



ANNUAL NOTIFICATION TO  
PARENTS/GUARDIANS

BEHAVIORAL CODE OF CONDUCT

RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS  
BOARD OF EDUCATION POLICIES

2021-2022



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Mr. Chase McBride, Executive Director Athletics, Activities, Fine Arts Health & PE



## **District Vision Statement**

To be an exemplary school district which inspires and promotes high standards of learning and student well being in partnership with parents, guardians and the community.

## **District Mission Statement**

To educate each student in a safe learning environment so that they may develop to their highest potential and become contributing citizens.

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Longmont, Colorado 80501  
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# TABLE OF CONTENTS

*All policies listed below are printed in this book in their entirety alphabetically by policy code.*

<b>Section 1 – Required Annual Notifications to Parents/Guardians</b> -----	1-2
<b>Section 2 – Board of Education Policies</b>	
AC Nondiscrimination/Equal Opportunity-----	8-10
AC-R-1 Nondiscrimination/Equal Opportunity (Complaint and Compliance Process) -----	10-13
AC-R-2 Sexual Harassment Investigation Procedures (Title IX) -----	13-15
AC-E-1 Nondiscrimination/Equal Opportunity (Sample Notice)-----	15-16
AC-E-2 Nondiscrimination/Equal Opportunity (Complaint Form)-----	16-17
ADC Tobacco-Free Schools -----	17-18
ECAC Vandalism -----	18
IHAM Health and Family Life/Sex Education -----	18-19
IHAM-R Health Education-----	19
IHCDA Concurrent Enrollment -----	20
IKA Grading/Assessment Systems -----	20-21
JB Equal Educational Opportunities -----	22
JBB* Sexual Harassment of Students -----	22-23
JFBA/JFBB Open Enrollment-----	23-25
JFBA/JFBB-R Open Enrollment-----	25-28
JGA Assignment of New Students to Classes and Grade Levels -----	28
JGA-R Assignment of New Students to Classes and Grade Levels -----	28-29
	(Students from Home Instruction or Non-accredited Private Schools)
JICEA School-Related Student Publications (School Publication Code)-----	39
JICEC* Student Petitions and Distribution of Non-Curricular Materials -----	40
JICEC*-R Student Petitions and Distribution of Non-Curricular Materials -----	40-41
JJA-1 Curriculum Related Student Organizations -----	50
JJA-2 Student Organizations – Open Forum -----	50-51
JJA-2-R Non-Curricular Student Organizations (Secondary Schools) -----	51-52
JLCB Immunization of Students -----	72
JLCD Administering Medications to Students -----	72-75
JLCD-R Administering Medications to Students -----	75
JLCDA* Students with Food Allergies -----	75-76
JLDAC Screening/Testing of Students (And Treatment of Mental Disorders) -----	76-78
JLF Reporting Child Abuse/Child Protection -----	78-79
JLF-R Reporting Child Abuse/Child Protection -----	79-80
JQ Student Fees, Fines, and Charges -----	82-83
JQ-R Student Fees, Fines, and Charges -----	83-85
JRA/JRC Student Records/Release of Information on Students -----	85-88
JRA/JRC-R Student Records/Release of information on Students -----	88-89
JRCA* Sharing of Student Records/Information between School District and State Agencies -----	89-90
JRCB* Student Information Privacy and Protection -----	90-92
JRCB*-R Student Information Privacy and Protection (Public Hearing and Complaint Procedures) -----	93-94
KBBA Custodial and Noncustodial Parent Rights and Responsibilities -----	99
KBBA-R Custodial and Noncustodial Parent Rights and Responsibilities -----	99-100
KE Public Concerns and Complaints -----	100
KFA Public Conduct on District Property-----	101
KI Visitors to Schools-----	101-102
<b>Section 3 – Behavioral Code Book</b>	
Background Information -----	3
Definitions of Disciplinary Infractions -----	4-6
Behavioral Infractions and Maximum Sanctions-----	7
Relevant Board Policies	
JH Student Absences and Excuses -----	29-32
JH-R Student Absences and Excuses -----	32-33
JHB Truancy-----	33-34
JHD Exclusions and Exemptions from School Attendance-----	34
JIC Student Conduct -----	34
JICA Student Dress Code -----	34-35
JICC Student Conduct in School Vehicles -----	35-36
JICC-R Student Conduct in School Vehicles -----	36-37
JICDA Code of Conduct-----	37-38
JICDE* Bullying Prevention and Education-----	38-39
JICF Secret Societies/Gang Activity -----	41
JICG Use of Tobacco by Students -----	41-42
JICH Drug and Alcohol Involvement by Students-----	42
JICH-R Drug and Alcohol Abuse by Students -----	42-43
JICI Weapons in School -----	43-45

JIH	Student Interviews, Interrogations, Searches and Arrests-----	45-47
JIH-R	Student Interviews, Interrogations, Searches and Arrests-----	47-48
JHIB	Parking Lot Searches-----	48
JII	Student Concerns, Complaints and Grievances-----	49
JII-E	Grievance Form-----	49-50
JK	Student Discipline-----	52
JK*-2	Discipline of Students with Disabilities-----	53-54
JK-R	Student Discipline-----	54-55
JKA	Use of Physical Intervention and Restraint-----	55
JKA-E-2	Complaint Procedures and Regulations Regarding the Use of Restraint or Seclusion-----	55-57
JKA-R	Use of Physical Intervention and Restraint-----	57-60
JKBA*	Disciplinary Removal from Classroom-----	60-61
JKBA*-R	Disciplinary Removal from Classroom-----	61-63
JKD/JKE	Suspension/Expulsion of Students (and Other Disciplinary Interventions)-----	63-65
JKD/JKE-R	Suspension/Expulsion of Students (Hearing Procedures)-----	65-70
JKD/JKE-E	Grounds for Suspension/Expulsion-----	70-71
JKF*	Educational Alternatives for Expelled Students-----	71
JKF*-R	Educational Alternatives for Expelled Students-----	71
JKG*	Expulsion Prevention-----	72
JLIF	Use of Safety and Security Technologies-----	81
JLIF-R	Use of Safety and Security Technologies-----	81-82
JS*	Student Responsible Use of the Internet and Electronic Communications-----	94-96
JS*-R	Student Responsible Use of the Internet and Electronic Communications Guidelines-----	96-98
JS*-E	Student Responsible Use of Technology, Access and Digital Communication Expectations-----	98-99



## **NOTIFICATIONS**

Please note, all Board of Education District Policies are available on our website, [www.svvsd.org](http://www.svvsd.org). From the main page, click on the Parents/Students tab, then click on Board Policies. The policies are divided by section, A – L. Policies in this book are continually being revised and will be posted on our website upon revision.

