

Suspension/Expulsion of Students (and Other Disciplinary Interventions)

The Board 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. 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; and
7. whether excluding the student from school is necessary to preserve the learning environment.

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: *[Note: List the BOCES's disciplinary intervention strategies here. For example, these may include detention, in-school suspension, counseling, participation in the BOCES'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 delegates to the principals of the BOCES 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 JKE/JKD-E).

Students in preschool through second grade: The Board delegates to the principals of the BOCES 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 delegates to the executive director 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. *OPTION 1]* Unless otherwise determined by the Board, the Board delegates to the executive director 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 executive director, 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 schools of the BOCES. 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 executive director at the conclusion of the hearing. The executive director shall render a written opinion that imposes or refrains from imposing disciplinary action in the expulsion matter within five business days after the hearing whether the hearing is conducted by the hearing officer or the executive director.

The executive director 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 executive director 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. *[END OF OPTION 1]*

3. *[OPTION 2]* The Board retains the authority to deny admission to or expel for any period not extending beyond one year any student whom the Board, 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 schools of the BOCES. *[END OF OPTION 2]*
4. Any person serving as a hearing officer shall receive training on how to serve impartially, including avoiding prejudgment of the facts at issue and conflicts of interest. The Board shall comply with all state law and Department of Education requirements regarding the content, timing, and frequency of the training.

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 in which the juvenile is enrolled.

The information shall be used by the Board to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or BOCES 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 BOCES 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 BOCES to provide an alternative educational program for the student as specified in state law.

(Adoption date)

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
JF, Admission and Denial of Admission
JIC, Student Conduct, and subcodes
JK*-2, Discipline of Students with Disabilities

[Revised July 2023]
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