



10850 East Woodmen Road • Falcon, CO 80831  
Tele: 719-495-3601 • Fax: 719-495-0832 • E-mail: d49@d49.org

### **Mission Statement**

To prepare students, in a safe and caring environment, to be successful, competent and productive citizens in a global society.

**REVISED AGENDA**  
**SPECIAL BOARD OF EDUCATION MEETING**  
**July 27, 2012**  
**10:00 a.m.**  
**Administration Building – Board Room**

- 1.00**            **Call to Order and Roll Call**
- 2.00**            **Welcome and Pledge of Allegiance**
- 3.00**            **Approval of Agenda**
- 4.00**            **Open Forum**
- 5.00**            **Action Items**
- 5.01            Approval of Adoption and Revisions to Board of Education Policies and Regulations  
ADC/GBED/JICG Tobacco Free Schools ADD and ADD-E Safe Schools, JB Equal  
Educational Opportunity/Non-discrimination/Non-harassment of Students, JF, JF-R and  
JF-E Admission and Denial of Admission, JIC Student Conduct, JICA Student Dress  
Code, JICDA Code of Conduct, JICH Drug and Alcohol Use by Students, JICI Weapons  
in School, JK and JK-R Student Discipline, JKBA- Disciplinary Removal From  
Classroom, JKD/JKE, JKD-R/JKE-R and JKD-E/JKE-E Suspension/Expulsion of  
Students, JKF and JKF-R Educational Alternatives for Expelled Students, JKG Expulsion  
Prevention, GBEB Staff Conduct and Responsibilities, GCS Professional Research and  
Publishing, BE School Board Meeting
- 5.02            Election of Board of Education Vice President
- 5.03            Measurement of Continuing Financial Stability according to Board Policy DAC and next  
steps
- 6.00**            **Discussion**
- 6.01            Board Communication
- 6.02            Role of Board of Education Members
- 6.03            Chief Education Officer Hiring Process
- 7:00**            **Adjournment**

DATE OF POSTING: July 25, 2012



10850 East Woodmen Road • Falcon, CO 80831  
Tele: 719-495-3601 • Fax: 719-495-0832 • E-mail: [d49@d49.org](mailto:d49@d49.org)

**SPECIAL  
BOARD OF EDUCATION MEETING  
July 27, 2012  
10:00 a.m.**

**CENTRAL ADMINISTRATION  
OFFICE—BOARD ROOM**

Call to Order and  
Roll Call  
1.00

Welcome and  
Pledge of Allegiance  
2.00

Approval of Agenda  
3.00



10850 East Woodmen Road • Falcon, CO 80831  
Tele: 719-495-3601 • Fax: 719-495-0832 • E-mail: [d49@d49.org](mailto:d49@d49.org)

### **Mission Statement**

To prepare students, in a safe and caring environment, to be successful, competent and productive citizens in a global society.

**REVISED AGENDA**  
**SPECIAL BOARD OF EDUCATION MEETING**  
**July 27, 2012**  
**10:00 a.m.**  
**Administration Building – Board Room**

- 1.00**            **Call to Order and Roll Call**
- 2.00**            **Welcome and Pledge of Allegiance**
- 3.00**            **Approval of Agenda**
- 4.00**            **Open Forum**
  
- 5.00**            **Action Items**
- 5.01            Approval of Adoption and Revisions to Board of Education Policies and Regulations ADC/GBED/JICG Tobacco Free Schools ADD and ADD-E Safe Schools, JB Equal Educational Opportunity/Non-discrimination/Non-harassment of Students, JF, JF-R and JF-E Admission and Denial of Admission, JIC Student Conduct, JICA Student Dress Code, JICDA Code of Conduct, JICH Drug and Alcohol Use by Students, JICI Weapons in School, JK and JK-R Student Discipline, JKBA- Disciplinary Removal From Classroom, JKD/JKE, JKD-R/JKE-R and JKD-E/JKE-E Suspension/Expulsion of Students, JKF and JKF-R Educational Alternatives for Expelled Students, JKG Expulsion Prevention, GBEB Staff Conduct and Responsibilities, GCS Professional Research and Publishing, BE School Board Meeting
- 5.02            Election of Board of Education Vice President
- 5.03            Measurement of Continuing Financial Stability according to Board Policy DAC and next steps
  
- 6.00**            **Discussion**
- 6.01            Board Communication
- 6.02            Role of Board of Education Members
- 6.03            Chief Education Officer Hiring Process
  
- 7:00**            **Adjournment**

DATE OF POSTING: July 25, 2012

Loretta Branham, BOE Administrative Assistant

Open Forum  
4.00

Action Items  
5.00



**BOARD OF EDUCATION AGENDA ITEM 5.01**

**BOARD MEETING OF:** July 19, 2012

**PREPARED BY:** Loretta Branham, BOE Executive Administrative Assistant

**TITLE OF AGENDA ITEM:** Adoption and Revisions to Board of Education Policies and Regulations ADC/GBED/JICG Tobacco Free Schools ADD and ADD-E Safe Schools, JB Equal Educational Opportunity/Non-discrimination/Non-harassment of Students, JF, JF-R and JF-E Admission and Denial of Admission, JIC Student Conduct, JICA Student Dress Code, JICDA Code of Conduct, JICH Drug and Alcohol Use by Students, JICI Weapons in School, JK and JK-R Student Discipline, JKBA-Disciplinary Removal From Classroom, JKD/JKE, JKD-R/JKE-R and JKD-E/JKE-E Suspension/Expulsion of Students, JKF and JKF-R Educational Alternatives for Expelled Students, JKG Expulsion Prevention, GBEB Staff Conduct and Responsibilities, GCS Professional Research and Publishing, BE School Board Meeting

**ACTION/INFORMATION/DISCUSSION:** Action

**BACKGROUND INFORMATION, DESCRIPTION OF NEED:**  
Suggested revisions to Board policies were received from CASB the end of June and have been reviewed and revised by district staff to reflect the needs of the district. Most of the policies listed above are policies and regulations that are part of the Student Code of Conduct Book that students receive each year when school begins. These policies need approval before the Code of Conduct Book can be released.

**RATIONALE:**

**RELEVANT DATA AND EXPECTED OUTCOMES:**  
Falcon School District will have policies that are current, meet the needs of our district and we will be following state statutes.

**RELATIONSHIP TO THE VISION/MISSION OF THE DISTRICT GOALS**

**ADDRESSED:**  
\_\_\_\_ Student Achievement and Performance      \_\_\_\_ Staff Empowerment and Support  
\_\_\_\_ Parent/Community Engagement              \_\_\_\_ Social and Ethical Responsibility  
\_\_\_X\_\_\_ Operational Efficiency and Systems Effectiveness

**FUNDING REQUIRED:** \_\_\_\_ Yes    X No

**RECOMMENDED COURSE OF ACTION/MOTION REQUESTED:**  
Move to approve the policies listed as recommended by the administration

**APPROVED BY:** Becky Carter, Chief Education Officer                      **DATE:** July 21, 2012

## Tobacco-Free Schools

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 on all District property.

Possession of any tobacco product by students is prohibited on District property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented, or otherwise used or contracted for 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 eighteen (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, i.e., 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.
  - d. At a school sanctioned activity or event.
2. "Tobacco products" include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and any other products that contain or are derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.
3. "Use" means lighting, chewing, inhaling, or smoking any tobacco product.

Signs will be posted in prominent places on all District 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 Chief Education Officer or designee to be in violation of this policy will be instructed to leave 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.

Revised: March 20, 1986.

Revised: August 4, 1994.

Revised: August 13, 1998.

Reviewed: August 10, 2000.

Reviewed: January 11, 2001.

Revised: July 10, 2003.

Revised: July 8, 2010.

Revised: May 12, 2011.

Revised:

LEGAL REFS.: 20 U.S.C. 7181 *et seq.* (*Pro-Children Act of 2001 contained in No Child Left Behind Act of 2001 prohibits smoking in any indoor facility used to provide educational services to children.*)

C.R.S. 18-13-121 (*furnishing tobacco products to minors*)

C.R.S. 22-32-109 (1)(bb) (*policy required prohibiting tobacco use on school grounds*)

C.R.S. 22-32-109.1 (2)(a) ~~(H)(VH)~~ (*Policy required as part of safe schools plan.*)

C.R.S. 25-14-103.5 (*tobacco use prohibited on school property*)

C.R.S. 25-14-301 (*Teen Tobacco Use Prevention Act*)

6 CCR 1010-6, Rule 5-306

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
KFA, Public Conduct on School Property



## Safe Schools

The Board of Education recognizes that effective learning and teaching take place in a safe, secure, and welcoming environment and that safe schools contribute to improved attendance, increased student achievement, and community support. To that end, the Board directs the Deputy Superintendent, following regular review of relevant data and consultation with the District accountability committee, school accountability committees, parents, teachers, administrators, students, and when appropriate, school psychologist and members of the community including victims advocacy organizations and local law enforcement, to develop and maintain a safe schools plan that includes:

1. Procedures that address the supervision and security of school buildings and grounds.
2. Procedures that address the supervision of students during school hours and school-sponsored activities.
3. Procedures that address persons visiting school buildings and attending school-sponsored activities.
4. Training programs for staff and students in crisis prevention and management.
5. Training programs for staff and students in emergency response procedures that include practice drills.
6. Training programs for staff and students in how to recognize and respond to behavior or other information that may indicate impending violence or other safety problems.
7. Training and support for students that aim to relieve the fear, embarrassment and peer pressure associated with reporting behavior that may indicate impending violence or other safety problems.
8. Procedures for safe, confidential reporting of security and safety concerns at each school building.
9. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security needs of each school building and to provide recommendations for improvements if necessary.
10. Procedures for regular assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate at each District building.