This book, updated with revised policy, is also available on the District website. It is the responsibility of the student/parent/guardian to review the current version.

### **Electronic Recording Equipment**

Please be aware, pursuant to Policy JLIF-R: “Electronic recording equipment may be utilized on school premises, District property, and on District vehicles for the purpose of promoting safety.”

### **Sex offender lists available to parents**

State law (C.R.S 22-1-124) requires that all schools annually notify parents of their rights to access law enforcement agency information concerning registered sex offenders. You may request this list at the law enforcement office governing your address or the address of the school your children attend. You must go in person and show proof of residency. Additional information can be found at the Colorado Bureau of Investigation’s web site at [www.sor.state.co.us](http://www.sor.state.co.us).

### **Colorado Revised Statute 22-33-104(1)(a), Compulsory School Attendance**

Every child who has attained the age of six years on or before August 1st of each year, and is under the age of seventeen years shall attend public school for at least 1,056 hours a year if a secondary school pupil or 968 hours a year if an elementary school pupil.

### **Colorado Revised Statute 22-2-135, Children’s Food Allergy and Anaphylaxis Management Act**

Each school year, parent(s)/guardian(s) are encouraged to provide the school nurse or building administrator with a supply of the student’s medication unless the student has a plan authorizing the student to self-administer medication. Policy JLCDA, Students with Food Allergies, is included in this manual along with the form to be used by the parent(s)/guardian(s) to provide information regarding your child’s food allergies.

### **Release of Information to Medicaid**

As a Medicaid provider, St. Vrain Valley School District RE-1J will access Medicaid eligibility information for students enrolled in the St. Vrain Valley School District RE-1J from Health Care Policy and Financing (HCPF). HCPF is the designated Medicaid agency in the state. Directory information of name, date of birth, and gender will be released to HCPF to verify Medicaid eligibility of students in the District. The description of health and health-related services delivered to Medicaid eligible students will be released to Medicaid and/or the District billing agent for proper administration of the program. A dated record of all transactions will be kept on file at the St. Vrain Valley School District RE-1J School Medicaid office.

### **Nondiscrimination/Equal Opportunity Annual Notification**

Please be advised that the educational programs, activities and employment opportunities offered by the District are offered without regard to disability, race, creed, color, sex, sexual orientation (which includes transgender), marital status, national origin, religion, ancestry, need for special education services, or other protected class. The title, address and telephone number of the person designated to coordinate compliance activities is listed on page 15 of this document. A sample of the form is provided on pages 16-17 (Policy AC-E-2) and is available on our website at [www.svvsd.org](http://www.svvsd.org). Limited English language skills will not be a barrier to participation or admission.

### **Postsecondary Options/Concurrent Enrollment**

Students who are capable of and wish to pursue college level work while in high school should be permitted to do so. Under state law, the postsecondary enrollment options are available to high school students meeting specified criteria for postsecondary study. Specific information is available in all high school counseling offices and on individual high school websites.

### **Student Records/Release of Information on Students**

The District shall notify all parents and eligible students of their rights pursuant to policy JRA/JRC Student Records/Release of Information on Students and accompanying regulation JRA/JRC-R at the beginning of each academic year. A copy of this policy and accompanying regulation will be included annually in the notification to parents/guardians and behavioral code of conduct book given to each student and is available electronically on the District's website. A copy of the Family Educational Rights and Privacy Act (FERPA) and this policy and accompanying regulation may be obtained from the office of the Superintendent during normal business hours.

### **Annual notice – Surveys, assessments, analysis or evaluation for marketing purposes**

At the beginning of each academic year, the District shall inform parents/guardians and eligible students that the parent/guardian or eligible student has the right to consent before students are required to submit to a survey that concerns one or more of the protected areas and to opt out of the following:

1. activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information;
2. the administration of any protected information survey; or
3. any non-emergency, invasive physical examination or screening (other than a hearing, vision or scoliosis screening) that is:
  - required as a condition of attendance;
  - administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or of other students.

# BEHAVIORAL CODE OF CONDUCT

## BACKGROUND INFORMATION

St. Vrain Valley Schools support behavioral codes which define standards of conduct. Education proceeds effectively with fair, consistent discipline. Positive discipline promotes the development of self-discipline as a lifelong skill. The cooperation of students, parents, teachers, administration, and other District employees creates a safe climate conducive to the learning process and free from unnecessary disruptions.

To ensure the best educational environment for all students that is conducive to a safe climate, the principal or the person serving in that capacity may take disciplinary measures including, but not limited to: time-out; detention; in-school suspension; exclusion from activities; restitution for theft, damage or destruction of school or personal property; and suspension from school. The Superintendent has the authority to extend a suspension or expell a student.

The opportunity of obtaining an education at public expense is guaranteed to every student; however, there are inherent responsibilities on the part of students to conduct themselves in a manner that: (1) recognizes the objectives of the instructional program; (2) contributes to the learning process by using appropriate behavior through active and positive participation; (3) recognizes the authority of school personnel for maintaining a climate in which academic and personal growth can take place; and (4) respects the educational and personal rights of others.

St. Vrain Valley Schools is committed to and supports the juvenile justice system established by law. During Colorado Legislative Sessions, new statutes are passed which are then incorporated into the District's Code of Conduct. The schools' cooperate with law enforcement officers to the degree that this may be done legally, reasonably and without interference with the proper operation of the schools.

Special Education students will be expected to adhere to the District's Behavioral Code of Conduct unless their handicapping condition suggests otherwise. In such cases, the situation will be reviewed on an individual basis.

The Behavioral Code of Conduct consists of three elements: (1) definitions of the most common disciplinary infractions; (2) a list of examples of infractions and the maximum disciplinary action at both elementary and secondary level; and (3) several of the most commonly referenced District policies. If you have any questions on any item contained within this code, you are encouraged to call your school principal.

