

***Board File: JKD/JKE***

**SUSPENSION/EXPULSION OF STUDENTS  
(and Other Disciplinary Interventions)**

The Board of Education shall provide due process of law to students through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. **(See Board File JKD/JKE-R (hearing procedures applicable to the suspension and expulsion of students) and Board File JK-2 (procedural requirements for disciplinary removals of students with disabilities))**. In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

Proportionate disciplinary interventions and consequences shall be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff.

**Grounds for Suspension/Expulsion**

Consistent with Colorado Revised Statutes 22-33-106(1)(a-g) and 22-12-105(3), the following conduct, occurring at school or on school grounds, at school-sanctioned activities or events, while being transported by school approved vehicles, or occurring off school property when the conduct has the required connection to school in accordance with governing law, may subject a student to suspension or expulsion:

1. Continued willful disobedience or open and persistent defiance of proper authority.
2. Willful destruction or defacing of school property.
3. Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or other children.
4. Declaration as a habitually disruptive student.
  - a. For purposes of this paragraph, "habitually disruptive student" means a child who has caused a material and substantial disruption three times or more during the course of the school year on school grounds, in a school vehicle or at a school activity or sanctioned event. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

- b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student."
5. The use, possession or sale of a drug or controlled substance.
6. The commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. [18-3-204](#) if committed by an adult.
7. Possessing a dangerous weapon without the authorization of the school or school district. In accordance with federal law, expulsion shall be mandatory and for no less than one full calendar year for a student who brings or possesses a firearm at school. The Superintendent or designee may modify the length of this federal requirement on a case-by-case basis. Such modification shall be in writing.

For purposes of this paragraph, "dangerous weapon" means:

- a. A firearm.
  - b. Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
  - c. A fixed blade knife with a blade that exceeds three inches in length or a spring loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.
  - d. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.
8. Repeated interference with a school's ability to provide educational opportunities to other students.
  9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property without the authorization of the school or school district.
  10. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

### **Factors to Consider When Determining Suspension and Expulsion of a Student**

**Effective student discipline is a prerequisite for sound educational practice and productive learning and should promote disciplinary responses that refrain from interrupting a student's education to the extent possible, including the use of suspension and expulsion. Effective discipline, including the use of suspension and expulsion of a student as a disciplinary response, should consider the age and development of the student in framing the instruction in appropriate behavior and the consequences for misbehavior and includes consideration of repair of harm and restoring relationships and restorative practices to re-engage students in their learning community. While the provisions for disciplining students are to allow other students to learn in an atmosphere which is safe, conducive to learning to the learning process, and free from unnecessary disruptions, the use of out-of-school suspension and recommendations for expulsion should be minimized, to the extent practicable while remaining consistent with the requirements of law. (See Board File JK regarding student discipline).**

**Additionally,** The Board and its designee(s) shall consider the following factors in determining whether to suspend or expel **any** student:

1. the student's age;
2. the student's disciplinary history;
3. the student's **identification eligibility** as a student with a disability **under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, including whether the School District had knowledge that the student may be eligible as a student with a disability (see Board File JK-2 regarding the procedural requirements for disciplinary removals of students with disabilities which specifically addresses "Students not identified as disabled")**;
4. the seriousness of the violation committed by the student;
5. the threat posed to any student or staff; and
6. the likelihood that a lesser intervention would properly address the violation.

### **Other Disciplinary Interventions**

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the principal or designee may consider the use of available interventions to address the student's

misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to: detention; in-school suspension; counseling; restorative justice practices; or other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system.

### **Delegation of Authority**

1. **Students in Third Grade or Higher Grade:** The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in that school **in third grade or higher grade** for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1)(a), (1)(b), (1)(c) or (1)(e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1)(d) unless expulsion is mandatory under law, but the total period of suspension shall not exceed 25 school days.

**Students in Preschool Through Second Grade: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the following grounds:**

- a) **The student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:**
  - a. **involves the possession of a dangerous weapon without the authorization of the school;**
  - b. **involves the use, possession, or sale of a drug or controlled substance, as defined by C.R.S. 18-18-102(5); or**
  - c. **endangers the health or safety of others;**
- b) **The school determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed.**

**The suspension period for students in preschool through second grade may be extended only if school principal or designee determines that a longer period of suspension is necessary to resolve the safety threat, or if expulsion is mandatory under law.**

2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to

the Board.

3. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district. 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 superintendent shall report on each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the superintendent shall be subject to appeal to the Board. The appeal shall consist of a review of the facts that were presented, arguments relating to the decision and questions of clarification from the Board.

### **Expulsion for Unlawful Sexual Behavior or Crime of Violence**

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the Board of Education to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with this policy.

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

Adopted: November 27, 2018

**Revised:** \_\_\_\_\_

LEGAL REFS.:

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

CROSS REFS.:

- [GBGB](#), Staff Personal Security and Safety
- [JF](#), Admission and Denial of Admission
- [JIC](#), Student Conduct, and subcodes
- [JK](#), Student Discipline