

NOTE: Colorado school Boards are required by law to adopt a policy on this subject and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the Board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Beginning July 1, 2020, State law limits the grounds for which the district may impose an out-of-school suspension or expulsion for a student enrolled in preschool, kindergarten, first grade, or second grade. C.R.S. 22-33-106.1.

Suspension/Expulsion of Students (and Other Disciplinary Interventions)

The Board of Education shall provide due process of law to students through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. (See JKD/JKE-R.) In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

Proportionate disciplinary interventions and consequences shall be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff.

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

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

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

Other disciplinary interventions

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the principal or designee may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to: detention, in-school suspension, counseling, participation in the district's restorative justice program or positive behavioral intervention support

(PBIS) program, peer mediation, referral to a juvenile assessment center for counseling or other services, or other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system. See, C.R.S. 22-32-109.1 (2)(a)(II).

As another intervention and 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.

Nothing in this policy shall limit the Board's and its designees' authority to suspend and/or expel a student as deemed appropriate by the Board and its designees. The decision to suspend and/or expel a student instead of providing an alternative to suspension or expulsion or the failure of an intervention to remediate the student's behavior shall not be grounds to prevent the Board and its designees from proceeding with appropriate disciplinary measures, including but not limited to suspension and/or expulsion.

Delegation of authority

1. Students in third grade and higher grade levels: 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 third grade and higher grade levels 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 JKD/JKE-E).

Students in preschool through second grade: 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 preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in C.R.S. 22-33-106.1 (2), unless the principal or designee determines that a longer period of suspension is necessary to resolve the safety threat or expulsion is mandatory under law (see JKD/JKE-E).

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 and 22-33-106.1 (3), 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, but the total period of suspension shall not exceed 25 school days.

3. The Board of Education delegates to a hearing officer, selected by the superintendent, the authority to make a recommendation to deny admission to, or expel any student. If determined that any student does not qualify for admission to, or continued attendance at the public schools of the district, the hearing officer will make a recommendation to the superintendent, who will then make a recommendation to the Board of Education regarding the admission or expulsion for any period not extending beyond one year, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes.

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 this policy.

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.

Adopted: October 1992

Revised: December 1996, August 1997, July 1998, March 2010, November 2011, December 2012, December 2013, October 2017, February 2018, April 2020

LEGAL REFS.: 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)(I)(E) (*policy required as part of conduct and discipline code*)
C.R.S. 22-32-109.1 (3) (*agreements with state agencies*)
C.R.S. 22-32-144 (*restorative justice practices*)
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. 22-33-106.1 (*suspension and expulsion for students in preschool through second grade*)
C.R.S. 22-33-106.3 (*use of student's written statements in expulsion hearings*)
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*)

CROSS REFS.: GBGB, Staff Personal Security and Safety
JEA, Compulsory Attendance Ages
JF, Admission and Denial of Admission
JIC, Student Conduct, and subcodes
JK*-2, Discipline of Students with Disabilities
JKF*, Educational Alternatives for Expelled Students
JKG*, Expulsion Prevention
JLDBG, Peer Mediation

NOTE 1: In examining this policy and the accompanying regulations, please note the policy cross references. All policy statements in the discipline area should fit together.

NOTE 2: In developing a disciplinary intervention plan, state law requires the plan to state that school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9); a crime in which the underlying factual basis involves domestic violence, as defined in C.R.S. 18-6-800.3 (1); stalking as defined in C.R.S. 18-3-602; or violation of a protection order, as defined in C.R.S. 18-6-803.5.