

STUDENT CONDUCT AND DISCIPLINE CODE 2009-2010

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CODE OF CONDUCT (File: JICDA)

The principal may suspend or recommend expulsion of a student who engages in one or more of the following specific activities while in school buildings, on school grounds, in school vehicles, or during a school-sponsored activity and in certain cases when the behavior occurs off of school property. Suspension or expulsion shall be mandatory for serious violations in a school building or on school property.

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Commission of any act which if committed by an adult would be robbery or assault as defined by state law. Expulsion shall be mandatory in accordance with state law except for commission of third-degree assault.
4. Violation of criminal law which has an immediate effect on the school or on the general safety or welfare of students or staff.
5. Violation of district policy or building regulations.
6. Violation of the district's policy on dangerous weapons in the schools. Expulsion shall be mandatory for carrying, bringing, using, or possessing a dangerous weapon without the authorization of the school or school district, unless the student has delivered the firearm or weapon to a teacher, administrator, or other authorized person in the district as soon as possible upon discovering it, in accordance with state law.
7. Violation of the district's alcohol use/drug abuse policy. Expulsion shall be mandatory for sale of drugs or controlled substances, in accordance with state law.
8. Violation of the district's violent and aggressive behavior policy.
9. Violation of the district's tobacco-free schools policy.
10. Violation of the district's policy on sexual harassment.
11. Throwing objects, unless part of a supervised school activity, that can cause bodily injury or damage property.
12. Directing profanity, vulgar language, or obscene gestures toward other students, school personnel, or visitors to the school.

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13. Engaging in verbal abuse, i.e., name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that precipitate disruption of the school program or incite violence.
14. Committing extortion, coercion, or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
15. Lying or giving false information, either verbally or in writing, to a school employee.
16. Scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written work.
17. Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the school staff.
18. Behavior on or off school property which is detrimental to the welfare, safety, or morals of other students or school personnel.
19. Repeated interference with the school's ability to provide educational opportunities to other students.
20. Engaging in "hazing" activities, i.e., 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.
21. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

Each principal shall post a copy of these rules in a prominent place in each school and shall distribute a copy to each student. Copies also shall be available to any member of the public upon request.

STUDENT CONDUCT ON BUSES (File: JICC and JICC-R)

The privilege of riding a school bus is contingent upon a student's good behavior and observance of the student code of conduct and established regulations for student conduct both at bus stops and onboard buses.

The driver of a school bus shall be responsible for the safety of the students on the bus, both during the ride and while students are entering or leaving the vehicle. Therefore, it is the bus driver's duty to notify the transportation supervisor and the principal of the school involved if any student persists in violating the established rules of conduct.

After due warning has been given to the student and to parents/guardians, the bus driver, in conjunction with the principal, may withhold from the student the privilege of riding the school bus. The student may also be denied admission to school, suspended, or expelled, in accordance with established policies including discipline of habitually disruptive students, for flagrant violation of school bus rider conduct regulations or conduct detrimental to the safe operation of the bus.

Procedure:

Before boarding the bus:

1. Students must stay as far off the road as possible.
2. Students are to be at their bus stop 5 minutes prior to pickup time. Students who miss the bus to school or home for any reason must make their own arrangements for transportation. Buses will not rerun a route or return to school.
3. Students must wait until the bus comes to a complete stop before approaching and entering the bus.
4. Students who must cross in front of the bus either loading or unloading at their bus stop are required to stand approximately 10 feet in front of the bus at the side of the road. When it is safe, the driver will signal the students to cross the road.
5. Students will be picked up and dropped off at their assigned stop.
6. Students must have the written permission of the building administrator to ride any bus other than the one assigned.
7. Students transferring from one bus to another should move directly to the assigned bus.
8. Appropriate behavior is expected at bus stops at all times.

While on the bus:

1. Appropriate conduct is expected at all times. Smoking, using tobacco or alcohol, drinking, using inappropriate language, abusing the driver or other students, or demonstrating other inappropriate conduct will result in a bus conduct report.

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2. There will be absolute quiet when approaching a railroad crossing.
3. No sharp instruments such as knives, pencils or tools may be carried when they might cause damage or injury to another student. Nuisance items will not be permitted on the bus.
4. Items and materials transported for school projects should be checked with the driver. Projects developed for display or demonstration in class may be transported provided they pose no space problem or safety hazard for riders. Projects of an excessive size or of a potentially harmful nature should be transported to school by other means.
5. Because of the varied size and nature of musical instruments, students carrying instruments on the bus must check with the driver regarding available storage space.
6. Property of other students must be left alone. Students are responsible for clothing, books, instruments or other possessions transported on the bus.
7. The bus driver is authorized to assign seats.
8. Students are not permitted to stand, leave their seats, or change seats while the bus is in motion.
9. The aisles must be kept free of books, coats, and other objects. Students should keep their feet and legs out of the aisles during passenger loading and unloading.
10. Students must not tamper with the bus or any of its equipment. Damage to the bus must be paid for by the individual responsible for causing it.
11. Students should consult with the driver regarding the opening of bus windows.
12. Passengers must keep their head, hands, and feet inside the bus at all times.
13. Nothing is to be thrown on or from the bus. Students must keep the bus clean.
14. Consumption of food or drink on the bus is discouraged.
15. In case of emergency, students will remain in the bus until instructed by the driver.

Violation of any of the preceding rules may result in a "Bus Conduct Referral" to the transportation supervisor and building administrator. Parents will receive a copy advising of the incident and the action taken. Repeated violations will result in a parent conference and suspension or loss of riding privileges. Length of time of suspension

will be determined by the building administrator, bus driver, and the transportation supervisor.

Bus riding rules and penalties for misbehavior will be distributed to each bus rider at the beginning of each school year. Parents are expected to read, sign, and return an acknowledgement of the rules and penalties. Failure to return the acknowledgement may result in the loss of bus riding privileges.

VIDEO CAMERAS ON TRANSPORTATION VEHICLES (File: EEAEF-R)

Student Records

1. The district will comply with provisions of federal law regarding student records requirements as applicable in the district's use of video recordings. Video recordings considered for retention as part of a student's behavioral record will be maintained in accordance with established student record procedures governing access, review, and release of student records.
2. The district will include a notice in parent/student handbooks that video cameras may be used on school vehicles transporting students to and from school or extracurricular activities. The district will include as a part of its notice to parents/guardians and students a copy of the Board's video camera policy and regulations accompanied by a form to be signed and returned to the district as an acknowledgment of its being read and understood.
3. Parents/guardians and students will not be notified when a video camera is onboard and in use on a district vehicle.

Storage/Security

1. All video recordings will be stored and secured to insure confidentiality.
2. Video recordings will be stored for 5 days after initial recording, whereupon such recordings will be released for erasure.
3. Video recordings held for review of student incidents will be maintained in their original form pending resolution. Tapes then will either be released for erasure or retained as necessary as part of the student's behavioral record in accordance with established district procedures.

Use

1. Video cameras will be rotated on school vehicles transporting students to and from school or extracurricular activities at the discretion of the transportation supervisor.

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2. Staff and students are prohibited from tampering with or otherwise interfering with video camera equipment.

Viewing Requests

1. Requests for viewing video recordings will be limited to the appropriate bus driver, transportation supervisor, school administrator, parent/guardian, or eligible student (18 years of age or older), or others as deemed appropriate by the principal.
2. Requests for viewing may be made to the principal or transportation supervisor within 5 school days of the date of recording.
3. Requests for viewing will be limited to those parents/guardians, students, and district officials with a direct interest in the proceedings as deemed appropriate by the principal.
4. Only the portion of the video recording concerning a specific incident will be made available for viewing.
5. Approval/denial for viewing will be made within 5 school days of receipt of the request and so communicated to the requesting individual.
6. Video recordings will be made available for viewing within 3 school days of the request approval.

Viewing

1. Actual viewing will be permitted only at school-related sites, including the transportation office, school buildings, or central administrative offices.
2. All viewing will include the transportation supervisor and/or building principal.

STUDENT DRESS CODE (File: JICA)

A safe and disciplined learning environment is essential to a quality educational program. District-wide standards on student attire are intended to help students concentrate on schoolwork, reduce discipline problems, and improve school order and safety. The Board recognizes that students have a right to express themselves through dress and personal appearance; however, students shall not wear apparel that is deemed disruptive or potentially disruptive to the classroom environment or to the maintenance of a safe and orderly school.

Any student deemed in violation of the dress code shall be required to change into school-loaned appropriate clothing and/or make arrangements to have appropriate

clothing brought to school immediately. If the student cannot promptly obtain appropriate clothing on the first offense, an administrator shall request the student change into loaned clothing, if available, and notify the student's parent/guardian. On the second offense, a more serious consequence will be administered, and a conference with the parent/guardian may be held. On the third offense, parents will be contacted, and the student may be subject to suspension or other disciplinary action as outlined in the school discipline code. Classes missed as a result of clothing related offenses are considered excused, however, the student may be required to make up class time missed.

Unacceptable Items

The following items are not acceptable in school buildings, on school grounds, or at school activities:

1. Shorts, dresses, skirts, or other similar clothing shorter than mid-thigh length.
2. Sunglasses, hats, or scarves (do-rags) on the head worn inside the building.
3. Inappropriately sheer, tight, or low-cut clothing (e.g., midriffs; halter tops; backless clothing; tube tops; garments made of fishnet, mesh, or similar material; muscle tops, etc.) that bare or expose traditionally private parts of the body including, but not limited to, the stomach, buttocks, back, chest, and breasts, or permits undergarments to be exposed.
4. Tank tops or other similar clothing with straps narrower than 2 inches in width.
5. "Sagging" pants and/or wallet chains.
6. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
 - Refer to drugs, tobacco, alcohol, or weapons.
 - Are of a sexual nature.
 - By virtue of color, arrangement, trademark, or other attribute, denote membership in gangs that advocate drug use, violence, or disruptive behavior.
 - Are obscene, profane, vulgar, lewd, or legally libelous.
 - Threaten the safety or welfare of any person.
 - Promote any activity prohibited by the student code of conduct.
 - Create a safety hazard for the student or others.
 - Otherwise disrupt the teaching-learning process.

Exceptions

The district respects the diversity of its students. Administration may make exceptions to this policy based on religious or medical grounds.

Appropriate athletic clothing may be worn in physical education classes. Clothing normally worn when participating in school-sponsored extracurricular or sports activities (such as cheerleading uniforms and the like) may be worn to school when approved by the sponsor or coach.

Building principals in conjunction with the school accountability committee, may develop and adopt school-specific dress codes that are consistent with this policy.

OPEN/CLOSED CAMPUS (File: JHCA)

All high school, middle school, and elementary students shall remain on school premises throughout the school day and during the lunch period unless the building principal has received a written request for permission to leave from their parents or guardian.

STUDENT ATTENDANCE AND EXCUSES (File: JH / JHR)

One criterion of a student's success in school is regular and punctual attendance. Frequent absences may lead to poor academic work, lack of social development, and possible academic failure. Regular attendance is of utmost importance for school interest, social adjustment, and scholastic achievement. No single factor may interfere with a student's progress more quickly than frequent tardiness or absence.

According to state law, it is the obligation of every parent/guardian to ensure that every child under his/her care and supervision receives adequate education and training and, if of compulsory attendance age, attends school.

Each year the Board establishes the school attendance period by adopting a school calendar. Students are expected to be in attendance in accordance with the district-adopted calendar.

Parents/guardians will be expected to take the responsibility for determining whether it is safe to send their child to school due to severe weather.

Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. In most situations, the work missed cannot be made up adequately. Students who have good attendance generally achieve higher grades, enjoy school more, and are more employable after leaving school. For at least these reasons, the

Board believes that a student must satisfy two basic requirements in order to earn full class credit: 1) satisfy all academic requirements, and 2) exhibit good attendance habits as stated in this policy.

Excused Absences

The following shall be considered excused absences:

1. Absences because of temporary illness or injury.
2. A student who is absent for an extended period due to physical, mental, or emotional disability.
3. A student who is pursuing a work-study program under the supervision of the school.
4. A student who is attending any school-sponsored activity or activities of an educational nature with advance approval by the administration.
5. Absences by those who are in the custody of court /law enforcement authorities.
6. Those determined by school administration to be excusable, such as doctor's appointments or juvenile court appearances.

The district may require suitable proof regarding the above exceptions, including written statements from medical sources and agencies.

Elementary students will be allowed 10 excused absences per semester. Absences will be documented in half or full day increments.

Secondary students will be allowed 6 excused absences per single class period each semester. An absence from high school "block" class will count as 2 absences since the time period is double that of a single class period.

Unexcused Absences

An unexcused absence is defined as an absence that is not covered by one of the foregoing exceptions. Each unexcused absence shall be entered on the student's record. The parents/guardians of the student receiving an unexcused absence will be notified orally or in writing by the district of the unexcused absence whenever possible.

In accordance with the law, the district may impose academic penalties which relate directly to classes missed while unexcused. The administration shall develop regulations to implement appropriate penalties. Student and parents/guardians may petition the Board of Education for exceptions to this policy or the accompanying regulations provided that no exception shall be sustained if the student fails to abide by all requirements imposed by the Board as conditions for granting any such exception.

After an accumulation of 4 unexcused absences, secondary students will be placed on an attendance contract that will include parent input when possible. Students earning more than 4 unexcused absences per month or 10 unexcused absences during any school year may be referred for truancy. Elementary and middle students may be considered for retention.

Any student who has been absent from class for 6 consecutive weeks or more in any one school year, except for reasons of expulsion, excused long term illness, death, is considered a "dropout" and shall be reported to the Department of Education by the school district. However, if the student is in attendance at the end of the school year, or enrolled in another school, home study course, or on-line program, such student is not considered a dropout and shall not be reported.

Make-Up Work

Make-up work shall be provided for any class in which a student has an excused absence unless otherwise determined by the building administrator. It is the responsibility of the student to pick up any make-up assignments permitted on the day returning to class. There shall be 2 days allowed for make-up work for each day of absence.

Make-up work shall be allowed following an unexcused absence with the goal of providing the student an opportunity to keep up with the class and an incentive to attend school. However, this work will receive only partial credit, which is the consequence for an unexcused absence.

Tardiness

Tardiness is defined as the appearance of a student without proper excuse after the scheduled time that a class begins. Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy student to uninterrupted learning, penalties shall be imposed for excessive tardiness. Parents/guardians shall be notified of all penalties regarding tardiness.

In an unavoidable situation, a student detained by another teacher or administrator shall not be considered tardy provided that the teacher or administrator gives the student a pass to enter his next class. Teachers shall honor passes presented in accordance with this policy.

