

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 1 DISCIPLINE – GENERAL PROVISIONS

- A. Discipline of students for infractions and non-compliance with the Code of Conduct, Policy 403, shall be enforced uniformly, fairly and consistently for all students as appropriate for their age levels. Previous violations and each student's discipline history shall be considered in determining the severity of discipline. Discipline actions must comply with requirements set forth by this and other applicable Board of Education policies.
- B. District personnel shall enforce provisions of the Student Conduct Code (Policy 403) so that students demonstrating unacceptable behavior and their parents/guardians or legal custodians understand that such behavior shall not be tolerated and shall be dealt with through disciplinary measures as authorized by this Policy.
- C. A written remedial discipline plan may be developed 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.
- D. Discipline actions for violations of the Code of Conduct may include, but are not limited to:
1. Academic penalties.
 2. Removal from classes, programs or activities.
 3. Makeup work and/or time including detentions.
 4. In-house suspensions.
 5. Confiscation of items possessed in violation of the Conduct Code.
 6. Changing clothing or appearance to comply with the Dress Code.
 7. Suspensions.
 8. Placement in alternative programs or settings.
 9. Expulsion.
 10. Referral to a law enforcement agency.
- E. No employee shall administer corporal punishment to any student. Corporal punishment means inflicting physical hurt upon a student in order to punish him/her. The use of reasonable physical force for self-defense or to prevent injury or harm to others is not corporal punishment.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
C.R.S. 22-32-109.1 (2)(a) Adoption and Enforcement of Discipline
C.R.S. 22-32-109.1 (2) (a) (ii) Disciplinary Removal from Classroom
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C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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. 22-33-108 (2) Court review of an order of the Board of Education
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20 U.S.C. 1401 et seq. Individuals with Disabilities Education Act
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

- F. Employees may use reasonable and appropriate physical intervention or force, other than restraint (see policy 421), in the scope of their employment as necessary for the following purposes:
1. To prevent a student from an act of wrongdoing.
 2. To quell a disturbance threatening physical injury to others.
 3. To obtain possession of weapons or other dangerous objects upon a student or within the control of a student.
 4. For the purpose of self-defense.
 5. For the protection of persons or property.
 6. To maintain discipline.
- G. Prior to disciplinary action, a student must be provided verbal notice of the policies violated and given opportunity to be heard with regard to the issue. To the extent feasible, a parent or legal guardian is to be notified of the violation and disciplinary action. Written notice of the policy violation and the discipline invoked shall be provided to the student and to the parent(s) or legal guardian(s) following the disciplinary action.

ARTICLE 2 REPORTING CRIMINAL ACTIVITIES

- A. Law enforcement authorities must be notified whenever there are reasonable grounds to believe that a crime has been committed. The Principal or designee must notify authorities when a report has been made alleging disorderly conduct, harassment or assault upon a school employee; making a false allegation of child abuse against a school employee; or damaging personal property of a school employee.
- B. A school employee who has been the subject of criminal activities by a student shall file a written complaint with the Principal where the student attends. A copy of the complaint shall be sent to the Superintendent. The Principal shall, after receiving such a written complaint and proof deemed adequate, suspend the student for five days. Further suspension or expulsion of the student shall be initiated where injury or property damage has occurred.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
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C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 3 DISCIPLINARY REMOVAL FROM CLASSROOM

- A. A teacher may remove a student from his/her classroom, subject to the provisions in paragraphs A, B, C, and D of this Article, when the student violates the Conduct Code, (Policy 403); is dangerous, unruly or disruptive; or seriously interferes with the ability of the teacher to teach the class or other students to learn. Upon the third such removal, the student may be excluded from the class for the remainder of the term.
- B. A student with a disability may be removed from class and placed in an alternative educational setting only to the extent authorized by State and Federal laws and regulations.
- C. Student removal from class is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are to be communicated as clearly as possible to students. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every circumstance that would justify removal from class under this policy. Teachers are expected to exercise their best professional judgment in deciding whether it is appropriate to remove a student from class.
- D. As soon as possible after removal of a student from a class, the teacher or principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. A written behavior plan may be developed after the first removal from class and shall be developed after the second removal from class. However, this policy shall not be invoked in any manner that does not comply with state and federal laws including laws regarding students with disabilities.
- E. Removal from class under this policy does not prohibit the District from pursuing or implementing additional disciplinary measures, including, but not limited to, detentions, suspensions, or expulsion for the conduct or behavior for which the student was removed.
- F. Each Principal is directed to establish procedures to implement this policy so that removals from a classroom occur in a consistent manner throughout the school.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 4 DISCIPLINE OF HABITUALLY DISRUPTIVE STUDENTS