This Behavioral Code of Conduct applies to any student who is on school property, who is in attendance at school, or at any school-sponsored activity, or whose conduct at any time or place has a direct effect on maintaining order, safety, or discipline in the schools, or has a direct and close relationship with the schools programs or objectives.

A complete up-to-date copy of District policies is available for review on the District website, [www.svvsd.org](http://www.svvsd.org). If you do not have access to the internet, please check with your school's office.

Provisions of this Behavioral Code of Conduct are subject to amendment from time to time.

## **DEFINITIONS OF DISCIPLINARY INFRACTIONS**

These examples are not the only acts or conditions for which suspensions or expulsions are warranted, nor do they in any way limit this Behavioral Code of Conduct.

1. **Arson:**  
Causing or attempting to cause damage by fire, smoke, or explosives or incendiary devices of any type, to any property, real or personal, owned or leased by the District, including vehicles.
2. **Assault on a School Employee:**  
Any assault as defined in the Colorado Criminal Code.
3. **Automobile Misuse:**  
The act of driving on the school grounds in a careless or reckless manner, speeding or illegal parking.
4. **Bus Misconduct:**  
The act of jeopardizing the welfare, safety and rights of bus drivers, fellow passengers and others while loading, unloading or riding the bus and similar inappropriate behaviors as described in JICC-R.
5. **Controlled Substance:**  
A controlled substance includes but is not limited to alcohol, marijuana, narcotic drugs, hallucinogenic or mind-altering/mood-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, anabolic steroids, any other substances defined as "controlled substances" by state and federal law, or any prescription or nonprescription drug, medicine, vitamin, homeopathic substance, or other chemical substances not taken in accordance with the Board policy and regulations on administering medicines to students.
6. **Dangerous Weapons:**  
The act of possession, using or threatening to use any object, device, instrument, material or substance whether animate or inanimate, used or intended to be used to inflict bodily injury. Included in this definition is any gun, including B-B or pellet type, or firearm (loaded or unloaded, working or not working) as more fully defined in JICI.
7. **Defiance of Authority/Insubordination:**  
The willful failure to respond or carry out a reasonable request by authorized school personnel.
  - a. Unauthorized Petitions - The act of presenting petitions which contain obscenities, libelous statements and which are not within the bounds of reasonable conduct.
  - b. Unauthorized Sale or Distribution - The act of selling or distributing or attempting to sell or distribute any object or substance which has not been authorized for sale or distribution by the building principal to any person on school property.
  - c. Unauthorized Student Protest - The act of protesting which results in the disruption of the normal educational process.
8. **Disrespect:**  
To insult, call derogatory names, dishonor, or in any other manner abuse verbally, in writing, or in any form, a member of the District staff, official visitors to school property or student body.
9. **Extortion:**  
The act of extortion or borrowing or attempting to borrow any money or things of value from a person in the school unless both parties enter in to the agreement freely and without the presence of either an implied or expressed threat.
10. **Fighting:**  
Participating in hostile physical contact.
11. **Fireworks/Explosives:**  
The act of possession, using or threatening to use any fireworks, explosives or other such instruments capable of inflicting bodily injury.
12. **Food Fight/Throwing of Food:**  
The act of throwing food on or near school property.
13. **Forgery/Lying/False Reporting:**  
The act of falsely using, in writing or verbally, the name of another person, or falsifying time, dates, grades, addresses, or other data on school forms. Additionally, the fact of initiating a fire alarm or initiating a report warning of a fire or an impending bombing or other catastrophe without just cause. And, the act of falsely reporting incidents, or making false accusations or giving false testimony, to school personnel which would affect the welfare of others.
14. **Gambling:**  
The act of betting for money or valuables.

15. **Graffiti:**  
The act of willful defacing of property belonging to the District or others.
16. **Guns/Firearms:**  
See Dangerous Weapons as described in Policy JICI.
17. **Habitual Disruptor:**  
A student who has been declared habitually disruptive during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, on school vehicles, or at school activities or events, because of behavior that was initiated, willful and overt on the part of the student as more fully set forth in Policy JK-R.
18. **Harassment/Discrimination:**  
To insult, to call derogatory ethnic names, to dishonor, or in any other manner, abuse verbally, or in writing including negatively imitating physical mannerisms of any member or any person based on their disability, race, creed, color, sex, sexual orientation (which includes transgender), marital status, national origin, religion, ancestry, need for special education services, or other protected class.
19. **Inciting Others:**  
By words, acts, or deeds giving encouragement to demonstrations or protests which disrupt the normal educational process of the school. This would include any "gang" activity within the school.
20. **Loitering:**  
The act of being in or about any school building, or in specifically restricted areas of a school building or campus at unauthorized times or without the specific authorization of the school's personnel.
21. **Obscene Conduct/Language:**  
The act of offending commonly recognized standards of propriety, health or safety. This includes the act of using obscene or profane language in verbal, physical or written form or in pictures, caricatures or obscene gestures on any school property.
22. **Physical Assault:**  
Aggressive, hostile physical contact with students, school employees or any person. The act of physically assaulting any person on or off school grounds, including any activity under school sponsorship.
23. **Robbery:**  
Knowingly taking anything of value from a person or from the person or presence of another by the use of force, threats, or intimidation.
24. **Scholastic Dishonesty:**  
The act of cheating on any test, quiz, or class assignment, or plagiarism of another's work or workproduct, or the unauthorized collaboration with another person in preparing any written work or workproduct submitted as the work of one student.
25. **Sexting:**  
Sending, possessing or transferring sexually explicit messages, photos and/or videos between mobile phones, iPads or other technology. Criminal charges may be imposed if the person sending the explicit messages or the receiving party is under the age of 18.
26. **Sexual Assault:**  
Any willful, inappropriate physical contact with others which is of a sexual nature, including without limitation, touching of another's intimate parts or the clothing covering another's intimate parts, (as defined by the Colorado Criminal Code); and including all forms of unlawful sexual behavior as set forth in the Colorado Criminal Code to include sexual assault of the first, second, and third degree, as well as sexual assault on a child.
27. **Student Responsible Use of the Internet and Electronic Communication Misuse:**  
Violation of board policies JS\*, Student Responsible Use of the Internet and Electronic Communication; JS\*-R, Student Responsible Use of the Internet and Electronic Communication Guidelines; JS\*-E, Student Responsible Use of Technology, Access and Digital Communication Expectations.
28. **Tardiness:**  
The act of lateness to school, class, homeroom, or any other part of the student's schedule.
29. **Theft:**  
The act of taking or acquiring the property of others without their consent.
30. **Threatening:**  
The act of verbally, in writing or by gesture threatening the well-being of any person on school property or en route to or from school.
31. **Tobacco - Use/Possession:**  
The act of possession or using tobacco on or off school property.