TRUANCY (File: JHB)

If a student is absent without a signed parental excuse or if the student leaves school or a class without permission of the teacher or administrator in charge, the student shall be considered truant. A "habitual truant" shall be defined as a student of compulsory attendance age who has ten unexcused occurrences of absences during any school year. Absences due to suspension or expulsion shall not be counted in the total of unexcused absences.

In order to reduce the incidents of truancy, parents of all students shall be notified in writing at the beginning of each school year of their obligation to ensure that all children of compulsory attendance age attend school. Parents shall be required to acknowledge in writing awareness of their obligations and to furnish the school with a telephone number or other means of contacting them during the school day.

The school shall establish a system of monitoring individual unexcused absences. When a student fails to report on a regularly scheduled school day and school personnel have received no indication that the parent/guardian is aware of the absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify the parent/guardian by telephone.

When a student is declared habitually truant, the school shall require a meeting between the student's parent/guardian and appropriate school personnel to review and evaluate the reasons for the student being habitually truant. Such meeting shall be held not later than 10 school days after the student's fourth unexcused absence.

Penalties

A student shall be given notification of his/her first truancy offense. The student may be subject to disciplinary action which includes a three-day in-school detention or he may be suspended from school for three days. Additional trancies shall be grounds for detention, suspension, and/or expulsion.

No credit shall be permitted for any student for any class or portion of a class during which time the student was truant.

SECRET SOCIETIES/GANG ACTIVITY (File: JICF)

The Board of Education desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence, or disruptive behavior. The principal or designee shall maintain continual, visible supervision of school premises, school vehicles, and school-related activities to deter gang intimidation of students and confrontations between members of different gangs.

The superintendent or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort. The superintendent or designee shall provide in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help students.

Gang Symbols

The Board prohibits the presence on school premises, in school vehicles, and at school-related activities of any apparel, jewelry, accessory, notebook, or manner of grooming which, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior. This policy shall be applied at the principal's discretion after consultation with the superintendent or designee as the need for it arises at individual school sites.

Prevention Education

The Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Early intervention is a key component of efforts to break the cycle of gang membership. Therefore gang violence prevention education in the schools shall start with students in elementary school.

TOBACCO-FREE SCHOOLS (File: ADC/GBED)

Tobacco smoke in the school and work environment is not conducive to good health. As an educational organization, a school district should provide both effective educational programs and a positive example to students concerning the use of tobacco.

In order to promote the general health, welfare, and well-being of students and staff, smoking, chewing, or any other use of any tobacco products by staff, students, and members of the public is banned from all school property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented, or otherwise used by a school including but not limited to the following:
 - a. All indoor facilities and interior portions of any building or other structure used for children under the age of 18 for instruction, educational or library services, routine health care, daycare, or early childhood development services, as well as for administration, support services, maintenance, or storage. The term does not apply to buildings used primarily as residences, such as teacherages.

- b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking areas.
 - c. All vehicles used by the district for transporting students, staff, visitors, or other persons.
2. "Tobacco" includes cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking, or both. "Tobacco" includes cloves or any other product packaged for smoking.
 3. "Use" means lighting, chewing, inhaling, or smoking any tobacco product. Signs will be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and district policy. This policy will be published in all employee and student handbooks, posted on bulletin boards, and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges, and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

Exemptions

Pursuant to state law, no exemption shall be granted pursuant to this policy. Any previously granted exemption shall be invalid after July 1, 1999.

DRUG AND ALCOHOL USE BY STUDENTS (File: JICH and JICH-R)

Falcon School District 49 shall promote a healthy environment for students by providing education, support, and decision-making skills in regard to alcohol, drugs, and other controlled substances and their abuse. In order to accomplish this goal, a cooperative effort must be made among the schools, parents/guardians, community, and its agencies.

It shall be a violation of Board policy and considered to be behavior which is detrimental to the welfare or safety of themselves, other students, or school personnel for any student to possess, use, sell, distribute, or procure or to be under the influence of alcohol, drugs, or other controlled substances. The unlawful possession or use of alcohol or

controlled substances is wrong and harmful to students. Students violating this policy shall be subject to disciplinary action.

For purposes of this policy, controlled substances include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medicine, vitamin, or other chemical substances not taken in accordance with the Board policy and regulations on administering medicines to students.

This policy also includes substances that are represented by or to the student to be any such controlled substance or what the student believes to be any such substance. This policy shall apply to any student who is on school property, in attendance at school, in a school vehicle, or taking part in any school-sponsored or sanctioned activity or whose conduct at any time or place interferes with the operations of the district or the potential safety or welfare of students or employees.

Students violating this policy shall be subject to disciplinary sanctions which may include suspension and/or expulsion from school and referral for prosecution. Expulsion shall be mandatory for sale or distribution of drugs or other controlled substances, in accordance with state law.

Situations in which a student seeks counseling or information from a professional staff member for the purpose of overcoming substance abuse shall be handled on an individual basis depending upon the nature and particulars of the case. When appropriate, parents shall be involved and every effort made to direct the substance abuser to sources of help.

The Board, in recognition that drug and alcohol abuse is a community problem, shall cooperate actively with law enforcement, social services or other agencies and organizations, parents, and any other recognized community resources committed to reducing the incidents of illegal use of drugs and alcohol by school-aged youths.

Whenever possible in dealing with student problems associated with drug and alcohol abuse, school personnel shall provide parents/guardians and students with information concerning education and rehabilitation programs that are available.

Information provided to students and/or parents about community substance abuse treatment programs or other resources shall be accompanied by a disclaimer to clarify that the school district assumes no financial responsibility for the expense of drug or alcohol assessment or treatment provided by other agencies or groups unless otherwise required.

The district shall provide all students and parents/guardians with a copy of this policy and its accompanying procedures on an annual basis in the Student Conduct and Discipline Code, which is updated and distributed to all District 49 students at the beginning of the school year.

Procedure

In accordance with the accompanying policy, the following procedures are established for disciplining students for alcohol- or drug-related misconduct.

Definitions

Controlled substance. “Controlled substance” means a drug, substance, or an immediate precursor included in Schedules I through V of C.R.S. 18-18-203 through 207, including but not limited to the following:

Schedules I and II:	cocaine, codeine, heroin, LSD, morphine, marijuana, opiate derivatives, amphetamines (non-prescription), methamphetamines (speed, crack, meth, go-fast)
Schedules III and IV:	anabolic steroids, prescription drugs (without a prescription), illegally obtained prescription drugs with limited physical dependency
Schedule V:	Substances with low potential for abuse

Drugs “Drugs” include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, and any other controlled substances as defined in state law. Drugs also include counterfeit drugs and substances falsely represented as being drugs.

Illegal drugs “Illegal drugs” are all drugs not defined herein as legal drugs.

Legal drugs. “Legal drugs” are defined as over-the-counter and prescription drugs, including vitamins and other dietary supplements that are properly possessed and used by the person for whom they are intended in accordance with Board policy and regulations.

Possession To “possess” or to “be in possession” means to have alcohol, drugs (an amount sufficient to test without destroying the same), other controlled substances and/or drug paraphernalia on one’s person or in one’s personal property, automobile, or other vehicle, or in one’s locker, desk, or other school-provided storage area.

Purchasing, selling, sale The words “purchasing,” “selling,” and “sale” refer to a student’s involvement in the exchange of drugs, legal or illegal, or alcohol for anything of value, including but not limited to money, commodities, or services. There need be no use or intent to use the drugs or alcohol involved in the sale.

Under the influence Being “under the influence” means when a student’s comportment, behavior, condition, speech, or appearance is affected by or evinces prior use of alcohol, drugs, or other controlled substances, or there is a detectable level of alcohol, drugs, or controlled substances in the student’s blood or urine.

Use, possession, and/or purchase

1. When a student is suspected of use, the person having the suspicion should notify the principal or designee. Notification must include reasons for such suspicion (observed use, unusual behavior, etc.). The principal or designee will conduct a check of the suspected student and collect data. This action must comply with the Board policy on interrogations and searches.
 - a. If information is not sufficient to warrant further action, the principal or designee may have a personal conference with the student expressing awareness and concern.
 - b. If information warrants, the parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the parent or guardian general information and resources related to substance abuse.
2. When necessary, emergency health and safety care will be provided and any procedural or disciplinary issues postponed until the student’s immediate needs are treated. While waiting for the parent/guardian or further medical aid, the student will not be left alone but placed in a quiet situation where he will remain under observation.
3. Students who possess alcohol, drugs, other controlled substances, or drug-containing paraphernalia in violation of Board policy will be handled in the following manner:
 - a) A staff member who comes in contact with evidence and/or contraband must notify the principal or designee immediately.
 - b) A staff member who has reasonable suspicion to believe that a student possesses alcohol, any controlled substance, or drug-containing paraphernalia in violation of Board policy will request that the student accompany him to the principal or designee. If the student refuses, the staff member will notify the principal or designee immediately.

- c) The principal or designee will attempt to obtain evidence by requesting it directly from the student or through search procedures as outlined in Board policy.
 - d) The principal or designee will place any evidence in an envelope or alternative container as necessary which will be sealed, dated, and initialed by the individual who originally obtained the materials and by the principal or designee. The evidence then will be secured.
 - e) The principal or designee will call appropriate law enforcement officials in each instance of possession or sale of controlled substances by a student. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
 - f) When there is evidence of a student possessing illegal drugs, the student will be suspended and the parent/guardian notified.
4. The possession, use, distribution, sale, or purchase of marijuana (in excess of one ounce) or of any amount of any other Schedule I or Schedule II controlled substance or paraphernalia for any Schedule I or II controlled substance shall be grounds for mandatory suspension and expulsion from school and school related activities for up to one calendar school year. In addition, school personnel shall file charges against the student with appropriate law enforcement officials.

First offense for use, possession, and/or purchase of alcohol, marijuana (of not more than one ounce), or any amount of Schedule III, IV, or V controlled substance; the use, possession, distribution, and/or purchase of drug paraphernalia for Schedule III, IV, or V controlled substance:

- 1. The student will receive 3 to 5 days out-of-school suspension for the first offense within any three-year period, and a parent/guardian conference will be scheduled prior to readmission.
- 2. Parent/guardian and student will be provided information concerning voluntary drug and alcohol treatment programs.
- 3. The principal or designee will attempt to develop a remedial discipline plan with the parent/guardian and the student that will outline the responsibilities of the parent/guardian, the student, and the school in an effort to keep any further offenses from occurring.

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Second offense for use, possession, and/or purchase of alcohol, marijuana (of not more than one ounce), or any amount of Schedule III, IV, or V controlled substance; or drug paraphernalia for Schedule III, IV, or V controlled substances:

1. The student shall be suspended from school for ten days upon the second offense within any three-year period.
2. Parent/guardian and student will be provided information concerning voluntary drug and alcohol treatment programs.
3. With the parent/guardian and the student, the principal or designee will attempt to update the remedial discipline plan drafted after the first offense.

Third offense for use, possession, and/or purchase of alcohol, marijuana (of not more than one ounce), or any amount of Schedule III, IV, or V controlled substance; or drug paraphernalia for Schedule III, IV, or V controlled substances:

1. The student will be recommended for expulsion.
2. Information concerning voluntary drug or alcohol treatment programs will be given to the student and the parent/guardian. The principal or designee will require evidence of the student's enrollment and/or participation in a voluntary program prior to the student's readmission to school.
3. Appropriate law enforcement officials will be notified.

Distribution

Students who sell, give, or exchange alcohol, drugs, other controlled substances, or drug-containing paraphernalia in violation of Board policy will be handled in the following manner:

1. If an employee witnesses an act in which alcohol, drugs, other controlled substances, or drug-containing paraphernalia are being transferred from one student to another, the staff member will immediately attempt to detain the student and request that the student accompany the staff member to the principal or designee. If the student refuses, the staff member will notify the principal or designee immediately.
2. The principal or designee will attempt to obtain evidence by requesting it directly from the student or through search procedures in accordance with Board policy.

3. Any student who distributes, trades, exchanges, or sells Schedule I or II controlled substances or marijuana (more than one ounce) shall be expelled for up to one calendar year.
4. Information concerning voluntary drug or alcohol counseling or treatment programs will be given to the student and the parent/guardian.
5. Any student who distributes Schedule III controlled substances shall be expelled for one calendar year.
6. Distribution or sale of Schedule IV or V controlled substances shall be grounds for suspension and optional expulsion, depending on the nature of the violation.
7. Appropriate law enforcement will be notified.

Use, possession, distribution, and/or purchase of drug paraphernalia

First offense: Student shall be suspended for five days; building administrators shall develop a remedial discipline plan with the student and provide student and parents/guardian with information on drug counseling and treatment.

Second offense: Student shall be expelled for up to one calendar year, but if student provides verification that he/she is receiving drug counseling or treatment, the student may be allowed to re-enroll after one semester of expulsion, but the remainder of the expulsion period, if any, will remain in effect and may be imposed in the event of future infractions.

These procedures will supplement and complement authority conferred elsewhere by Board policy and will not be deemed to limit or suspend such other authority.

VANDALISM (File: ECAC)

In cases where students willfully destroy school property, it shall be the responsibility of the parent and student to pay for the damages. The school either shall contract for repairs and bill the parents for the amount of the repairs, or repairs shall be made by school staff with a record of time and materials used and parents billed accordingly. When an item must be replaced, the school shall secure the item and bill the parents for the cost. Payments shall be made to Falcon School District #49. A receipt shall be issued at the time payment is received in the central office.

The school system's buildings and grounds are built and maintained with taxes levied on the community's taxpayers, and all damage caused must be paid for in the same way. Therefore, every citizen of the district, students, and members of the police

department are urged by the Board to cooperate in reporting any incidents of vandalism to property belonging to the district and the name of the person or persons believed to be responsible. Each employee of the district shall report to the principal of the school every incident of vandalism known to him and, if known, the names of those responsible. The principal or designee shall report the incident to the auxiliary services department at central administration.

The superintendent, the principal, or their designees are authorized to sign a criminal complaint against persons suspected of vandalism against school property.

Students who willfully or maliciously destroy school property through vandalism or arson or who create a hazard to the safety of other people on school property may be referred to law enforcement authorities. Vandalism includes the knowing and unauthorized use, alteration, damage, or destruction of any computer, computer system, software, program, or computerized data. Students who are caught vandalizing school property may be suspended and/or expelled.

VIOLENT AND AGGRESSIVE BEHAVIOR (File: JICDD)

The Board recognizes there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff of the district are entitled. These behaviors, categorized as violent or aggressive, will not be tolerated and shall result in immediate action taken by the district.

Students exhibiting violent or aggressive behavior or warning signs of future violent or aggressive behavior shall receive appropriate attention before a crisis occurs and shall be subject to disciplinary action when appropriate.

Students shall be taught to recognize the warning signs of violent and aggressive behavior and shall report questionable behavior or potentially violent situations to appropriate school officials. All reports shall be taken seriously.