11. Procedures to provide for regular communications between District officials, law enforcement officers, fire department officials, city and county officials, and local medical personnel to discuss crisis prevention and management strategies including involvement by these parties in the development and revision of crisis prevention and management plans.
12. Training programs for staff and students in safety precautions and procedures related to fire prevention; natural disaster response; accident prevention; public health; traffic, bicycle, and pedestrian safety; environmental hazards; civil defense; classroom and occupational safety; and special hazards associated with athletics and other extracurricular activities.
13. Procedures for the reporting of criminal activity to law enforcement.
  - ~~Procedures for reporting to parents/guardians an employee's arrest or charge for an offense for which parental notification is required.~~

Each building principal shall be responsible for the supervision and implementation of the safe school program at his or her school. The principal shall submit annually, in the manner and by the date specified by the State Board of Education, a written report to the Board concerning the learning environment in the school during that school year. The report shall contain, at a minimum, the information required by law.

It shall be the responsibility of the Deputy Superintendent or designee to compile the annual safety reports from every school and submit the compilation to the Board. The Board shall issue a final safety report. The report shall be made available to the public and shall be submitted to the State Board of Education in accordance with state law and regulation.

Adopted: August 10, 2000.  
 Revised: October 6, 2005.  
 Revised: April 28, 2010.  
 Revised: May 12, 2011.  
 Revised: July 21, 2011.

Revised:

LEGAL REFS.:

C.R.S. 9-1-101

through 9-1-106 (*construction requirements, fire escapes, etc.*)  
 C.R.S. 22-3-101 through 22-3-104 (*eye protection devices*)  
 C.R.S. 22-32-109.1 (2) (*safe schools plan*)  
C.R.S. 22-32-109.1 (2))b) (detailing information required in annual principal reports on the learning environment)  
 C.R.S. 22-32-110 (1)(k)  
 C.R.S. 22-32-124 (2), (3) (*building inspections*)  
 C.R.S. 24-10-106.5 (*duty of care*)

**1CCR 301-83, Rule 4.04 (safe schools plan must include parental notification)**

CROSS REFS.: ECA/ECAB, Security/Access to Buildings

**GBGAA\* Staff Training in Crisis Prevention and Management**

KDE, Crisis Management

KI, Visitors to School

*NOTE 1: Many specific policies are required as part of the district's safe school plan (see CASB's list of legally required policies); however, the law also requires a general safe schools policy. This policy (ADD) serves that purpose. The only specific legal requirement is that the policy mandate the annual inspection of schools to remove hazards, vandalism and other barriers to safety and supervision. C.R.S. 22-32-109.1(5). That requirement is reflected in paragraphs one and nine of the policy. The remaining provisions of the policy are suggested best practices for the superintendent and board to consider when creating a general safe schools policy.*

*NOTE 2: The state law "encourages" school districts to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the Internet, as part of the board's safe school plan. C.R.S. 22-32-109.1 (2)(c). Districts are encouraged to incorporate the Internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. If the district develops a comprehensive curriculum or other approach to teach safety in use of the Internet, then appropriate language could be added to this policy.*

## Safe Schools

Pursuant to C.R.S. 22-32-109.1(2)(b), the following information shall be included in the annual safe schools report from the principal/school to the Board of Education for the preceding school year:

14. total enrollment for the school.
15. average daily attendance rate at the school.
16. dropout rates for grades seven (7) through twelve (12), if such grades are taught at the school.
17. average class size for each public elementary, middle, and senior high school calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school.

*Note: "~~Full-time~~" teacher means a person who is licensed or authorized by a letter of authorization to teach and is primarily engaged in teaching during a substantial majority of the instructional minutes per school day.*

18. number of conduct and discipline code violations, which shall be reported only in the most serious category applicable to each violation, including but not limited to specific information identifying on the number of and the action taken with respect to each of the following types of violations:
  - a. ~~carrying, bringing, using, or~~ possessing a dangerous weapon on school grounds, in school a vehicles, at school activities, or at a school activity or sanctioned school events without the authorization of the school or the school district.
  - b. use or possession of alcohol on school grounds, in school a vehicles, or at a school activityies or sanctioned events.
  - c. use, possession, or sale of a drug or controlled substance on school grounds, in a school vehicles, or at a school activityies or sanctioned events.
  - d. use or possession of a tobacco products on school grounds, in a school vehicles, or at school activityies or sanctioned events.
  - e. being willfully disobedient, openly and persistently defiant, or interfering with the orderly flow of information in a classroom.
  - f. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that if committed by an adult would be considered first or second degree assault or vehicular assault.

- g. behavior on grounds, in a school vehicle, or at a school activity or sanctioned event or off school property that is detrimental to the welfare or safety of other students or school personnel, including but not limited to incidents of bullying and other behavior that creates a threat of physical harm to the student or to other students.
- h. willful destruction or defacement of school property.
- i. commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that if committed by an adult, would be considered third degree assault or disorderly conduct.
- j. commission of an act on school grounds, in a school vehicle or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery.
- kj. other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.

For purposes of the report, "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:

- In-school suspension.
- Out-of-school suspension.
- Classroom removal in accordance with Board policy.
- Expulsion.
- Referral to a law enforcement agency.
- Any other form of discipline, which shall be officially identified as part of a Board policy.

The report shall specifically identify each conduct and discipline code violation and each action taken with respect to the violation by a student with a disability.

Adopted: August 10, 2000.

Revised: April 28, 2010.

Revised: July 21, 2011.

Revised:

## Equal Educational Opportunities/ Non-Discrimination/ Non-Harassment of Students

The Board of Education is committed to providing and maintaining a safe learning environment for all students that is free from harassment/discrimination. 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 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 affecting students.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the Chief Education Officer to designate a Compliance Officer and a designee to monitor the following areas:

1. Review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Provide 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.
- 5.6. Review discipline records and any relevant data to ensure the equitable implementation and application of Board discipline.

Student harassment/discrimination 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/discrimination 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,
- Gender
- Sexual orientation,
- And/or interference with movement or access to necessary equipment.

### **Complaint and Investigation Procedure**

The district will designate one building level administrator at each school who will be responsible for coordinating, implementing, and overseeing enforcement of the Policy at the school level. 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 is related 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/discrimination shall immediately report it to an administrator or teacher at their school. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report shall be made to the Innovation Leader or their designee.
- All students who witness such harassment/discrimination shall immediately report it to a building or District level teacher or administrator at their school. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report shall be made to the Innovation Leader or their designee.
- All administrators and teachers who have such harassment/discrimination reported to them shall promptly forward the report(s) to the principal or principal's designee or the Innovation Leader or their designee for appropriate action. The principal or his/her designee or the Innovation Leader director or

their designee may request a written complaint. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report(s) shall be forwarded to the Innovation Leader or their designee.

- All district employees who witness such harassment/discrimination shall take prompt action to stop it, as prescribed by the district and the building principal, and shall promptly report the harassment/discrimination to the principal or principal's designee or the Innovation Leader or their designee. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report shall be made to the Innovation Leader or their designee.
- Each building principal or principal's designee or the Innovation Leader or their designee shall ensure that all reports of such harassment/discrimination 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 Innovation Leader 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/discrimination 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 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/discrimination, whether verbal or in writing, should be directed to the building or district level administrator or their designee.



Any student who engages in harassment/discrimination 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 Innovation Leader 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/discrimination 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/discrimination 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/discrimination, correct its negative impact on the affected student, and ensure that habitual harassment/discrimination does not recur. In good faith, steps shall also be taken to ensure that victims of and witnesses to harassment/discrimination 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/discrimination under this policy. To the extent possible, all reports of harassment/discrimination will be kept confidential. In a good faith effort and upon determining that incidents of harassment/discrimination 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/discrimination.

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/discrimination.

The district shall regularly review its compliance with this policy on the harassment/discrimination 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.

Current practice codified: 1980.

Adopted: date of manual adoption.

Revised to conform with practice: date of manual revision.

Reviewed: August 10, 2000.

Revised: July 10, 2008.

Revised: January 14, 2010.

Revised: June 30, 2011.

Revised:

LEGAL REF.: Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d  
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681  
20 U.S.C. § 1681 (Title IX of the Education Amendments of 1972)  
20 U.S.C. § 1701-1758 (Equal Educational Opportunities Act of 1974)  
29 U.S.C. §701 *et seq.* (Section 504 of the Rehabilitation Act of 1973)  
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)  
C.R.S. 22-32-109 (1)(II) (Board duty to adopt written policies prohibiting discrimination)  
C.R.S. 22-32-109.1 (2) (Conduct and discipline code to be revised as necessary including based on any relevant school district data)  
C.R.S. 24-34-601 (Unlawful discrimination in places of public accommodation)  
C.R.S. 24-34-602 (Penalty and civil liability for unlawful discrimination)~~Equal Educational Opportunities Act of 1974, 20 U.S.C. §§1701-1758~~

CROSS REF.: AC, Nondiscrimination/Equal Opportunity  
ACA, Nondiscrimination on the Basis of Sex

ACE, Nondiscrimination on the Basis of Handicap/Disability  
JBB\* Sexual Harassment

Note: State law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception hereof. "C.R.S. 2-4-401 (13.5)

## Admission and Denial of Admission

### Admission

All persons age six (6) through age twenty-one (21) that have not graduated from high school or received any document evidencing completion of the equivalent of a secondary curriculum (G.E.D.) and reside within the boundaries of this District may be permitted to attend public school without payment of tuition. In addition, persons who do not reside in the district may be admitted under Board policies relating to nonresident students or by specific action of the Board.

A birth certificate or other proof of legal age, as well as proof of residence, shall be required by the school administration.

Except as otherwise provided by state law concerning enrollment of student in out-of-home placements, students new to the district shall be enrolled conditionally until records, including discipline records, from the schools previously attended by the student are received by the district. Notice of the conditional enrollment status of new students shall be clearly indicated on all new student enrollment forms. In the event the student's records indicate a reason to deny admission, the student's conditional enrollment status shall be revoked. The student's parent/guardian shall be provided with written notice of the denial of enrollment. The notice shall inform the parent/guardian of the right to request a hearing.

Students shall be urged to have a physical examination and to submit a report from the examining physician.

