



PROCEDURES FOR STUDENT SUSPENSION/EXPULSION

A. Suspension Procedure

1. Due process takes place at an informal hearing where the principal or designee shall give the student written or oral notice of the charges against the student. The student will be provided an opportunity to present the student's side of the story. The notice shall be in a language and manner which the student can understand. At this informal hearing, the student does not have the right to secure counsel, to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident. There need be no delay between the time notice is given and the time of the hearing. Students may decline to present their side of the story, such as when a law enforcement investigation is proceeding, but the student or family's decision to decline to make a statement is not a denial of due process by the School District and the discipline may proceed.
2. A reasonable attempt will be made to provide notice of the charges against the student and of the disciplinary action immediately to the student's parents/guardians. Notice shall be provided in a language and manner the parents/guardians can understand. Reasonableness depends on the circumstances, but generally is established when the school attempts to call parents/guardians at the number(s) in the school's information system. Though not required, nothing contained in this procedure shall prevent the principal or designee from arranging for parents/guardians to attend the meeting with the student at which notice of charges is given and an informal hearing is held if necessary, if the meeting can be arranged within a reasonable time period.
3. The informal hearing should precede removal of the student from school, unless an emergency or threat of substantial disruption requires immediate removal, in which case the informal hearing should follow as soon after the student's removal as practicable.
4. If a decision is made to suspend a student, the student will be so notified. The school principal or designee shall promptly send a letter to the parents/guardians and the student explaining the action taken and the period of such suspension and inviting the parents/guardians to meet with the principal or designee for the purpose of discussing the matter. Such notice shall be in a language and manner which the student and parents/guardians can understand.

5. If the student is a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, then the principal or designee shall confer with special education personnel to determine whether additional process in the form of a manifestation determination is due. If so, a manifestation determination shall be convened in accordance with applicable law. Also, the School shall forward a copy of the written notice of suspension of a student with disabilities to the Office of Special Education.
6. No student shall be readmitted to school after a suspension until a meeting has taken place between the principal or designee and the parents/guardians to review the suspension, unless the suspending authority has made reasonable efforts to confer or meet with the parents, and the parents/guardians are not reachable or repeatedly fail to appear for scheduled meetings. If the parents/guardians cannot be engaged, the principal or designee may readmit the student and shall not extend the period of suspension. The purpose of the readmittance conference shall be to address whether there is a need to develop a remedial discipline plan or safety plan for the pupil in an effort to prevent further disciplinary action. Another goal of this meeting will be to provide an opportunity to exchange information to assist a student who may have encountered a traumatic, problematic or difficult situation in processing and learning from that situation.
7. A suspended student shall be required to leave the school grounds immediately after the parents/guardians and the principal or designee have determined the best way to transfer custody of the student to the parents.
8. In accordance with state law, law enforcement authorities may be involved in the removal of the student from the school where there are reasonable grounds to believe that the student has committed an act which would be a felony, misdemeanor, or municipal ordinance violation if committed by an adult. In such cases, the parents/guardians should be notified as soon as practicable. The involvement of law enforcement does not preclude a school from taking disciplinary action.
9. Absences due to suspension shall be deemed to be unexcused. Students are responsible for all class work missed due to absence. During the period of suspension, the school shall provide an opportunity for a student to make up school work during the period of suspension.
10. If the suspension is for more than ten days, the student shall be given the opportunity to request a review of the suspension before the appropriate executive director or designee. The executive director's decision is final. If a review is requested, the suspension shall remain in effect pending the review.

B. Expulsion Procedure

1. If a principal believes that grounds for expulsion exist, the Principal shall notify the

Superintendent or designee in writing and request that expulsion proceedings be initiated.

2. The Superintendent or designee shall notify the student and parents/guardians in writing of the charges against the student, which must be one of the grounds set forth for suspension and expulsion in Colorado law. Such notice shall be in a manner and language the student and parents/guardians can understand. The notice must also include:
 - a. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within five (5) days after the date of the notice.
 - b. A statement of the date, time and place of the hearing in the event one is requested.
 - c. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present such information as is relevant and that the student may be accompanied and represented by a parent/guardian and an attorney.
 - d. A statement that failure to participate in the hearing constitutes a waiver of further rights in the matter.
3. The hearing will be held before the Board or the Superintendent, or designee.
4. Testimony and information shall be presented under oath. However, technical rules of evidence shall not be applicable and the Board or Superintendent or designee may consider and give appropriate weight to such information or evidence deemed appropriate. The student may be represented by counsel and will be afforded the opportunity to confront and cross-examine witnesses supporting the charge and to call witnesses on the student's behalf. A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event of an appeal.
5. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the superintendent at the conclusion of the hearing. The superintendent shall render a written opinion in the expulsion matter within five days after the hearing, whether the hearing is conducted by the hearing officer or the superintendent. The Board or Superintendent will make specific findings in support of any decision reached. The Superintendent shall issue a written decision within five days after the expulsion hearing. In the event of a decision to expel, the student will be advised of the right to appeal to the Board and the right to obtain judicial review.
6. Upon expelling a student, the School District shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion. If the student is between the ages of 7 and 17 and is expelled for the remainder of a school year, the parents/guardians are

responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion. If the parents/guardians choose to provide a home-based educational program for the student, the District shall assist them in obtaining appropriate curricula.

