



## **JKD/JKE-R - PROCEDURES REGARDING SUSPENSION/EXPULSION OF STUDENTS**

### **Suspension Procedure**

The following procedures shall be followed in any suspension, unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures below shall apply.

1. **Notice.** The principal or designee at the time of contemplated action shall give the student and/or parent, guardian, or legal custodian notice of the contemplated action. The notice will include the following basic information:

- A statement of what the student is accused of doing; and
- The basis for the allegation.

This information need not be set out formally but should sufficiently inform the student of the basis for the contemplated action.

2. **Due Process Meeting.** The student shall have an opportunity to explain the student's position regarding the student's alleged conduct. The student may call witnesses, at the school principal or designee's discretion. The school principal or designee may call witnesses. In the event of contradictory statements, the school authorities should attempt to ascertain the facts before disciplinary action is taken.

The notice and due process meeting should precede removal of the student from school. There need be no delay between the time notice is given and the time of the meeting. However, notice and the meeting need not occur prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, the meeting will follow as soon after the student's removal as practicable.

3. **Notification following Suspension.** If a decision is made to suspend a student, the student and student's parent, guardian, or legal custodian shall be notified immediately as soon as reasonably possible. The principal or designee shall also send a letter to the parent, guardian or legal custodian and the student explaining the action taken, stating the days during which the suspension will be in effect and inviting the parent, guardian or legal custodian to meet with the principal or designee for the purpose of discussing the matter. The principal or designee shall make a reasonable effort to meet with the parent, guardian, or legal custodian of the student during the period of suspension.

4. **Removal from School Grounds.** A suspended student shall be required to leave the school grounds immediately after the parent, guardian, or legal custodian and the principal or designee have determined the best way to transfer custody of the student to the parent, guardian, or legal custodian. Law enforcement authorities may be involved in removal of students in accordance with state law, when there are reasonable grounds to believe that the student has committed a delinquent act by violation of any statute, county or municipal ordinance, or by lawful order of the juvenile court.
6. **Readmittance.** A suspended student shall not be readmitted to school until the student's parent, guardian, or legal custodian has met with the principal or designee to discuss the nature of the suspension or if, in the judgment of the principal or designee, the parent, guardian, or legal custodian has substantially agreed to review the suspension. However, the school will not extend the period of suspension because of the failure of the suspending authority to meet with the parent, guardian, or legal custodian. If the suspending authority cannot contact the parent, guardian, or legal custodian or if the parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the student may be readmitted.
7. **Make-Up Work.** The school will provide an opportunity for the student to make up schoolwork during the period of suspension for full credit, to allow the student to reintegrate into the educational program following suspension.
8. **Damages to Property.** The principal has the right to assess damages to school property and collect for the Board a reasonable sum as established by the District, from the student and/or the parent, guardian, or legal custodian.
9. **Recommendation for Additional Action.** Any student conduct requiring additional action beyond the building administrator's initial period of suspension is to be reported to the appropriate assistant superintendent with a complete report and, if warranted, a recommendation for expulsion.

### **Expulsion Procedure**

1. **Notice.** The student and the student's parent, guardian, or legal custodian shall be given written notice of the reasons alleged for the contemplated action, which must be one or more of those set forth as grounds for expulsion under District policy and state law.
2. **Hearing Request.** If the student and the student's parent, guardian, or legal custodian wish to request a hearing regarding the expulsion, they must do so within the timeframe noted in the notice of hearing. Failure to request a hearing within the specified timeframe will result in a waiver of the right to a hearing.

3. **Records.** At least two school days prior to the expulsion hearing, all records the school intends to use as supporting evidence must be provided to the student or the student's parent, guardian, or legal custodian. If a record is discovered or made available after the deadline, the record must be provided to the student or the student's parent, guardian, or legal custodian as soon as possible.
4. **Conduct of Hearing.** If a hearing is requested by the parent, guardian, or legal custodian, the hearing will be conducted by a hearing officer who does not have a conflict of interest regarding the student or any alleged victim. The hearing officer will determine whether the school district has shown, through a preponderance of the evidence, that the student's actions constitute grounds for expulsion.

At the expulsion hearing, the student may be represented by counsel. If a student is represented by counsel, the student or student's parent, guardian, or legal custodian shall notify the superintendent or designee of this fact by phone or in writing at the time the expulsion hearing is requested. Failure by the student or student's parent, guardian, or legal custodian to provide timely notification of attorney representation shall result in a continuance of the hearing and corresponding extension of the period of suspension to allow the District to obtain legal counsel.

At the expulsion hearing, the student will have an opportunity to call witnesses and question any witness called by the administration. The school administration may question the witnesses called by the student. The hearing officer may limit the number of witnesses called based on consideration of the competence, relevance and/or cumulative nature of their testimony.