### Denial of admission

The Board of Education or the Chief Education Officer may deny admission to the schools of the district in accordance with applicable law. (See Regulation JF-R and Exhibit JF-E.)

The Board shall provide due process of law to students and parents/guardians through written procedures consistent with law for denial of admission to a student.

The policy and procedures for denial of admission shall be the same as those for student suspension and expulsion in as much as the same section of the law governs these areas. (See Regulation JKD/JKE/R.)

Adopted: November 3, 1977.

Revised to conform with practice: date of manual adoption.

Revised to conform with practice: date of manual revision.

Revised: August 10, 2000.

Revised: July 8, 2010.

Revised:

LEGAL REFS.: C.R.S. 22-1-102 (*defines "resident"*)  
C.R.S. 22-1-102.5 (*defines "homeless child"*)  
C.R.S. 22-1-115 (*school age is between 6 and 20 years*)  
C.R.S. 22-2-409 (*notification of risk*)  
C.R.S. 22-32-109 (1)(II) *Board duty to adopt policies requiring enrollment decisions to be made in a non-discriminatory manner*)  
C.R.S. 22-32-115 (*tuition to another school district*)  
C.R.S. 22-32-116 (*non-resident students*)  
C.R.S. 22-32-138 (*enrollment of students in out-of-home placements*)  
C.R.S. 22-33-103 through 22-33-110 (*school attendance law*)  
C.R.S. 22-33-105 (2)(c) (Requiring hearing to be convened if requested within 10 days after denial of admission or expulsion)

CROSS REFS.: JEB, Entrance Age Requirements  
JKD/JKE, Suspension/Expulsion of Students  
JLCB, Immunization of Students

**Admission and Denial of Admission**  
(Procedures for Students in Out-of Home Placements)

**Denial of admission**

The Board of Education, ~~or the Chief Education Officer Superintendent~~ may deny admission to the schools of the District in accordance with applicable law.

The Board shall provide due process of law to students and parents/guardians through written procedures consistent with law for denial of admission to a student.

The policy and procedures for denial of admission shall be the same as those for student suspension and expulsion inasmuch as the same section of the law governs these areas.

**Nondiscrimination**

The Board, the ~~Chief Education Officer Superintendent~~, other administrators and District employees shall not unlawfully discriminate based on a student's race, color, national origin, ancestry, creed, religion, sex, sexual orientation, marital status, disability or need for special education services in the determination or recommendation of action under this policy.

**Definition**

In accordance with state law, and for purposes of this regulation, a "student in out-of-home placement" ~~means~~ includes:

- A child or youth who is in foster care and receiving educational services through a state-licensed day treatment facility;
- A child or youth who is in placement for twenty-four-hour residential care in any facility or center operated or licensed by the department of human services;
- A child or youth who transfers school enrollment as a result of being returned to his or her home at the conclusion of an out-of-home placement.

"Student in out-of-home placement" does not include a child or youth who is in twenty-four-hour residential care funded totally by private moneys or a child or youth who is in an out-of-home placement for purposes of adoption.

**Child welfare education liaison**

The Chief Education Officer Superintendent shall designate at least one District staff member to serve as the child welfare education liaison. In lieu of designating a District employee, the District may contract with an individual or request that the District's Board of Cooperative Services (BOCES) designate a BOCES employee to serve as the District's child welfare education liaison. By August 15 of each year, the District shall report the name and contact information of the District's child welfare education liaison to the Colorado Department of Education.

The child welfare education liaison shall be responsible for working with child placement agencies, county departments of human services, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment of students in out-of-home placements. The specific duties of the child welfare education liaison shall include, but are not limited to:

- Working with social workers from county departments of human services, juvenile probation officers, and foster care parents to ensure the prompt school enrollment and prompt transfer of students' education information and records when students are required to change school enrollment due to changes in placement.
- Ensuring that the education information and records of a student in out-of-home placement are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department of human services.
- In addition to the liaison's duties pertaining to students in out-of-home placements, the District's child welfare education liaison is designated to receive notice of a student who is transitioning to public school from a state-licensed day treatment facility, facility school or hospital providing inpatient acute care or psychiatric services and who has been determined by that facility, facility school, hospital, or a court to be a risk to himself or herself or the community within the twelve (12) months prior to the proposed transfer to a public school. Under certain circumstances, the child welfare education liaison may receive an invitation to participate in the development of a transition plan for such student.

### **Transfer of education records**

If a student in out-of-home placement transfers to another school, the sending district shall transfer the student's education information and records to the receiving school within five school days after receiving a transfer request from the county department of human services that has legal custody of the student.

The sending district may release the student's education information and records to an employee of the county department of human services for the sole purpose

of transferring the education information and records to the student's new school. Such release shall be in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act.

In the request for a records transfer involves a student who is receiving special education services pursuant to an individualized education plan, the sending district shall notify its special education director of the records request.

The sending district shall not delay the transfer of education information and records of a student in out-of-home placement for any reason, including but not limited to the existence of any unpaid fines or fees.

## **Enrollment**

A birth certificate or other proof of legal age, as well as proof of residence, may be required by the school administration.

Except as otherwise provided by state law concerning enrollment of students out-of-home placements, students new to the District shall be enrolled conditionally until records, including discipline records, from the schools previously attended by the student are received by the District. Notice of the conditional enrollment status of new students shall be clearly indicated on all new student enrollment forms. In the event the student's records indicate a reason to deny admission, the student's conditional enrollment status shall be revoked. The student's parents/guardians shall be provided with written notice of the denial of enrollment. The notice shall inform the parents/guardians of the right to request a hearing

Students shall be urged to have a physical examination and to submit a report from the examining physician on a form provided by the District.

The Board of Education may establish fees for evening high school, summer school, full day kindergarten, pre-school, on-line education, adult education or community education.

Unless otherwise permitted by state law to deny enrollment, the district of new school shall enroll a student in out-of-home placement within five days after receiving the student's education information and records, regardless of whether:

- The District or school has received the student's certificate of immunization;
- The student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or
- The student can comply with any other pre-enrollment restrictions or requirements imposed by the District or new school.



The District or school may deny enrollment to a student in out-of-home placement for the following reasons, subject to the District's responsibilities under the Exceptional Children's Educational Act and other laws pertaining to the education of students with disabilities:

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 there from to be inimical to the welfare of other students.

The following shall constitute additional grounds for denial of enrollment of a student in out-of-home placement:

1. Graduating from the 12<sup>th</sup> grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
2. Failure to meet age requirements.
3. Having been expelled from any school district from the preceding 12 months, if the expulsion was for having drugs or weapons at school or for being a danger to self or others.
4. Not being a resident of the **eD**istrict unless otherwise entitled to attend under C.R.S. 22, Articles 23 (migrant children), 32 (exclusion of non-residents) or 36 (schools of choice).
5. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other pupils or of school personnel.

If the District or new school enrolls a student in out-of-home placement without receiving the student's certificate of immunization, the District or school shall notify the student's legal guardian that, unless the **eD**istrict or school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the student in out-of-home placement shall be suspended until such time as the District or school receives the certificate of immunization or authorization.

### **Transfer of credits**

When a student in out-of-home placement transfers from one school to another school, the sending school shall certify to the receiving school or district the coursework that the student fully or partially completed while enrolled. The receiving school or district shall accept the student's certified coursework as if it had been completed at the receiving school.

The receiving school or district shall apply all of the student's certified coursework toward completion of the student's requirements for the grade level

in which the student is enrolled at the receiving school or for graduation from the receiving school if the student is enrolled in twelfth grade. The receiving school or district may award elective credit for any portion of the student's certified coursework that is not aligned with the curriculum of the receiving school or district.

### **Excused absences**

A student in out-of-home placement shall receive an excused absence if the student misses school due to a required court appearance or participation in court-ordered activities, including but not limited to family visitation or therapy. The student's assigned social worker shall verify the student's absence was for a court appearance or court-ordered activity.

### **Waiver of fees**

The school or District in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs.

The school or District shall not limit the opportunity of a student in out-of-home placement to participate in in-school and extracurricular activities and before-school and after-school programs due to waiver of participation fees.

Adopted: July 8, 2010.

Revised:

## Admission and Denial of Admission

According to the Colorado Revised Statutes 22-33-106(2), subject to the District's responsibilities under The Exceptional Children's Education Act (see policy JK-2, Discipline of Students with Disabilities), and other laws pertaining to the education of students with disabilities, the following ~~may~~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 there from to be inimical to the welfare of other students.

According to C.R.S. 22-33-106 (3)(a-f), the following ~~may~~shall constitute additional grounds for denial of admission to a public school:

1. Graduating from the 12th grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
2. Failure to meet age requirements.
3. Having been expelled from any school district during the preceding 12 months.
4. Not being a resident of the district unless otherwise entitled to attend under C.R.S. 22, Articles 23 (migrant children) or 32 (exclusion of non-residents) or 36 (schools of choice).
5. Failure to comply with the provisions of Part 9, Article 4, Title 24, 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.
6. Behavior in another school district during the preceding twelve (12) months that is detrimental to the welfare or safety of other pupils or of school personnel.

According to C.R.S. 22-23-106(4)(a), 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:

1. 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.

2. There is an identifiable victim of the expelled student's offense; and
3. 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.

### **Students in out-of-home placements**

State law limits the grounds for denial of enrollment regarding students in out-of-home placements, as defined by C.R.S. 22-32-13891)(e) and provided in regulation JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements).

Adopted: September 7, 2000.

Revised: July 8, 2010.

Revised:

## Student Conduct

It is the intention of the Board of Education that the District schools help students achieve maximum development of individual knowledge, skills, and competence and that they learn behavior patterns which will enable them to be responsible, contributing members of society.

The Board in accordance with state law shall adopt 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 shall emphasize that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall emphasize proportionate disciplinary interventions and consequences and keeping students engaged in learning. The code shall be enforced uniformly, fairly, and consistently for all students.

All Board-adopted policies and Board-approved regulations containing the letters "JIC" in the file name shall be considered as constituting the conduct section of the legally-required code.