Acts of violence and aggression shall be well documented and communicated by the staff to the building principal and the district administration when appropriate. The immediate involvement of the parents/guardians is also essential. Law enforcement officials shall be involved if there is any violation of law.

An act of violence and aggression is any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury, or damage to persons or property. A threat of violence and aggression carries with it implied notions of risk of violence and a probability of harm or injury.

The following behaviors are defined as violent and aggressive:

1. Possession, threat with, or use of a weapon as described in the district's weapons policy.
2. Physical assault. The act of striking or touching a person or a person's property with a part of the body or with any object with the intent of causing hurt or harm.
3. Verbal abuse. Includes, but is not limited to, swearing, screaming, obscene gestures, or threats directed orally (including by telephone) or in writing at an individual, his or her family, or a group.
4. Intimidation. An act intended to frighten or coerce someone into submission or obedience.
5. Extortion. The use of verbal or physical coercion in order to obtain financial or material gain from others.
6. Bullying. The use of physical or verbal coercion to obtain control over others or to be habitually cruel to others.
7. Gang activity as described in the district's secret societies/gang activity policy.
8. Sexual harassment as described in the district's sexual harassment policy.
9. Stalking. The persistent following, contacting, watching, or any other such threatening actions that compromise the peace of mind or the personal safety of an individual.
10. Defiance. A serious act or instance of defying or opposing legitimate authority.
11. Discriminatory slurs. Insulting, disparaging, or derogatory comments made directly or by innuendo regarding a person's race, sex, sexual orientation, religion, national or ethnic background, or handicap.
12. Vandalism. Damaging or defacing property owned by or in the rightful possession of another.
13. Terrorism. A threat to commit violence communicated with the intent to terrorize or with reckless disregard for the risk of creating such terror. Also, a threat causing serious public inconvenience, such as the evacuation of a building regardless of the perceived or actual ability of the person(s) issuing the threat to commit the act.

BULLYING PREVENTION AND BEHAVIOR (File: JICDE)

The Board of Education supports a secure school climate, conducive to teaching and learning that is free from threat, harassment, and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying is defined as any written or verbal expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school environment. For purposes of this policy, the school environment includes school buildings, grounds, vehicles, bus stops, and all school-sponsored activities and events.

A student who engages in any act of bullying is subject to appropriate disciplinary action including suspension, expulsion, and/or referral to law enforcement authorities. The severity and pattern, if any, of the bullying behavior shall be taken into consideration when disciplinary decisions are made.

The district shall address bullying at all school levels and aim toward accomplishing the following goals:

1. To send a clear message to students, staff, parents, and community members that bullying will not be tolerated.
2. To train staff and students in taking proactive steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents and community members in order to help maintain a bully-free environment.
6. To support victims of bullying by means of appropriate counseling.
7. To help develop support networks, social skills, and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

WEAPONS IN SCHOOL (File: JICI)

The Board of Education has determined that possession and/or use of a weapon by students is detrimental to the welfare and safety of the students and school personnel within the district.

Mandatory Expulsion in Accordance with State and Federal Law

Carrying, bringing, using, or possessing a dangerous weapon in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity without the authorization of the school or the school district is prohibited. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

If a student discovers that he or she has carried, brought, or is in possession of a dangerous weapon and the student notifies a teacher, administrator, or other authorized person in the school district, and as soon as possible delivers the dangerous weapon to that person, expulsion shall not be mandatory and such action shall be considered when determining appropriate action, if any.

As used in this policy, "dangerous weapon" means:

1. A firearm, whether loaded or unloaded, or a firearm facsimile that could reasonably be mistaken for an actual firearm.
2. Any pellet, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
3. A fixed-blade knife with a blade that measures longer than three inches in length or a spring-loaded knife or a pocket knife with a blade longer than three and one-half inches.
4. Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury including, but not limited to slingshot, bludgeon, brass knuckles, or artificial knuckles of any kind.

In accordance with federal law, expulsion shall be for no less than 1 full calendar year for a student who is determined to have brought a firearm to school in violation of this policy. The superintendent may modify the length of this federal requirement for expulsion on a case-by-case basis.

Local Restrictions

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, the carrying, bringing, using, or possessing of any knife, regardless of the length of the blade, in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity without express authorization is prohibited. Students who violate this policy shall be referred for appropriate disciplinary proceedings. However, if a student discovers that he or she has carried, brought, or is in possession of a knife and the student notifies a teacher, administrator, or other authorized person in the school district, and as soon as possible delivers the knife to that person, expulsion shall not be mandatory and such action shall be considered when determining appropriate disciplinary action, if any.

The district shall maintain records which describe the circumstances involving expulsions of students who bring weapons to school including the name of the school, the number of students expelled, and the types of weapons involved, as required by law. School personnel shall refer any student who brings a firearm or weapon to school without authorization of the school or the school district to law enforcement, unless the student has delivered the firearm or weapon to a teacher, administrator, or other authorized person in the district as soon as possible upon discovering it. In such case, school personnel shall consult with law enforcement to determine whether referral of the student to law enforcement is necessary and how to properly dispose of the firearm or weapon or return it to its owner.

USE OF ELECTRONIC DEVICES (File: JICJ)

The Board of Education recognizes the value of electronic devices in the learning process as well as the vital communication role they can play during emergency situations. However, the ordinary use of devices such as cell phones and pagers in school situations can be disruptive to the educational environment and is not acceptable.

Students may bring electronic devices to school, but these devices must be turned off inside school buildings, on school buses, at school-sponsored activities, and on field trips. In these locations, electronic devices may be used only during emergencies.

Students who knowingly use an electronic device such as a cell phone, pager, and/or personal digital assistant (PDA) on school grounds or on school buses, at school sponsored activities, and/or on field trips in a manner which constitutes an interference with school purposes or an educational function or use an electronic device in a manner that is profane, indecent, or obscene or constitutes an invasion of privacy, will be subject to disciplinary action, which could include suspension/expulsion from school.

Violation of this policy will result in disciplinary measures and/or confiscation of the electronic device. Confiscated devices shall be returned to the student or parent at the administrator's discretion.

STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS (File: JIH)

The Board of Education seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school personnel to search the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

Searches may be conducted by a school official who has reasonable grounds for suspecting that a search will turn up evidence that the student has violated either the law or Board policy. When reasonable grounds for a search exist, school personnel may search a student and/or the student's personal property while on school premises or during a school activity under the circumstances outlined in this policy and may seize any illegal, unauthorized, or contraband materials.

Any search conducted by a school official shall respect the privacy of the student and not be any more intrusive than necessary, considering the age and sex of the student and nature of the suspected infraction.

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. A student's failure to cooperate with school officials conducting a search shall be considered grounds for disciplinary action.

An administrative report shall be prepared by the school official conducting a search explaining the reasons for the search, the results, and the names of any witnesses. If the search produces evidence to be used as the basis for disciplinary action, the report shall be filed in the student's cumulative folder.

Definitions

1. "Reasonable suspicion" is the standard for a search on school property or at school activities carried out by school authorities. Reasonable suspicion should be based on facts provided by a reliable informant or personal observation which cause the school official to believe, based on his own personal experience, that search of a particular person, place, or thing would lead to the discovery of evidence of a violation of Board policy or state laws. Reasonable suspicion requires more than a mere hunch.

2. "Contraband" consists of all substances or materials prohibited by Board policy or state law, including but not limited to drugs, alcoholic beverages, guns, knives, other weapons, and incendiary devices.

Search of School Property

School lockers, desks, and other storage areas are school property and remain at all times under the control of the school. School property provided for the use of students is subject to inspection, clean-outs, access for maintenance, and search pursuant to this policy.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school.

The principal or designee may search a desk, locker, or any other storage area and its contents when there are reasonable grounds for a search. Whenever possible, another person shall be available to witness the search.

Search of the Student's Person

The principal or designee may search the person of a student if the school official has reasonable grounds to believe that the student is in possession of contraband.

Search of the person shall be limited to the student's pockets, any object in the student's possession such as a purse or briefcase, and/or a "pat down" of the exterior of the student's clothing.

Searches of the person shall be conducted out of the presence of other students and as privately as possible. At least one but not more than three additional persons of the same sex as the student being searched shall witness but not participate in the search.

The parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person which require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. No strip search shall be carried out by any school employee.

Law Enforcement Officers' Involvement

The principal or designee may request that a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.

When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from school authorities to search a student, the student's personal property, or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted, unless:

1. There is uncoerced consent by the student.
2. There are probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search.
3. The search is incident to an arrest and is limited to the person and immediate surroundings.

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or designee shall be present. If the student is under 18, the student's parent/guardian also shall be present, unless the juvenile is emancipated as that term is defined in state law.

Every effort shall be made not to draw any attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

When custody and/or arrest by the police is involved, the principal shall request that all procedural safeguards as prescribed by law be observed by the law enforcement officers. This includes all due process procedures, including but not limited to obtaining proper arrest warrants where required.

Seizure of Items

Anything found in the course of a search conducted by school officials which is evidence of a violation of law or Board policy or school rules or which by its presence presents an immediate danger of physical harm may be:

1. Seized and offered as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
2. Returned to the student or the parent/guardian.
3. Turned over to any law enforcement officer in accordance with this policy.

Appeals

Within 10 school days after a search, the student may appeal the search decision to the superintendent, who shall investigate the reason(s) and circumstances of the search. The superintendent shall issue written findings within 5 school days after receiving the appeal. The superintendent's decision shall constitute the final district determination.

PARKING LOT SEARCHES (File: JIHB)

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband.

Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination without further hearing of the privilege of bringing the vehicle onto school premises.

Routine patrolling of student parking lots and inspection of the outside of student automobiles shall be permitted at all times.

STUDENT DISCIPLINE (File: JK and JK-R)

The Board believes that effective student discipline is a prerequisite for sound educational practice and productive learning.

The superintendent or his/her designee shall develop and the Board approve procedures for handling general and major discipline problems at each level. When all alternatives have been exhausted at the building level, the student shall be referred to the superintendent and/or the Board of Education for appropriate action.

All policies and procedures for handling general and major student discipline problems shall be designed to achieve these broad objectives. Disorderly students shall be dealt with in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruptions.

The Board, in accordance with state law, has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable, and may result in disciplinary action.

All Board-adopted policies and Board-approved regulations containing the letters “JK” in the file name constitute the discipline section of the legally-required code.

Immunity for Enforcement of Discipline Code

An act of a teacher or other employee shall not be considered child abuse if the act was performed in good faith and in compliance with Board policy and procedures.

A teacher or any other person acting in good faith and in compliance with the discipline code adopted by the Board shall be immune from civil liability unless the person is acting willfully or wantonly. It is an affirmative defense in any criminal action that a person is acting in good faith and in compliance with the discipline code.

Disciplinary Information to School Personnel

In accordance with state law, the principal or designee is required to communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. The purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.

For purposes of this policy, “disciplinary information” means confidential records maintained by or in possession of the principal or designee on an individual student which indicate the student has committed an overt and willful act which constitutes a violation of the district’s code of student conduct and/or there is reasonable cause to believe, through information provided to the principal from another credible source, that the student could pose a threat to the health and safety of other students and school personnel based on prior misbehavior.

“Disciplinary information” is intended to include only that information of a serious nature that is not otherwise available to teachers and counselors as part of the education records maintained on students or other reports of disciplinary actions. It is appropriate for instructional staff members to request disciplinary information from the principal or designee on students in their classrooms if there is concern that the student poses a threat to the safety of other students or school officials.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student’s parent/guardian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student’s parent/ guardian may challenge the accuracy of disciplinary information through the administrative regulations which accompany this policy.

Remedial Discipline Plans

The principal may develop a remedial discipline plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events. The goal of the remedial plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.

Discipline of Habitually Disruptive Students

Students who have been suspended three times for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events three times during the school year in violation of their individual remedial discipline plans may be declared habitually disruptive students. Expulsion is a possible consequence for habitually disruptive students. Any student enrolled in the district's schools may be subject to being declared a habitually disruptive student and thus, may be eligible for expulsion.

Discipline of Special Education Students

Appropriate discipline for special education students shall be in accordance with the student's individual education plan (IEP), any behavior intervention plan, and policy JK -2, Discipline of Students with Disabilities. In order to comply with all state and federal laws, the special education director shall be contacted prior to the use of any disciplinary measure which is not authorized by the student's IEP or behavior intervention plan.

Distribution of Conduct and Discipline Code

The superintendent shall arrange to have the conduct and discipline code distributed once to each student in elementary, middle, and high school and once to each new student in the district. Copies shall be posted in each school of the district. In addition, any significant change in the code shall be distributed to each student and posted in each school.

The Board shall consult with administrators, teachers, parents, students, and other members of the community in the development of the conduct and discipline code.

**Procedure:
Disciplinary Information**

Open communication between principals and the professional staff is essential to accomplish the educational mission of the district. It is recognized that principals have access to information about individual students that may not be otherwise available to others because this information is not recorded as part of the student's education record. To assure that information is shared with the professional staff that may be important to understanding the particular needs of individual students and any potential risk that a student might pose to the safety or welfare of others, state law requires that

the principal take steps to communicate this information to teachers and counselors who have direct contact with the student.

In addition, to make sure that the information communicated is accurate, state law gives students and parents/guardians the right to challenge disciplinary information.

Whenever the principal or designee determines that disciplinary information as defined in Board policy must be communicated to a teacher or counselor, the following steps will be followed:

1. The principal will prepare a brief written statement which sets forth the information to be communicated to a teacher or counselor pertaining to an individual student. If disciplinary information regarding a disabled student is transmitted, the current IEP must also be included. The statement will indicate it is a confidential document. The source of the information will be noted, if applicable.
2. The principal will communicate the information in the statement to the teacher or counselor by providing a copy of the statement. Alternatively, the principal or designee may wait until the student or parent/guardian has had a chance to challenge the content of the statement before communicating the statement to any teachers or counselors. The teacher/counselor and principal or designee may discuss the information in the statement. The principal or designee will record the names of all individuals who are given a copy of the statement.
3. A copy of the written statement will be provided to the student and the student's parent/guardian. However, if a student is 18 years old or older, the student may inspect his or her personal records and written permission will be necessary in order for the parent/guardian to receive them. Such student 18 years old or older will be known as an eligible student.
4. The principal or designee will take steps to see that the parent/guardian of a student under 18 years of age receives a copy of the statement, either by mailing a copy directly to them and/or alerting them to the fact that the statement has been sent to them, either by sending it home with their child or in the mail.
5. The written statement will indicate that the student and/or parent/guardian may challenge the accuracy of the disciplinary information on the basis that it is inaccurate, false or misleading unless the statement is solely a summary of an incident for which the student and parent/guardian has already been afforded a due process hearing prior to imposition of school discipline. In that case, the challenge procedures do not apply.

