “habitual disruption”). Consistent with Section 6-6 of this Policy, suspensions can be extended if necessary.</p> <p>Note that "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 will be recommended for expulsion. See Section 4-2 of Policy JK-R for more information.</p>

**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

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violations continue, the intervention moves to a higher level on the ladder (e.g., from Level A to Level B).

- 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 (see Attachment A for examples).

**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).

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- 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**

- 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 with an option of an additional one-day in-school suspension (see Sections 6-2, 6-3, and 6-4 of this Policy).
- 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**

- 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.
- 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 4-2 of this Policy for more information.
- Upon return to school after suspension, further steps to encourage positive behavior are to be considered.

**3-3 Attachments**

- A. See Attachment B for a simplified version of the Discipline Matrix, and Attachment C for a simplified version of the Discipline Ladder.

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**SECTION FOUR: DISRUPTIVE STUDENTS**

**4-1 Removal from Classroom**

- A. A student who willfully causes a substantial disruption in the classroom is to be disciplined in a manner consistent with Section 3-1 of this Policy. However, if it is determined that the appropriate course of action is to temporarily remove the student from the classroom, the following must occur:
  - 1. The teacher shall ensure that the student is removed to a place where adequate supervision is available, including but not limited to an in-school suspension classroom.
  - 2. The teacher shall see that each student has his or her textbooks and class work assignments.
  - 3. The teacher shall contact a parent/guardian of the student as soon as possible after the removal to request a student-parent-teacher conference regarding the removal.
- B. The principal or designated school personnel may develop a behavior intervention plan after the student's first removal from class, and must develop such a plan after the second such removal. See Sections 5-2 and 5-3 of this Policy for more information.
- C. Upon the third removal from a single class during one school year, the student may be removed from the teacher's class for the remainder of the term of the class and assigned to another class.
- D. No student may be removed from class if such removal would be inconsistent with state or federal law, including laws regarding students with disabilities. See Policy JKF for more information on the discipline policies for students with disabilities.

**4-2 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 material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events because of behavior that was initiated, willful, and overt by the child.
- 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. It is mandatory that habitually disruptive students be recommended for expulsion.
- D. 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 mandatory recommendation for expulsion of such students. This written notification must be provided in a language that the parent/legal guardian can understand.

**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.

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- 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 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 are 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 4-2 for more information on "habitually disruptive students."

**SECTION SIX: SUSPENSIONS OR EXPULSIONS**

**FINAL**  
**DENVER PLAN WORKING GROUP**  
**AUGUST 29, 2007**

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**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 unless two conditions are met, in which case the school has the option of suspending the student. The conditions are:
  - 1. The conduct constituted a Type Four or Type Five offense (see Section 3-1 of this Policy); and
  - 2. The conduct seriously disrupted the school environment or seriously endangered the welfare or safety of other students or school personnel.
- 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 accumulate equivalent credits as other students during the student's suspension, and the ability to make-up tests, final exams, and other assignments without penalty either 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, Denver Public Schools 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 where they shall be adequately supervised at all times. The in-school suspension teacher shall see that each student has textbooks and class work assignments 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, and shall follow up with 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**

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- A. Students can only be suspended out-of-school if they commit a Type Three, Type Four, or Type Five 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 3-1 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 for any period not to exceed three (3) school days. 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 informed of the charges and evidence against him or her.
  - 2. Have an opportunity to orally respond to the charges, and present his or her version of events.
  - 3. Be informed of the right not to submit a written statement.
  - 4. 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.
  - 5. 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.
- C. If, after the informal conference, the principal or designee decides to suspend the student out of school, the school must 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 the time and place for the parent/guardian to meet with the principal or designee to review the suspension. It must also state that make-up work will be provided during the period of suspension if requested, and that the student has the right to appeal the suspension and how to do so.
- D. 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.
- E. 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 4-2 of this Policy.
- F. 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.

**6-5 Out-of-school Suspension Appeal Rights**

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- 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 permanent file.
- 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 the Superintendent or a designee.
- E. The student shall have the following rights in the second appeal process:
  - 1. The right to request a meeting with the Superintendent 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 Superintendent 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.
- F. The Superintendent 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 Superintendent or designee.

6-6 Extensions of Out-of-school Suspensions

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- 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 an extreme physical danger or 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 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 6-7 of this Policy.
- E. If a student's suspension is extended, the student must be provided with alternative education during the suspension period.

**6-7 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, District, or 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

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had made reasonable attempts to have the parent/guardian present at the time of signing.

- 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. 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) calendar 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 will review the record and offer the opportunity for representatives of the District and the student to make statements to the Board. The Board 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.
- 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: POLICE NOTIFICATION**

### **7-1 General**

- A. When certain misconduct by a student amounts to a criminal act and poses danger to the health, safety, or welfare of other students and staff at a school, it may be necessary and appropriate to seek the assistance of the Denver Police Department (DPD).
- B. Unless required by this Policy, every effort should be made to address discipline problems without involving law enforcement.

### **7-2 Mandatory Notification**

- A. The acts of misconduct that require a school official to involve the DPD are identified as Type Five offenses in Section 3-1 of this Policy. If a student engages in such behavior, a school official must contact the DPD. Whenever the school notifies the police concerning student misconduct, the school must also immediately attempt to contact the parent/guardian of that student.

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- B. For more information on the rights of students when being interrogated by law enforcement officials, see Policy JIH.

**7-3 Discretionary Notification**

- A. There are other acts of student misconduct where it is necessary for a school official to assess the nature of the misconduct and the extent to which the health, safety, or welfare of other persons are placed in danger by a student's actions. In those instances, school officials must use their judgment to determine whether involving DPD is appropriate.
- B. Those acts of misconduct listed as Type Four offenses in Section 3-1 of this Policy, plus certain offenses from Type Three, are those that the Board considers possible violations of criminal law that, depending on the specific facts and circumstances, **may** require police notification.
- C. The discretionary exercise of a school official's authority to notify the DPD should involve the consideration of a variety of factors. Those factors include, but are not limited to:
  - 1. Whether the misconduct was particularly egregious.
  - 2. Whether the student persists in misconduct after being told to cease such behavior, and continues to endanger the health, safety, or welfare of others.
  - 3. The age of the student engaging in misconduct.
  - 4. The extent to which the student acted intentionally or recklessly.
  - 5. Whether the student has received prior warnings.
  - 6. Whether the student's misconduct is specifically intended to cause others physical harm or endanger the health, safety, or welfare of others.
- D. If a school official has any questions regarding the decision of whether to notify the police, he or she should contact Safety and Security at (720) 423-3236 as soon as possible and before notifying the police.
- E. 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.

**SECTION EIGHT: ANNUAL REVIEW AND DISCIPLINE COMMITTEES**

**8-1 Annual Review and Report**

- A. Both individual schools and DPS 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 DPS 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.

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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.

**8-2 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.

**LEGAL REFERENCE:**

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)

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