32. **Trespass:**  
The act of entering or remaining unlawfully in any school building or grounds including unlawful gatherings that disrupt the educational process.
33. **Truancy:**  
The act of unauthorized absences for any portion of the day from school, class, study hall, or any other part of the school day.
34. **Vandalism-School Property:**  
The act of willful destruction of property belonging to the St. Vrain Valley School District. This shall also include tampering with or causing the discharge of any sprinkler system or other apparatus installed in a school building for the prevention of fire or for the safety of the school population or school property.
35. **Vandalism-Other:**  
The act of willful destruction of property belonging to others.
36. **Violations of Policy JICA, Student Dress Code:**  
Inappropriate attire as defined by Policy JICA.
37. **Violations of Colorado Revised Statute: 18-7-801**  
It is considered a criminal invasion of privacy to "knowingly observe or take a photograph of another person's intimate parts, without that person's consent, in a situation where the person observed or photographed has a reasonable expectation of privacy." This would apply to, among other situations, the use of a camera phone in a locker room.

## BEHAVIOR INFRACTIONS AND MAXIMUM SANCTIONS

The following is a list of behavioral infractions. Depending on the severity of the infraction in each of the areas listed below, students may be subject to the maximum penalty of suspension and/or expulsion proceedings. There may be other infractions that are not listed here that may also result in suspension and/or expulsion. Those responsible for administering discipline may impose lesser punishments for these infractions depending on the specific circumstances of the incident. Some of these are mentioned under Background Information on Page 3.

<b>INFRACTIONS .....</b>	<b>POLICY REFERENCE</b>
Alcohol use/possession.....	JICA, JICH/JICH-R
Alcohol sale/transfer.....	JICDA, JICH/JICH-R
Arson.....	JICDA
Assault on a school employee.....	JICDA
Bus Misconduct.....	JICC/JICC-R
Cheating.....	JICDA
Dangerous Weapons.....	JICI/JICDA
Defiance of authority or insubordination.....	JICDA
Detrimental Behavior.....	JICDA
Disorderly conduct.....	JICDA
Disrespect.....	JICDA
Drug Paraphernalia.....	JICDA, JICH/JICH-R
Drugs (sale/transfer).....	JICDA, JICH/JICH-R
Drugs (possession/use).....	JICDA, JICH/JICH-R
Extortion.....	JICDA
Fighting.....	JICDA/JIC
Fireworks/Explosives.....	JICI/JIC
Food fight/throwing of food.....	JICDA
Forgery/Lying/False Report.....	JICDA
Gambling.....	JICDA
Graffiti.....	JICDA
Habitual Disruptor.....	JKD/JKE
Harassment/Discrimination.....	JICDA
Inciting Others.....	JICDA
Loitering.....	JICDA
Obscene Conduct/Language.....	JICDA
Physical Assault.....	JICDA
Robbery.....	JICDA
Sexual Assault.....	JICDA
Student Responsible Use of the Internet and Electronic Communication Misuse.....	JICDA, JS/JS-R
Tardiness.....	JH
Theft.....	JICDA
Threatening.....	JICDA
Tobacco (possession/use).....	JICDA, JICG
Trespass.....	JICDA
Truancy.....	JHB
Vandalism-School Property.....	JICDA, ECAC
Vandalism-Other.....	JICDA, ECAC
Violation of Colorado Revised Statute 18-7-801.....	JICDA
Violation of Dress Code.....	JICA

**Nondiscrimination/Equal Opportunity**

The Board is committed to the policy that no otherwise qualified person may be denied access to, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any District program or activity on the basis of disability, race, creed, color, sex, sexual orientation (which includes transgender status), marital status, national origin, religion, ancestry, need for special education services, or other protected class. Sexual harassment is a form of unlawful discrimination, and is separately addressed in district policies GBAA and JBB\*. As used in this policy and as defined by Colorado statute, "sexual orientation" means an individual's orientation toward heterosexuality, homosexuality, bisexuality or transgender status, or another individual's perception thereof. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

For purposes of this policy, these terms have the following meanings:

- "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.
- "Protective Hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and head wraps.
- "Sexual Orientation" means a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof.

This policy and supporting regulations will be used to address all concerns regarding unlawful discrimination and harassment. Alleged conduct regarding sex-based discrimination and sexual harassment will follow the complaint and investigation procedures specific to this conduct.

In keeping with these statements, the following are objectives of this school district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation, and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial, and ethnic groups.
3. To consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which they live.
5. To initiate a process of reviewing all policies and practices of this school district in order to achieve the objectives of this policy to the greatest extent possible.
6. To investigate and resolve promptly any complaints of unlawful discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or unlawful discrimination in violation of Board policy.

**Annual notice**

The district will issue a written notice prior to the beginning of each school year that advises students, parents, employees, and the general public that the educational programs, activities, and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sex, sexual orientation (which includes transgender status), marital status, national origin, religion, ancestry, need for special education services, or other protected class. With respect to employment practices, the district will also issue written notice that it does not discriminate on the basis of age, genetic information, or conditions related to pregnancy or childbirth. The announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities.

The notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made available to persons who are visually or hearing impaired.

The notice will appear on a continuing basis in all district media containing general information, including: teachers' guides, school publications, the district's website, recruitment materials, application forms, vacancy



announcements, student handbooks, school program notices, summer program newsletters, and annual letters to parents.

### **Harassment is prohibited**

Harassment based on a person's disability, race, creed, color, sex, sexual orientation (which includes transgender status), marital status, national origin, religion, ancestry, need for special education services, or other protected class, is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work, and members of the public can access and receive the benefit of district facilities and programs. All such harassment by district employees, students, and third parties, is strictly prohibited.