Challenges

The following procedures apply when an interested person challenges the statement of disciplinary information:

Step 1

A Step 1 review will be requested in writing within seven days after receipt by the parent/guardian of the written statement. If the interested persons fail to file an intent to challenge within seven days after receiving a copy of the statement, the statement will stand as written and there will be no further opportunity to challenge that particular statement. If the student or parent/guardian challenges any part of the statement, the principal should review the part of the statement being challenged and may, by mutual agreement with the person making the challenge, destroy, delete or add the information in question.

Step 2

If the principal does not agree to change the written statement as requested during the Step 1 review, the student or parent/guardian may request an informal hearing with the superintendent within 10 days after the principal's decision not to change the written statement. This request must be in writing and will state the reasons for the request. The principal may file a written response to the request for a Step 2 review to be considered by the superintendent. The superintendent will make a decision within 10 school days after receiving the request for Step 2 review. The superintendent may take whatever steps necessary to make a determination about the content of the statement, including discussing the matter with the student and parent/guardian and/or principal and making independent inquiries to determine the veracity of the statement.

The superintendent may decide that the statement should be revised in accordance with the student or parent/guardian position or may decide to uphold the principal's statement as accurate. The superintendent's decision is final.

Once an appeal has been held on the disciplinary information contained in a statement, that statement may be communicated to teachers/counselors during the school year without any further challenge. If the statement had been communicated prior to the conclusion of the challenge, and changes were made to the statement, the principal or designee will see that all those who received the original statement are provided a copy of the revised statement.

Any teacher or counselor who receives a statement containing disciplinary information will maintain the confidentiality of the information and will not communicate the information to any other person. A violation of this provision will result in appropriate disciplinary action.

Remedial Discipline Plans

1. The principal may develop a plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events. The goal of the remedial plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.
2. To develop the plan, the principal will arrange for a meeting with the student, the student's parent/guardian and any members of the staff whom the principal believes should attend.
3. 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. A written plan will be prepared which addresses the student's disruptive behavior, educational needs and what steps are necessary to keep the child in school. The plan will include incentives for good behavior and consequences if the student is disruptive in violation of the plan.
4. The plan may be written in the form of a contract which the student and the parent/guardian will sign and date.
5. The parent/guardian will be provided a copy of the remedial discipline plan and it will be placed in the student's cumulative file.

Disruptive behavior by special education students will be dealt with in accordance with the student's individual education plan (IEP), any behavior intervention plan and policy JK-2, Discipline of Students with Disabilities. It will be the responsibility of the principal and other appropriate district personnel to coordinate these procedures with a special education student's IEP and any behavior intervention plan.

Habitually Disruptive Students

A student will be declared "habitually disruptive" if suspended three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds or at school activities or events because of student behavior that was initiated, willful, and overt.

1. The principal will inform the superintendent if a student is disruptive for the second time in violation of the principal's remedial discipline plan.
2. The student and the parent/guardian will be notified in writing of each suspension which counts toward declaring the student habitually disruptive. The student and parent/guardian will also be notified in writing and by telephone or other oral

communication of the definition of "habitually disruptive student" and the mandatory expulsion of such students.

3. District procedures for expulsion will initiated when the student is suspended for the third time. The period of suspension will be extended, if necessary to conduct an expulsion proceeding.

DISCIPLINE OF STUDENTS WITH DISABILITIES (File: JK-2)

Students with disabilities are neither immune from a school district's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with their IEP, any behavioral intervention plan, and this policy. During any period of disciplinary action, the student shall continue to receive a "free appropriate public education" in accordance with federal law.

Manifestation Determination

When a disciplinary change in placement is being considered related to a disabled student's behavior, the IEP team and other qualified district personnel shall review the relationship between the student's disability and the behavior. Such a review must take place immediately, if possible, but no later than 10 business days from the date of the decision to take disciplinary action.

The team will determine whether the student's behavior is a manifestation of the disability and whether the student's disability impaired his or her ability to control or understand the impact and consequences of the behavior.

Disciplinary Action for Behavior that Is Not a Manifestation

Once the team determines that the behavior was not a manifestation of the disability, disciplinary procedures shall be applied to the student in the same manner as applied to non disabled students. If disciplinary action includes suspension for more than 10 school days in a year or expulsion, the school will provide a free appropriate public education in a setting that addresses the student's educational needs.

Disciplinary Action/Alternative Placement for Behavior that Is a Manifestation

A student with disabilities whose behavior is determined to be a manifestation of his or her disability may not be expelled or suspended for more than 10 days from the current placement, but will be disciplined in accordance with his or her IEP, any behavioral intervention plan, and this policy.

In addition to any disciplinary action provided for in the IEP or behavioral intervention plan, if school officials believe the student is likely to injure self or others, the disabled student may be placed for up to 45 school days in an appropriate interim alternative educational setting.

If parent/guardian disagree with the district's alternative placement, a hearing officer may order removal to an alternative setting for 45 days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.

Either before or within 10 business days after any change in placement related to a disciplinary problem, the IEP team must meet to determine an appropriate alternative setting, to develop a behavioral assessment plan, or to review and modify an existing intervention plan, and review and modify the IEP where necessary.

Nothing in this policy shall prohibit an IEP team from establishing consequences for disruptive or unacceptable behavior as a part of the student's IEP. The plan shall be subject to all procedural safeguards established by the IEP process.

Expedited Hearings

An expedited hearing is available when:

1. The parent/guardian disagrees with the IEP team's determination regarding manifestation or with any decision regarding placement.
2. The parent/guardian disagrees with the proposed new placement following an interim alternative placement.
3. The district believes it is dangerous for the student to be returned to the previous placement.

During any challenge to placement, the student will stay in the alternative placement.

Students Not Identified as Disabled

Students who have not been identified as disabled may be subjected to the same disciplinary measures applied to children without disabilities if the district did not have "knowledge" of the disability. The district has knowledge of the disability when:

1. The parent/guardian has expressed concern in writing that the student needs special education.
2. The student's behavior or performance has demonstrated such a need.

3. The parent/guardian has requested an evaluation.
4. The student's teacher or other district personnel have expressed concern about the student's behavior or performance to the director of special education or other district personnel.

If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited.

USE OF PHYSICAL INTERVENTION (File: JKA)

In dealing with disruptive students, any person employed by the district may, within the scope of his or her employment, use reasonable and appropriate physical intervention or force as necessary for the following purposes:

1. To prevent a student from an act of wrong-doing.
2. To quell a disturbance threatening physical injury to others.
3. To obtain possession of weapons or other dangerous objects upon a student or within the control of a student.
4. For the purpose of self-defense.
5. For the protection of persons or property.
6. To maintain discipline.

Any such acts are not in conflict with the legal definition of child abuse and shall not be construed to constitute corporal punishment within the meaning and intention of this policy.

No corporal punishment shall be administered to students by anyone in any district school.

DETENTION OF STUDENTS (File: JKB)

Reasonable detention of students at the close of the school day shall be permitted under the following conditions:

1. Appropriate consideration shall be given to factors of student transportation, traffic patterns, weather, and any other extenuating circumstances.
2. The age and grade level of the student shall be considered in determining the length of time a student may be detained after school.
3. In the event that a student is to be detained after the normal closing time, the parents or legal guardian shall be notified in advance. If the parents cannot be reached, detention shall be postponed until such time as communication with the home is established.

Saturday detention may be assigned to secondary students for more serious discipline violations or repetitive problems where suspension has not been deemed necessary.

DISCIPLINARY REMOVAL FROM CLASSROOM (File: JKBA)

It is the policy of the Board to maintain classrooms in which student behavior does not interfere with the ability of the teacher to teach effectively or the ability of other students to participate in classroom learning activities.

Students shall be expected to abide by the code of conduct adopted by the Board and any other appropriate classroom rules of behavior established by the building principal and/or classroom teacher for the purpose of maintaining order and a favorable academic atmosphere. Any student who violates the code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action.

Student removal from class is a serious measure and should not be imposed in an arbitrary, casual, or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when they are communicated as clearly as possible to students. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every circumstance that would justify removal from class under this policy. Teachers are expected to exercise their best professional judgment in deciding whether it is appropriate to remove a student from class in any particular circumstance. All instances of formal removal from class shall be documented.

A teacher is authorized to immediately remove a student from the teacher's classroom if the student's behavior:

1. Violates the code of conduct adopted by the Board.
2. Is dangerous, unruly, or disruptive.

3. Seriously interferes with the ability of the teacher to teach the class or other students to learn.

A student with a disability may be removed from class and placed in an alternative educational setting only to the extent authorized by state and federal laws and regulations.

Removal from class under this policy does not prohibit the district from pursuing or implementing additional disciplinary measures, including but not limited to detentions, suspensions, or expulsions for the conduct or behavior for which the student was removed.

The superintendent is directed to establish procedures to implement this policy so that removals from a classroom occur in a consistent manner throughout the district.

Parents/guardians shall be notified of the student's removal from class in accordance with established procedures.

SUSPENSION/EXPULSION OF STUDENTS (File: JKD/JKE and JKD-R/JKE-R)

The Board of Education shall provide due process of law to students, parents/guardians, and school personnel through written procedures consistent with law for the suspension or expulsion of students and the denial of admission.

As an alternative to suspension, the pupil may remain in school by encouraging the parent, guardian, or legal custodian, with the consent of the pupil's teacher or teachers, to attend class with the pupil for a period of time specified by the suspending authority. If the parent/guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the accompanying regulations.

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

Delegation of Authority

1. 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 for not more than 5 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 (see exhibit coded JKD/JKE-E); but the total period of suspension shall not exceed 25 school days.

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 if necessary in order to present the matter to the Board.
3. The Board of Education retains the authority to deny admission to or expel for any period not extending beyond 1 year any student whom the Board, 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.

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 superintendent or designee will review the information and formulate a recommendation for disciplinary action to the Board.

The information shall be used by the Board 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 the student code of conduct and related policies.

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.

Annual Reports

The Board annually shall report to the State Board of Education the number of students expelled from district schools for disciplinary reasons or for failure to submit certificates of immunization. Expelled students shall not be included in calculating the dropout rate for the school or the district.

Information to Parents

Upon expelling a student, district personnel shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion, including the right of the parent/guardian to request that the district provide services during the expulsion. If the parent/guardian chooses to provide a home-based education program for the student, district personnel shall assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled for the remainder of the school year and is not receiving educational services through the district pursuant to policy JKF, the school district shall contact the expelled student's parent or guardian at least once every 60 days until the beginning of the next school year to determine whether the child is receiving educational services.

Procedure

A. Procedure for Suspension of 10 Days or Less

Through written policy, the Board of Education has delegated to any school principal the power to suspend a student for not more than 5 or 10 days, depending upon the type of infraction. Pursuant to policy JKD/JKE, the superintendent has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed 25 school days. As a general rule, a suspension will be 10 days or less.

The following procedures will be followed in any suspension, unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures will apply.

When the term "parent/guardian" is used, it refers to the parent/guardian of students under 18 years of age; if the student is 18 years or older, it refers to the student. All references to parent/guardian are intended to also include legal custodian.

1. Notice. The principal, designee or the superintendent at the time of contemplated action will give the student and the parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be given in person. If written, delivery may be by United States mail addressed to the last known address of the student or student's parent/guardian.
2. Contents of notice. The notice will contain the following basic information:
 - a. A statement of the charges against the student.
 - b. A statement of what the student is accused of doing.

- c. A statement of the basis of the allegation. Specific names may be withheld if necessary to shield a witness.

This information need not be set out formally but should sufficiently inform the student and parent/guardian of the basis for the contemplated action.

3. Informal hearing. In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a decision on the contemplated action.
4. Timing. The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the hearing.
5. If the student's presence in school presents a danger. Notice and an informal hearing need not be given prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, an informal hearing will follow as soon after the student's removal as practicable.
6. Notification following suspension. If a student is suspended, the administrator delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension.
 - The notice will contain the following basic information:
 - a. A Statement of the charges against the student.
 - b. A statement of what the student is accused of doing.
 - c. A statement of the basis of the allegation. Specific names may be withheld if necessary to shield a witness.
7. Removal from school grounds. A suspended student must leave the school building and the school grounds immediately after the parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.
8. Re admittance. No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the

administrator may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.

9. Make-up work. Suspended students will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive credit for make up work which is completed satisfactorily. The amount of credit will be determined by the school administration.

B. Procedure for Expulsion or Denial of Admission

In the event a student commits a potentially expellable offense, the following procedures will be followed:

1. Notice. Within three days of the offense, the building principal shall submit paperwork to the hearing officer for expulsion. The hearing officer will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be by United States mail addressed to the last known address of the student or the student's parent/guardian.
2. Emergency notice. In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened provided that the student or the student's parent/guardian have actual notice of the hearing prior to the time it is held.
3. Contents of notice. The notice will contain the following basic information:
 - a. A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.
 - b. A statement of the date, time, and place of the hearing which will take place within 3 days after the date of the notice.
 - 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 a attorney.
 - d. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
4. The hearing officer and building principal will meet with parent/guardian, student and, if requested, an attorney. Testimony and information will be shared and a decision will be rendered within three school days of the hearing.

A sufficient record of the proceedings will be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting the same.

The hearing officer will inform the superintendent of the decision and will send a letter to the family within five days informing them of their right to appeal. The family has seven days to appeal in writing. If the family appeals, a meeting will be scheduled with the superintendent or designee within three to five days of the request.

The superintendent or designee hears the case and renders a decision within 3 days of the hearing informing them of their right to appeal. They have seven days to appeal. If the family appeals, a hearing will be scheduled with the Board of Education at the next scheduled Board of Education meeting. The Board renders a decision and Central Office sends a letter to the family informing them of the decision.

5. Parental responsibility. Upon expelling a student, district personnel will provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right to request that the district provide services during the expulsion. If the parent or guardian chooses to provide a home-based education program for the student, district personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled for the remainder of the school year, the school district will contact the expelled student's parent/guardian at least once every 60 days until the beginning of the next school year to determine whether the child is receiving educational services. District personnel need not contact the parent/guardian 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 sentenced to a juvenile or adult detention facility.

6. Re enroll. A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:
 - a. The expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment, or was placed in a diversion program as a result of committing the offense for which the student was expelled.
 - b. There is an identifiable victim of the expelled student's offense.
 - c. The offense for which the student was expelled does not constitute a crime against property.

If the district has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

No student will be readmitted to school until after a meeting between the principal or designee and the parent/guardian has taken place except that if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

C. Procedure for Crimes of Violence

The following procedures will apply when the district receives notification that a student has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

1. The Board or its designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors:
 - a. Whether the student has exhibited behavior that is detrimental to the safety or welfare of other students or school personnel.
 - b. Whether educating the student in school may disrupt the learning environment, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel.