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

The rules shall not infringe upon constitutionally protected rights, shall be clearly and specifically described, shall be printed in a handbook or some other publication made available to students and parents/guardians, and shall have an effective date subsequent to the dissemination of the published handbook.

The Chief Education Officer/Innovation Leaders or designee shall arrange to have the conduct and discipline code distributed to each student in elementary, middle, and high school and each new student in the District. The Chief Education Officer/Innovation Leaders shall ensure reasonable measures are taken to ensure each student is familiar with the code. Copies shall be posted or kept on file in each school of the District and posted on the District web site. In addition, any significant change in the code shall be distributed to each student and posted in each school.

In all instances, students shall be expected to conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all District employees, the educational purpose underlying all school activities, the widely shared use of school property, and the rights and welfare of other students. All employees of the District shall be expected to share the responsibility for supervising the behavior of students and for seeing that they abide by the established rules of conduct.

Adopted: May 19, 1994.

Revised: August 10, 2000.

Revised: August 12, 2010.

Revised: October 27, 2011.

Revised:

LEGAL REF.: C.R.S. 22-32-109.1 (2)~~(a)~~ (*policy required as part of safe schools plan*)  
C.R.S. 22-32-109.1 (2)(a) (*school district shall take reasonable measures to familiarize students with the conduct and discipline code*)  
C.R.S. 22-33-106 (1)(a-~~g~~e) (*grounds for suspension, expulsion, and denial of admission*)

CROSS REFS.: GBGB, Staff Personal Security and Safety  
JIC subcodes (all pertain to student conduct)  
JK, Student Discipline, and subcodes

## Student Dress Code

A safe and disciplined learning environment is essential to a quality educational program. District-wide standards on student attire are intended to **encourage school pride and unity, and thereby** help students concentrate on schoolwork, reduce discipline problems, and improve school order and safety. The Board of Education 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 appropriate clothing 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 shall 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 deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school and 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.

Adopted: November 3, 1977.

Rescinded: January 2, 1985.

Re-adopted: date of manual revision.

Revised: May 19, 1994.

Revised: September 7, 2000.

Revised: July 8, 2010.

Revised: July 21, 2011.

Revised:

LEGAL REFS.: C.R.S. 22-32-109.1 (2)(a) ~~(I)(J)(K)~~ (boards duty to adopt student dress code)



CROSS REF.: JBB, Sexual Harassment  
JIC, Student Conduct  
JICDA, Code of Conduct  
JICF, Secret Societies/Gang Activities  
JICH, Drug and Alcohol Use by Students  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students  
JLI, Student Safety

## Code of Conduct

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 or district-sponsored activity or event and off school property when the conduct has nexus to school or any district curricular or non-curricular event.

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 firearm dangerous weapon without the authorization of the school or 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. Violation of the district's dress code policy.
12. Violation of the district's policy on nondiscrimination.
13. Throwing objects, unless part of a supervised school activity, that can cause bodily injury or damage property.

14. Directing profanity, vulgar language, or obscene gestures toward other students, school personnel, or visitors to the school.
15. 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.
16. 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.
17. Lying or giving false information, either verbally or in writing, to a school employee.
18. Scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written work.
19. Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the school staff.
20. Behavior on or off school property which is detrimental to the welfare, safety, or morals of other students or school personnel.
21. Repeated interference with the school's ability to provide educational opportunities to other students.
22. 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.
23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
24. Violation of the district's policy on bullying prevention and education.

This is not an all inclusive list of things that a student can be suspended or expelled for.

~~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.~~

Adopted: May 19, 1994.  
Revised: August 3, 1998.

Revised: September 3, 1998.

Revised: September 2, 1999. Revised: August 14, 2003. (*emergency*)

Revised: September 4, 2003.

Revised: July 8, 2010.

Revised: July 21, 2011.

Revised:

LEGAL REFS.: C.R.S. 12-22-303 (7) (*definition of controlled substance*)  
C.R.S. 18-3-202 *et seq.* (*offenses against person*)  
C.R.S. 18-4-301 *et seq.* (*offenses against property*)  
C.R.S. 18-9-124 (2)(a) (*prohibition of hazing*)  
C.R.S. 22-12-105 (3) (*authority to suspend or expel for false accusations*)  
C.R.S. 22-32-109.1(2)(a)(I) (*duty to adopt policies on student conduct, safety and welfare*)  
C.R.S. 22-32-109.1(2)(a)(~~I~~)(~~II~~) (*policy required as part of safe schools plan*)  
C.R.S. 22-32-109.1 (2)(a)(I)(A)  
C.R.S. 22-32-109.1(9) (*immunity provisions in safe schools law*)  
C.R.S. 22-33-106  
(1)(a-g-e) (*grounds for suspension, expulsion, denial of admission*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
ADC, Tobacco-Free Schools  
ADD, Safe Schools  
ECAC, Vandalism  
GBGB, Staff Personal Security and Safety  
JBB\*, Sexual Harassment  
JIC, Student Conduct, and subcodes  
JICC, Student Conduct on School Buses  
JICDD\*, Violent and Aggressive Behavior  
JICDE\*, Bullying Prevention and Education  
JICF, Secret Societies/Gang Activity  
JICH, Drug and Alcohol Use by Students  
JICI, Weapons in School  
JK, Student Discipline, and subcodes  
JKD/JKE, Suspension/Expulsion of Students

*NOTE: All Board policies with codes containing the letter "JIC" are considered part of the legally mandated code of conduct and discipline.*

## Drug and Alcohol Use by Students

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 of Education 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 another 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.

### **Drug and Steroid Use in Athletics**

No student athlete shall use or distribute alcohol, drugs, or tobacco products while eligible to participate in athletics. This policy shall be in effect when a student athlete begins participation and shall remain in force for the duration of an athlete's competitive time in the District. The penalties for violation of this policy shall be established and shall be in addition to any penalties imposed for violation of District-wide Board policies regarding use of drugs, alcohol or tobacco.

The District shall provide all students/ and parents/guardians a copy of this policy and its accompanying procedures on an annual basis in the Student Conduct and Discipline Code Book. The Student Conduct and Discipline Code Book is also available on the District web site, [www.d49.org](http://www.d49.org). Books will be distributed at the beginning of each school year.

Adopted: January 23, 1986

Revised: May 19, 1994.

Revised: August 10, 2000.

Revised: July 26, 2005.

Reviewed: March 24, 2010.

Revised: July 8, 2010.

Revised:

LEGAL REFS.: 20 U.S.C. §3221 (*defines drug abuse education and prevention*)  
20 U.S.C. §7116 (*Safe & Drug-Free Schools and Communities Act of 1994*)  
C.R.S. 18-18-102 (5) (*definition of "controlled substance"*)  
C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess controlled substance on or near school grounds or school bus*)  
C.R.S. 22-1-110 (*instruction related to alcohol and drugs*)  
C.R.S. 22-32-109.1 (2)(a) ~~(I)(G)(VII)~~ (*policy required as part of safe schools plan*)  
C.R.S. 22-33-106 (1)(d) (*suspension or expulsion discretionary/mandatory for the sale of a drug or controlled substance*)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
JIH, Student Interrogations, Searches, and Arrests  
JKD/JKE, Suspension/Expulsion of Students  
JLCD, Administering Medicines to Students

## Weapons in School

The Board of Education determines 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.

### Dangerous weapons~~Mandatory expulsion in accordance with state and federal law~~

Carrying, bringing, using, or possessing a dangerous weapon on district property, when being transported in vehicles dispatched by the district or one of its schools during any school sponsored or district sponsored activity or event and off district property when the conduct has a reasonable connection to school or any district curricular or non curricular event without the authorization of the school or the 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.

As used in this policy, “dangerous weapon” means:

- a. A firearm, whether loaded or unloaded
- b. Any pellet, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- c. A fixed-blade knife with a blade that 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.
- d. 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.

The Principal ~~may~~ initiate expulsion proceedings for students who carry, bring, use or possess a dangerous weapon in violation of this policy. ~~Unless expulsion is otherwise required by federal law, a student may, but need not be expelled if, as soon as possible upon discovering that he or she is in possession of the dangerous weapon the student notifies and delivers the weapon to school officials.~~

In accordance with federal law, expulsion shall be mandatory for no less than one full calendar year for a student who is determined to have brought a firearm to or possessed a firearm at school in violation of this policy. The Chief Education Officer or designee may modify the length of this federal requirement for expulsion on a case-by-case basis.



## **~~Firearm facsimiles~~ Discretionary discipline in accordance with state law**

Carrying, using, actively displaying or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm on district property, when being transported in vehicles dispatched by the district or one of its schools during a school sponsored or district sponsored activity or event, and off district property when such conduct has a reasonable connection to school or any district curricular or non curricular event without the authorization of the school or district is prohibited. Students who violate this policy provision may be subject to disciplinary action including but not limited to suspension and/or expulsion.

A student may seek prior authorization from the building principal to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on District property for purposes of a school-related activity. A student's failure to obtain such prior authorization is a violation of this policy provision and may result in disciplinary action, including but not limited to suspension and/or expulsion. The principal's decision to deny or permit a student to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property shall be final.

School administrators shall consider violations of this policy provision on a case by case basis to determine whether suspension, expulsion or any other disciplinary action is appropriate based upon the individual facts and circumstances involved.

### **Local restrictions**

The Board 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

### **Recordkeeping**

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.

### **Referral to law enforcement**

In accordance with applicable law, school personnel shall refer any student who brings a firearm or weapon to school without authorization of the school or the 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.~~

Adopted: May 19, 1994.

Revised: April 20, 1995.

Revised: July 20, 1995.

Revised: September 2, 1999.

Reviewed: August 10, 2000.

Revised: July 8, 2010.

Revised: June 30, 2011.