All district employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any district curricular or non-curricular activity or event.

### **Reporting unlawful discrimination and harassment**

Any student, parent/guardian of a student, community member or employee who believes they have been a victim of unlawful discrimination or harassment, as defined in Board policy and supporting regulations, or who has witnessed such unlawful discrimination or harassment, must immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a complaint as set forth in the accompanying regulations.

Any employee, applicant for employment, student, parent/guardian of a student, community member who believes they have been a victim of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment must file a complaint with either an immediate supervisor or the district's compliance officer.

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, an alternate compliance officer will be designated to investigate the matter in accordance with this policy's accompanying regulation.

### **District action**

All district employees who witness unlawful discrimination or harassment must take prompt and effective action to stop it, as prescribed by the district.

The district will take appropriate action to promptly and impartially investigate allegations of unlawful discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual(s) who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take interim measures during the investigation to protect against further unlawful discrimination, harassment, or retaliation.

To the extent possible, all reports of unlawful discrimination and harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation may be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee, or member of the public may be subject to adverse treatment in retaliation for any good faith report of harassment under this policy.

Upon determining that incidents of unlawful discrimination or harassment are occurring in particular district settings or activities, the district will implement measures designed to remedy the problem in those areas or activities.

Any student or employee who engages in unlawful discrimination or harassment will be disciplined according to applicable Board policies and the district will take reasonable action to restore lost educational or employment opportunities to the victim(s).

In cases involving potential criminal conduct, the district will determine whether appropriate law enforcement officials should be notified.

## Notice and training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process must be prominently posted on the district's website, referenced in student and employee handbooks and made otherwise available to all students, staff, and members of the public through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sexual harassment are available to the public on the district's website.

Students and district employees will receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees must receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not limited to:

- awareness of groups protected under state and federal law and/or targeted groups;
- how to recognize and react to unlawful discrimination and harassment; and
- proven harassment prevention strategies.

**File: AC-R-1 Revised September 23, 2020**

## **Nondiscrimination/Equal Opportunity** (Complaint and Compliance Process)

The district is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The district must promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint will be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

### Definitions

1. **"Compliance Officer"** means a district employee designated by the superintendent or designee to receive complaints of alleged unlawful discrimination and harassment. The Compliance Officer must be identified by name, address, telephone number, and email address (see exhibit AC-E-1). If the designated individual is not qualified or is unable to act as such, the superintendent must designate another district employee who will serve until a successor is appointed by the Board.
2. **"Complainant"** means a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.
3. **"Respondent"** means the individual alleged to have engaged in the discrimination, harassment, or prohibited conduct.

### Compliance Officer's duties

The Compliance Officer is responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment. The Compliance Officer's duties include: providing notice to students, parents/guardians of students, employees, and the general public concerning the compliance process; providing training for district staff regarding the prohibition of discrimination/harassment in all district programs, activities, and employment practices; disseminating information concerning the forms and procedures for the filing of complaints; ensuring the prompt investigation of all complaints; coordinating hearing procedures; and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The Compliance Officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

### Complaint procedure

A Complainant is encouraged to promptly report the incident as provided in Board policy and this regulation. All reports received by teachers, counselors, principals, or other district employees must be promptly forwarded to the

Compliance Officer. If the Compliance Officer is the Respondent, the complaint must be forwarded to the superintendent.

Any Complainant may file with the Compliance Officer a complaint charging the district, another student, or any district employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint are encouraged to use the district's complaint form. (see Exhibit AC-E-2).

All complaints must include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint must be made as soon as possible after the incident.

The Compliance Officer must confer with the Complainant as soon as is reasonably possible, but no later than two (2) work days following the Compliance Officer's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within three (3) work days following the initial meeting with the Complainant, the Compliance Officer must attempt to meet with the Respondent and, if this Respondent is a student, their parents/guardians in order to obtain a response to the complaint. Such person(s) must be informed of all allegations that, in the Compliance Officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the Compliance Officer must explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the Complainant and the Respondent have the right to exit the informal process and request a formal resolution of the matter at any time. The Compliance Officer must also explain that whether or not the Complainant files a written complaint or otherwise requests action, the district is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment, or retaliation against anyone who makes a report or participates in an investigation. The Compliance Officer must also explain that any request for confidentiality will be honored so long as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

#### **Informal action**

If the Complainant and/or the Respondent requests that the matter be resolved in an informal manner and/or the Compliance Officer believes that the matter is suitable to such resolution, the Compliance Officer may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party may be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution may not be used to process complaints against a district employee and may not be used between students where the underlying offense involves sexual assault or other acts of violence.

#### **Formal action**

If informal resolution is inappropriate, unavailable, or unsuccessful, the Compliance Officer must promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The Compliance Officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

- a. statements by any witness to the alleged incident;
- b. evidence about the relative credibility of the parties involved;
- c. evidence relative to whether the Respondent has been found to have engaged in prohibited conduct against others;
- d. evidence of the Complainant's reaction or change in behavior following the alleged prohibited conduct;
- e. evidence about whether the alleged Complainant took action to protest the conduct;
- f. evidence and witness statements or testimony presented by the parties involved;
- g. other contemporaneous evidence; and/or
- h. any other evidence deemed relevant by the Compliance Officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances must be considered by the Compliance Officer, including:

- a. the degree to which the conduct affected one or more student's education or one or more employee's work environment;
- b. the type, frequency, and duration of the conduct;
- c. the identity of and relationship between the Respondent and the Complainant;
- d. the number of Respondents and number of Complainants;
- e. the ages of the Respondent and the Complainant;
- f. the size of the school, location of the incident, and context in which it occurred; and
- g. other incidents at the school.

The Compliance Officer must prepare a written report containing findings and recommendations, as appropriate, and submit the report to the superintendent within thirty (30) work days following the Compliance Officer's receipt of the complaint or thirty (30) work days following the termination of the informal resolution process.

The Compliance Officer's report must be advisory and must not bind the superintendent or the district to any particular course of action or remedial measure. Within ten (10) work days after receiving the Compliance Officer's findings and recommendations, the superintendent or designee must determine any sanctions or other actions deemed appropriate, including appropriate recommendations to the Board for disciplinary or other action.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be notified in writing of the final outcome of the investigation and all steps taken by the district within ten (10) work days following the superintendent's and/or Board's determination.