The determination may be made in executive session to the extent allowed by state law.

2. If it is determined that the student should not be educated in the schools of the district, the district may suspend or expel the student, in accordance with the procedures set forth above.
3. Alternatively, suspension or expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the suspension or expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program, including but not limited to an on-line program authorized by state law or home-based education program, will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated a delinquent juvenile, the Board or designee may proceed to suspend or expel the student following the procedures set forth in these regulations.

5. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this policy, but shall remain confidential unless the information is otherwise available to the public by law.

GROUND FORS SUSPENSION/EXPULSION (File: JKD-E/JKE-E)

According to the Colorado Revised Statutes 22-23-106(1)(a-e) and 3(e), the following shall be grounds for suspension or expulsion from a public school:

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 an habitually disruptive student for which expulsion shall be mandatory.
 - a. For the purposes of this paragraph, "habitually disruptive student" means a child who has been suspended pursuant to paragraph 1, 2, 3, or 5 of this exhibit three times during the course of the 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 on the part of the child. Any student who is enrolled in a public school may be subject to being declared an habitually disruptive student.
 - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each suspension 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" and the mandatory expulsion of such students.
5. Serious violations in a school building or in or on school property for which suspension or expulsion shall be mandatory. Expulsion shall be mandatory for:
 - a. The sale of a drug or controlled substance as defined in C.R.S. 12-22-303.

- b. 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.
 - c. The carrying, bringing, using, or possessing of a dangerous weapon without the authorization of the school or school district, except that if a student discovers that he or she has carried, brought, or is in possession of a dangerous weapon and the student notifies a teacher, administrator, or other authorized person in the school district and, as soon as possible, delivers the dangerous weapon to that person, expulsion shall not be mandatory. As used in this paragraph, "dangerous weapon" means:
 - 1) A firearm, whether loaded or unloaded, or a firearm facsimile that could reasonably be mistaken for an actual firearm.
 - 2) Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
 - 3) A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches.
 - 4) Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.
6. Repeated interference with a school's ability to provide educational opportunities to other students.
 7. Failure to comply with the provisions of Part 9, Article 4, Title 15, C.R.S. (immunization requirements). Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
 8. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
 9. Misuse of an electronic device such as a cell phone, pager, and/or personal digital assistant (PDA) on school grounds or on school buses, at school sponsored activities, and/or on field trips in a manner which constitutes an interference with school purposes or an educational function or that is profane, indecent, or obscene or constitutes an invasion of privacy.

According to C.R.S. 22-22-106(2), subject to the district's responsibilities under the Exceptional Children's Education Act (see policy JK-2, Discipline of Students with Disabilities, page 33), the following shall be grounds for expulsion from or denial of

admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be detrimental to the welfare of other students.

SUSPENSION/EXPULSION OF DISABLED STUDENTS (File: JKD-2/JKE-2 and JKD-2-R/JKE-2-R)

Special education students are neither immune from a school district's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students.

A special education student may be temporarily suspended from school if exclusion is warranted because of the student's disruptive activities and/or actions which present a physical danger to himself, other students, school personnel, or school property.

A special education student whose behavior is determined to be a manifestation of his or her disability may not be expelled but shall have his individual education plan (IEP) reviewed by the appropriate IEP team. The team shall review the IEP for appropriateness of services and the need for a more restrictive or alternate placement.

A special education student whose behavior creates a threat of physical harm to himself or other students may not be expelled if the actions creating the threat are a manifestation of his or her disability. However, the student shall be removed from the classroom to an appropriate alternative setting for a length of time which is consistent with federal law. Within 10 days, the school in which the student is enrolled shall arrange for a re-examination of the IEP to amend the plan as necessary to insure that the needs of the student are addressed in a more appropriate manner or setting which is less disruptive to other students.

The special services director shall be consulted prior to consideration of expulsion of a special education student for misbehavior that is not related to his or her handicapping condition.

Procedure:

Suspensions from the child's current placement must be for a definite period of time, not longer than 10 consecutive school days for any violations of school rules. Removals do not constitute a change of placement.

After the child with a disability has been removed from his or her current placement for more than 10 days in the same school year, the building special education team must meet to determine the level of services the student may need; and a functional behavioral assessment and a behavior intervention plan must be established for that child by the IEP team.

Occasionally, the misconduct of a student with disabilities necessitates a brief change of placement to an interim alternative education setting (IAES). The IEP team determines if an IAES is appropriate for the student. The IAES must:

1. Allow the student to progress in the general curriculum.
2. Provide the student the necessary services and modifications to meet the goals set out in the IEP.
3. Include services and modifications to address the presence of and prevent the reoccurrence of the misconduct behavior.

A student with a disability may be placed in an IAES for a period of time consistent with their non disabled peers but not more than a maximum of 45 days.

In the case where the student with a disability carries a weapon to school or to a school function, knowingly possesses or uses illegal drugs, or solicits the sale of a controlled substance, the student would be suspended from school and considered for expulsion. Immediately upon the decision that expulsion is to be pursued, the parent of the child must be notified and provided procedural safeguards. Within 10 days of the decision, a manifestation staffing review must be conducted. The IEP team and other qualified personnel are responsible for conducting the manifestation determination review.

If the IEP team determines that the misconduct is not a manifestation of the student's disability, the district can proceed with the expulsion; but the IEP team must tailor a free and appropriate public education (FAPE) educational program during the suspension or expulsion.

If the misconduct is a manifestation of the disability, the discipline proceeding must stop; and the IEP team must review the IEP and adjust the programming according to the least restrictive environment (LRE) options.

STAFF PERSONAL SECURITY AND SAFETY (File: GBGB)

The following procedures shall be followed in instances of assault, disorderly conduct, harassment, knowingly false allegation of child abuse, or alleged criminal offense by a student directed towards a teacher or school employee.

These same procedures shall be followed in instances of damage by a student to the personal property of a teacher or school employee occurring on school district premises.

1. The teacher or employee shall file a written complaint with the building principal, the superintendent's office, and the Board of Education.
2. The principal, after receipt both of the complaint and adequate proof of the charges, shall suspend the student for three days in accordance with established procedure.
3. The superintendent shall initiate procedures for the further suspension or expulsion of the student when injury or property damage has occurred.
4. The superintendent or his designee shall report the incident to the district attorney or the appropriate local law enforcement agency or officer who shall then investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.
5. A copy of this policy shall be distributed to each student and posted in each building.

Communication of Disciplinary Information

As appropriate, the principal or designee shall communicate discipline information concerning any student enrolled in the district to all teachers and counselors who have direct contact with that student. Any employee who is assigned a student with known serious behavior problems will be informed of the student's behavior record. Any teacher or counselor who is provided this information shall maintain its confidentiality and shall not communicate it to any other person.

NOTIFICATION TO PARENTS AND STUDENTS OF RIGHTS CONCERNING STUDENT SCHOOL RECORDS (File: JRA-E/JRC-E)

The Family Educational Rights and Privacy Act ("FERPA") and Colorado law afford parents/guardians ("parents") and students 18 years of age and older ("eligible students") certain rights with respect to the student's education records, as follows:

1. The right to inspect and review the student's education records within 3 days of the district receiving a request for access.

A parent or eligible student making such a request must submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise violates the privacy rights of the student.

A parent or eligible student may ask the district to amend a record they believe is inaccurate, misleading, or otherwise violates the privacy rights of the student by writing to the school principal (or appropriate school official) clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading, or otherwise violates the privacy rights of the student.

If the principal decides not to amend the record as requested, the principal will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state law authorize disclosure without consent.

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information regarding a student, the notice provided to the parent/guardian or eligible student shall contain the following:

- a. The specific records to be released.
- b. The specific reasons for such release.
- c. The specific identity of any person, agency, or organization requesting such information and the intended uses of the information.
- d. The method or manner by which the records will be released.
- e. The right to review or receive a copy of the records to be released.

Parental consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program, or in any other school program shall not constitute the specific written consent required. All signed consent forms shall be retained by the school district.

Disclosure of personally identifiable information can be made without consent to the following:

- a. School officials, including teachers, working in the school at which the student is enrolled who have a specific and legitimate educational interest in the information for use in furthering a student's academic achievement or maintaining a safe and orderly learning environment. This may include the disclosure of disciplinary information regarding conduct that posed a significant risk to the safety or well-being of the student or others. A school official is a person employed by the district as an administrator, supervisor, teacher, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- b. Officials of another school or school system or post secondary institution that has requested the records and in which the student seeks or intends to enroll. In this case, disciplinary information may be included. The district will provide a copy of the record to the eligible student or student's parents if so requested.
- c. In connection with a student's application for or receipt of financial aid.
- d. A criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to trial. Such information shall only include disciplinary and attendance information and shall only be shared upon certification by the criminal justice that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.
- e. Educational testing and research organizations for the purpose of administering student aid programs or improving instruction or predictive tests as long as confidentiality is maintained and such organizations are required to destroy records after they no longer are needed.
- f. Accrediting institutions to carry out their accrediting functions.
- g. Parents of students 18 years of age and older that are dependent for federal income tax purposes.
- h. In emergency situations to appropriate persons if the information is necessary to protect the health and safety of the student or others.
- i. Anyone if required by a court order or subpoena. The district will make reasonable efforts to notify the parent or eligible student prior to complying with the subpoena or court order. The district will not provide such notice if the subpoena is issued by a federal grand jury or any other law enforce-

ment purpose where the court has ordered non-disclosure of the existence or contents of the subpoena or information furnished.

- j. A court presiding over a legal action initiated by the school district where the education records are relevant, or initiated by a parent or eligible student where the records are relevant for the school district's defense.

The school district may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.

- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is: Family Policy Compliance Office; U.S. Department of Education; 400 Maryland Avenue, SW; Washington, DC 20202-4605.

- 5. The right to refuse to permit the designation of any or all of the categories of directory information.

The district is permitted by law to disclose directory information without written consent of the parent or eligible student. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7 or the following Monday if September 7 is a Saturday or Sunday.

Directory information which may be released may include the student's name, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent and previous education agency or institution attended by the student, and other similar information. Student telephone numbers and addresses will not be disclosed pursuant to Colorado law, except that the mailing addresses of eighth grade students shall be disclosed to the CCHE pursuant to paragraph 13 of this policy.

- 6. The right to request that information not be provided to military recruiting officers.

Names, addresses, and home telephone numbers as well as directory information of secondary school students will be released to recruiting officers within 90 days of the request unless a student submits a written request that such information not be released. The sample opt-out form is included in the Appendix on page 80.

7. Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year, the school district shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

CUSTODIAL AND NONCUSTODIAL PARENT RIGHTS AND RESPONSIBILITIES – ALLOCATION OF PARENTAL RESPONSIBILITIES (File: KBBA and KBBA-R)

The Board presumes that the person who enrolls a student in school is the student's custodial parent. Unless the school has a copy of a court order that specifies otherwise, said custodial parent shall be the one whom the district holds responsible for the education and welfare of that child.

Parents or guardians shall have the right to receive information contained in school records pertaining to their minor child and to forbid or permit the disclosure of such information to others unless authorized by the custodial parent.

The Board, unless informed otherwise, assumes that there are no restrictions regarding either parent's right to be kept informed of the student's school progress and activities. If restrictions are made relative to the rights of either parent, the custodial parent or the parent to whom parental responsibility for school matters has been allocated shall be requested to submit a certified copy of the court order which curtails specific rights of the other parent.

Unless there are specific court-imposed restrictions, either parent, upon request, shall be given access to all of the student's educational records including, but not limited to the student's cumulative file and the student's special education file, if applicable.

The student shall not be permitted to visit with or be released to anyone without the approval of the custodial parent or the parent to whom parental responsibility for school matters has been allocated by a court order. However, if neither parent has been granted custody or allocated parental responsibility for school matters by a court order and the custodial parent cites emergency circumstances, access to a student by the other parent may be limited on a temporary basis for a reasonable period of time to allow a custodial parent an opportunity to obtain a court order.

Procedure:

The following procedures have been developed for situations involving the allocation of parental responsibilities (custody), visitation, and release of records of a child enrolled in Falcon School District 49.

1. The school secretary will maintain records easily accessible to school administration indicating those students whose parents are divorced or legally separated and have special custody arrangements. Upon receiving the appropriate information, the school will make every attempt to comply with special custody terms.
2. Students will not be released to unauthorized individuals.

Children of Divorced/Separated Parents

1. Both natural parents have the right to view the child's school records and receive school progress reports.
2. The district will presume that both parents have equal access to a child when that student is registered in school unless one parent provides the district with a court order indicating otherwise.
3. A copy of the court order governing a divorce, separation, or delineation of parental rights will be provided by the custodial parent or the parent to whom parental responsibility for school matters has been allocated and kept in the student's cumulative record as a temporary record if situation warrants.
4. If the school is aware that the student's parents are divorced or separated and a parent refuses to provide a copy of the court order to the district, the principal will be advised; and a statement of the refusal will be noted, including the date and situation. This statement will be filed in the student's cumulative record. The district will provide full access to both parents in this case.
5. A student will not be denied admission to school on the basis of refusing the request for documentation of a divorce, separation, or delineation of parental rights unless student residency is at issue.
6. In some instances, two opposing court orders may be presented to the school. In such event, the most current order will govern.
7. Joint allocation of parental responsibility or joint custody stipulations in a divorce decree will be read carefully in order to understand the rights and privileges allowed each parent. The school will review such a decree for residency and visitation rights purposes. Students may be allowed by such a decree to attend two schools on a rotation basis corresponding to custody arrangements.
8. The student shall not be permitted to visit with or be released to anyone without the approval of the custodial parent or the parent to whom parental responsibility for school matters has been allocated by a court order. However, if neither parent has been granted custody or allocated parental responsibility for school

matters by a court order and the custodial parent cites emergency circumstances, access to a student by the other parent may be limited on a temporary basis for a reasonable period of time to allow a custodial parent an opportunity to obtain a court order.

9. If a school official becomes aware of emergency circumstances, the appropriate law enforcement agency will be contacted. If a school official is in doubt about the validity of a request or documentation presented, the official will contact appropriate district administration. The official should request positive identification of any individual making a request for release or visitation of a student.
10. If a parent making an unauthorized request for release or visitation refuses to leave the school premises at the principal's request, the principal will contact the appropriate law enforcement agency.
11. Contact from an attorney on behalf of a parent may be referred to the school attorney on advice of the superintendent.

Student Use of the Internet and Electronic Communications (File: JS)

The Internet, a global computer network sometimes referred to as the World Wide Web, and electronic communications (e-mail, chat rooms, and other forms of electronic communication) have vast potential to support curriculum and student learning. The Board of Education believes they should be used in schools as a learning resource to educate and to inform.