Revised:

LEGAL REFS.: 18 U.S.C. §921 (a)(3) (federal definition of "firearm")  
20 U.S.C. §8921 *et seq.* (Gun-free Schools Act of 1994)  
20 U.S.C. §7151 (h) (requiring schools to have policies requiring referral to law enforcement)  
C.R.S. 18-1-901 (3)(h) (state law definition of "firearm")  
C.R.S. 22-32-109.1 (2)(a)(~~I~~)(~~G~~)(~~VII~~) (policy required as part of safe schools plan)  
C.R.S. 22-33-102 (4) (definition of dangerous weapon)  
C.R.S. 22-33-106 (1)(~~d~~),(f) (grounds for suspension, expulsion, and denial of admission)  
C.R.S. 22-33-106 (1)(f) (must adopt policy regarding firearm fasimilies)

CROSS REFS.: JK-2, Discipline of Students with Disabilities  
JKD/JKE, Suspension/Expulsion of Students  
KFA, Public Conduct on School Property

*NOTE: As a condition of receiving federal funds the school district is required to expel for one calendar year students who bring firearms to school. The district is required to include a description of the circumstances surrounding these expulsions, the name of the school concerned, the number of students expelled and the types of weapons.*

*The language allowing the Chief Education Officer superintendent to modify the length of expulsion on a case-by-case basis is intended to permit the district to discipline students with disabilities and maintain eligibility for federal financial assistance. It is important to note that federal law requires that educational services must continue although they may be provided in another setting for students with disabilities who are properly expelled.*

## Student Discipline

The Board of Education believes that effective student discipline is a prerequisite for sound educational practice and productive learning. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline and socially acceptable behavior.

All policies and procedures for handling general and major student discipline problems shall be designed to achieve this broad objective. 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. The code shall emphasize proportionate disciplinary interventions and consequences and keeping students engaged in learning.

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 may be immune from civil liability unless the person is acting willfully or wantonly.

### 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~~ caused 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 shall

be declared habitually disruptive students. Any student enrolled in the district's schools may be subject to being declared a habitually disruptive student. Declaration as a habitually disruptive student ~~may shall~~ result in the students 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 Innovation Leaders shall arrange to have a copy of the conduct and discipline code ~~provided distributed~~ once to each student in elementary, middle, and high school and once to each new student in the District. The Innovation Leaders shall ensure reasonable measures are taken to ensure each student is familiar with the code. 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.

Adopted: date of manual adoption.

Revised: August 16, 1984.

Revised: May 19, 1994.

Revised: August 13, 1998.

Revised: August 10, 2000.

Revised: July 10, 2003.

Revised: February 15, 2006.

Revised: February 11, 2010.

Revised: June 30, 2011.

Revised:

LEGAL REFS.: C.R.S. 18-6-401 (1) (*definition of child abuse*)  
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)  
C.R.S. 22-32-109.1 (2)(a)(I) (*school district shall take reasonable measures to familiarize students with the conduct and discipline code*)  
C.R.S. 22-32-109.1 (2)(a)(~~I~~)(~~C~~)(~~III~~) (*discipline of habitually disruptive students is required part of safe schools plan*)  
C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)  
C.R.S. 22-33-106 (1)(~~a-f~~) (*grounds for suspension, expulsion, and denial of admission*)  
C.R.S. 22-33-106 (1)(c.5) (*habitually disruptive students*)

CROSS REFS.: JIC, Student Conduct, and subcodes  
JK subcodes (all relate to student discipline)  
JRA/JRC, Student Records/Release of Information on Students

## Student Discipline

### 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 (7) days after receipt by the parent/guardian of the written statement. If the interested persons fail to file intent to challenge within seven (7) 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 Innovation Leader within ten (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 Innovation Leader. The Innovation Leader will make a decision within ten (10) school days after receiving the request for Step 2 review. The Innovation Leader 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 Innovation Leader 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 Innovation Leader 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 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 the student for causing causes 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 Innovation Leader and Chief Education Officer ~~when if~~ a student ~~causes is suspended for~~ a second ~~time for causing a~~ material and substantial disruption.
2. The student and the parent/guardian will be notified in writing of each ~~disruptionsuspension~~ 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. ~~A student who has been declared habitually disruptive may be suspended or expelled in accordance with Board policy JKD/JKE. 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.~~

Adopted: May 19, 1994.

Revised: August 13, 1998.

Revised: August 10, 2000.

Revised: February 15, 2006.

Revised: May 13, 2010.

Revised: June 30, 2011.

Revised:

## Disciplinary Removal from Classroom

Staff, including administrators and teachers, must use their training, experience, and authority to create schools and classes where effective learning is possible. Students should be able to attend school and classes as free as reasonably possible from unnecessary and unwarranted distraction and disruption. Such behavior interferes with the classroom environment and will not be tolerated.

A student who engages in classroom conduct or behavior prohibited by the code of conduct may be removed from class by a teacher and placed temporarily in an alternative setting in accordance with these procedures and consistend with state and federal law.

For purposes of this policy and procedure, a "class" includes regular classes, special classes, resource room sessions, labs, study halls, library time, school assemblies, and other such learning opportunities taught or supervised by a teacher. "Teacher" means a person holding a license or authorization issued by the state who is employed to instruct, direct, or supervise the instructional program.

### Informal removal from class to the principal's office

An informal removal from class occurs when a student breaks one or several classroom rules in a class period or during the school day. The teacher may remove a student by using approved discipline management techniques ~~such as having the student stand in the hall outside the door or some other safe "time out" environment either in or out of the classroom,~~ or by sending the student to the principal's office for a short period of time. Generally, the student will be allowed to return to his or her classroom later the same day. The procedures set forth below do not apply to an informal removal from class.

### Formal removal from class

A teacher may formally remove a student from class for the following conduct or behavior:

1. Conduct that is prohibited in the student code of conduct. It should be noted that building administrators make decisions regarding suspension and the Chief Education Officer superintendent or designee makes recommendations for expulsion. Thus, a teacher's decision to remove a student from class for behavior covered by District policies regarding suspension and expulsion may, but does not necessarily mean, that the student will also be suspended or expelled.
2. Disruptive, dangerous, or unruly behavior. The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous, or unruly:

- a. Inappropriate physical contact intended or likely to hurt, distract, or annoy others such as hitting, biting, pushing, shoving, poking, pinching, or grabbing.
  - b. Inappropriate verbal conduct intended or likely to upset, distract, or annoy others such as name calling, teasing, or baiting.
  - c. Behavior that may constitute sexual or other harassment.
  - d. Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment, particularly when others are talking (e.g., lecture by teacher, response by other student, presentation by visitor) or during quiet study time.
  - e. Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.
  - f. Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out.
  - g. Destroying or damaging the property of the school, the teacher, or another student.
  - h. Loud, obnoxious, or outrageous behavior.
3. Conduct that otherwise interferes with the ability of the teacher to teach effectively. Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly, and responding appropriately when called upon. A student's noncompliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation, this behavior includes:
- a. Open defiance of the teacher, manifested in words, gestures, or other overt behavior.
  - b. Open disrespect of the teacher, manifested in words, gestures, or other overt behavior.
  - c. Other behavior likely to intended to sabotage or undermine classroom instruction.

### **Procedures to be followed for formally removing a student from class**

Unless the behavior is extreme as determined by the teacher, a teacher shall warn a student that continued misbehavior may lead to removal from class. When the teacher determines that removal is appropriate, the teacher should take one of the following courses of actions:

1. Instruct the student to go to the main office. Unless prevented by the immediate circumstances, the teacher shall inform the building principal or designees of the reason for the student's removal from class.

2. Obtain coverage for the class and escort the student to the main school office. The teacher shall inform the building principal or designee of the reason for the student's removal from class.
3. Seek assistance from the main school office or other available staff. When assistance arrives, the teacher or the other staff member should accompany the student to the main office. The principal or designee shall be informed of the reason for the student's removal.

Within 24 hours of the student's removal from class, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the student's removal from class.

### **Notice to parent/guardian**

As soon as practicable, the building principal or designee shall notify the student's parent/guardian in writing that the student was removed from class. The written notice shall specify the class from which the student was removed, the duration of the removal, and the basis for the removal as stated by the teacher. The notice shall provide an opportunity for the parent/guardian to attend a student-teacher conference regarding the removal. If the student's removal from class is also subject to disciplinary action (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

### **Placement procedures**

Each building principal shall designate a room or other suitable place in the school for serve as the short-term removal area.

When the student arrives at the main office, the building principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal or designee is not available immediately upon the student's arrival, the student will be taken to the designated short-term removal area; and the principal or designee will speak to the student as soon as practicable.

At the discretion of the building principal or designee, the student may be placed in another appropriate class, program, or educational setting, provided students are supervised in such alternative setting.

Students placed in the short-term removal area shall be supervised. During their time of placement, students are expected to do work of an academic nature. If possible, such work shall be related to the work in the class from which the student was removed or may be related to the student's misconduct. In no event shall a student's time in the short-term removal area be recreation or other free time.

In most cases, a student shall remain in the short-term removal area for the duration of the class from which he or she was removed. Prior to allowing the student to resume his or her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building principal or designee may consider a different placement option.

### **Behavior plan**

The principal or designee and teacher shall consider whether a behavior plan should be developed for the student upon the student's first removal from class. The behavior plan will be similar, if not the same, as a remedial discipline plan developed for disruptive students in accordance with Policy JK. A behavior plan shall be developed and implemented after the teacher formally removes a student from class for the second time and must be developed and implemented before a student may be removed from class for the remainder of the term of the class.

### **Removal for remainder of term**

Upon the third formal removal from class, a student may shall be officially removed from the teacher's class for the remainder of the term. The principal shall be responsible for determining the appropriate placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. The principal's decision regarding placement is final.

Once a student is officially removed from class, a loss of credit may occur if the principal determines that it would be too disruptive to enroll the student in another class after the start of the term.

### **Review by principal**

The principal is required to collect data pertaining to the number of students who are removed from class during the year. This information will be reported to the public on the safety section of the school report card. While there are a variety of factors to consider when analyzing this data, an unusually high number of formal documented student removals from any one teacher may be cause for concern. The principal shall review this data with teachers at least annually.