Upon request of a student or student's parent, the District shall provide for any student who is expelled from the District, any educational services that are deemed appropriate for the student by the District. "Educational services" means tutoring, alternative educational programs, or vocational education programs to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies.

The educational services provided are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled. Except as required by federal law, the District is not required to provide educational services to any student who is suspended or expelled while receiving educational services until the period of the suspension or expulsion is completed. The educational services need not be provided on School District property.

If a student is expelled for the remainder of the school year and if the student is not receiving educational services through the District, the District shall contact the student's parents/guardians at least once every 60 days until the beginning of the next school year to determine whether the student is receiving educational services. The District need not contact the student's parents/guardians after the student is enrolled in another school district, or in an independent or parochial school, or if the student is committed to the Department of Human Services or is sentenced pursuant to the Children's Code.

7. No student shall be readmitted to school after an expulsion until a meeting has taken place between the principal or designee and the parents/guardians to review the expulsion, unless the suspending authority has made reasonable efforts to confer or meet with the parents, but the parents/guardians are not reachable or the parents/guardians repeatedly fail to appear for scheduled meetings. If the parents/guardians cannot be engaged, the principal or designee should readmit the student. The purpose of the readmittance conference shall be to answer questions about the expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student. The conference will be held upon the student's return to school.
8. In accordance with state law, any student expelled pursuant to Colorado law and this policy and who is convicted, adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing

the offense for which the student was expelled (except with respect to crimes against property), shall not be enrolled or reenrolled in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed.

C. Additional Requirements for Students with Disabilities

Students with disabilities under the Individuals with Disabilities Education Act ("special education students") and students with disabilities under Section 504 of the Rehabilitation Act of 1973 ("§ 504 students") are neither immune from the District's disciplinary processes nor entitled to participate in programs when their behavior impairs the education of other students or disrupts the education process. Regardless of whether their behavior is a manifestation of their disabilities, § 504 students currently engaging in the illegal use of drugs or in the use of alcohol may be disciplined for the use or possession of illegal drugs or alcohol to the same extent as non-disabled students. Additional requirements and authority regarding the discipline of students with disabilities is as follows:

1. The principal or designee shall immediately remove a student with a disability from a situation in which the student poses a threat of physical harm to the student or to other persons, by placing the student in an appropriate alternative setting or by suspending the student, as set forth below.
2. In accordance with governing law, the School District may remove a disabled student to an appropriate interim alternative educational setting for not more than 45 days if:
 - a. the student has carried a weapon to school or to a school function;
 - b. the student knowingly possessed, used, sold, or solicited the sale of a controlled substance while at school or at a school function; or
 - c. a hearing officer so orders.

Such placement in an interim alternative educational setting is permissible even if the disabled student's behavior was a manifestation of his or her disability.

3. Students with disabilities may not be suspended or removed to another setting in excess of ten consecutive school days, or subjected to a series of suspensions or removals during the school year (or during a single placement within the school year) that constitute a change of placement, unless a determination has been made by a duly convened IEP or § 504 team that the misconduct constituting grounds for suspension or removal longer than these specified periods was not a manifestation of the student's disability (this provision does not apply to placement in an appropriate interim alternative educational setting).
4. If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, the suspension or removal may not exceed the periods specified in law and the appropriateness of the student's IEP or § 504 Plan shall be reviewed and necessary revisions shall be made, in accordance with governing law.

5. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, the student may be suspended or removed as permitted by law. Special education students, but not § 504 students, must continue to receive educational services as determined by the IEP team.
6. Within ten days of a suspension or removal in excess of the periods specified in the first sentence of paragraph 3, the IEP team shall either develop a functional behavioral assessment of the special education student, develop a behavioral intervention plan for the special education student, or review and modify the special education student's existing behavioral intervention plan, as appropriate.
7. Prior to expulsion of a student with a disability, a determination must be made by a duly convened IEP or § 504 team that the misconduct constituting grounds for expulsion was not a manifestation of the student's disability. If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, the expulsion proceedings shall be discontinued and the appropriateness of the student's IEP or § 504 Plan shall be reviewed and necessary revisions shall be made, in accordance with governing law. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, the student may be expelled. Special education students, but not § 504 students, must continue to receive educational services as determined by the IEP team.