

SPECIFIC BOARD POLICIES REGARDING STUDENT BEHAVIOR

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STUDENT CONDUCT ON BUSES

To insure the safety and comfort of all passengers, the following rules will be strictly enforced:

1. Before boarding a bus, students must stand back until the bus comes to a complete stop and the driver opens the door.
2. Passengers must enter and exit the bus carefully without pushing or shoving.
3. Passengers must remain seated while the bus is moving.
4. Passengers will keep their head, hands, feet (their entire body) inside the bus.
5. Profane, foul and disrespectful language is forbidden.
6. Use of tobacco in any form is prohibited.
7. Use of alcohol and controlled substances (drugs) is prohibited.
8. Nothing is to be thrown to or at another person on the bus.
9. Shooting spit wads is prohibited.
10. Squirting water or other liquids is prohibited.
11. Passengers must be completely silent while the bus is stopped before crossing a railroad track.
12. Passengers must deposit all trash and litter in the container at the front of the bus.
13. Passengers must sit in the seat assigned by the driver if a seat has been assigned.
14. Disruptive behavior or any type is forbidden and will not be tolerated.
15. Passengers must not open the emergency door except in case of emergency.
16. When leaving the bus, passengers must use great caution and follow procedures outlined by the bus driver and school officials.
17. School buses are public property and must be respected as such. Repairs required because of malicious mischief or vandalism will be charged to the person(s) causing the damage.
18. The driver has full authority and responsibility of maintaining order and discipline needed to insure the safe operation of the bus.
19. Those riding the bus have the obligation of keeping noise at a level that does not bother the driver and other passengers. This insures greater safety for everyone riding the bus.

Rules may be required in addition to those listed above. Should this prove true, the driver has the right upon approval of the transportation director to take any additional action required for the safety and comfort of bus passengers.

Sexual Harassment

The district recognizes that sexual harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination.

District's commitment

The district is committed to maintaining a learning environment that is free from sexual harassment. It shall be a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Sexual harassment Prohibited

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student
3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment

For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.

Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

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

1. sex-oriented verbal "kidding," abuse or harassment
2. pressure for sexual activity
3. repeated remarks to a person with sexual implications
4. unwelcome touching, such as patting, pinching or constant brushing against the body of another
5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns

Legitimate non-sexual touching or other non-sexual conduct is not sexual harassment.

Reporting, Investigating and Sanctions

Sexual harassment cannot be investigated or corrected by the district until the district is made aware of such harassment. Therefore, students are encouraged to report all incidents of sexual harassment to a teacher, counselor or principal in their school building and file a formal grievance, through the complaint process (AC-R). All reports and indications from students, district employees and third-parties shall be forwarded to the compliance officer.

If the alleged harasser is the person designated as the compliance officer, an alternate compliance officer will be appointed by the superintendent to investigate the matter.

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred shall be investigated.

Any student found to have engaged in sexual harassment shall be subject to discipline, including but not limited to, being placed under a remedial discipline plan, suspension or expulsion, subject of applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with policy JLF.

Notice and training

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

All students and district employees shall receive periodic training related to recognizing and preventing sexual harassment. District employees shall receive additional periodic training related to handling reports of sexual harassment.

Sexual Harassment

(Grievance Procedure)

1. Students who believe they have been subject to sexual harassment will report the incident to any teacher, counselor or principal in their school building or to Superintendent, who will be referred to as the grievance officer. All reports received by teachers, counselors, principals or other district employees will be forwarded to the grievance officer. If the alleged harasser is the person designated as the grievance officer, an alternate grievance officer will be appointed by the superintendent to investigate the matter.
2. Upon receiving a report, the grievance officer will confer with the student who has allegedly been harassed as soon as is reasonably possible, but in no event more than 2 days from receiving the report, in order to obtain a clear understanding of the basis of the complaint and to discuss what action the student is seeking. The student's parents/guardians will also be contacted and kept informed regarding progress of the investigation.
3. At the initial meeting with the student, the grievance officer will explain the avenues for informal and formal action and provide a description of the grievance procedure. The grievance officer will also explain that whether or not the student files a formal grievance or otherwise requests action, the district is required by law to take steps to correct the harassment and to prevent recurring harassment or retaliation against anyone who makes a harassment report or participates in an investigation. The grievance officer will also explain to the student that any request for confidentiality will be honored so long as doing so does not preclude the school from responding effectively to the harassment and preventing future harassment.
4. Following the initial meeting with the student, the grievance officer will attempt to meet with the alleged harasser and his or her parents/guardians in order to obtain a response to the reported harassment and will investigate the matter in accordance with policy JBB*. The grievance officer will complete the investigation within 14 days of the initial meeting with the student.
5. Within 7 days of completing the investigation, the grievance officer will determine whether the matter should proceed formally or informally. On the basis of the grievance officer's investigation and if the student requests that the matter be resolved in an informal manner and the grievance officer agrees that the matter is suitable for such resolution, the grievance officer may attempt to resolve the matter informally through conciliation.
6. If the student requests a formal grievance process, the grievance officer will transfer the record to the superintendent or designee for formal resolution within 7 days of completing the investigation, and so notify the parties by certified mail.
7. After reviewing the record made by the grievance officer, the superintendent or designee may gather additional evidence necessary to decide the case. Within 14 days of receiving the record, the superintendent or designee will announce any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.
8. Whether or not a formal grievance was filed, the district will take all reasonable steps necessary to end the harassment, to make the victim whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone that reports sexual harassment or participates in a harassment investigation.
9. All parties, including the parents/guardians of all students involved, will be notified by the superintendent of the final outcome of the investigation and all steps taken by the district.
10. At any time, the student making a report of sexual harassment may request an end to the informal process and begin the formal grievance process.