Use of the Internet and electronic communications require students to think critically, analyze information, write clearly, use problem-solving skills, and hone computer and research skills that employers demand. Use of these tools also encourages an attitude of lifelong learning and offers an opportunity for students to participate in distance learning activities, ask questions of and consult with experts, communicate with other students and individuals, and locate material to meet educational and personal information needs.

The Board believes the educational opportunities inherent in these tools far outweigh the possibility that users may procure material not consistent with the education goals of the district. However, the Internet and electronic communications are fluid environments in which students may access materials and information from many sources, including some that may be harmful to students. While The Board acknowledges that while it is impossible to predict with certainty what information students might locate or come into contact with, the district shall it desires to take all reasonable steps to protect students from accessing material and information that is obscene, child pornography, or otherwise harmful to minors, as defined by the Board. Students shall take responsibility for their own use of district computers and

computer systems to avoid contact with material or information that may be harmful to minors.

Blocking or filtering obscene, pornographic and harmful information

Services/products A system that blocks or filters material and information that is obscene, child pornography, or otherwise harmful to minors, as defined by the Board, shall be installed to protect all district computers having Internet or electronic communications access. Students shall report access to material and information that is obscene, child pornography, harmful to minors, or otherwise in violation of this policy to the supervising staff member. If a student becomes aware of other students accessing such material or information, he or she shall report it to the supervising staff member.

No expectation of privacy

District computers and computer systems are owned by the district and are intended for educational purposes at all times. Students shall have no expectation of privacy when using the Internet or electronic communications. The district reserves the right to monitor, inspect, copy, review, and store (at any time and without prior notice), all usage of district computers and computer systems, including all Internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed/received through district computers and computer systems shall remain the property of the school district.

Unauthorized and unacceptable uses

Students shall use district computers and computer systems in a responsible, efficient, ethical, and legal manner. Because technology and ways of using technology are constantly evolving, every unacceptable use of district computers and computers systems can not be specifically described in policy. Therefore, examples of unacceptable uses include, but are not limited to, the following. No student shall access, create, transmit, retransmit or forward material or information:

- that promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturing or purchasing of destructive devices or weapons.
- that is not related to district education objectives.
- that contains pornographic, obscene, or other sexually oriented materials, either as pictures or writings, that are intended to stimulate erotic feelings or appeal to prurient interests in nudity, sex, or excretion.
- that harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons with regard to race, color, sex, religion, national origin, age, marital status or disability.
- for personal profit, financial gain, advertising, commercial transaction, or political purposes.

- that plagiarizes the work of another without express consent.
- that uses inappropriate or profane language likely to be offensive to others in the school community.
- that is knowingly false or could be construed as intending to purposely damage another person's reputation.
- in violation of any federal or state law, including but not limited to copyrighted material and material protected by trade secret.
- that contains personal information about themselves or others, including information protected by confidentiality laws.
- using another individual's Internet or electronic communications account without written permission from that individual.
- that impersonates another or transmits through an anonymous remailer.
- that accesses fee services without specific permission from the system administrator.

Security

Security on district computer systems is a high priority. Students who identify a security problem while using the Internet or electronic communications must immediately notify a system administrator. Students should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Students shall not:

- use another person's password or any other identifier.
- gain or attempt to gain unauthorized access to district computers or computers systems.
- subvert or attempt to subvert any security controls in place on any district or other computer or computer system
- read, alter, delete, copy, or attempt to do so, electronic communications of other system users .
- connect any unauthorized device or component physically or wirelessly to any district computer, computer system or network
- carelessly handle any district computer such that it becomes subject to physical damage, loss, or theft

Any user identified as a security risk, or as having a history of problems with other computer systems, may be denied access to the Internet and electronic communications and may be subject to school disciplinary and/or legal action.

Safety

Students shall not reveal personal information, such as home address or phone number, while using the Internet or electronic communications. Without first obtaining permission of the supervising staff member, students shall not use their last name or any other information that might allow another person to locate him or her. Students shall not arrange face-to-face meetings with persons met on the Internet or through electronic communications.

Vandalism

Vandalism will result in cancellation of privileges and may result in school disciplinary action, including suspension or expulsion, and/or legal action. Vandalism is defined as any malicious or intentional attempt to harm, destroy, modify, abuse, or disrupt operation of any network within the school district or any network connected to the Internet, operation of any form of electronic communications, the data contained on any network or electronic communications, the data of another user, usage by another user, or district-owned software or hardware. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

Unauthorized software

Students are prohibited from using or possessing any software that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees owed to the software owner.

Assigning student projects and monitoring student use

The district will make reasonable efforts to see that the Internet and electronic communications are used responsibly by students. Administrators, teachers, and staff have a professional responsibility to work together to monitor students' use of the Internet and electronic communications, help students develop the intellectual skills needed to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to evaluate and use information to meet their educational goals. Students shall have specifically defined objectives and search strategies prior to accessing material and information on the Internet and through electronic communications. Opportunities shall be made available on a regular basis for parents to observe student use of the Internet and electronic communications in schools.

Student use is a privilege

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Student use of the Internet and electronic communications is a privilege, not a right. Failure to follow the procedures contained in this policy will result in the loss of the privilege to use these tools and restitution for costs associated with

damages, and may result in school disciplinary action, including suspension or expulsion, and/or legal action. The school district may deny, revoke, or suspend access to district technology or close accounts at any time.

Students and parents/guardians shall be required to sign the district's Acceptable Use Agreement annually before Internet or electronic communications accounts shall be issued or access shall be allowed.

School district makes no warranties

The school district makes no warranties of any kind, whether expressed or implied, related to the use of district computers and computer systems, including access to the Internet and electronic communications services. Providing access to these services does not imply endorsement by the district of the content, nor does the district make any guarantee as to the accuracy or quality of information received. The School District shall not be responsible for any damages, losses or costs a student suffers in using the Internet and electronic communications. This includes loss of data and service interruptions. Use of any information obtained via the Internet and electronic communications is at the student's own risk.

SCHOOL PUBLICATIONS CODE (File: JICEA-R)

Purpose:

As stated in Board policy, school-sponsored publications are a public forum for students, as well as an educational activity through which students can gain experience in reporting, writing, editing, and understanding responsible journalism. Content of school publications should reflect all areas of student interest, including topics about which there may be dissent or controversy.

Responsibilities of Student Journalists

In addition to the responsibilities set forth in the accompanying Board policy, students who work on official student publications will:

1. Rewrite material as required by the faculty advisers to improve sentence structure, grammar, spelling, and punctuation.
2. Check and verify all facts and verify the accuracy of all quotations.
3. In the case of editorials or letters to the editor concerning controversial issues, provide space for rebuttal comments and opinions.

If the Board determines that advertising is allowed in the publication, the student editor will determine the content of any advertisements.

Responsibilities of Publications Advisors

In addition to the responsibilities set forth in the accompanying Board policy, the publication advisor will exercise general supervision over all activities to create a proper learning environment.

Prohibited Materials

1. Students may not publish or distribute material which is obscene. "Obscene" means:
 - a. The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.
 - b. The publication depicts or describes in a patently offensive way sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of genitals.
 - c. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
2. Students may not publish expression which is libelous, slanderous, or defamatory under state law. "Libelous" is defined as a false and unprivileged statement about a person which injures the individual's reputation in the community.
3. Expression which is false as to any person who is not a public figure or involved in a matter of public concern is prohibited. If the allegedly libeled individual is a "public figure or official," the official must show that the false statement was published with actual malice, as the terms are defined in law.

Under the "fair comment rule," a student is free to express an opinion on matters of public interest. Specifically, a student enjoys a privilege to criticize the performance of teachers, administrators, school officials, and other school employees.

4. Expression which presents a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school, violates the rights of others to privacy, or threatens violence to property or persons is prohibited.

In order for a student publication to be considered disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial material disruption to normal school activity would occur if the material were distributed.

Undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to show affirmatively substantial facts which reasonably support a forecast of likely disruption. Material that stimulates heated discussion or debate does not constitute the type of disruption which is prohibited.

Time, Place, and Manner Restrictions

The principal will coordinate with the publication advisor on the time, place, and manner of distributing school-sponsored publications to reduce any conflict with school instructional time and/or reduce any disruption of the orderly operation of the school which might be caused by the distribution of school-sponsored publications.

Procedures for Resolving Differences

Student editors will work first with the publication's advisor to resolve any differences. If the problem can not be resolved at this level, the student editors and/or the publication advisor may work with the principal to resolve any problems. If the problem is not resolved at the principal level, the student editors and/or the publication's advisor may work with the superintendent to resolve any problem. If the problem is not resolved at the superintendent level, the student editors and/or publication's advisor may work with the Board of Education. If the problem is not resolved at the Board level, the student editors and/or publication's advisor may seek relief through the judicial system.

Legal Advice

1. If in the opinion of the student editor, student editorial staff, or faculty advisor, material proposed for publication may be "obscene," "libelous," or "cause a substantial disruption of school activities," the legal opinion of the school district's attorney should be sought if authorized by the principal.
2. Legal fees charged in connection with this consultation will be paid by the Board.

STUDENT DISTRIBUTION OF NONCURRICULAR MATERIALS (File: JICEC and JICEC-R)

To understand Constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.

It is the goal of this policy to strike a necessary balance between a student's right of free speech and the school's responsibility to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.

Students shall be allowed to distribute non curricular written materials on school property subject to restrictions on time, place, and manner of distribution set out in the accompanying regulations and the prohibitions set out below and in state law.

Any material in any media containing expression which is obscene, libelous, slanderous, or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board or district policy and/or regulations, which violates another person's right to privacy, causes a material and substantial disruption of the orderly operation of the school, or threatens violence to property or persons.

School equipment and supplies shall not be used for publication of such material unless authorized as a school-sponsored activity.

Students who distribute materials in violation of this policy and/or materials that cause a material and substantial disruption, damage to a person or property, or threaten violence to property or persons in the judgment of school officials, shall be subject to appropriate disciplinary action.

This policy and the accompanying regulations shall be made available to all students and teachers at the beginning of each school year and included in all student handbooks.

Procedure:

Students who wish to distribute non curricular printed materials on school property or in conjunction with a school activity must notify the principal a minimum of one day in advance so that details may be worked out regarding the time, place, and manner of distribution.

Students must produce an advance copy of the materials that will be distributed for the principal's review. However, materials which are distributed on school grounds containing information prohibited by Board policy and/or materials that create a significant or substantial disruption, damage to persons or property, or threaten violence to property or persons in the judgment of school officials, may subject the responsible students to disciplinary action following distribution.

The following restrictions will apply to all requests for distribution of non curricular materials by students:

1. Place. Distribution of printed materials must be made at places within the school or on school grounds as designated by the principal, except that in no event may such materials be distributed in any classroom of any building then being occupied by a regularly-scheduled class.

2. Time. Distribution may be made 30 minutes before school and/or during regularly scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.
3. Littering. All distributed items discarded in school or on school grounds must be removed by the persons distributing such materials.
4. Manner. No student may in any way be compelled or coerced to accept any non curricular materials. In the alternative, no school official or student may interfere with the distribution of approved materials.

Violation of any of these regulations will be sufficient cause for denial of the privilege to distribute materials at future dates and for disciplinary action.

GRADING/ASSESSMENT SYSTEMS (File: IKA)

It is the philosophy of the Board that students will respond more positively to the opportunity for success than to the threat of failure. The district shall seek, therefore, in its instructional program to make achievement both recognizable and possible for students. It shall emphasize achievement in its processes of evaluating student performance.

Classroom assessment practices shall be aligned with the district's content standards and assessment program. Assessment is an integral part of the teaching and learning process that should occur continuously in the classroom. The primary purpose of classroom assessment shall be to enable teachers to make instructional decisions for students on a continual basis.

Students are encouraged to engage in informal self-assessments as they study and attempt to solve problems, monitor their own progress, and improve their learning. Peer grading of student assignments and classroom assessments is permissible. The intent of this practice is to teach material again in a new context and to show students how to assist and respect fellow pupils.

Grading System

The administration and professional staff shall devise a grading or assessment system for evaluating and recording student progress and to measure student performance in conjunction with Board-adopted content standards. The records and reports of individual students shall be kept in a form which will be meaningful to parents as well as

teachers. The grading/assessment system shall be uniform district-wide at comparable grade levels.

The Board shall approve the grading, reporting, and assessment systems as developed by the faculty, upon recommendation of the superintendent.

The Board recognizes that any grading and/or assessment system, however effective, is subjective in nature, but urges all faculty members to conduct student evaluations as objectively as possible.

RETENTION OF STUDENTS (File: IKE)

The evaluation of student achievement and progress is based upon individual performance in comparison with individual expectancy. Therefore, student grade placement should not be based on a comparison of achievement or growth with the average or median of the class. When retention is being considered, a review of a student's current

academic, personal (including physical development, chronological age, and emotional maturity), and social development is required. It is highly recommended that a student not be retained more than once and the alternatives to retention be considered. The classroom teacher is qualified to interpret the achievement of a student and must be included in the Placement Team.

Because the public schools of this district are dedicated to the best total and continuous development of each student enrolled, the professional staff is expected to place students at the grade level best suited to them academically, socially, personally (including physical development and chronological age), and emotionally.

Students will normally progress annually from grade to grade. Exceptions may be made when in the judgment of the professional staff such exceptions are in the best educational interest of the student involved. Exceptions may be made after prior notification and explanation to each student's parents, but the final decision will rest with the school administration.

Middle school students will be expected to "pass" 5 out of 7 classes (or 5 out of 8 classes if applicable) including 3 out of 4 core classes.

Any student, who will be 16 on or before the beginning of the school year, will be placed in a high school setting.

STUDENT FEES, FINES, AND CHARGES (File: JQ)

Students shall not be charged an instructional fee as a condition of enrollment in school or as a condition of attendance in any class that is considered part of the academic portion of the district's educational program except tuition when allowed by law. However, the district may require students to pay textbook fees, fees for expendable materials, and other miscellaneous fees as more fully set forth in this policy.

When publicizing any information concerning any fee authorized to be collected by this policy, the school shall specify whether the fee is voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid.

Textbooks and Library Resources

Textbooks shall be provided on a loan basis. No indigent students may be asked to pay a nonrefundable rental fee reasonably related to the actual cost of some or all of the textbooks provided for the student. The rental fee shall be determined prior to the textbook's introduction into the classroom. No fee will be assessed for textbooks and workbooks used in the classroom for reference.

It is expected that students shall return textbooks and library resources to the school in good condition except for ordinary wear. Students shall be assessed fines for lost, damaged, or defaced books (including those checked out from the library), materials, or equipment. The fines will be for the amount equal to the replacement cost of the item.