- A. A student who has 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 his/her remedial discipline plan shall be declared a habitually disruptive student and placed in an alternative program or expelled. Any student enrolled in the District's schools may be subject to being declared a habitually disruptive student. However, this policy shall not be invoked in any manner that does not comply with state and federal laws including laws regarding students with disabilities.
- 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 they shall have been notified in writing and by telephone or other means at their home or the place of employment of the definition of "habitually disruptive student" and the mandatory expulsion of such students.

ARTICLE 5 DISCIPLINE OF STUDENTS WITH DISABILITIES

- A. In order to comply with all State and Federal laws, the Special Education Director shall be contacted prior to the use of any significant disciplinary measure (i.e. removal from class, suspension) which is not authorized by the student's Individual Educational Program (IEP) or behavior intervention plan.
- B. Students with disabilities are neither immune from the School District's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with their IEP, behavioral intervention plan, and this policy.
- C. Nothing in this policy shall prohibit an IEP team from establishing consequences for disruptive or unacceptable behavior as a part of the student's IEP and/or Behavior Intervention Plan.
- D. Manifestation Determination
1. When a disciplinary change in placement is being considered beyond ten days in a given school year related to a disabled student's behavior, the IEP team and other qualified district personnel shall review the relationship between the student's disability and the behavior. Such a review must take place immediately, if possible, but no later than ten school days from the date of the decision to take disciplinary action.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

2. The team will determine whether the student's behavior is a manifestation of the disability and whether the student's disability impaired his or her ability to control or understand the impact and consequences of the behavior.
- E. Disciplinary action for behavior that is not a manifestation
1. Once the team determines that the behavior was not a manifestation of the disability, disciplinary procedures shall be applied to the student in the same manner as applied to non-disabled students. However, during any period of suspension or change of placement beyond ten days in any given school year, services shall be provided to the extent necessary to enable the student to continue to appropriately progress in the general curriculum and appropriately advance toward the goals of the IEP.
- F. Disciplinary action and/or alternative placement of a student for behavior that is a manifestation of a disability shall be in compliance with state and federal law. Any such disciplinary action or placement shall be undertaken only with the guidance of the Director of Special Education who shall be responsible for assuring compliance with applicable statutes and regulations. When any question is raised about the legality of a disciplinary action or placement, counsel from the District's attorney shall be obtained.
- G. Students not identified as disabled.
1. Students who have not been identified as disabled may be subjected to the same disciplinary measures applied to children without disabilities if the District did not have "knowledge" of the disability,
 2. The District has knowledge of the disability when:
 - a. the parent/guardian or a District employee has expressed concern in writing to the child's teacher, a school administrator, or to the Director of Special Education that the student may be disabled or that the student needs special education;
 - b. the student's behavior or performance has demonstrated such a need; or
 - c. the parent/guardian, child advocate or District employee has requested an evaluation to determine if the child is disabled.

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C.R.S. 12-22-303 Definition of drug or controlled substance
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C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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
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C.R.S. 22-33-203 Educational alternatives expelled students
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 6 GROUNDS FOR SUSPENSION AND EXPULSION

- A. Continued willful disobedience or open and persistent defiance of proper authority (C.R.S. 22-33-106(1) (a)).
- B. Willful destruction or defacing of school property (C.R.S. 22-33-106(1)(b)).
- C. Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior that creates a threat of physical harm to the child or to other children.
 1. A child with a disability may not be expelled if the actions creating such threat are a manifestation of his/her disability. Such child shall be removed from the classroom to an appropriate alternative setting for a length of time consistent with federal law. During this time, the school shall give priority to and arrange within ten days for a reexamination of the child's individual educational plan to amend such plan as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting which is less disruptive to other students in accordance with statutes pertaining to students with disabilities. Nothing in this paragraph shall be construed to limit the District's authority to suspend a child with a disability for a length of time consistent with federal law (C.R.S. 22-33-106(1)(c)).
 2. When a student is declared "habitually disruptive", expulsion is mandatory (C.R.S. 22-33-106(1) (c.5). (See Article 4 of this Policy.)
 3. 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 District in which the juvenile is enrolled. The information shall be used 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.