A student may be removed from a classroom by a teacher only in accordance with the requirements of this policy and the applicable provisions of state and federal law. All teacher actions under this policy shall be subject to evaluation and supervision by the teacher's supervisor as provided in ~~school~~-District policies and procedures, including the evaluation policy.

Adopted: August 10, 2000.

Revised: February 15, 2006.

Revised: April 8, 2010.

Revised:

## Suspension/Expulsion of Students

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. (See JKD?JKE-R).

The Board and its designee(s) may consider the following factors in determining whether to suspend or expel a student:

1. the student's age;
2. the student's disciplinary history;
3. the student's eligibility as a student with a disability;
4. the seriousness of the violation committed by the student;
5. the threat posed to any student or staff; and,
6. the likelihood that a lesser intervention would properly address the violation.

As an alternative to suspension, the principal or designee at personal discretion may permit the student to remain in school with the consent of the student's teachers if the parent/guardian attends class with the student for a period of time specified by the principal or designee. 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 delegates to the principal of the district or to a person designated in writing by the principal, in their absence, the power to suspend a student in that school for not more than five (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 ten (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 twenty-five (25) school days.
2. The Board delegates to the Chief Education Officer the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional ten (10) school days plus up to and including an additional ten (10) days necessary in order to present the matter to the Board.
3. The Board delegates to the Chief Education Officer or designee who shall serve as hearing officer (appointed by the Chief Education Officer) to deny admission to or expel for any period not extending beyond one 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. The hearing officer will inform the Chief Education Officer of the decision and will send a letter to the family within five (5) days informing them the decision and of their right to appeal. The family has seven (7) days to appeal in writing. If the family appeals, a meeting will be scheduled with the Chief Education Officer or designee within five (5) days of the request. The Chief Education Officer shall render a written opinion in the expulsion matter within three (3) days after the hearing and inform them of their right to appeal. The family will have seven (7) days to appeal in writing.

The Chief Education Officer shall report on each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the Chief Education Officer shall be subject to appeal to the Board. The appeal shall consist of a review of the facts that were presented, arguments relating to the decision and questions of clarification from the Board.

### **Expulsion for unlawful sexual behavior or crime of violence**

When a petition is filed in juvenile court or district court that alleges a student between the ages of twelve (12) to eighteen (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 district in which the juvenile is enrolled.

The information shall be used by the Chief Education Officer or designee 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 Chief Education Officer or designee shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

The Chief Education Officer or designee 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 district shall contact the expelled student's parent or guardian at least once every sixty (60) days until the beginning of the next school year to determine whether the child is receiving educational services.

Revised: March 21, 1996.

Revised: August 13, 1998.

Revised: August 10, 2000.

Revised: February 15, 2006.

Revised: July 8, 2010.

Revised: June 30, 2011.

Revised:

LEGAL REFS.: C.R.S. 16-11-309 (*crime of violence*)  
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)  
C.R.S. 22-32-109.1 (2)(a) ~~(I)(E)(V)~~ (*policy required as part of safe schools plan*)  
C.R.S. 22-32-109.1 (3) (*agreements with state agencies*)  
C.R.S. 22-33-105 (*suspension, expulsion, and denial of admission*)  
C.R.S. 22-33-106 (*grounds for suspension, expulsion, and denial of admission*)  
C.R.S. 22-33-106.5 (*information concerning offenses committed by students*)  
C.R.S. 22-33-107 (*compulsory attendance law*)  
C.R.S. 22-33-107.5 (*notice of failure to attend*)  
C.R.S. 22-33-108 (*juvenile judicial proceedings*)  
C.R.S. 25-4-903 (1) (*immunization*)

CROSS REFS.: ECAC, Vandalism  
GBGB, Staff Personal Security and Safety  
JEA, Compulsory Attendance Ages  
JF, Student Admissions to/Withdrawals from School  
JHD, Exclusions and Exemptions from School Attendance  
JIC, Student Conduct, and subcodes  
JK-2, Discipline of Students with Disabilities  
JKF, Educational Alternatives for Expelled Students

## Suspension/Expulsion of Students

These regulations specify the conditions and procedures under which the District may suspend or expel students.

### A. Procedure for suspension of 10 days or less

Through written policy, the Board of Education has delegated to any District principal the power to suspend a student for not more than five (5) or ten (10) days, depending upon the type of infraction. Pursuant to policy JKD/JKE, the Chief Education Officer has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed twenty-five (25) school days. As a general rule, a suspension will be ten (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 eighteen (18) years of age; if the student is eighteen (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 Innovation Leader 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 notification will include the time and place for the parent/guardian to meet with the administrator to review the suspension.
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. **Readmittance.** 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 50%full or partial credit to the extent possible for makeup work which is completed satisfactorily.

NOTE: to determine whether to provide full or partial credit, pursuant to state law, the goal is to reintegrate the student back into the classroom and help prevent the student from dropping out.

## **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 (3) 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 three (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 an attorney.
  - d. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
4. **Conduct of hearing.** 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 (3) 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 Chief Education Officer of the decision and will send a letter to the family within five (5) days informing them of their right to appeal.

5. **Appeal.** The family has ~~ten (10) seven (7)~~ days to appeal in writing. If the family appeals, a meeting will be scheduled with the Chief Education Officer or designee within three (3) to five (5) days of the request. Failure to request an appeal within ten (10) days will result in a waiver of the right to appeal and the decision of the Chief Education Officer or designee will become final.

The Chief Education Office ~~r~~ or designee hears the case and renders a decision within three (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 at the next scheduled Board meeting. The Board renders a decision and the Education Service Center sends a letter to the family informing them of the decision.

6. **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, and is not receiving educational services through the District,~~ the District will contact the expelled student's parent/guardian at least once every sixty (60) days until the student is eligible to re-enroll 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 through the juvenile justice system. ~~to a juvenile or adult detention facility.~~

7. **Readmittance.** 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 or unlawful sexual behavior**

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.
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.

Revised: March 21, 1996.

Revised: August 13, 1998.

Revised: August 10, 2000.

Revised: September 2, 2004.

Revised: February 8, 2006.

Revised: July 8, 2010.

Revised: June 30, 2011.

Revised:

## Suspension/Expulsion of Students

According to the Colorado Revised Statutes 22-23-106(1)(a-gf) and 3(e) and 22-12-105(3), 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 a habitually disruptive student.
  - a. For the purposes of this paragraph, “habitually disruptive student” means a child who has caused a material and substantial disruption ~~been suspended pursuant to paragraph 1, 2, 3, or 5 of this exhibit~~ three ~~(3)~~ 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 a habitually disruptive student.
  - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption 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”.
    - a. ~~The use, possession or sale of a drug or controlled substance as defined in C.R.S. 12-22-303. 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:~~
    - b. ~~a. The sale of a drug or controlled substance as defined in C.R.S. 12-22-303.~~
  - i. 6. The commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. 18-3-201 if committed by an adult.



7. The carrying, bringing, using, or possessing a dangerous weapons without the authorization of the school or 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 district, and as soon as possible delivers the dangerous weapon to that person, expulsion shall not be mandatory.~~

NOTE: In accordance with federal law, expulsion shall be mandatory and for no less than one full calendar year for a student who is determined to have brought to or possessed a firearm at school. The Chief Educatio Officer may modify the length of this federal requirement for expulsion on a case-by-case basis. Such modification shall be in writing.

ii.

As used in this paragraph, ~~e~~, “dangerous weapon” means:

- a. A firearm, whether loaded or unloaded
  - b. Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
  - c. A fixed blade knife with a blade that 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.
  - d. Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.
8. Repeated interference with a school’s ability to provide educational opportunities to other students.
9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on District property.
10. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as disciplinary action but may be recorded with the student’s immunization record with an appropriate explanation.
11. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
12. 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. 22-33-106(2), subject to the district's responsibilities under (the Exceptional Children's Education Act and applicable federal law, (see policy JK-2, Discipline of Students with Disabilities), 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 there from to be detrimental to the welfare of other students.

Adopted: date unknown.

Revised: March 21, 1996.

Revised: August 14, 2003. (*emergency approval*)

Revised: September 4, 2003.

Revised: October 7, 2004.

Revised: July 8, 2010.

Revised:

## Educational Alternatives for Expelled Students

Upon request of a student or the student's parent/guardian, the District shall provide educational services deemed appropriate for any student expelled from the District. The services will be designed to enable the student to return to the school in which the student was enrolled prior to expulsion; to successfully complete the GED; or to enroll in a non-public, non-parochial school, or in an alternative school.

Educational services includes tutoring, alternative educational programs, including on-line programs authorized by state law or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science, and social studies. In addition to educational services, the student or parent/guardian may request any of the services provided by the District through agreements with state agencies and community organizations for at-risk students.

The District shall determine the amount of credit the student shall receive toward graduation for the educational services provided.

Educational services provided by the District shall be designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the conduct and discipline code of the District. Except as required by federal law for special education students, any student who is suspended or expelled while receiving educational services pursuant to this policy shall not receive further services until the period of suspension or expulsion is completed.

The educational services may be provided directly by the District or through agreements with state agencies and community organizations entered into pursuant to state law. The services need not be provided on District property.

Students who are expelled for conduct or behavior involving a threat of harm to District students or personnel shall be served through a home-study course or in an alternative school setting designed to address such conduct or behavior, at the discretion of the District.

The Chief Education Officer or designee is directed to apply for moneys through the expelled student services grant program established by Colorado law to assist in providing such services.

All expelled students receiving services will be included in the District's pupil enrollment, including those expelled prior to the October count date.

*Note: The expelling district may provide services in cooperation with one or more other school districts, BOCES, charter schools, non-public non-parochial schools, or pilot schools. If so, 95% of PPOR, reduced in proportion to the amount of time remaining in the school year, will be transferred from the expelling district to the entity providing the services.*

Note: In accordance with state law on educational opportunities during suspension, a student is entitled to full or partial credit to the extent possible for work completed satisfactorily. See C.R.S. 22-33-105 (3)(d)(III). The district has discretion regarding the amount of credit to be awarded for the educational services provided to expelled students. See C.R.S. 22-33-203 (2)(a). The objective should be to reintegrate the student back into the classroom after sufficient remediation opportunities are provided.