If the school district has made a reasonable effort to obtain payment for lost or damaged textbooks or library resources to no avail, the district may then withhold the diploma, transcript, or grades of any student who fails to return or replace such textbooks or library resources at the end of the semester or school year. If a student is graduating, the district may deny the privilege of participation in the graduation ceremony if the student has failed to return or replace a textbook or library resource by the date of the ceremony. Alternative payment methods, such as installment plans or school service, shall apply to students who are unable to pay.

Fees for Expendable Supplies and Materials

Teachers shall determine a basic course for each class which can be completed with materials furnished by the school. However, students may be charged a fee for expendable supplies and materials used in the course. Fees for expendable supplies and materials shall relate directly to the actual cost of providing these materials to the student. These fees shall be waived for indigent students. Students shall be required to pay for materials that go into shop, crafts, or art projects that are above the basic requirements for the course and are to be retained by the student.

Miscellaneous Fees

Students may be asked to pay miscellaneous fees on a voluntary basis as a condition of attending, participating in, or obtaining materials/clothing/equipment used in a school-sponsored activity or program not within the academic portion of the educational program.

Students participating in activities which are not required by the teacher or used in the determination of a grade may be required to pay charges covering the cost of the activity. Such charges may include but are not limited to admission fees, food costs, and transportation costs on activity trips. However, it is incumbent upon the teacher and principal to make every effort to be sure no student is denied the right to participate in trips or other enrichment activities because of lack of funds.

Waiver of Fees

All fees, fines, and charges for textbooks and expendable supplies and materials required for classes within the academic portion of the educational program shall be waived for indigent students. For purposes of determining if a student is able to pay, an indigent student is defined as any child who is eligible for a free or reduced price lunch under the federal poverty income guidelines. Students qualifying for a fee waiver will receive it without unnecessary embarrassment or public exposure of their need.

Fee Schedule

Parents shall be informed of any fees and how to apply for a waiver of fees, whether fees are voluntary or mandatory, and the specific activity from which the student will be excluded if the fee is not paid.

IMMUNIZATION OF STUDENTS (File: JLCB-R)

1. No student may attend school in the district unless the student has presented to the school an up to date certificate of immunization or a completed exemption form. A student shall be exempted only upon submission of:
 - a. Certification from a licensed physician that the physical condition of the child is such that immunization would endanger the child's life or health.
 - b. Statement signed by one parent/guardian or the emancipated child that he or she adheres to a religious belief whose teachings are opposed to immunizations.
 - c. Statement signed by one parent/guardian or the emancipated child that he or she holds a personal belief that is opposed to immunizations.
 - d. An incomplete certificate of immunization. Fourteen days will be allowed to bring immunizations or record of immunizations into compliance.

In the event of an outbreak of disease against which immunization is required, no exemption will be recognized and those students will be excluded from school.

2. Falcon School District will comply with current Colorado immunization law, and annual updates will be provided.
3. The district will provide upon request an immunization form as required by the Health Department. The school nurse is responsible for seeing that required information is included on the form.

If there is a failure to comply with the immunization requirements, the school nurse will personally notify the parent/guardian or emancipated student. Such notification will be accomplished either by telephone or in person. If this is not possible, contact will be by mail. Emancipated students must be contacted directly rather than through their parents/guardians. The parent/guardian or emancipated student will be notified of the following:

- a. That up to date immunizations are required under Colorado law.
 - b. That within 14 days of notification, the parent/guardian must submit either an authorization for administration of the immunization by health officials or a valid exemption or documentation to the school showing that the next required immunization has been given and a written plan for completion of all required immunizations.
 - c. That if the required documentation is not submitted within 14 days of notification or if the student begins but does not continue or complete the written plan, the student will be suspended or expelled.
4. A student who fails to comply will be suspended by the principal for up to 5 days and notice of the suspension sent to the Health Department.
 5. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
 6. Any suspension or expulsion under this policy will terminate automatically upon compliance.
 7. Record of any such suspension or expulsion will be contained in the student's health file, with an appropriate explanation—not in the student's disciplinary file.
 8. Any student expelled for failure to comply with the immunization requirements will not be included in calculating the dropout rate, but will be included in the annual report to the State Board of Education.

ADMINISTERING MEDICINES TO STUDENTS (File: JLCD)

Falcon School District shall discourage student use of medications at school. In accordance with Colorado Department of Health regulations, medications shall be present in a school and administered only on an individual basis as prescribed by the physician and parent/guardian through written authorization. The authorization also shall protect the school district and district personnel from any liability resulting from compliance with the parent's/guardian's request.

Nonprescription, over-the-counter medications will require the same authorization from the physician and parent/guardian as prescription medications. The only exception to this will be the use of cough drops and throat lozenges brought to school with written authorization by the parent/guardian. An individual record shall be kept of medications administered by school personnel.

Medication may be given legally only by school personnel whom a registered nurse has trained and delegated the task of giving such medications. The school cannot administer vitamins and natural or homeopathic preparations. No prescription or nonprescription medication shall be administered at school by the school nurse or other school designee without the following requirements being met:

1. Medication shall be in the original pharmaceutically-labeled container. If it is a prescription medicine, the student's name, name of the drug, dosage, time for administering, name of physician, and current date shall be printed on the container. Over-the-counter medication (e.g. cough medicine, decongestants, acetaminophen) must be in its original packaging. Throat lozenges and cough drops will only be dispensed with parent permission, and such items must be kept in the health room.
2. The school shall have received written permission from the doctor or dentist to administer the medication.
3. The school shall have received written permission from the parent/guardian to administer the medication. When such a request is made by a parent/guardian, a full release from the responsibilities pertaining to the administration and consequences of such medications also must be presented.

All medication shall be safeguarded at school to avoid any risk that it may be improperly ingested by anyone.

Self-administration of medication for asthma or anaphylaxis.

A student with asthma, severe allergies, or other related, life-threatening condition may possess and self-administer medication to treat the student's asthma, anaphylaxis or other related life-threatening condition. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with regulation JLCD-R.

Authorization for a student to possess and self-administer medication to treat the student's asthma, anaphylaxis or other related, life-threatening condition may be limited or revoked by the school principal after consultation with the school nurse and the student's parents/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

Sharing, borrowing or distribution of medication is prohibited. The student's authorization to self-administer medication may be revoked by the school principal after consultation with the school nurse and the student's parents/guardian and the student may be subject to disciplinary consequences, including suspension and/or expulsion, for violation of this policy.

Procedure:

If under exceptional circumstances a student is required to take oral medication during school hours only the school nurse or the nurse's designee will administer the medication in compliance with the following regulations. In the alternative, the parent/guardian may come to school to administer the medication.

1. All directives of the accompanying policy will be followed.
2. Written orders from the student's physician must be on file in the school stating:
 - a. Student's name
 - b. Name of drug
 - c. Dosage
 - d. Purpose of the medication
 - e. Time of day medication is to be given
 - f. Anticipated number of days it needs to be given in school
 - g. Possible side effects
3. The medication must be brought to school in a container appropriately labeled by the pharmacy or physician.
4. An individual record will be kept of such prescription medications administered by school personnel.

5. Medication will be stored in a clean, locked cabinet or container.

Unless these requirements can be met, medication will not be administered at school.

Procedure:

1. Identify the student.
2. Identify the medication and confirm the following:
 - a. Student's name on bottle.
 - b. Date of medication on bottle.
 - c. Name of medication on bottle.
 - d. Dosage of medication on bottle.
 - e. Instructions on bottle for giving the medication.
3. Compare information on medication bottle with medication record information.
4. Confirm that the doctor's order is attached to medication record or note.
5. Check to see that the medication has not been given already for that day and time by another school person.
6. Administer the medication to the student as directed.
7. Record time the medication was given on student's medication record.
8. Return medication to locked medication cupboard.

Self-administration of medication for asthma or anaphylaxis

A school shall permit a student to possess and self-administer medication for asthma or anaphylaxis if all of the following conditions are met:

1. Written authorization signed by the student's health care practitioner must be on file with the school which shall include the student's name; the name, purpose, prescribed dosage, frequency, and length of time between dosages of the medication's to be self-administered; and confirmation that the student has been instructed and is capable of self-administration of the medication.

2. The student demonstrates to the school nurse that he or she possesses the skill level necessary to administer the medication as prescribed.
3. The school nurse and the student's health care practitioner collaborate to develop a written treatment plan for managing the student's severe asthma or anaphylaxis episodes and for medication use by the student.
4. A written statement signed by the student's parent or legal guardian must be on file with the school, which shall include permission for the student to self-administer his/her medication and a release from liability for any injury arising from the student's self-administration of such medication.
5. A written contract between the school nurse, the student, and the student's parent or legal guardian must be on file with the school, assigning levels of responsibility to the student's parent/guardian, student, and school employees.

A treatment plan authorizing a student to possess and self-administer medication for asthma or anaphylaxis shall be effective only for the school year in which it is approved. The school shall permit a student to possess and self-carry medication in subsequent school years only if the conditions specified above are met.

A student shall report to the school nurse or designee or to some adult at the school immediately after the student uses an epinephrine auto-injector during school hours. Upon receiving such report from a student, the school nurse, designee, or other adult will provide appropriate follow-up care to the student, which shall include making a 911 emergency call.

**EQUAL EDUCATIONAL OPPORTUNITIES/ NON-DISCRIMINATION/
NON-HARASSMENT OF STUDENT (File: JB)**

The Board of Education is committed to providing and maintaining a safe learning environment for all students that is free from harassment. Further, the district affirms the right of all students to be treated with respect and protected from intimidation, discrimination, physical harm, and/or harassment. Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies set forth by the Board of Education and in the adherence to and enforcement of those policies by the administration.

Therefore, every student of this school district shall have equal educational opportunities through programs offered in the school district. This concept of equal educational opportunity shall guide the Board and staff in making decisions related to school district

facilities, selection of educational materials, equipment, curriculum and regulations effecting students.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the superintendent or designee(s) to periodically monitor the following areas:

1. Review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Provided training for students and staff to identify and alleviate problems of discrimination.
3. Review student programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. Ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Review student evaluation instruments, testing procedures and guidelines and counseling materials for stereotyping and discrimination.

Student harassment will be regarded as a violation of this policy when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education;
2. Submission to, or rejection of, such conduct is used as the basis for educational decisions affecting the student;
3. Such conduct has the purpose or effect of adversely affecting a student's ability to participate in, or benefit from district program(s), or of creating an intimidating, hostile, or offensive educational environment.

Harassment can include, but is not limited to, unwelcome, hostile and offensive verbal, non-verbal, written, or physical conduct based on, or directed at, the characteristics of a person's:

- Race or color,
- Religion or creed,
- National origin,
- Disability,
- Religious tradition or religious clothing as well as religious slurs and/or graffiti,
- Manner of speaking or accent,
- Customs,
- Language,
- Status as an immigrant,
- Imitating mannerism of speech, movement,
- And/or interference with movement or access to necessary equipment.

Complaint and Investigation Procedure

All district employees and students share the responsibility to ensure that discrimination and harassment does not occur on any school district property, at any district or school-sanctioned activities or events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school, or any district curricular or non-curricular activity or event. Toward that end:

- All students who believe they have been victims of such harassment shall immediately report it to an administrator or teacher at their school. If the harassment is being committed by the principal or another administrator in the building, the report shall be made to the elementary or secondary executive director or their designee.
- All students who witness such harassment shall immediately report it to a building or district level teacher or administrator at their school. If the harassment is being committed by the principal or another administrator in the building, the report shall be made to the elementary or secondary executive director or their designee.
- All administrators and teachers who have such harassment reported to them shall promptly forward the report(s) to the principal or principal's designee or the elementary or secondary executive director or their designee for appropriate action. The principal or his/her designee or the elementary or secondary executive director or their designee may request a written complaint. If the harassment is being committed by the principal or another administrator in the building, the report(s) shall be forwarded to the elementary or secondary executive director or their designee.
- All district employees who witness such harassment shall take prompt action to stop it, as prescribed by the district and the building principal, and shall promptly report the harassment to the principal or principal's designee or the elementary or secondary executive director or their designee. If the harassment is being committed by the principal or another administrator in the building, the report shall be made to the elementary or secondary executive director or their designee.
- Each building principal or principal's designee or the elementary or secondary executive director or their designee shall ensure that all reports of such harassment are promptly and thoroughly investigated, and that effective action is taken.

Informal Resolution Procedure

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser which is facilitated by a building level administrator or designee. Both the complaining student and the alleged harasser may be accompanied by another student, parent or guardian of their choice for support or guidance. If the complaining student and the alleged harasser feel that a resolution has been achieved, then the conversation may remain confidential and no further action needs to be taken. The results of an informal resolution shall be reported by the facilitator in writing to the principal and the elementary or secondary executive director or their designee. If the complaining student, the alleged harasser, or the building level administrator chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, s/he may proceed to the formal procedure. Any complaint against a school employee shall be handled through the formal grievance procedure.

Formal Resolution Procedure

Any student or person(s) complaining of harassment should always be informed by the building or district level administrator or their designee receiving the complaint about the complaint procedures and encouraged to file a formal complaint if the informal process is not agreed to or not appropriate under the circumstances. Persons interested in filing a formal complaint shall be given assistance in completing the necessary statement or form. Even if a formal complaint is not filed, the District may choose to use the specific investigatory procedures set forth in this policy.

Formal complaints of harassment, whether verbal or in writing, should be directed to the building or district level administrator or their designee.

Any student who engages in harassment of another student shall be required to attend a meeting with his or her parent(s) or guardian and the principal or principal's designee and or the elementary or secondary executive director or their designee; be subject to appropriate education and disciplinary action up to and including suspension or expulsion. Guidelines for dealing with students who engage in the harassment of other students are:

FIRST OFFENSE

1. The student and parent(s) or guardian will meet with the principal or principal's designee.
2. Information on available cultural diversity and/or relevant counseling programs will be given to student and parent(s) or guardian.

3. Depending on the seriousness of the offense, the principal may request that the student be expelled and may contact law enforcement authorities.

SECOND OFFENSE

1. The student shall be suspended.
2. A meeting of the parent(s) or guardian and the principal or principal's designee will be scheduled prior to re-admittance to school.
3. The student, accompanied by a parent or guardian, will be required to participate in counseling or attend a cultural diversity program.
4. Depending on the seriousness of the offense, the principal may request that the student be expelled and may contact law enforcement authorities.

THIRD OFFENSE

1. A recommendation for expulsion shall be made. Depending on the seriousness of the offense, law enforcement authorities may be contacted.

These guidelines for progressive discipline shall not preclude the principal or principal's designee from eliminating any of the steps in the process if in his or her judgment the misconduct by the student warrants more severe action.