Student Conduct

It is the intention of the Board of Education that the district's 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 also shall emphasize that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action.

All Board-adopted policies and Board-approved regulations containing the letters "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 superintendent shall arrange to have the conduct and discipline code distributed once to each student in elementary, middle, junior high and high school and once to each new student in the district. Copies shall be posted in each school of the district. In addition, any significant change in the code shall be distributed to each student and posted in each school.

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.

Secret Societies/Gang Activity

At the principal's discretion, staff members may use the following techniques to discourage the influence of gangs:

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang affiliation will be referred to the principal or designee. The student's parents/guardians will be contacted and the student sent home to change clothes if necessary.
 - a. Any gang graffiti on school premises will be quietly removed, washed down or painted over as soon as discovered.
 - b. Daily checks for graffiti will be made throughout the campus, including restroom walls and doors.
2. Graffiti will be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
3. Classroom and after-school programs at each school will be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior and foster interest in a variety of wholesome activities.
4. Staff members will actively promote membership in authorized student organizations that can provide students companionship, safety and a sense of purpose and belonging.

Gang prevention education

Gang prevention instruction offered in the schools will:

1. Explain the dangers of gang membership
2. Include lessons or role-playing workshops in nonviolent conflict resolution and gang avoidance skills
3. Promote constructive activities available in the community
4. Involve students in structured, goal-oriented community service projects
5. Encourage positive school behavior

Gang prevention lessons may be taught jointly by teachers and law enforcement officers.

Community outreach

Gang prevention classes or counseling offered for parents/guardians will address the following topics:

1. Dangers of gang membership
2. The nature of local gang apparel and graffiti
3. Ways to deal effectively with one's children
4. Warning signs which may indicate that children are at risk of becoming involved with gangs

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media will address:

1. The scope and nature of local gang problems
2. Ways that each segment of the community can help to alleviate these problems

Intervention measures

Staff members will make every effort to assimilate gang-oriented students into the academic, extracurricular and social mainstream and into work experience programs. To this end:

1. Staff members will be provided with the names of known gang members.
2. Insofar as possible, classroom teachers will assign individual gang-oriented students to cooperative learning groups in which they may work toward common goals with students who are not members of their gang.
3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

Secret Societies/Gang Activity

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

The superintendent or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The superintendent or designee shall provide in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities and respond appropriately to gang behavior. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help students.

Gang symbols

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

Prevention education

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

Drug and Alcohol Use by Students

Springfield School District RE-4 shall promote a healthy environment for students by providing education, support and decision making skills in regard to alcohol, drugs and other controlled substances and their abuse. In order to accomplish this goal, a cooperative effort must be made among the schools, parents/guardians, community and its agencies.

It shall be a violation of Board policy and considered to be behavior which is detrimental to the welfare or safety of 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.

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

This policy also includes substances that are represented by or to the student to be any such controlled substance or what the student believes to be any such substance.

This policy shall apply to any student who is on school property, in attendance at school, in a school vehicle or taking part in any-school sponsored or sanctioned activity or whose conduct at any time or place interferes with the operations of the district or the 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 which are available. Information provided to students and/or parents about community substance abuse treatment programs or other resources shall be accompanied by a disclaimer to clarify that the school district assumes no financial responsibility for the expense of drug or alcohol assessment or treatment provided by other agencies or groups unless otherwise required.

The district shall provide all students and parents/guardians with a copy of this policy and its accompanying procedures on an annual basis.