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C.R.S. 22-33-108 (2) Court review of an order of the Board of Education
C.R.S. 22-33-201.5 Definition of Educational Services
C.R.S. 22-33-203 Educational alternatives expelled students
C.R.S. 22-33-204 Services for at-risk students
C.R.S. 22-33-205 Expelled students grant programs
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

- D. Serious violations in a school building or in or on school property, for which suspension or expulsion shall be mandatory (C.R.S. 22-33-106(1)(d)(I)). Expulsion shall be mandatory for the following violations:
1. Carrying, bringing, using, or possessing a dangerous weapon without the authorization of the school or the school district. (See Policy 408)
 2. The sale of a drug or controlled substance. (See Policy 407)
 3. The commission of an act which if committed by an adult would be robbery or assault other than the commission of an act that would be third degree assault.
- E. Repeated interference with a school's ability to provide educational opportunities to other students (C.R.S. 22-33-106(1)(e)).

ARTICLE 7 ALTERNATIVES TO SUSPENSION AND EXPULSION

- A. 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. 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 (C.R.S. 22-33-105(4)).
- B. To the extent feasible, alternatives should be explored to help students who are at risk of expulsion before expulsion becomes a necessary step. Expulsion shall be regarded as a punishment of last resort unless a student's behavior would cause imminent harm to others or when state law, the Conduct Code and/or this Policy (420) requires expulsion. Students at risk of suspension and expulsion are to be identified by the Principal and professional staff so that alternatives for these students can be pursued. Among those students who may be at risk are those who are truant, who have been declared habitually truant, or who are likely to be declared habitually truant. Service to help avoid expulsion may include individualized educational instruction or programs, career and technical education programs, counseling services, drug or alcohol addiction treatment programs and/or services to families. These types of support services may be provided through agreements with appropriate governmental agencies, community-based organizations and institutions of higher education.

References:

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C.R.S. 18-4-Part 3 Robbery
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C.R.S. 22-32-109.1 (2) (a) (III) Discipline of Habitually Disruptive Students
C.R.S. 22-32-109.1 (9) Immunity Provisions in Safe Schools Law
C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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. 22-33-108 (2) Court review of an order of the Board of Education
C.R.S. 22-33-201.5 Definition of Educational Services
C.R.S. 22-33-203 Educational alternatives expelled students
C.R.S. 22-33-204 Services for at-risk students
C.R.S. 22-33-205 Expelled students grant programs
20 U.S.C. 1401 et seq. Individuals with Disabilities Education Act
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 8 SUSPENSIONS

A. Delegation of Suspension Authority

1. Principals or their designees may suspend a student 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 ten school days on the grounds stated in C.R.S. 22-33-106 (1)(d) unless expulsion is mandatory under law.
2. The Superintendent may suspend a student, in accordance with C.R.S. 22-33-105, for an additional ten school days plus up to and including an additional ten days necessary in order to present the matter to the Board. The total period of suspension shall not exceed twenty-five school days.

B. Suspension Process/Due Process

1. A student suspended for a period of ten days or less shall receive an informal hearing by the Principal or Principal's designee prior to the student's removal from school, unless an emergency requires immediate removal from school, in which case an informal hearing shall follow as soon after the pupil's removal as practicable. Any student suspended for more than ten days shall be given the opportunity to request a review of the suspension by the Superintendent.

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C.R.S. 12-22-303 Definition of drug or controlled substance
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C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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. 22-33-108 (2) Court review of an order of the Board of Education
C.R.S. 22-33-201.5 Definition of Educational Services
C.R.S. 22-33-203 Educational alternatives expelled students
C.R.S. 22-33-204 Services for at-risk students
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

2. If a student is suspended, the suspending authority shall immediately notify the parent, guardian, or legal custodian of the suspension and of the grounds for the suspension, the period of the suspension, and the time and place for the parent, guardian, or legal custodian to meet with the suspending authority to review the suspension.
3. The suspending authority shall:
 - a. Make every reasonable effort to meet with the parent, guardian, or legal custodian of the pupil during the period of suspension;
 - b. Not extend a period of suspension because of the failure to meet with the parent, guardian, or legal custodian during the period of suspension.
 - c. Provide an opportunity for a pupil to make up school work during the period of suspension. The amount of credit for makeup work shall be determined by the principal who shall take into consideration the intent to provide an opportunity for the pupil to reintegrate into the educational program following the period of suspension.