Any District employee who engages in harassment of a student shall be required to participate in appropriate training, education or counseling; as well as disciplinary action, including but not limited to warning, reprimand, transfer, suspension or termination of employment.

The above stated actions are measures designed to stop the harassment, correct its negative impact on the affected student, and ensure that habitual harassment does not recur. In good faith, steps shall also be taken to ensure that victims of and witnesses to harassment are protected from retaliation.

To the extent possible no student shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy. To the extent possible, all reports of harassment will be kept confidential. In a good faith effort and upon determining that incidents of harassment are occurring in particular District settings or activities, the District shall implement measures designed to remedy or extinguish any adverse treatment in retaliation of a student's willingness to report such incidents of harassment.

The District shall provide counseling resources to student victims where necessary.

The District shall train and educate District employees to recognize and effectively deal with incidents of harassment.

The District shall regularly review its compliance with this policy on the harassment of students and take necessary action where deficiencies are noted.

A copy of this policy shall be published annually in the Student Conduct and Discipline Code booklet.

Complaints of discrimination or harassment may also be directed to the Denver Office for Civil Rights of the United States Department of Education, 1244 Speer Boulevard, Suite 310, Denver, Colorado 80204, Telephone Number: (303) 844-5695.

STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES (File: JII and JII-R)

Decisions made by school personnel which students believe are unfair or in violation of pertinent Board policies or individual school rules may be appealed to the principal or a designated representative or by following the specific appeal process created for particular complaints.

Grievance procedures shall be available for students to receive prompt and equitable resolution of allegations of discriminatory actions on the basis of race, color, national origin, sex, and handicap which students are encouraged to report.

Procedure:

For the purpose of this procedure, the following categories of complaints are established:

1. Conduct of an individual.
2. Departmental procedures.
3. Building procedures.
4. Board policies and regulations.
5. Curricular programs.
6. Civil rights.
7. All others.

Complaints must be initiated in writing, dated, signed by the complainant, and submitted to the appropriate person as follows:

1. Conduct of an individual: immediate supervisor of the individual. The building principal is the supervisor of the teachers and building support staff; the assistant superintendent for curriculum and instruction is the supervisor of the principal.
2. Departmental procedures: building principal.
3. Building procedures: building principal.
4. Board policies and regulations: appropriate director.
5. Curricular programs: assistant superintendent for curriculum and instruction.
6. Unlawful discrimination: appropriate grievance officer.
7. All others: building principal.

When a complaint is filed in writing, a conference will be held with the complainant within 5 school days. A written response will be given to the complainant within 10 school days following the conference.

If the complaint is not resolved to the satisfaction of the student, a written appeal may be submitted within 10 school days in accordance with the appeal procedures. Appeals must be made in the following order: building principal, appropriate director, appropriate assistant superintendent, superintendent, Board of Education. When a written appeal has been submitted, a conference will be held with all parties involved within 10 school days. A written response will be given to the complainant within 10 school days following the conference.

If the appeal should reach the level of the Board, a meeting with the Board will be scheduled within 20 school days after a written appeal has been filed. A written response from the Board will be given to the complainant within 10 school days following the conference.

Complainants who are not satisfied with the resolution of the complaint within the school district have the option of contacting their local Office for Civil Rights of the U.S. Department of Education.

SEXUAL HARASSMENT (File: JBB and JBB-R)

Sexual harassment is recognized as a form of sex discrimination, and this is a violation of the laws which prohibit sex discrimination.

A learning and working environment that is free from sexual harassment shall be maintained. It shall be a violation of policy for any school district employee to harass another staff member or student or for students to harass other students or an employee through conduct or communications of a sexual nature.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting the individual.
3. Such conduct has the purpose or effect of unreasonable interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Sexual harassment as defined above may include but is not limited to:

1. Sex-oriented verbal "kidding," abuse, or harassment.
2. Pressure for sexual activity.
3. Repeated remarks to a person with sexual or demeaning implications.
4. Unwelcome touching, such as patting, pinching, or brushing against another's body.
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, employment status, or similar personal concerns.
6. Hostile environment harassment as occurring where sexual conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Students and employees may file a formal grievance of sexual harassment as outlined in the following grievance procedure. If the alleged harasser is the immediate supervisor or principal with whom a grievance routinely would be filed, the student or employee may file the grievance with the district's compliance officer.

All matters involving sexual harassment complaints shall remain confidential to the extent possible.

Filing of a grievance or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect future employment, work assignments, or grades.

Notice of this policy shall be circulated to all district schools and departments and incorporated in employee and student handbooks.

Grievance Procedure

1. Students who believe they have been subject to sexual harassment will report the incident to any teacher, counselor, or principal in their school building or to the Assistant Superintendent of Curriculum and Instruction, who will be referred to as the grievance officer. All reports received by teachers, counselors, principals, or other district employees will be forwarded to the grievance officer. If the alleged harasser is the person designated as the grievance officer, an alternate grievance officer will be appointed by the superintendent to investigate the matter.
2. Upon receiving a report, the grievance officer will confer with the student who has allegedly been harassed as soon as is reasonably possible, but in no event more than 2 school days from receiving the report, in order to obtain a clear understanding of the basis of the complaint and to discuss what action the student is seeking. The student's parents/guardians will also be contacted and kept informed regarding progress of the investigation.
3. At the initial meeting with the student, the grievance officer will explain the avenues for informal and formal action and provide a description of the grievance procedure. The grievance officer will also explain that whether or not the student files a formal grievance or otherwise requests action, the district is required by law to take steps to correct the harassment and to prevent recurring harassment or retaliation against anyone who makes a harassment report or participates in an investigation. The grievance officer will also explain to the student that any request for confidentiality will be honored so long as doing so does not preclude the school from responding effectively to the harassment and preventing future harassment.

4. Following the initial meeting with the student, the grievance officer will attempt to meet with the alleged harasser and his or her parents/guardians in order to obtain a response to the reported harassment and will investigate the matter in accordance with policy JBB. The grievance officer will complete the investigation within 14 school days of the initial meeting with the student.
5. Within 7 school days of completing the investigation, the grievance officer will determine whether the matter should proceed formally or informally. On the basis of the grievance officer's investigation and if the student requests that the matter be resolved in an informal manner and the grievance officer agrees that the matter is suitable for such resolution, the grievance officer may attempt to resolve the matter informally through conciliation.
6. If the student requests a formal grievance process, the grievance officer will transfer the record to the superintendent or designee for formal resolution within 7 school days of completing the investigation, and so notify the parties by certified mail.
7. After reviewing the record made by the grievance officer, the superintendent or designee may gather additional evidence necessary to decide the case. Within 14 school days of receiving the record, the superintendent or designee will announce any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.
8. Whether or not a formal grievance was filed, the district will take all reasonable steps necessary to end the harassment, to make the victim whole by restoring lost educational opportunities, to prevent harassment from recurring, and to prevent retaliation against anyone that reports sexual harassment or participates in a harassment investigation.
9. All parties, including the parents/guardians of all students involved, will be notified by the superintendent of the final outcome of the investigation and all steps taken by the district.
10. At any time, the student making a report of sexual harassment may request an end to the informal process and begin the formal grievance process.

COMPLIANCE/GRIEVANCE OFFICER (File: ACA, ACE, JBB)

The compliance officer (Title IX, Section 504 ADA, sexual harassment, and all other forms of harassment) for Falcon School District 49 is:

Falcon School District 49 Administration Office
10850 East Woodmen Road
Falcon, CO 80831
Phone: (719) 495-1100

SCHOOL CHOICE/OPEN ENROLLMENT TRANSFER POLICY

(excerpted from File: JFBA-R)

Attendance areas

Students will attend the district school determined by their residence unless a request to attend another school or program is approved. No student will be enrolled in a school or program outside the attendance area without prior approval in accordance with these regulations.

To be considered for choice/open enrollment, students:

1. Must be passing all subjects (subject to principal or designee's discretion).
2. Must not have been suspended from school for a major disciplinary infraction during the previous semester (subject to principal or designee's discretion).
3. Must not have been expelled from school during the previous calendar year.
4. Must provide attendance records from previous school year.

Choice Application process

Choice Applications are available at the district office and website and must be returned to the Falcon School District #49 Administrative Offices on or before the close of the yearly school of choice window for consideration for the following school year. The applicant will be informed by appropriate district personnel regarding the request before the end of the current school year.

When the number of eligible applicants exceeds the spaces available in a particular program or school to which admission is sought under choice/open enrollment, the following priority system shall be used:

First Priority - Resident and Employee Children applicants seeking to renew their choice/open enrollment placement.

Second Priority - Other resident applicants.

Third Priority - Non-resident applicants currently enrolled in District 49 schools seeking to renew choice/open enrollment placements.

Fourth Priority- Non-resident applicants new to the district.

The selection of one student from a family does not entitle other students from that family to enroll in the desired program or school.

Grounds for denying Choice/Open enrollment

Applicants may be denied if:

1. The requested school has been designated as closed to choice/open enrollment applications.
2. There is a lack of space or teaching staff within the requested program or school.
3. The requested school does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet the special needs of the student or does not offer the particular program requested.
4. The student does not meet the established eligibility criteria for participation in a particular program including age requirements, course prerequisites, and required levels of performance.
5. The student has been expelled or is in the process of being expelled from any district during the preceding twelve months because of habitually disruptive behavior or for committing a serious offense for which expulsion is mandatory.
6. The student exhibited behavior detrimental to the welfare and safety of other pupils or school personnel in another school or school district in the previous twelve months.
7. The student fails to comply with the District policy with regards to immunizations.

After the Choice Window Closes:

Resident Students new to the district after the Choice Window Closes may, upon approval of the proper application at the time of registration, open enroll in a District school outside their neighborhood school providing there is no "Grounds for Denying Open/Choice Enrollment." The principal of the desired school shall be consulted to determine if there are grounds for denying enrollment.

Returning to Neighborhood School:

If a student changes to different school, his/her eligibility for transportation may be impacted. Students and parents are advised to review District Transportation policies and procedures. At the end of one year, a resident student who has Choiced or Open Enrolled into another school may re-enroll in his/her Neighborhood School and be guaranteed a slot, under the following conditions:

- The student applies during the Choice Application Window and is approved;
and

- The student has not violated “Grounds for Denying Choice/Open Enrollment: and
- The Neighborhood School, grade level and/or program has not been declared “closed.”

Transportation:

Transportation services shall become the responsibility of the resident and non-resident families who utilize the district’s Choice/Open Enrollment. Parents should review District 49 transportation policies.

Transfers

Students who wish to change Falcon School District #49 schools during the school year may apply for a transfer. When a parent or guardian feels that a transfer to another school is in the best interest of the student, he or she must submit a written request stating the reasons to the principal of the school in which the student is currently enrolled and the principal of the requested school. Transfer requests may be approved for the remainder of the school year.

If a transfer request is initiated by the school, the principal of the school in which the student is currently enrolled will convene a conference that must include the principal, the parents or guardians of the student, and the principal of the school to which a transfer is requested. In addition, transfers may be initiated by the superintendent or his/her designee. Both principals and superintendent or designee must approve a transfer.

Transfers will be considered only when the move is educationally desirable. Transfers also may be denied for any reason which would justify denying open enrollment applications.

Maintenance of student in good standing status

Once a student transfer is approved to attend a choice/ open enrollment school or is transferred to another school within the district, he/she must continue to meet high standards both academically and behaviorally. Student progress will be reviewed on a quarterly basis. They are expected to:

1. Have passing grades in all subjects.
2. Adhere to the district’s attendance policy
3. Have not been suspended from school.

At the principal’s discretion, a 9-week probationary period may be granted.

EXEMPTION PRODEDURE (File: IHAM-R/IHAMB-R/IHAMC-R)

1. Exemption will be granted from the specific portion of the Health Education, Family Life/Sex Education, and/or HIV/AIDS Education curriculum on the grounds that the material taught is contrary to the religious beliefs and teachings of the student or the student's parent/guardian. If the request for the exemption is from a specific portion of the health education curriculum that concerns human sexuality, no reason must be given by the parent/guardian when requesting the exemption.
2. A request for exemption must be submitted in writing to the principal at least 7 school days in advance of instruction in that portion of the curriculum for which the exemption is requested.
3. The principal will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternative activity for which the student will receive credit.
4. The principal or teacher will inform the parent/guardian of disposition of the request within 3 school days of receipt of the request.

Student: _____ Grade: _____

Exemption requested for:

- _____ Health Education curriculum
- _____ Family Life/Sex Education curriculum
- _____ HIV/AIDS Education curriculum

Reason:

Parent: _____

Parent's Signature: _____

Date: _____ Telephone: _____

APPENDIX

The following items have not been formally adopted by the Board of Education but are provided for informational purposes.

Parent Opt-Out Form for Information to Military Recruiters

INFORMATION TO MILITARY RECRUITERS

PARENT OPT-OUT FORM

Falcon High School □ Sand Creek High School
Vista Ridge High School
2009-2010 Junior Class

Do not disclose my student's name, address, telephone number or other directory information to United States military recruiters.

Student's Name: _____
(print name)

Parent/Guardian
or Eligible Student: _____
(print name)

School _____

Date: _____ Signature: _____
(parent/guardian/eligible student)

The directory information of students will be made available to military recruiters by Monday, November 16, 2009 for those students whose parent/guardian have not returned a complete parent opt-out form by Friday, November 6, 2009. Return completed Opt-out form to appropriate high school counseling office.

Legal references: 10 U.S.C. 503, 544
20 U.S.C. 7908 (No Child Left Behind Act of 2001)
C.R.S. 24-72-204(3)(d)

COMMITMENT TO RELIGIOUS NEUTRALITY

July, 2009

Dear Parents/Guardians:

In compliance with requirements of Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB), Falcon School District 49 hereby certifies that it has no policy or practice which prevents or otherwise denies participation in constitutionally protected prayer in any of its elementary or secondary schools, as specifically set forth in the guidance issued by the U.S. Department of Education (to the extent the guidance is consistent with case and statutory law in this jurisdiction).

The district, as a public school district organized under the laws of the State of Colorado, understands the United States and Colorado Constitutions require that no activity of the school district shall be permitted which has the purpose or effect of advancing or inhibiting either religious belief or non-belief; nor shall any such activity discriminate between systems of religious belief or forms of worship.

As part of a policy and practice of accommodation, the district encourages all students and staff members to appreciate and respect each other's religious views and to follow the governing constitutional principles of the First Amendment to the Constitution, as well as those outlined in the U.S. Secretary of Education's Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools (to the extent the guidance is consistent with case and statutory law in this jurisdiction). This policy and practice of accommodation in the school setting helps to foster understanding and mutual respect among students, parents, and staff regarding religious liberties.

Sincerely,

David Bond
Acting Superintendent of Schools
Falcon School District 49