The Board shall conduct a periodic review of its drug prevention program to determine its effectiveness, to implement any required changes and to ensure that the disciplinary sanctions required are consistently enforced.

Drug and Alcohol Use by Students

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

Use

1. When a student is suspected of use, the person having the suspicion should notify the principal or designee. Notification must include reasons for such suspicion (observed use, unusual behavior, etc.). The principal or designee will conduct a check of the suspected student and collect data. This action must comply with the Board policy on interrogations and searches.

- a. If information is not sufficient to warrant further action, the principal or designee may have a personal conference with the student expressing awareness and concern.
 - b. If information warrants, the parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the parent or guardian general information and resources related to substance abuse.
2. When necessary, emergency health and safety care will be provided and any procedural or disciplinary issues postponed until the student's immediate needs are treated. While waiting for the parent/guardian or further medical aid, the student will not be left alone but placed in a quiet situation where he will remain under observation.

Possession

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

1. A staff member who comes in contact with evidence and/or contraband must notify the principal or designee immediately.
2. A staff member who has reasonable cause to believe that a student possesses alcohol, any controlled substance or drug-containing paraphernalia in violation of Board policy will request that the student accompany him to the principal or designee. If the student refuses, the staff member will notify the principal or designee immediately.
1. The principal or designee will attempt to obtain evidence by requesting it directly from the student or through search procedures as outlined in Board policy.
4. The principal or designee will place any evidence in an envelope or alternative container as necessary which will be sealed, dated and initialed by the individual who originally obtained the materials and by the principal or designee. The evidence then will be placed in the school safe.
5. The principal or designee will call appropriate law enforcement officials in each instance of possession or sale of controlled substances by a student. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
6. When there is evidence of a student possessing illegal drugs, the student will be suspended and the parent/guardian notified.

First Offense for Use and/or Possession

1. The student will receive three days out-of-school suspension, and a parent/guardian conference will be scheduled prior to re-admittance.
2. Parent/guardian and student will be provided information concerning voluntary drug and alcohol treatment programs.
3. The student may elect to participate in a voluntary drug/alcohol abuse-counseling program with attendance verification submitted to the school administration. Upon choice of this option, the student will be readmitted. If counseling is not elected, the student may be suspended from school for an additional five days by the superintendent. The student and parent /guardian must attend a readmission conference during the suspension. At the end of the five days, the student will be readmitted.
2. The principal or designee will attempt to develop with the parent/guardian and the student a procedure that will outline the responsibilities of the parent/guardian, the student and the school in an effort to keep any further offenses from occurring.

Second Offense for Use and/or Possession

The student will be recommended for expulsion.

Distribution

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

1. If an employee witnesses an act in which alcohol, drugs, other controlled substances or drug-containing paraphernalia are being transferred from one student to another, the staff member will

immediately attempt to detain the student and request that the student accompany the staff member to the principal or designee. If the student refuses, the staff member will notify the principal or designee immediately.

2. The principal or designee will attempt to obtain evidence by requesting it directly from the student or through search procedures in accordance with Board policy.
3. Any student, who distributes, trades, exchanges, or sells controlled substances, will be expelled. These procedures will supplement and complement authority conferred elsewhere by Board policy and will not be deemed to limit or suspend such other authority.

Student Discipline

The Board 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 these broad objectives. Disorderly students shall be dealt with in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process and free from unnecessary disruptions.

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

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

Immunity for enforcement of discipline code

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

A teacher or any other person acting in good faith and in compliance with the discipline code adopted by the Board shall be immune from criminal prosecution or 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 a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events three times during the school year in violation of their individual remedial discipline plans 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 result in the student's expulsion.

Distribution of conduct and discipline code

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

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

Student Discipline (Remedial Discipline Plans)

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 discipline 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 violates 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.

Habitually disruptive students

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

1. The principal will inform the superintendent if a student is 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 suspension which counts toward declaring the student habitually disruptive. The student and parent/guardian will also be notified in writing and by telephone or other oral communication of the definition of "habitually disruptive student."
3. District procedures for expulsion may be initiated when the student is suspended for the third time. The period of suspension will be extended, if necessary, to conduct an expulsion proceeding.

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.

As an alternative to suspension, the principal or designee 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 of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1) (a), (1) (b), (1) (c) or (1) (e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1) (d) unless expulsion is mandatory under law (see exhibit coded JKD/JKE-E), but the total period of suspension shall not exceed 25 school days.
2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board.
3. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the superintendent at the conclusion of the hearing. The superintendent shall render a written opinion in the expulsion matter within five days after the hearing whether the hearing is conducted by the hearing officer or the superintendent.

