

STUDENT SUSPENSION AND EXPULSION

Procedure for Suspension

The following procedures shall be followed in any suspension.

1. Notice. The principal, the principal's designee, or the superintendent shall give the student notice whenever a suspension is contemplated. Notice may be oral or in writing.
2. Contents of Notice. The notice shall contain the following:
 - a. A statement of the policy or regulation which the student is alleged to have violated.
 - b. A statement of the factual basis for the allegation.
 - c. The time and place set for hearing the matter (which, for suspensions of ten days or less, may be at the time and place notice is given).
3. Informal Hearing. Any student suspended for ten days or less shall be given an opportunity to explain his or her position regarding a disruption in the classroom or an incident constituting grounds for discipline. An informal hearing, however, does not generally include representation by counsel, the ability to confront and cross-examine witnesses or to call witnesses to verify the student's version of the incident. However, the administrator conducting the informal hearing may, acting within his or her discretion, allow the student to present witnesses and may call persons who witnessed the alleged improper conduct to present evidence in the presence of the student. As a minimum, the student must be given an explanation of the evidence against him or her.
4. Review. Any student suspended for more than ten days shall be given the opportunity to request a review of the suspension before the superintendent or designee. The decision of the superintendent or designee shall be final.
5. Timing. Notice and an informal hearing should precede removal of the student from school unless immediate removal is necessary as provided in paragraph 6 below. There need be no delay between the time notice is given and the time of the hearing. Once a determination has been made to suspend a student, the student shall be required to leave the school building and the school grounds immediately upon arrangements being made for a transfer of custody in accordance with paragraph 7 below.

6. 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 constitutes a continuing danger to the student himself or herself, other persons or property, or a continuing threat of disrupting the academic process. In such cases, notice to the student of the alleged misconduct and an informal hearing shall follow as soon as practicable after the student's removal from school. Any student who poses a threat of physical harm to himself or herself or other persons shall be removed from school immediately upon arrangements being made for a transfer of custody in accordance with paragraph 7 below.

The principal or designee shall immediately remove a student with a disability from a situation in which he or she poses a threat of physical harm to himself or herself or to other persons. The student shall be suspended or placed in an appropriate alternative setting, subject to the limitations imposed on the discipline of students with disabilities by federal law, as set forth in District Policy JKD/JKE and this regulation.

In accordance with governing law, the IEP or § 504 team may change a disabled student's placement to an appropriate interim alternative educational setting for not more than 45 days if the student has carried a weapon to school or to a school function; if the student knowingly possessed, used, sold or solicited the sale of a controlled substance while at school or at a school function; or if a hearing officer so orders. Such placement in an interim alternative educational setting is permissible even if the disabled student's behavior was a manifestation of his or her disability.

7. Transfer of Custody. No student of minor age shall be released from the custody of school personnel, except in the case of a transfer to law enforcement authorities, until arrangements have been made for a transfer of custody with a parent, guardian, legal custodian, or parent's designee. In accordance with state law, law enforcement authorities may be involved in the removal of students from school where there are reasonable grounds to believe that the student has committed an act which would be a felony, misdemeanor or municipal ordinance violation if committed by an adult. If transfer is made to law enforcement authorities, the student's parents, guardian, or legal custodian shall be notified as soon as practicable.
8. Letter to Parents, Guardian or Legal Custodian. Following a suspension, the principal or his/her designee shall immediately attempt to notify the student's parents, guardian, or legal custodian of the action by telephone. In addition, a letter stating the length of suspension, reasons for the action, and time and place for the parents, guardian, or legal custodian to meet to review the suspension, shall be mailed or delivered to the student's parents, guardian, or legal custodian within three school days following a suspension or as soon thereafter as practicable.
9. Readmittance. No student shall be readmitted to school until a meeting has taken place between the principal or designee and the student's parents, guardian or legal

custodian to review the suspension, or until, in the discretion of the principal or designee, a parent, guardian, or legal custodian of the suspended student has substantially agreed to review the suspension with the principal or designee. If the principal or designee cannot contact the parent, guardian or legal custodian of such student or if a parent, guardian or legal custodian repeatedly fails to appear for scheduled meetings, the suspending authority may readmit such student. The purpose of the readmittance conference shall be to address whether there is a need to develop a remedial discipline plan for the pupil in an effort to prevent further disciplinary action.

10. Students with Disabilities. If suspension is recommended for a student with disabilities in excess of ten consecutive school days, or the student is subjected to a series of suspensions during the school year (or during a single placement within the school year) that constitute a change of placement, the IEP or § 504 team shall meet to determine whether the student's alleged conduct is a manifestation of his or her disability (this provision does not apply to placement in an appropriate interim alternative educational setting). The student and his or her parents, guardian or legal custodian shall be given notice of the meeting as required by law. If the IEP or § 504 team determines that the student's alleged conduct was not a manifestation of his or her disability, the suspension procedures may continue, unless a parent, guardian or legal custodian has requested an impartial due process hearing pursuant to governing law.

