



JK - STUDENT DISCIPLINE

The objective of disciplining any student is to help the student develop and maintain self-control, respect for others and socially acceptable behavior. All policies and procedures regarding student discipline shall be designed to achieve these broad objectives. Disorderly students shall be dealt with in a manner that allows other students to learn in an atmosphere which is safe, conducive to the learning process and free from unnecessary disruptions.

The Board, in accordance with state law, has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for persons in authority. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. Restorative justice shall be considered in appropriate circumstances and may be utilized to address the consequences of student misconduct, as determined by the District. As defined by Colorado law, “restorative justice” involves practices that emphasize repairing the harm to victims and/or the school community caused by a student’s misconduct.

The District shall enforce the code 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 according to the code. To the extent practicable within budgetary constraints, the District shall develop and implement plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling and/or other approaches to help students avoid unacceptable behavior and to minimize their exposure to the criminal and juvenile justice system.

EXPULSION PREVENTION

Except in cases of the most serious misconduct, expulsion should normally be the last step taken after other attempts to deal with students who have discipline problems. The District shall provide students who are identified as at risk of suspension or expulsion with the necessary support services to help them avoid expulsion. In doing so, District personnel shall work with the student's parent or guardian. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations, and institutions of higher education.

The District’s failure to identify a student for participation in an expulsion prevention program, to provide support services or to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures and shall not be grounds for the student or his/her family to challenge any disciplinary action that may be taken against the student.

DISCIPLINARY INFORMATION

In accordance with state law, the principal or designee is required to 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 purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent or guardian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent or guardian may challenge the accuracy of disciplinary information.

DISCIPLINE OF STUDENTS WITH DISABILITIES

Students with disabilities under the Individuals with Disabilities Education Act (special education students) and students with disabilities under Section 504 of the Rehabilitation Act of 1973 (§ 504 students) are neither immune from the District's disciplinary rules nor entitled to participate in programs when their conduct impairs the education of other students or disrupts the education process. Except as otherwise provided below, students with disabilities may be disciplined on the same grounds and under the same procedures as students who do not have disabilities. Regardless of whether their conduct is a manifestation of their disability, § 504 students currently engaging in the use of illegal drugs or in the use of alcohol may be disciplined for the use or possession of illegal drugs or alcohol to the same extent as non-disabled students. The principal or designee shall immediately remove a student with a disability from a situation in which the student poses a threat of physical harm to himself or herself, or to other persons, by placing the student in an appropriate alternative setting or by suspending the student, as set forth below.

A special education or § 504 student may be temporarily removed to an alternative educational setting or temporarily suspended from school if exclusion is warranted because the student has violated the District code of conduct and/or because the student's behavior or presence at school creates a threat of physical harm to the student, other students, school personnel or school property. Such temporary removals or suspensions may not exceed 10 consecutive school days, unless the student's conduct is not a manifestation of his or her disability. A series of such temporary removals or suspensions, each shorter than 10 consecutive school days, may not aggregate to more than 10 school days during a school year or during a single placement within the school year if the removals/suspensions collectively constitute a change of placement, unless the student's conduct is not a manifestation of his or her disability.

In accordance with governing law, the IEP or § 504 team may change a disabled student's placement to an appropriate interim alternative educational setting for not more than 45 school days if the student has carried or possessed a weapon at school or at a school function; if the student knowingly possessed, used, sold or solicited the sale of a controlled substance while at school or at a school function; if the student has inflicted serious bodily injury upon another person while at school or at a school function; or if a hearing officer so orders. Such placement in an interim alternative educational setting is permissible even if the disabled student's conduct was a manifestation of his or her disability. During such placement, special education and § 504 students (except § 504 students whose conduct is not a manifestation of their disability) must continue to receive educational services as determined by the IEP or § 504 team.

Students with disabilities may not be expelled, suspended or otherwise removed to another setting in excess of 10 consecutive school days, or subjected to a series of shorter suspensions or removals during the school year (or during a single placement within the school year) that taken collectively constitute a change of placement, unless a determination has been made by a duly convened IEP or § 504 team that the misconduct constituting grounds for expulsion, suspension or removal longer than these specified periods was not a manifestation of the student's disability (this provision does not apply to placement in an appropriate interim alternative educational setting, as provided in the immediately preceding paragraph). If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, the expulsion, suspension or removal may not exceed the periods specified in the first sentence of this paragraph and the appropriateness of the student's IEP or § 504 plan shall be reviewed and necessary revisions shall be made, in accordance with governing law. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, the student may be expelled, suspended or removed for longer than the periods specified in the first sentence of this paragraph. During such periods of expulsion, suspension or removal special education students, but not § 504 students, must continue to receive educational services as determined by the IEP team.

Within 10 days of an expulsion, suspension or removal in excess of the periods specified in the first sentence of the immediately preceding paragraph, the IEP team shall either develop a functional behavioral assessment of the special education student, develop a behavioral intervention plan for the special education student, or review and modify the special education student's existing behavioral intervention plan, as appropriate.

District special education or § 504 personnel, and/or legal counsel, shall be consulted prior to a special education or § 504 student's expulsion, or suspension or other removal in excess of 10 school days, for misbehavior that has been determined not to be a manifestation of the student's disability.

Current practice codified 1995
Adopted by Board: May 22, 1995

Revised by Board: August 14, 1995
Revised by Board: August 12, 1996
Revised by Board: June 22, 1998
Revised by Board: August 9, 1999
Revised by Board: August 14, 2000
Revised by Board: October 11, 2004
Revised by Board: April 23, 2007, effective July 1, 2007
Revised by Board: June 21, 2011, effective July 1, 2011
Revised by Board: June 12, 2012, effective July 1, 2012

LEGAL REFS:

C.R.S. 22-32-109.1(2)
C.R.S. 22-32-126(5)
C.R.S. 22-33-106(1)(a-e)
C.R.S. 22-33-202
C.R.S. 22-20-101 et seq. Exceptional Children's Educational Act
20 U.S.C. 1401 et seq. Individuals with Disabilities Education Act
29 U.S.C. 701 et seq. Rehabilitation Act of 1973

CROSS REFS:

JKBA, Disciplinary Removal from Classroom
JKC, Discipline of Habitually Disruptive Students
JKD/JKE, Suspension/Expulsion of Students
JKD/JKE-R, Procedures Regarding Suspension/Expulsion of Students
JKDA/JKEA, Grounds for Suspension/Expulsion of Students