#### **504 Hearing Procedure**

For allegations under Section 504 and as otherwise required by law, the Complainant may request a hearing. This hearing procedure will not address guilt or innocence or disciplinary consequences, which are instead governed by the Board's discipline policies and procedures.

The district must retain a person to serve as the impartial hearing officer, who must be knowledgeable about Section 504 and/or the ADA, if applicable. The hearing must be informal and must be recorded. Formal rules of evidence do not apply. A student is entitled to be represented by their parent/legal guardian or by an attorney. An employee is entitled to be represented by an attorney or other representative of their choice. The Complainant may appear at the hearing and is entitled to present testimony and other evidence. A district representative is likewise entitled to present testimony and other evidence. The hearing must be closed to the public.

Within ten (10) work days after the hearing, the hearing officer must issue a written decision based upon evidence presented at the administrative hearing, including any remedial or corrective action deemed appropriate. Remedial actions include measures designed to stop the unlawful discrimination or harassment, correct its negative impact on the affected individual, ensure that the conduct does not recur, and restore lost educational opportunities.

After the hearing officer has issued the decision, the recording of the hearing, all physical and documentary evidence, and all other items comprising the record of the hearing must be returned to the district.

Either party may seek review of the hearing officer's decision in a court of competent jurisdiction, in accordance with applicable law and applicable timelines for requesting such review.

Nothing contained herein may be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation, or agreement expressly conferring such right. This process applies, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation, or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement will govern.

#### **Outside agencies**

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR), U.S. Department of Education, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582. Telephone: 303-844-5695. Fax: 303-844-4303. TTY: 303-844-3417. Email: OCR.Denver@ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC), 303 E. 17th Avenue, Suite 410, Denver, CO 80203. Telephone: 800-669-4000. Fax: 303-866-1085. TTY: 800-669-6820. ASL Video Phone: 844-234-5122. Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD), 1560 Broadway, Suite 825, Denver, CO 80202. Telephone: 303-894-2997 or 800-886-7675. Fax: 303-894-7830. Email: DORA\_CCRD@state.co.us (general inquiries), DORA\_CCRDIntake@state.co.us (intake unit)

**File: AC-R-2 Revised September 23, 2020**

**Sexual Harassment Investigation Procedures**

(Title IX)

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including sexual harassment. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sex-based discrimination or harassment or participates in a harassment investigation.

**Definitions**

For purposes of this regulation, these terms have the following meanings:

- **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Decision Maker”** means an individual(s) who assess the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the Respondent to be responsible for the alleged sexual harassment. The Decision Maker may not be the Title IX Coordinator or the investigator. The district’s Decision Makers will be the superintendent or designee.
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control over both the Complainant and Respondent and the context in which the sexual harassment occurs.
- **“Investigator”** means an individual trained to objectively evaluate the credibility of parties and witnesses, synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each situation. The investigator may be the Title IX Coordinator, but cannot be the Decision Maker.
- **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sex-based discrimination or sexual harassment.
- **“Sexual Harassment”** means conduct on the basis of sex that satisfies one or more of the following:
  1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
  2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
  3. Sexual assault, dating violence, domestic violence, or stalking.
- **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the Complainant or Respondent, before or after the filing of a formal complaint or where no formal complaint has been filed.
- **“Title IX Coordinator”** means the employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities. The district’s Title IX Coordinators are Todd Fukai, Assistant Superintendent of Human Resources, Educational Services Center, 395 South Pratt Parkway, Longmont, CO 80501, 303-

776-6200, fukai\_todd@svvsd.org, as it relates to district employees and Johnny Terrell, Executive Director of Student Services, 830 South Lincoln Street, Longmont, CO 80501, 303-772-7700, X 57859, terrell\_johnny@svvsd.org, as it relates to district students and community members.

### **Filing a complaint**

A Complainant, or a parent or guardian with the legal right to act on the Complainant's behalf, may file a complaint. Complaints must be filed in writing and signed by the Complainant. Forms for this purpose are available at district schools, administration offices, and on the district website (see Exhibit AC-E-2). Completed forms must be filed with the Title IX Coordinator. If a complaint form is given to a district employee, the district employee will promptly forward the complaint to the Title IX Coordinator. An alternate will be designated in the event it is claimed that the Respondent is the one who committed the alleged discrimination or some other conflict of interest exists. Complaints must be filed within 180 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will receive assistance as needed in filing a complaint.

Retaliation against the Complainant, Respondent, or any person who filed a complaint or participated in an investigation, is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

### **Investigation**

Once a complaint is received, the Title IX Coordinator or investigator ("investigator") will first determine if the alleged conduct occurred in the district's education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures. A dismissal does not prohibit the Complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.

Following this determination, the investigator will begin the investigation in a reasonably prompt manner and adhere to the following:

- The investigator must apply the "presumption of innocence" standard during the course of the investigation.
- The investigator must adhere to all timeframes. If a timeframe cannot be met, the investigator will notify the Complainant, Respondent, and Decision Maker.
- The investigator will protect the Complainant from inappropriate questions and evidence about the Complainant's prior sexual history.
- The investigator must provide written notice of the allegations to the parties involved.
- The investigation may also include, but is not limited to, the following:
  - Implementation of supportive measures for both the Complainant and the Respondent;
  - A request for the Complainant to provide a written statement regarding the nature of the complaint;
  - A request for Respondent to provide a written statement;
  - A request for witnesses identified during the course of the investigation to provide a written statement;
  - Interviews of the Complainant, Respondent, or witnesses; and
  - Review and collection of documentation or information deemed relevant to the investigation.
- Within a reasonably prompt timeframe, the investigator must issue a report to the Decision Maker. After finalizing the report, the investigator will provide a copy to the Complainant and Respondent and will wait ten days prior to providing the report to the decision. The investigator's report must be advisory and must not bind the Decision Maker to any particular course of action or remedial measure.