Testimony and information may be presented under oath. However, technical rules of evidence will not apply. The hearing officer may consider the context when determining the appropriate weight to give testimony and evidence presented.

An audio recording of the hearing shall be made. Preparation of any transcript will be at the expense of the party requesting the transcript.

At an expulsion hearing concerning alleged student conduct for which expulsion is mandatory under state law, a written statement prepared by the student concerning the conduct may only be used as evidence if one of the following applies:

- A. If the statement is signed by the student, and the student's parent, guardian, or legal custodian was present when the student signed;

B. , If the statement is signed by the student, and reasonable attempts to have the parent, guardian, or legal custodian present when the student signed were unsuccessful; or

C. If the statement is signed by the student, and both the student and their parent, guardian, or legal custodian expressly waived the requirement that a parent, guardian, or legal custodian be present upon the student signing the statement, pursuant to C.R.S. 22-33-106.3(2).

This provision shall not apply in cases concerning alleged student conduct for which expulsion is mandatory under District policy but not under state law.

The hearing officer shall make specific findings and a recommendation regarding the expulsion to the superintendent. The superintendent shall review the hearing officer's findings and recommendation and issue a written decision within five business days after the hearing is conducted by the superintendent or designee. The written decision will be provided to the student and the student's parent, guardian, or legal custodian.

5. **Appeal.** A student who is denied admission or expelled has ten business days after the decision of the superintendent for the student and the student's parent, guardian, or legal custodian to appeal the decision to the Board of Education. The written request for appeal must state the grounds for appealing the superintendent's written decision. The superintendent or designee may address matters raised in the request for appeal for inclusion in the record to be considered by the Board. Failure to request an appeal within 10 business days after the effective date of the expulsion shall result in a waiver of the right to appeal, and the superintendent's written decision shall become final, unless the Board, in its sole discretion, grants an extension for good cause shown.

If an appeal is properly requested, the Board shall review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the suspension and expulsion; the transcript of the testimony, if requested and paid for by a party; the hearing exhibits; the hearing officer's findings and recommendation; the superintendent's written decision; and other documents concerning the expulsion. The student may be represented by counsel at the appeal. If the student will be represented by counsel, the student must notify the District in the written request for appeal. Representatives of the District and the parent, guardian, or legal custodian may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing.

The Board shall make a final determination regarding the expulsion of the student and shall inform the student and his or her parent, guardian, or legal custodian of the right to judicial review.

If a student between the ages of six and 17 is expelled for the remainder of the school year, the parent, guardian, or legal custodian of the student shall be responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion.

6. **Information to Parents.** Upon expelling a student, the District shall provide information to the student's parent, guardian, or legal custodian concerning the educational alternatives available to the student during the period of expulsion. If the parent, guardian, or legal custodian chooses to provide a home-based educational program for the student, the District shall assist the parent, guardian, or legal custodian in obtaining appropriate curricula for the student.
7. **Readmittance to School.** No student will be readmitted to school after an expulsion until a meeting has taken place between the principal or designee and the student's parent, guardian, or legal custodian to review the expulsion or until, in the discretion of the principal or designee, the parent, guardian, or legal custodian of the suspended or expelled student has substantially agreed to review the expulsion with the principal or designee. However, if the principal or designee cannot contact the parent, guardian, or legal custodian of such student or if such parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit such student. The purpose of the readmittance conference is to answer questions about the expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student.

A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

- The expelled student was convicted of a crime, adjudicated as a juvenile delinquent, received a deferred judgment, or was placed in a diversion program because of committing the offense for which the student was expelled;
- There is an identifiable victim of the expelled student's offense; and
- The offense for which the student was expelled does not constitute a crime against property.

If the District has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

### **Procedure for Crimes of Violence and Unlawful Sexual Behavior**

The following procedures will apply when the District receives notification that a student has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

1. The superintendent or designee will make a preliminary determination whether it will proceed with suspension or expulsion, based on the following factors:
  - Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students or school personnel.
  - Whether educating the student in school may disrupt the learning environment, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers and other school personnel.
2. If it is determined that the student should not be educated in the school of the District, the District may suspend or expel the student, in accordance with the procedures set forth in this regulation.
3. Alternatively, suspension or expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the suspension or expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program, including an online program authorized by state law or a home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated a delinquent juvenile, the superintendent or designee may proceed to suspend or expel the student following the procedures set forth in this regulation.
5. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this regulation but shall remain confidential unless the information is otherwise available to the public by law.

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#### LEGAL REFERENCES:

C.R.S. 19-2.5-204 (arrest of a juvenile with a warrant)

C.R.S. 19-2.5-209 (arrest of a juvenile without a warrant)