ARTICLE 9 EXPULSIONS

- A. The Superintendent may expel for any period not extending beyond one calendar year any student determined to not qualify for continued attendance at the District's schools as specified and within the limitations of C.R.S. 22-33-105.
- B. Expulsion Process/Due Process
 1. Each student has the right to have a parent present when signing a statement or admission that results in mandatory expulsion, unless the student or parent expressly waives this right in writing and with full knowledge of the rights waived.
 2. No student shall be expelled without a hearing if the parent, guardian, or legal custodian of the child requests one. At the hearing, evidence may be presented on the child's behalf. The student may be represented by legal counsel.
 3. At the discretion of the Principal or designee recommending expulsion, and with the approval of the Superintendent after obtaining legal counsel, the student and his/her parents may be invited to consider an expulsion deferral that sets specific requirements for the student's continued attendance at school. Any meeting or conversation related to the deferral offer shall be conducted as a service and positive alternative for the student's continuing education.

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C.R.S. 22-32-109.1 (9) Immunity Provisions in Safe Schools Law
C.R.S. 22-32-126 (5) Disciplinary Information to Staff
C.R.S. 22-33-105 Suspension, Expulsion and Denial of Admission
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C.R.S. 22-33-108 (2) Court review of an order of the Board of Education
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C.R.S. 22-33-203 Educational alternatives expelled students
C.R.S. 22-33-204 Services for at-risk students
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

4. Prior to expulsion, the Superintendent or a hearing officer designated by the Board of Education shall schedule a hearing for the student and his/her parents or guardian. If a hearing officer has been designated, he/she shall forward findings of fact and recommendations to the Superintendent at the conclusion of the hearing. The hearing may address the student's guilt or innocence and/or the length of expulsion. The Superintendent shall render a written opinion within five working days after the hearing and shall report on each case acted upon at the next meeting of the Board of Education.
5. The student or his or her representative may appeal the Superintendent's written decision to the Board. A request for appeal must be in writing and be received by the District no later than five business days after the student or representative receives the Superintendent's decision. Failure to request an appeal within this period will result in a waiver of the right to appeal and the Superintendent's written decision will become final.
6. The written request for appeal must state the grounds for appealing the Superintendent's written decision and explain why those grounds exist and support the relief the appellant seeks (such as a re-hearing, a shortening of the expulsion period, or a complete overturning of the expulsion decision). The Superintendent or designee may address in writing any matters raised in the request for appeal for inclusion in the record to be considered by the Board.
7. The Board will then determine whether a sufficient basis exists for hearing the appeal. Unless a majority of the Board votes to hear the appeal, the Superintendent's decision will be deemed affirmed by the Board and may be appealed in accordance with applicable law.
8. If a majority of the Board does vote to hear the appeal, then the Board will review the record concerning the expulsion, and hold an appellate hearing on the matter. At the appellate Board hearing, representatives of the student and District may make brief statements to the Board, but no new evidence will be presented unless such evidence was not reasonably discoverable at the time of the hearing. After the hearing, the Board will make the final decision regarding the expulsion, which may be appealed in accordance with applicable law.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
C.R.S. 22-32-109.1 (2)(a) Adoption and Enforcement of Discipline
C.R.S. 22-32-109.1 (2) (a) (ii) Disciplinary Removal from Classroom
C.R.S. 22-32-109.1 (2) (a) (III) Discipline of Habitually Disruptive Students
C.R.S. 22-32-109.1 (9) Immunity Provisions in Safe Schools Law
C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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. 22-33-108 (2) Court review of an order of the Board of Education
C.R.S. 22-33-201.5 Definition of Educational Services
C.R.S. 22-33-203 Educational alternatives expelled students
C.R.S. 22-33-204 Services for at-risk students
C.R.S. 22-33-205 Expelled students grant programs
20 U.S.C. 1401 et seq. Individuals with Disabilities Education Act
Adopted: 4/3/02; Revised 10/6/04, 11/02/05, 12/08/08
PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 10 EDUCATIONAL INFORMATION TO PARENTS

- A. When a student is expelled, the Principal from the school in which the student was enrolled shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right of the parent/guardian to request that the District provide services during the expulsion. When requested, the educational services will be designed to enable the student to return to school, to successfully complete the GED, or to enroll in a non-public, non-parochial school or in an alternative school. Educational services include tutoring, alternative educational programs, online programs authorized by state law or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies. These services need not be provided on District property. In addition to educational services, the student or parent/guardian may request any of the services provided by the District for at-risk students through agreements with state and community agencies.
- B. The parent/guardian may choose to provide a home-based education program for the student. District personnel shall assist in obtaining appropriate curricula for the student if requested by the parent/guardian.
- C. The District shall determine the amount of credit the student shall receive toward graduation for completion of requirements related to the services provided.
- D. If a student is expelled for the remainder of the school year and is not receiving educational services through the District, the Principal or designee shall contact the expelled student's parent/guardian at least once every 60 days until the beginning of the next school year to determine whether the student is receiving educational services from some other source.