## **Decision**

The Decision Maker will apply the preponderance of the evidence standard when making a decision and must notify the Complainant and Respondent of the decision. The decision must include a written determination regarding responsibility, explain how and why the Decision Maker reached the conclusions outlined in the report, and detail any disciplinary measures taken in response to the conduct. The decision of the Decision Maker in no way prejudices either the Complainant or the Respondent from seeking redress through state or federal agencies, as provided in law.

## **Appeal**

The investigation is closed after the Decision Maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the Decision Maker detailing why the decision should be reconsidered.

## **Notice and training**

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of these procedures to all district schools and departments. The policy and complaint procedures must be prominently posted on the district's website, referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees will receive periodic training related to recognizing and preventing sexual harassment. District employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district's website.

**File: AC-E-1 Revised August 12, 2020**

## **Nondiscrimination/Equal Opportunity**

(Sample Notice)

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Non-discrimination Act of 2008, and Colorado law, the St. Vrain Valley School District RE-1J does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment, or members of the public on the basis of disability, race, creed, color, sex, sexual orientation (which includes transgender), marital status, national origin, religion, ancestry, need for special education services, or other protected class. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth is also prohibited in accordance with state and/or federal law.

Complaint procedures have been established for students, parents, employees, and members of the public. The following persons have been identified as the compliance officer for handling reports and complaints of unlawful discrimination/harassment. These individuals are also the 504/ADA coordinators and the Title IX coordinators:

For district students and community members:

Johnny Terrell, Executive Director of Student Services  
District Student Services  
830 South Lincoln Street  
Longmont, CO 80501  
Telephone: (303) 772-7700, Extension 57859  
terrell\_johnny@svvdsd.org

For district employees:

Todd Fukai, Assistant Superintendent of Human Resources  
Educational Services Center  
395 S. Pratt Parkway  
Longmont, CO 80501  
Telephone: (303) 776-6200  
fukai\_todd@svvdsd.org

**Outside agencies**

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex, gender), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17<sup>th</sup> Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

**File: AC-E-2 Revised August 12, 2020**

**Nondiscrimination/Equal Opportunity  
(Complaint Form)**

Date: \_\_\_\_\_

Name of complainant: \_\_\_\_\_

School: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Please check here for allegations of sex-based discrimination and/or sexual harassment. (Note: Investigator will use investigation procedures consistent with allegations of sex-based discrimination and/or sexual harassment).

Summary of alleged unlawful discrimination or harassment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) of individual(s) allegedly engaging in prohibited conduct:

\_\_\_\_\_  
\_\_\_\_\_

Date(s) alleged prohibited conduct occurred:

\_\_\_\_\_

Name(s) of witness(es) to alleged prohibited conduct:

\_\_\_\_\_  
\_\_\_\_\_

If others are affected by the possible unlawful discrimination or harassment, please give their names:

\_\_\_\_\_



Your suggestions regarding resolving the complaint: \_\_\_\_\_

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Please describe any corrective action you wish to see taken with regard to the alleged unlawful discrimination or harassment. You may also provide other information relevant to this complaint.

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\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person receiving complaint

\_\_\_\_\_  
Date

**File: ADC Revised August 12, 2020**

**Tobacco-Free Schools**

To promote the general health, welfare, and well-being of students and staff, smoking, chewing, or any other use of any tobacco product by staff, students, and members of the public is prohibited on all school property.

Possession of any tobacco product by students is also prohibited on school property.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented, or otherwise used or contracted for by a school including, but not limited to, the following:
  - a. All indoor facilities and interior portions of any building or other structure used for students or children under the age of 21 for instruction, educational or library services, routine health care, daycare, or early childhood development services, as well as for administration, support services, maintenance, or storage. The term does not apply to buildings used primarily as residences, i.e., teacher ages.
  - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking areas.
  - c. All vehicles used by the district for transporting students, staff, visitors, or other persons.
  - d. At all school-sanctioned activity or event.
  
2. "Tobacco product" means:
  - a. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or liquid nicotine/e-liquids; and
  - b. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.
  - c. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.

3. "Use" means lighting, chewing, smoking, ingesting, inhaling, vaping, or application of any tobacco product.

Signs shall be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and Board policy. This policy will be published in all employee and student handbooks, posted on bulletin boards, and announced in staff meetings.

Employees found to be in violation of this policy shall be subject to appropriate disciplinary action.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property.

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges, and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

**File: ECAC Revised November 11, 2015**

### **Vandalism**

Vandalism is defined as the destruction of school property. Vandalism also includes the knowing and unauthorized use, alteration, damage or destruction of any technology device, software, program or electronic data. Students who are caught vandalizing school property may be suspended and/or expelled.

The school system's buildings and grounds are built and maintained with taxes levied on the community's taxpayers, and all damage caused must be paid for in the same way. Therefore, every citizen of the district, students and members of the police department are urged by the Board to cooperate in reporting any incidents of vandalism to property belonging to the district and the name of the person or persons believed to be responsible. Each employee of the district shall report to the principal of the school every incident of vandalism known to them and, if known, the names of those responsible.

The superintendent, the principal or their designees are authorized to sign a criminal complaint against persons suspected of vandalism against school property. Students who willfully or maliciously destroy school property through vandalism or arson or who create a hazard to the safety of other people on school property may be referred to law enforcement authorities.

It is the intent of the Board of Education to seek damages as permitted by law from students who vandalize school property and/or their parents or guardians.

**File: IHAM Revised October 28, 2015**

### **Health and Family Life/Sex Education**

The Board is committed to a comprehensive health education and health service program as an integral part of each student's general education. The health education program should emphasize contemporary health information and teach the skills and knowledge necessary for students to understand the function and care of the human body. Such education shall be in support of a parent or guardian's responsibility to assist their child in developing positive, lifelong health habits and value systems; and provide social support for their attitudes and beliefs.

The goal of the health education program is to provide students with relevant, accurate, reliable and up-to-date information and skills to make healthy decisions regarding their social, physical, emotional and mental health. Specifically, this will include strategies to support and maintain healthy choices in the standards of Wellness, Addiction and Abuse, Human Growth Development and Human Sexuality, Safety and Emergency Care, Diversity Awareness and Violence Awareness.

In health education courses, students shall be presented with information regarding the complex health related issues which can be encountered in the broad school environment as well as in society. Students will examine the cause and effect of the outcomes of health related choices. Any curriculum that includes instruction on human sexuality shall be in accordance with applicable law and the district's academic curriculum.