Adopted: August 13, 1998.

Revised: August 10, 2000.

Revised: November 11, 2010.

Revised: October 27, 2011.

Revised:

LEGAL REFS.: C.R.S. 22-33-201.5 (*definition of educational services*)  
C.R.S. 22-33-203 (*educational alternatives for expelled students*)  
C.R.S. 22-33-204 (*services for at-risk students*)  
C.R.S. 22-33-205 (*expelled students grant programs*)

CROSS REFS.: JIC, Student Conduct, and subcodes  
JK, Student Discipline, and subcodes

## Educational Alternatives for Expelled Students

Parents/guardians shall be notified in writing at the beginning of each school year of their right to request services from the District if their child is expelled. In addition, written notification shall be provided to the parent/guardian at the time of any expulsion.

All requests for services for expelled students must be made in writing to the Director of Pupil Services or designee by the student or the student's parent/guardian. ~~within ten (10) school days of the expulsion.~~

Within ten (10) school days of receiving the request, the Innovation Leader or designee will notify the student and the parent/guardian of the goal in providing educational services, the services to be provided by the District, and the amount of credit the student will receive.

If an expelled student is not receiving educational services through the school district under the accompanying policy, the parents/guardians shall be contacted at least once every sixty (60) days until the student is eligible to re-enroll to determine the educational services the student is receiving, unless the student is enrolled in another school district, or independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

Adopted: August 13, 1998.

Reviewed: September 2, 1999.

Revised: November 11, 2010.

Revised: October 27, 2011.

Revised:

LEGAL REFS.: Constitution of Colorado, Article IX, Sections 1,2,15  
C.R.S. 22-32-101 (*Corporate status of school districts*)  
C.R.S. 22-32-102 (*Corporate status-when questioned*)

CROSS REF.: BB, School Board Legal Status

## Expulsion Prevention

District personnel shall enforce provisions of the student code of conduct so that students demonstrating unacceptable behavior and their parents, guardians, or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code.

However, it is the belief of the Board that all available alternatives should be explored to help students who are at risk of expulsion before expulsion becomes a necessary step. Expulsion shall be regarded as a punishment of last resort unless a student's behavior would cause imminent harm to others in the school, or when ~~federal state~~ law or the District's student conduct and discipline code requires expulsion. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive.

The District, working with the student's parent/guardian, shall provide students who are identified as at risk of suspension or expulsion with a plan to provide necessary support services to help them avoid expulsion. Services may include:

1. educational services (tutoring, alternative educational programs or career and technical educational programs that provide instruction in the academic areas of reading, writing, mathematics, science, and social studies)
2. Counseling services.
3. Drug or alcohol addiction treatment programs, and/or
4. Family prevention services.

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations, and institutions of higher education.

The failure of the District to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures including but not limited to suspension and/or expulsion.

Parents/guardians of students shall be notified in writing at the beginning of each school year of their right to request services from the District if their child is

expelled. In addition, written notification shall be provided to the parent/guardian at the time of any expulsion.

Adopted: August 13, 1998.

Revised: August 10, 2000.

Revised: July 8, 2010.

Revised:

LEGAL REF.: C.R.S. 22-14-101 et seq. (*dropout prevention and student reengagement*)  
C.R.S. 22-33-202 (*identification of at-risk students*)  
C.R.S. 22-33-204 (*services for at-risk students*)  
C.R.S. 22-33-204.5 (*students in facility schools shall be considered at-risk*)  
C.R.S. 22-33-205 (*grants for services to expelled, at-risk and truant students*)

## Staff Conduct and Responsibilities

All staff members shall have a responsibility to make themselves familiar with and abide by federal and the laws of the state laws as these effect their work, and the policies and regulations of the district, which affect their work, the policies of the Board of Education, and the regulations designed to implement them. ~~All staff members shall be expected to carry out their assigned responsibilities with conscientious concern.~~

As representatives of the district and role models for students, all staff shall demonstrate and uphold high professional, ethical and moral standards. Staff members shall conduct themselves in a manner that is consistent with the educational mission of the district and shall maintain professional boundaries with students at all times. Interactions between staff members must be based on mutual respect and any disputes will be resolved in a professional manner.

<b>Rules of conduct</b>
-------------------------

Each staff member shall observe rules of conduct established in law, which specify that a school employee shall not:

1. Disclose or use confidential information acquired in the course of ~~his/her~~ employment to substantially further ~~his/her~~ personal financial interest.
2. Accept any gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position, or which the staff member knows or should know is primarily for the purpose of a regard for action taken in which the staff member exercised discretionary authority as defined by Colorado law or substantial economic benefit which would tend to improperly influence a person in his/her position.
3. Engage in a financial transaction for ~~his/her or a member of his/her immediate families,~~ private business purposes with a person whom the staff member supervises. ~~he/she~~ supervises.
4. Perform any action in which ~~he/she~~ the staff member has a discretionary authority, which directly and substantially confers an economic benefit on a business or other undertaking in which the staff member causes an economic benefit on a business or other undertaking in which he/she, or a member of his/her immediate family, has a substantial financial interest or is engaged as a counsel, consultant, representative, or agent.

The phrase "economic benefit tantamount to a gift of substantial value" shall include a loan at a rate of interest lower than the prevailing commercial rate and



compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for an employee, in his/her capacity as an employee, to receive:

1. An occasional nonpecuniary gift which is insignificant in ~~has little or no financial~~ value.
2. An nonpecuniary award ~~of little or no financial value~~ publicly presented by a nonprofit organization in recognition of public service. ~~in recognition of public service, outstanding performance or achievement.~~
3. Payment or reimbursement for actual and necessary expenditures for travel, and subsistence meals, etc., (within the limitations of Board policy) for attendance at a convention, school function, or other meeting at which his/her attendance has been approved by an immediate supervisor.
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the position.
5. Items of perishable or nonpermanent value including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events. ~~Payment or reimbursement for actual and necessary expenditures for travel, meals, etc., (within the limitations of Board policy) for attendance at a school function, outside his/her normal duties as approved by an immediate supervisor.~~
6. Payment for speeches, debates, or other public events reported as honorariums.

It shall not be considered a breach of conduct for a staff member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members, or business associates on an occasional basis, except that long distance personal calls must be placed on the employee's credit card.
2. Accept or receive a benefit ~~as long as it is within the guidelines of Board policy~~ as an indirect consequence of transacting District business.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.

2. Support and enforcement of policies and procedures of the Board and the school administration in regard to students.
3. Diligence in submitting required reports promptly at times specified.
4. Care and protection of school property.
5. Concern and attention toward ~~their own and the District's legal responsibility~~ for the safety and welfare of students, including the need to ensure that by insuring that students are appropriately supervised at all times.

A staff member may request an advisory opinion from the secretary of state concerning issues relating to conduct that is proscribed by state law.

#### Felony/misdemeanor convictions

If, subsequent to beginning employment with the District, the district has good cause to believe that any staff member ~~employed on or after July 1, 1991,~~ has been convicted of or pled nolo contendere to, or received a deferred or suspended sentence for any felony or misdemeanor ~~(not including other than a misdemeanor traffic offenses or infractions.)~~ subsequent to employment, the District shall make inquiries to the Department of Education for purposes of screening the employee. ~~ask the person to provide information about the offense.~~

In addition, ~~or as an alternative,~~ the District shall require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency. Fingerprints must be submitted within 20 school days ~~after~~ upon receipt of written notification ~~of need.~~ The fingerprints shall be ~~released~~ forwarded to the Colorado Bureau of Investigation (CBI) for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. ~~processing.~~

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of fingerprint processing provide relevant information. ~~about a conviction.~~ Non-licensed employees shall be terminated if the results of the fingerprint-based criminal history record check disclose a conviction for certain felonies, as provided in law.

~~If the District has good cause to believe that any nonlicensed staff member employed on after July 1, 1991, has been convicted of a felony or misdemeanor subsequent to employment, the District shall release his/her fingerprints to the CBI for processing. Depending on the results of the fingerprint check, disciplinary measures may be necessary.~~

Employees shall not be charged fees for processing fingerprints under the above-mentioned circumstances.

## Child abuse

All District employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact in accordance with policy JLF.

The Chief Education Officer or designee is authorized to conduct an internal investigation or to take any other necessary steps if ~~he/she receives~~ information is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a school ~~d~~District employee. Such information shall remain confidential except that the Chief Education Officer shall, as required by law, notify the Colorado Department of Education of the child abuse investigation.

### Unlawful behavior involving children

The Board may make an inquiry with the Department of Education concerning whether any current employee of the District has been convicted of, pled nolo contendere to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

### **Personnel addressing health care treatment for behavior issues**

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used and obtaining prior written permission from the student or from the student's parent/guardian. See policy JLDAC. School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns school personnel may have.

## Possession of deadly weapons

The provisions of the policy regarding public possession of deadly weapons on school property or in school buildings also shall apply to employees of the District. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

Adopted: April 4, 1994.

Reviewed: May 11, 2000.

Revised: January 11, 2001.

Revised: March 8, 2002 (*Minor grammatical correction; Board action not required.*).

Revised: November 11, 2010.

Revised: August 11, 2011.