ARTICLE 11 IMMUNITY FOR ENFORCEMENT OF DISCIPLINE CODE

- A. 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 civil liability unless the person is acting willfully or wantonly. It is an affirmative defense in any criminal action that a person is acting in good faith and in compliance with the discipline code.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
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C.R.S. 22-32-109.1 (2) (a) (ii) Disciplinary Removal from Classroom
C.R.S. 22-32-109.1 (2) (a) (III) Discipline of Habitually Disruptive Students
C.R.S. 22-32-109.1 (9) Immunity Provisions in Safe Schools Law
C.R.S. 22-32-126 (5) Disciplinary Information to Staff
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. 22-33-108 (2) Court review of an order of the Board of Education
C.R.S. 22-33-201.5 Definition of Educational Services
C.R.S. 22-33-203 Educational alternatives expelled students
C.R.S. 22-33-204 Services for at-risk students
C.R.S. 22-33-205 Expelled students grant programs
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

ARTICLE 12 DISCIPLINARY INFORMATION TO SCHOOL PERSONNEL

- A. For purposes of this policy, "disciplinary information" means confidential records maintained by or in possession of the Principal or designee on an individual student that indicate the student has violated the District's Student Conduct Code (Policy 403) and/or there is reasonable cause to believe, through information provided to the Principal from another credible source, that the student could pose a threat to the health and safety of other students and/or school personnel based on prior misbehavior. "Disciplinary information" is intended to include only that information of a serious nature that is not otherwise available to teachers and counselors as part of the education records maintained on students or other reports of disciplinary actions. It is appropriate for instructional staff members to request disciplinary information from the Principal or designee on students in their classrooms if there is concern that the student poses a threat to the safety of other students or school officials.
- B. In accordance with State law, the Principal or designee shall 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 information shall be communicated in a brief written statement. The statement shall show the names of all staff receiving the information and shall be kept on file. Any teacher or counselor who receives disciplinary information shall maintain the confidentiality of the information and does not have authority to communicate the information to any other person (C.R.S. 22-32-126(5))
- C. The Principal or designee shall inform the student and the student's parent/guardian when disciplinary information is communicated by providing them a copy of the statement provided to staff along with a statement that the parent may challenge the accuracy of the information by notifying the Principal within ten days after receipt of the statement. Upon challenge, the Principal or designee shall investigate the accuracy of the information and respond in writing to the parent/guardian within ten days. If the information is not changed, the parent/guardian may request an informal hearing with the Superintendent within ten days following receipt of the Principal's decision. The Superintendent may take whatever steps necessary to make a determination about the content of the statement. The Superintendent's decision is final. Revised statements shall be sent to all staff receiving the original statement.

ARTICLE 13 ADMINISTRATIVE PROVISIONS

- A. This policy shall be effective the month following the date of adoption or revision by the Board.
- B. Each staff member shall receive a copy of the Code and be provided opportunity to have questions answered or clarifications made.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
C.R.S. 22-32-109.1 (2)(a) Adoption and Enforcement of Discipline
C.R.S. 22-32-109.1 (2) (a) (ii) Disciplinary Removal from Classroom
C.R.S. 22-32-109.1 (2) (a) (III) Discipline of Habitually Disruptive Students
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Adopted: 4/3/02; Revised 10/6/04, 11/02/05, 12/08/08
PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1

SECTION 400 – STUDENTS

STUDENT DISCIPLINE

POLICY 420

C. The District shall annually report to the Colorado Department of Education the number of students suspended and expelled.

References:

C.R.S. 12-22-303 Definition of drug or controlled substance
C.R.S. 18-3-Part 2 Assault
C.R.S. 18-4-Part 3 Robbery
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
C.R.S. 22-32-109.1 (2)(a) Adoption and Enforcement of Discipline
C.R.S. 22-32-109.1 (2) (a) (ii) Disciplinary Removal from Classroom
C.R.S. 22-32-109.1 (2) (a) (III) Discipline of Habitually Disruptive Students
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PLATTE CANYON SCHOOL DISTRICT, PARK COUNTY RE 1