

STUDENT SUSPENSION/EXPULSION/DENIAL OF ADMISSION (DUE PROCESS/ADMINISTRATIVE PROCESSING PROCEDURES)

A. Introduction

The Colorado Springs School District 11 Board of Education (the Board) shall provide due process of law to students, parents/guardians, and school personnel through written procedures consistent with law for the suspension, expulsion, or denial of admission of students.

B. Definitions

The following definitions shall apply to all policies and regulations concerning student suspension, expulsion, or denial of admission, unless otherwise noted:

1. "Suspension" means the interruption of attendance at a school as the result of a decision by a school administrator (or designee) or the Colorado Springs School District 11 (the District) Office of Student Discipline Services.
2. "Expulsion" means the termination of enrollment of a student by the Superintendent (or his/her designee) or the Board.
3. "Denial of admission" means withholding of the privilege of enrollment in a school of the District as an action authorized by the Superintendent (or his/her designee) or the Board.
4. "Interschool transfer" of a student shall not be considered under this policy as suspension, expulsion, or denial of admission.
5. "Removal from a class or combination of classes" for placement in other classes in the same school shall not be considered under this policy as suspension, expulsion, or denial of admission.
6. "Designee" means a person designated in writing to execute specified duties.
7. "Parent" means the parent, guardian, or legal custodian of a child; or the child if 18 years old or older, or legally emancipated.
8. "Informal hearing" means an opportunity for a child to explain his/her position regarding a disruption in the classroom or an incident constituting grounds for discipline.
9. "School property" as used in this policy and related regulations, means but is not limited to, any school building, any school grounds, any District property, any District grounds, any school or District vehicle, and any school or District-sponsored activity regardless of where the activity occurs.

C. Delegation of Authority

The Board delegates the following powers and duties:

1. To the Principal (or his/her designee) of any school within the District, the power to suspend a student in his or her school:

(A) for not more than five (5) school days for;

(I) Continued willful disobedience or open and persistent defiance of proper authority,

(II) Willful destruction or defacing of school property,

(III) 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 to other children,

(IV) repeated interference with a school's ability to provide educational opportunities to other students, and

(V) any other lawful reason; and

(B) for not more than ten (10) school days for serious violations of the District's conduct and discipline code occurring in a school building or on school property.

2. To the Superintendent (or his/her designee) the power to suspend a student, upon referral from a Principal (or designee) for an additional ten (10) school days, with the provision that the suspension may be extended another ten (10) school days if deemed necessary by the Superintendent. The total period of suspension shall not exceed twenty five (25) school days.

3. To the Superintendent the power to deny admission to or to expel from the schools of the District, for any period not extending beyond one full calendar year, any student whom the Superintendent (or designee) shall determine, as provided by state law and District policy, does not qualify for admission to or continued enrollment in the District. The Superintendent shall not deny admission to or expel any student without a hearing if one is requested by the student's parent/guardian. If the hearing is conducted by a designee serving as a hearing officer, the designee shall prepare findings of fact and recommendations for the Superintendent at the conclusion of the hearing in accordance with applicable law. The Superintendent shall render a written opinion after the hearing is conducted by the Superintendent or designee, or after any intermediate review of a designee's recommendation by a designated administrator, where necessary

and appropriate. The Superintendent's decision may be appealed to the Board of Education as defined in statute. The Superintendent or designee shall report to the Board periodically in executive session, on each case acted upon.

4. To the Board or its designee the responsibility of meeting in executive session or in private, as appropriate, to make an appropriate determination as provided for in C.R.S. 22-33-105(5)(a) whenever a petition is filed in juvenile court alleging that a child at least twelve years of age but under eighteen years of age enrolled in a district school has committed an offense that would constitute unlawful sexual behavior, as defined in C.R.S. 16-22-102(9), or a crime of violence as defined in C.R.S. 18-1.3-406, if committed by an adult, or whenever charges are filed in district court alleging that a child has committed such an offense. Upon receiving notice of such charge(s), the Board or its designee shall determine whether the student should not be educated in the school by considering (1) whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and (2) 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. If the Board or designee determines that the student should not be educated in the school, the Board or designee may refer the student for suspension or expulsion procedures to the Board's designated hearing officer or may wait until the conclusion of the juvenile or criminal proceedings to consider possible expulsion, in which case the Board or designee shall direct that the student be provided with an appropriate alternate education program, including but not limited to an on-line program authorized pursuant to C.R.S. 22-30.7-102, or home-based education program until there has been a resolution of the juvenile proceedings. The time that a student spends in an alternate education program shall not be considered a period of suspension or expulsion. A summary of covered cases/actions will be provided to the Board quarterly.

D. General considerations

1. If a student is suspended, the Principal (or designee) shall immediately notify the parent/guardian of the student that the student has been suspended and of the grounds for the suspension, the period of the suspension and the time and place for the parent/guardian to meet with the Principal (or designee) to review the suspension.
2. Any student under suspension or expulsion will not be allowed in or on school property during the period of suspension unless approved by the Principal or designee, or when appropriate, the District designee.
3. In accordance with C.R.S. 22-33-105 (3)(d), a suspended student will be provided an opportunity to complete school work covering the period of suspension to facilitate reintegration into the educational program following suspension. Make-up work assignments shall be provided for all classes missed

during the period of suspension. It is the responsibility of the student and/or parent/guardian to pick up any class assignments information on the day the student returns to class (or sooner if possible). There shall be one day allowed for make-up work for each day of suspension for which the student is eligible to receive credit for completed work per the guidelines above. Schools may use alternative program resources (Policy JKG, Expulsion Prevention Program) to support reintegration of the student.

4. As an alternative to suspension, the Principal (or designee) may permit the student to remain in class with the consent of the student's teachers if the student's parent/guardian attends class with the student for a period of time specified by the Principal or designee. If this alternative is chosen and successfully completed, the action shall not be counted as a suspension and completed work shall be given full earned credit. 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. 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 then this alternative to suspension shall not apply.

5. Per C.R.S. 22-33-203 and 22-38-113, upon expelling a student, the District shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion and if requested by the parent/guardian, shall provide the student's parent/guardian with a copy of the student's academic and disciplinary records. 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 the student is expelled for the remainder of the school year and is not receiving educational services in conjunction with the expulsion, the District shall contact the expelled student's parent/guardian at least once every 60 days until the beginning of the next school year to determine whether the child is receiving educational services.

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Revised September, 1996
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LEGAL REFS.:

C.R.S. 16-22-102(9)
C.R.S. 18-1.3-406
C.R.S. 22-30.7-102
C.R.S. 22-33-105(2)(c)
C.R.S. 22-33-105(5)(a)
C.R.S. 22-33-203
C.R.S. 22-38-113

CROSS REFS.:

AC, Nondiscrimination/Equal Opportunity
ADC/JICG, Tobacco Free Schools
ECAC Vandalism
GBGB Staff Personal Security and Safety
JBB, Sexual and Racial Harassment/Discrimination toward
Students
JH, Student Absences and Excuses
JHD Exclusions and Exemptions from School Attendance
JIC Student Conduct
JICI, Weapons in School
JK Student Discipline
JKD/JKE-2, Disciplining of Students with Disabilities
JKD/JKE-R, Regulations to Policies JKD/JKE and JKD/JKE-2
JLCB, Immunization of Students