Revised:

LEGAL REFS.: Colorado Constitution article 29 section 3

C.R.S. 18-12-105.5

C.R.S. 18-12-214(3)(b) (*school security officers may carry concealed handgun pursuant to valid permit*)

C.R.S. 19-3-308(5.7)

C.R.S. 22-32-109(1)(ee) (*Board of education-specific duties*)

C.R.S. 22-32-109.1 (*Board of education-special powers and duties-safe schools*)

C.R.S. 22-32-109.1(8) (*Employee screenings*)

C.R.S. 22-32-109.7 (*Board of education-specific duties-employment of personnel*)

C.R.S. 22-32-109.8(6)(10) (*Applicants selected for nonlicensed positions-submittal of form and fingerprints-prohibition against employing persons failing to comply-department database*)

C.R.S. 22-32-109.9 (*Licensed personnel-submittal of fingerprints*)

C.R.S. 22-32-110(1)(k) (*Board of education – specific powers*)

C.R.S. 24-18-104

C.R.S. 24-18-109

CROSS REF.:

JLC, Student Health Services and Records

JLDAC, Screening/Testing of Students

JLF, Reporting Child Abuse/Child Protection

KFA, Public Conduct on School Property

## **Professional Research and Publishing**

The Board of Education recognizes the value of educational research conducted by staff members. However, all research studies carried out within the school system using district or school data of any kind or staff or students as subjects must be approved in advance by the Chief Education Officer or designee. Only those studies which have value to the school district shall be approved.

The Chief Education Officer or designee shall keep a file on topics needing study that shall be shared with staff members at their request.

When human subjects are involved in research, there shall be adequate protection of their rights and welfare. The individual shall be subjected to no serious risk. Parents of students who are subjects of research or adults if they are the subjects shall be provided an explanation of procedures and their purposes, a description of any possible risks and any benefits to be reasonably expected, an offer to respond to inquiries on procedures, and instruction on the right to refuse to participate or to discontinue participation at any time without prejudice.

Any survey, assessment, analysis or evaluation of students shall be consistent with district policy and applicable law.

Adopted:

LEGAL REFS: 20 U.S.C. §1232h (rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation)  
C.R.S. 22-1-123 (*district shall comply with federal law on protection of pupil rights; Colorado provisions regarding surveys, assessment, analysis and evaluation of students*)

CROSS REFS.: JLDAC, Screening/Testing of Students (*And Treatment of Mental Disorders*)  
LC, Relations with Education Research Agencies

## School Board Meeting

All meetings of three or more members of the Board, at which any public business may be discussed or any formal action taken, shall be open to the public at all times except for periods in which the Board is in executive session. All such meetings will be properly noticed, and minutes will be taken and recorded as required by law.

No business may be conducted unless a quorum is present. A quorum shall consist of a simple majority (more than half) of the members serving on the Board.

A recording shall be made of regular and special meetings are required by law and at a minimum, shall be an audio recording. Recordings shall be maintained for 90 days.

### Regular meetings

Regular meetings of the Board of Education shall be held at least one time each calendar month on such dates and at such times as the Board may establish in accordance with Colorado law. The schedule of regular meeting dates and times will be adopted for each calendar year prior to the end of the preceding year. All regular meetings will be held in the Board room of the central administration building, 10850 East Woodmen Road.

### Special meetings

Special meetings of the Board may be called by the Board president at any time and shall be called by the president upon the written request of a majority of the Board members.

The ~~Executive Administrative Assistant secretary~~ of the Board shall be responsible for giving ~~email written~~ notice of any special meeting to each Board member at least 72 hours in advance of the meeting ~~if mailed and or~~ -24 hours in advance if hand-delivered personally to the member. The notice must contain time, place, and purpose of the meeting and names of the members requesting the meeting.

Any member may waive notice of a special meeting at any time before, during, or after such meeting, and attendance at a special meeting shall be deemed to be a waiver.

No business other than that stated in the notice of the meeting shall be transacted unless all members are present and agree to consider and transact other business.

### Work sessions and retreats

The Board, as a decision-making body, is confronted with a continuing flow of problems, issues and needs which require action. While the Board is determined to expedite its business, it is also mindful of the importance of planning, brainstorming and thoughtful discussion without action. Therefore, from time to time the Board may schedule work sessions or retreats, which shall be open to the public. No action shall be taken during such sessions. Public notice of the session, including the topics for discussion and study, shall be provided.

Adopted: April 21, 1977.

Revised: September 1, 1977.

Revised: November 1, 1979.

Revised: May 21, 1998.

Reviewed: September 3, 1998.

Revised: June 5, 2003.

Revised: January 8, 2004.

Revised: November 3, 2005.

Revised: September 11, 2008

Revised: October 8, 2009

Revised:

LEGAL REFS.: C.R.S. 22-32-108 (1) through (5)  
C.R.S. 24-06-401 *et seq.* (Colorado Sunshine Act of 1972)

CROSS REF.: BEDA, Notification of Board Meetings

*Note: The Board is not required to take minutes if through its notice and agenda it has not retained the option to take formal action. However, minutes must be taken in accordance with state law during all executive sessions unless specifically excepted.*

*Note: A quorum is defined as a simple majority (more than half) of the members serving on a Board, as follows:*

- *for a 5-member board a quorum is 3*
- *for a 6-member board a quorum is 4*
- *for a 7-member board a quorum is 4*

5.02  
Election of  
Board of Education  
Vice President





## **BOARD OF EDUCATION AGENDA ITEM 5.03**

**BOARD MEETING OF:** July 27, 2012

**PREPARED BY:** Brett Ridgway, Chief Business Officer

**TITLE OF AGENDA ITEM:** Measurement of Continuing Financial Stability according to Board Policy DAC and next steps

**ACTION/INFORMATION/DISCUSSION:** Discussion & Action

**BACKGROUND INFORMATION, DESCRIPTION OF NEED:** In February 2012, the Board of Education accepted a recommended change to policy DAC – Continuing Financial Stability that corrected the measurement of fund balance as a percentage of annual revenue. Much of the policy however remained the same and bears further scrutiny and also action according to the intent of the policy.

The policy, in general, is intended to keep the general fund's fund balance within a range of 10%-11% of annual revenues (District Adjusted Gross Revenue). The policy also intends to outline what actions might be considered when the ratio falls above 11%. While some of the language is strong, indicating requirements, it is countered with language that essentially allows the District to maintain a balance over 11% during times of financial struggle.

As we begin to contemplate the financial results for 2011-12, and the application of policy DAC, several things should be considered: (1) continued evaluation of language in the policy itself; (2) The estimated ratio results for 2011-12; (3) What next steps are available, feasible, and appropriate from the result of the fund balance ratio.

**RATIONALE:** As the district business process continues to mature, this is and will become a time for evaluating the financial position of the district and what implications that evaluation might have on subsequent fiscal years.

**RELEVANT DATA AND EXPECTED OUTCOMES:** The 2011-12 final budget, for the general fund, aimed for expenses to exceed revenue by \$3.0mm. Current estimates of financial results would show something much closer to break even, meaning that fund balance going in to the 2012-13 fiscal year would be much higher than anticipated – and therefore identifies funds that could be made available for one-time spends for the district, specifically spends related to capital and technology needs

By simply assuming a \$3.0mm surplus of fund balance, we should first set aside a portion to accommodate final entries for the 2011-12 fiscal year that could erode the number slightly – 20% (\$600k). If the Board is willing to consider spending the remainder (approx. \$2.4mm) we could start with a simple definition of three pools of money targeted for three different priorities: Capital, Technology, and Staff Development. We would expect that there might be related priorities in the Technology and Staff Development priorities and would look to appropriate individuals in the Education Office to identify and quantify projects that would represent an

efficient and effective use of those funds, to consider all components of the Educational Program (Regular Ed, Special Ed, Extracurricular and specialized [GT, ELL, etc.]).

Capital priorities would chiefly come from the capital project prioritization process that is conducted each spring by the Planning Department, and other current issues that may be relevant simply because of how they would relate to other projects.

To that end, there are two ongoing projects that are prime candidates to allocate relatively small dollars to, in order to bring them to the best possible completion in the next 30-45 days:

1. Athletic Complex at Vista Ridge High School – FCBC (Falcon Community Builders for Classrooms) is in the final stages of a project that began in July 2011, that effectively completes the athletic complex at Vista Ridge High School. FCBC has been extremely generous in this endeavor, providing over \$1.8mm to assist in that effort. As the project nears completion, a shortfall of approximately \$60,000 has been identified, and tied to one final piece of the project (the pressbox for the football/soccer field) that will not fit into their budget. We recommend the district provide funds to complete the pressbox in the spirit of gratitude and cooperation with FCBC.
2. Falcon Virtual Academy – The new building for FVA was originally acquired in November 2011, and design, permitting and remodeling has been rushed to make the building available for the 2012-13 school year. Various small project changes have come to bear that required us to forego the planned science and art lab rooms. An ‘add-option’ has been priced to allow FVA to complete a single room that would serve both purposes for approximately \$98,000.

Timing is an issue for both of these projects since construction crews are currently on-site and approving these changes now would be cheaper than having them ‘come back’ at a later date. These two projects combined total \$150,000, which would still leave \$650,000 of the potential \$800,000 pool for capital needs resulting from excess fund balance to address another level of capital needs identified in the capital need prioritization process.

**RELATIONSHIP TO THE VISION/MISSION OF THE DISTRICT GOALS**

**ADDRESSED:**

- |  |   |
|--|---|
| <input type="checkbox"/> Student Achievement and Performance Support           | <input type="checkbox"/> Staff Empowerment and Support                |
| <input checked="" type="checkbox"/> Parent/Community Engagement Responsibility | <input checked="" type="checkbox"/> Social and Ethical Responsibility |
| <input type="checkbox"/> Operational Efficiency and Systems Effectiveness      |   |

**FUNDING REQUIRED:**     Yes     No

**RECOMMENDED COURSE OF ACTION/MOTION REQUESTED:**

I move to authorize administration to proceed with project expansions for both the Vista Ridge pressbox and Falcon Virtual Academy Science & Art room for a total cost not to exceed \$150,000 and to incorporate this spend in the amended budget for 2012.13 fiscal year.

**APPROVED BY:**    Brett Ridgway, Chief Business Officer

**DATE:** July 25, 2012

# Discussion Items

## 6.00

### 6.01

#### Board Communication

### 6.02

#### Role of Board of Education Members

### 6.03

#### Chief Education Officer Hiring Process

# Adjournment

## 7.00