

## **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.

### **Delegation of authority**

1. The Board of Education delegates to each principal of the school district or to a person designated in writing by the principal the power to suspend a student in his/her 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).
2. The Board of Education delegates to the Superintendent 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. The total period of suspension shall not exceed 25 school days.
3. The Board of Education delegates to the Superintendent, 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.

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.

Each semester, the Superintendent will provide a written summary of expulsion information to the Board.

### **Alternative to suspension**

As an alternative to suspension, the principal or designee, at their discretion, may permit the student to remain in school with the consent of his/her teachers if his/her parent, guardian or legal custodian attends class with the student for a period of time specified by the principal or designee. If the parent, guardian or legal custodian 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 or guardian, would be disruptive to the operations of the school or be detrimental to the learning environment.

## **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 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.

The Board may determine to wait until the conclusion of court proceedings to consider expulsion in which case it shall be the responsibility of the District to provide an alternative educational program for the student as specified in state law.

## **Restrictions imposed on suspended/expelled students**

### **1. Suspension**

During a period of suspension, a student shall not attend any classes or participate in any school or District activities or extracurricular activities or functions and shall not be present on any school grounds or on any school property within the District without the express advance consent of the suspending principal. A violation of this policy may result in criminal charges of trespass.

A suspended student shall be required to make up all missed course work.

Upon termination of the suspension, the student shall return to school and shall be eligible to participate in school activities and functions.

### **2. Expulsion**

During a period of expulsion, a student shall not attend any classes or attend or participate in any school or District activities or extracurricular activities or functions on or off District property. An expelled student shall not be present on any school grounds, which includes busses, within the District without the express advanced consent of the Superintendent. A violation of this policy may result in criminal charges of trespass.

Educational programs may be made available to expelled students with the approval of the Superintendent/designee.\* An expelled student shall remain subject to the requirements of the school attendance law, and if the student is of compulsory attendance age the student's parents/guardians shall remain responsible for the expelled student's education either through a home school program, private school or other approved means.

## Annual reports

As part of its annual report to the State Board of Education, the Board shall include 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/guardians

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. Upon the request of the expelled student's parent(s)/guardian(s), the District will provide educational services during the period of expulsion, as determined by the District.\* If the parent or guardian chooses to provide a home-based education program for the student, District personnel shall assist the parent or guardian in obtaining appropriate curricula for the student if requested by the parent or guardian.

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

Adopted February 28, 1968  
Revised September 21, 1977  
Revised August 26, 1992  
Revised September 29, 1993  
Revised November 17, 1993  
Revised to conform with practice June 8, 1994  
Revised September 27, 1995  
Revised September 25, 1996  
Revised October 22, 1997  
Revised September 9, 1998  
Revised February 9, 2005  
Revised June 8, 2005

\*Educational services will be provided to the extent they are funded by the State Legislature, the Department of Education, grants or by existing agreements with community agencies.

LEGAL REFS.: C.R.S. 16-11-309 crime of violence  
C.R.S. 16-22-102 (9) unlawful sexual behavior  
C.R.S. 18-1.3-406 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)(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. 22-33-106.3 use of student's written statements in expulsion hearing  
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, Admissions and Denial of Admissions  
JHD, Exclusions and Exemptions from School Attendance  
JIC, Student Conduct  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE-2, Suspension/Expulsion of Students with Disabilities  
JKF, Educational Alternatives for Expelled Students  
JLCB, Immunization of Students

St. Vrain Valley School District RE-1J, Longmont, Colorado