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

Expulsion for unlawful sexual behavior or crime of violence

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

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

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.

Grounds for Suspension/Expulsion

According to Colorado Revised Statutes 22-33-106 (1) (a-e) and 3 (e), the following shall be grounds for suspension or expulsion from a public school:

1. Continued willful disobedience or open and persistent defiance of proper authority.
2. Willful destruction or defacing of school property.
3. Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or other children.
4. Declaration as a habitually disruptive student for which expulsion shall be mandatory.
 - a. For purposes of this paragraph, "habitually disruptive student" means a child who been suspended pursuant to paragraph (1), (2), (3), or (5) of this exhibit three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events because of behavior that was initiated, willful and overt on the part of the child. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.
 - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each suspension counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student" and the mandatory expulsion of such students.
5. Serious violations in a school building or in or on school property for which suspension or expulsion shall be mandatory.

Expulsion is mandatory for:

 - a. the sale of a drug or controlled substance as defined in C.R.S. 12-22-303
 - b. the commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. 18-3-204 if committed by an adult.
 - c. the carrying, bringing, using or possessing a dangerous weapon without the authorization of the school or school district, except that if a student discovers that he or she has carried, brought or is in possession of a dangerous weapon and the student notifies a teacher, administrator or other authorized person in the school district, and as soon as possible delivers the dangerous weapon to that person, expulsion shall not be mandatory.

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

 - 1) A firearm, whether loaded or unloaded, or a firearm facsimile that could reasonably be mistaken for an actual firearm.
 - 2) Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
 - 3) A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches.
 - 4) Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.
6. Repeated interference with a school's ability to provide educational opportunities to other students.
7. Failure to comply with the provisions of Part 9, Article 4, Title 25, 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.

According to C.R.S. 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*), the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.

2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be detrimental to the welfare of other students.
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Student Records/Release of Information on Students

1. **Content and custody of records/information**

Student education records in all formats and media, including photographic and electronic may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations, reports of serious or recurrent behavior patterns, and any individual education program (IEP).

Education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

All requests for inspection and review of student education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each student's record.

The principal is the official custodian of student records in his or her building.

2. **Access to records by parent**

A parent/guardian ("parent") has the right to inspect and review their child's education files. However, if a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own records and provide written consent for disclosure of such records and personally identifiable information therein. If an eligible student is a dependent for federal income tax purposes, the parents/guardians are also entitled along with the student to access his/her child's educational records despite the lack of written consent from the eligible student.

During inspection and review of student records by a parent or eligible student and when requested by them, the principal will provide personnel necessary to give explanations and interpretations of the student records.

In all cases where access to student records is requested, except as provided in this policy, a written request to see the files must be made by the parent or eligible student. The principal, upon receipt of the written request, shall provide access to inspect and review the records and set a date and time for such inspection and review. In no case will the date set be more than three working days after the request has been made.

The parent or eligible student shall examine the student's records in the presence of the principal and/or other person(s) designated by the principal.

Only licensed personnel such as the assistant principal or counselor may be so designated.

The record itself shall not be taken from the school building. However, upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student at a cost of 10 cents per page.

3. Requesting records from other school districts

When a student transfers to this school district from another district, the receiving school shall request the student's records from the transferring district if the records have not already been forwarded to the receiving school.

4. Transferring records to other school districts/post secondary institutions

Student records, including disciplinary records, may be transferred without consent to officials of another school, school system, or post secondary institution that has requested the records and in which the student seeks or intends to enroll. The district will provide a copy of the record to the eligible student or student's parents if so requested.

5. Requesting and receiving information and records from state agencies

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and the safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

School district personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Education Rights and Privacy Act of 1974 ("FERPA").

6. Request to amend education records

A parent or eligible student may ask the district to amend a record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student by writing to the school principal [or appropriate school official] clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading or otherwise violates the privacy rights of the student. The request to the principal to amend a student's records must be made in writing within 10 school days of the date the records were first examined.

If the principal, after consulting with any other person having relevant information, decides not to amend the record as requested by the parent or eligible student, the principal shall notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures shall be provided to the parent or eligible student when notified of the right to a hearing.

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The response to the request shall be mailed within 10 school days. The hearing shall be held in accordance with the following:

- a. The hearing will be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent or eligible student by certified mail.
- b. The hearing will be conducted by a principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not be the principal who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.

- c. Parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
- d. The official designated above shall make a decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
- e. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- f. The decision shall include a statement informing the parents or eligible student of their right to place in the student records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the school district. If the student record is disclosed by the school to any other party, the explanation shall also be disclosed to that party.

