

Policy Type: Executive Limitations**Student Conduct, Discipline and Attendance**

The Superintendent shall not fail to take reasonable steps to create a positive school environment that is reasonably **safe, conducive to the learning process and free from unnecessary disruption.**

Accordingly, the Superintendent may not:

1. **Fail to adopt a comprehensive written student conduct and discipline code in accordance with state and federal law**
2. **Fail to consult with teachers, administrators, students and the community in developing the code**
3. **Fail to report on each denial of admission or expulsion at the next meeting of the Board, briefly describing the circumstances and the reasons for the action**
4. **Fail to make reasonable arrangements to have the code distributed once to each student in elementary, middle, junior high and high school, once to each new student in the district, and to each student when there are significant changes in the code**
5. **Fail to post a copy of the code, and any significant change to the code, in each school building**
6. **Fail to take reasonable steps to uniformly, fairly and consistently enforce the code in accordance with state and federal law**
7. **Fail to take reasonable steps to identify students at risk for suspension or expulsion and provide them with the necessary support services to help them avoid expulsion, except that such failure shall not be grounds to prevent school personnel from suspending or expelling any student and may not be used in any way as a defense in suspension or expulsion proceedings**
8. **Fail to offer in accordance with state law, an alternative to suspension that allows the pupil to remain in school**
9. **Fail to take reasonable steps to provide information to an expelled student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion or fail to provide services as determined by the**

district to any expelled student when requested to do so by the student or the student's parent/guardian

10. Fail to establish procedures for use of physical intervention for student interrogations, searches and arrests that conform to state and federal law
11. Fail to adopt a written policy setting forth the district's attendance requirements in accordance with state law
12. Fail to establish procedures to afford students, parents and school personnel due process with regard to student conduct and discipline issues
13. Fail to establish procedures for written appeal to the Board from a decision of the Superintendent to expel or deny admission to a student
14. Fail to establish enrollment/re-enrollment procedures consistent with state law to protect victims of previously expelled students
15. Fail to take reasonable steps to communicate appropriate disciplinary information to teachers/counselors who have direct contact with the student
16. Fail to take reasonable steps to discipline, suspend or expel students when required by law or district policy
17. Fail to adopt policy that allows for the removal of disruptive students from the classroom in accordance with state law
18. Fail to take reasonable steps to discipline a student with disabilities in accordance with the student's IEP or Section 504 plan or if the disciplinary measure is not authorized by the student's IEP or Section 504 plan, contact the special education director or Section 504 coordinator prior to imposing any such measure
19. Operate outside of the delegation of authority with regard to student discipline⁽¹⁾

⁽¹⁾Pursuant to Colorado law, the Board delegates authority to the Superintendent to:

- a. Delegate to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in his or 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 (1) (d) unless expulsion is mandatory under law, but the total period of suspension will not exceed 25 school days;

- b. 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;
- c. 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, determines does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee appointed by the Superintendent serving as a hearing officer, the hearing officer will prepare findings of fact and recommendations for the Superintendent at the conclusion of the hearing. The Superintendent will 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.

Adopted: August 2005

LEGAL REFS.: C.R.S. 22-20-101 *et seq.* (Exceptional Children's Education Act)
 C.R.S. 22-33-101 *et seq.* (school attendance law)
 C.R.S. 22-32-109.1 (2)(a) (policy required as part of safe schools plan)
 C.R.S. 22-32-109.1 (2)(a)(III) (discipline of habitually disruptive students is required part of safe schools plan)
 C.R.S. 22-32-126 (5) (disciplinary information to staff)
 C.R.S. 22-33-106 (1)(a-e) (grounds for suspension, expulsion and denial of admission)
 C.R.S. 22-33-106 (1)(c.5) (habitually disruptive students)
 C.R.S. 22-33-106.3 (use of student's written statements in expulsion hearings)
 C.R.S. 22-33-202 (identification of at-risk students)
 C.R.S. 22-33-203 (educational alternatives for expelled students)
 C.R.S. 26-20-102 *et seq.* (protection of persons from restraint)
 20 U.S.C. §1401 *et seq.* (Individuals with Disabilities Education Act)
 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)

Monitoring Method: *Internal*
Monitoring Frequency: *July*