Procedure for Expulsion

In the event that the superintendent contemplates action expelling any student, the following procedures shall be followed:

1. Notice. Not less than ten days prior to the date of a contemplated expulsion, the superintendent shall cause written notice of such proposed action to be delivered to the student and his or her parents, guardian or legal custodian. Such delivery may be by United States mail or by personal delivery. If mailed, delivery shall be deemed to be completed at such time as the notice is deposited in the United States mail addressed to the last known address of the student or his or her parents, guardian or legal custodian.
2. Emergency Notice. In the event the Board determines that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened to the extent the Board may direct, provided that the student or his or her parents, guardian, or legal custodian have actual notice of the hearing prior to the time it is held.
3. Contents of Notice. The notice shall contain the following:
 - a. A statement of the rule or regulation which the student is alleged to have violated.

- b. A statement that a hearing on the question of expulsion will be held within the period of suspension applicable to the student if requested by the student or his or her parents, guardian or legal custodian.
 - c. A statement of the date, time, and place of the hearing in the event one is requested.
 - d. 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 his or her parents, guardian or legal custodian and an attorney.
 - e. A statement that failure to request a hearing within five school days or failure to participate in such a hearing constitutes a waiver of further rights in the matter.
 - f. A statement of the effective date and duration of the contemplated expulsion.
4. Hearing. The hearing shall be conducted by the superintendent or his or her designee. If requested by the student; his or her parents, guardian or legal custodian; or attorney; such individuals in the employ of the district who have pertinent information shall be requested to attend the hearing to the extent necessary to provide such information. Testimony and information shall be presented under oath. However, technical rules of evidence shall not be applicable and the hearing officer may consider and give appropriate weight to such information or evidence he or she deems appropriate. The student or his or her representative may cross-examine witnesses against him or her. A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event of an appeal.
5. Superintendent's Decision. The superintendent shall render a written decision, giving the specific factual findings in support of the decision, within five school days following the hearing. The superintendent shall report each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for his or her action.
6. Appeal to the Board. Within five school days after the decision of the superintendent, the student may appeal an expulsion of ten days or more to the Board. The Board shall review the decision on the record. No additional testimony or evidence shall be presented unless it was not reasonably discoverable at the time of the hearing; however, the Board may permit oral argument. The Board may retire to executive session to review and discuss the evidence, but the final decision shall be made in public session.

7. **Students with Disabilities.** If the student recommended for expulsion is a student with a disability, prior to commencing expulsion proceedings the IEP or § 504 team shall meet to determine whether the student's alleged conduct is a manifestation of his or her disability. The student and his or her parents, guardian or legal custodian shall be given notice of the meeting as required by law. If the IEP or § 504 team determines that the student's alleged conduct was not a manifestation of his or her disability, the expulsion procedures may commence, unless a parent, guardian or legal custodian has requested an impartial due process hearing pursuant to governing law. If a special education student with an IEP is expelled, the IEP team shall determine the nature and extent of educational services to be provided to the student during the expulsion period and develop a new Individualized Educational Program for implementation during that time (this requirement does not apply with respect to § 504 students).
8. **Parental Responsibility for School Attendance.** If a student between the ages of seven and 16 is expelled for the remainder of a school year, the parents, guardian or legal custodian of the student are responsible under state law for ensuring compliance with Colorado's compulsory attendance laws during the period of expulsion.
9. **Readmittance.** A readmittance conference of the type described in paragraph 9 of the procedures for suspension section of this regulation shall be held prior to an expelled student being readmitted to school.

Procedure for Classroom Suspension

The following procedures shall be followed in any classroom suspension.

1. A teacher may remove a student from the teacher's classroom for one day for causing a material and substantial disruption in the classroom through behavior that is initiated, willful and overt on the part of the student. Prior to any such removal, the teacher shall provide the student with the same level of due process to which the student would be entitled for suspensions from school of ten days or less, as set forth above and in Policy JKD/JKE.
2. The teacher initiating a one-day classroom suspension shall provide the principal or designee with assignments and other coursework to be completed by the student during the period of suspension, and shall contact the parent or legal guardian of the student as soon as possible after removal to request his or her attendance at a conference regarding the classroom suspension.
3. The teacher may develop a behavior plan approved by the principal after a student's first one-day classroom suspension during any grading term (quarter, trimester or semester) and shall develop a behavior plan approved by the principal after a student's second one-day classroom suspension during any grading term. The behavior plan shall indicate that the third incident during a grading period of material and substantial

disruption in the classroom through behavior that is initiated, willful and overt on the part of the student after classroom suspensions for the first two incidents will result in the student's removal from the classroom for the remainder of the grading term. The teacher shall provide a copy of the behavior plan, as well as a copy of each revision thereto, to the student and the parent or legal guardian of the student.

4. For any student removed from the classroom for the remainder of a grading term as provided in paragraph 3 above, the teacher responsible for the removal shall provide the principal or designee with a lesson plan, assignments, other coursework, quizzes and exams for the remainder of the grading term so as to allow the student to complete and receive credit for the course.
5. Classroom suspensions shall not count as suspensions for purposes of declaring a student as "habitually disruptive."
6. A teacher's ability to impose classroom suspensions shall be subject to governing law and the District's policies and regulations concerning suspension/expulsion of students with disabilities.

Written: 1971

Revised to conform with practice: date of manual adoption

Revised: December 1993

Revised: December 1994

Revised: October 1996

Revised: May 2000

Revised: August 2000

Revised: September 2002

LEGAL REFS.: 20 U.S.C. §§ 1400 *et seq*
29 U.S.C. § 794

C.R.S. §§ 22-20-101 *et seq*

C.R.S. § 22-32-109.1

C.R.S. § 22-33-102(4.7)

C.R.S. § 22-33-105