7. Disclosure with written consent

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

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

Parent or eligible student consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity special education program or in any other school program shall not constitute the specific written consent required.

All signed consent forms shall be retained by the school district.

4. Disclosure without written consent

The district will disclose personally identifiable information from student records without written consent of the parent or eligible student only to those persons or entities allowed under federal or state law to receive such information.

The school district may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student. Another circumstance that permits disclosure without written consent is disclosure to a school official within the district having a legitimate educational interest in the education record or the personally identifiable information contained therein.

For purposes of this policy, a "School Official" is a person employed by the district as an administrator, supervisor, teacher or support staff member, a person serving on the Board of Education; a person or company with whom the district has contracted to perform specialized tasks

(such as attorneys, auditors, consultants and health care providers); or a parent/guardian or student serving on an official committee or assisting another school official in performing his or her tasks.

A school official has a "legitimate educational interest" if disclosure to the official is:

1. Necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement.
2. Used within the context of official district business and not for purposes extraneous to the official's areas of responsibility.
3. Relevant to the accomplishment of some task or to a determination about the student, and
4. Consistent with the purposes for which the data are maintained.

Other circumstances that permit disclosure without written consent are listed in the notice to parents and students of rights concerning student records (JRA/JRC-E-1)

5. Disclosure of disciplinary information to school personnel

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

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent/guardian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent/ guardian may challenge the accuracy of such disciplinary information through the process outlined in the notice to parents and student of rights concerning student school records (JRA/JRC-E-1).

10. Disclosure to military recruiting officers

Names, addresses and home telephone numbers, as well as directory information, of secondary school students will be released to military recruiting officers within 90 days of the request unless a parent/guardian or eligible student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

11. Disclosure to Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent/guardian before the release of any non-directory information required for billing. To accomplish this, the district shall:

- include a consent form with the "start of school" information each fall.

12. Disclosure to criminal justice agencies

The superintendent or designee is authorized by law to share disciplinary and attendance information with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to trial. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.

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

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

14. Disclosure to other parties

Except as noted in this policy, student records will not be released to other individuals and parties without a written request and authorization of the parent or eligible student.

15. Disclosure of directory information

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

Directory information means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information which may be released includes but is not limited to, the student's name, e-mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors, and awards received, the most recent previous education agency or institution attended by the student, and other similar information. Student telephone numbers and addresses shall not be disclosed pursuant to this section.

16. Annual notification of rights

The district will notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. The notice will be in the form provided on exhibit JRA/JRC-E. For notice to parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act and this policy may be obtained from the office of the superintendent during normal business hours.

17. Waivers

A parent or eligible student may waive any or all rights protected by this policy. The waiver shall not be valid unless in writing and signed by the parent or eligible student. The district does not require a waiver but may request a waiver. Any waiver under this provision may be revoked at any time in writing.

Public Conduct on School Property

Persons using or upon school district property for any purpose shall not engage in:

1. Any conduct intended to obstruct, disrupt or interfere with teaching, research, service, administrative or disciplinary functions, or any activity sponsored or approved by the Board.
2. Physical abuse or threat of harm to any person or school district owned or controlled property at school district sponsored or supervised functions.
3. Threat of damage or damage to property of the school district regardless of the location, or property of a member of the community or a visitor to the school when such property is located on school district controlled premises.

4. Forceful or unauthorized entry to or occupation of school facilities, including both buildings and grounds.
5. Unlawful use, possession, distribution or sale of drugs and other controlled substances, alcohol and other illegal contraband on school district property, at school sponsored functions, on any school bus transporting students or within 1,000 feet of the perimeter of the school grounds. Persons known to be under the influence of liquor shall not be permitted to enter the school building or grounds.
6. Unlawful use of tobacco.
7. Unlawful possession of a deadly weapon, as defined in state law, on school property or in school buildings unless the person falls within one of the exceptions in state law for possession of a deadly weapon including that the person:
 - a. has legal authority to carry or possess a deadly weapon
 - b. is presenting an authorized public demonstration for the school or an organized class
 - c. is carrying out duties for the school district which require the use of a deadly weapon
 - d. is participating in an authorized extracurricular activity or team involving the use of firearms
 - e. has possession of the weapon for use in an approved educational program which includes but is not limited to any course designed for the repair and maintenance of weapons
 - f. is a peace officer on duty
8. Profanity or verbally abusive language.
9. Any conduct constituting a breach of any federal, state or city law or duly adopted policy and/or regulation of the Board.
10. Any member of the general public considered by the superintendent or designee to be in violation of this policy shall be instructed to leave the property of the school district.