In addition to the requirements listed below, the Board policies and regulations concerning the approval of new curriculum content, units and materials shall apply to any comprehensive health education courses offered by the district:

1. The adoption of curriculum, instructional resources and materials, and textbooks in the district's comprehensive health education courses shall follow the approved curriculum and instructional resources and materials approval process.
2. In accordance with applicable state law, students' parents/guardians shall be notified in writing prior to the student's involvement in the health education course. The notice to parents/guardians shall include a detailed, substantive outline of the topics and materials to be presented.
3. The notice shall also inform students' parents/guardians that they may exempt their child, upon written request, from a specific portion or portions of the instruction on the grounds that it is contrary to religious beliefs and teachings or closely held personal beliefs of the student or the student's parent/guardian. If the request for the exemption is from a specific portion of the curriculum that concerns human sexuality, no reason must be given by the parent/guardian when requesting the exemption.
4. Students shall be provided with alternate educational assignments or activities for credit corresponding to that portion of the planned curriculum from which they are exempt.

**File: IHAM-R Revised October 28, 2015**

### **Health Education**

Health education has specific content and skills that are important for students to understand and communicate in order to maximize good health and minimize negative health behaviors. The District has identified six content areas for a comprehensive health education program. These content areas include:

1. Wellness (physical, social, mental/emotional and spiritual)
2. Violence Awareness
3. Addiction and Abuse
4. Human Growth Development and Human Sexuality
5. Diversity Awareness
6. Safety and Emergency Care

### **Curriculum implementation requirements**

The following approaches to implementing health education curriculum in the District shall be followed:

1. Parents/guardians of all students shall be notified that health education courses have been scheduled and that they may request their child be exempt from a specific portion of the program. An alternate educational learning activity that supports the standards will be arranged for exempted students.
2. At the elementary level, boys and girls should be separated for any instruction related to human sexuality. At this level, it is preferable to have such topics taught by same gender teachers. This gender separation requirement does not apply to middle or senior high school.
3. Teacher selection and training is critical in health education to provide a consistent approach to curriculum. Teachers and/or outside professionals who present the required curriculum shall: (a) be comfortable with the subject matter and be able to deliver the curriculum and answer student questions in a manner supportive of the health education policy; and (b) have professional preparation in the subject areas. Teachers will receive current, factual information and teaching strategies on an annual basis.
4. Any supplemental materials (movies, videos, etc.) or presentations (guest speakers), used in health education courses shall be consistent with the health education policy. Professional community members may be invited to classes at any level to cover specific health topics, provided that professional community member has been approved by the executive director of athletics, fine arts, physical education and health. In such situations, the teacher responsible for the class must be present for the entire presentation and discussion time.

### **Health education exemption process**

1. Exemption will be granted from a specific portion of the health education curriculum on the grounds that the material taught is contrary to the religious beliefs, personal values and teachings of the student or the student's parent/guardian. If the request for the exemption is from a specific portion of the health education curriculum that concerns human sexuality, no reason need be given by the parent/guardian when requesting the exemption.
2. A request for exemption must be submitted in writing to the principal/designee at least ten (10) school days in advance of instruction in that portion of the curriculum for which the exemption is requested.
3. The principal/designee will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternate learning activity that supports the standard for which the student will receive credit.
4. The principal/designee or teacher will inform the parent/guardian of disposition of the request within ten (10) school days of the receipt of the request.

**Concurrent Enrollment**

The Board believes that students who wish to pursue postsecondary level work while in high school should be permitted to do so. In accordance with this policy, high school students may receive course credit toward the fulfillment of high school graduation requirements for successful completion of approved postsecondary courses offered by institutions of higher education. The department of learning services will establish procedures for concurrent enrollment.

**Grading/Assessment Systems**

The Board believes that students respond more positively to the opportunity for success than to the threat of failure. The district seeks therefore, in its instructional program, to make achievement both recognizable and possible for students. It emphasizes achievement in its processes of evaluating student performance.

**State assessment system**

State and federal law require district students to take standardized assessments in the instructional areas of English language arts, math, and science. State law also requires students in elementary and middle school to take standardized assessments in the instructional area of social studies. Accordingly, the district will administer standardized assessments pursuant to these state and federal legal requirements.

State law also requires the district to adopt policies and/or procedures concerning the use of pencil and paper on the computerized portion of state assessments; parent requests to excuse their children from taking state assessments; and the district's assessment calendar. This policy and its accompanying regulation represent the district's processes to address these requirements.

**1. Pencil and paper testing option**

The district may determine that a specific classroom or school within the district will use pencil and paper to complete the computerized portions of a state assessment. Factors that will be considered in making this determination include:

- the technological capacity and resources of the particular school/classroom;
- students' previous experience with computerized and written assessments;
- whether the instructional methodology of the particular school/classroom is consistent with the use of computerized assessments or written assessments; and
- the logistics of administering the state assessment in different formats at a particular school or schools.

Prior to making this determination, the superintendent or designee must consult with the school principal(s) affected by this determination as well as parents/guardians of students enrolled in the district.

For students with disabilities, the use of pencil and paper instead of a computer to complete a state assessment will be determined by the student's Individualized Education Program (IEP) team or Section 504 team, in accordance with applicable law.

**2. Parent/guardian request for exemption**

A parent/guardian who wishes to exempt their child from a particular state assessment or assessments must make this request in accordance with this policy's accompanying regulation.

In accordance with state law, the district will not impose a negative consequence upon a student whose parent/guardian has requested an exemption from a state assessment or assessments.

Students excused by their parents/guardians from participating in a state assessment or assessments will not be prohibited from participating in an activity or from receiving any other form of reward that the district provides to students for participating in the state assessment.

This policy's exemption process applies only to state assessments administered pursuant to C.R.S. 22-7-1006.3 and does not apply to district or classroom assessments.

### **3. Sharing of student state assessment results with parents/guardians**

The Colorado Department of Education is required to provide diagnostic academic growth information for each student enrolled in the district and for each public school in the district based on the state assessment results for the preceding school years. Appropriate school personnel, including those who work directly with the student, will have access to the student's state assessment results and longitudinal academic growth information and must share with and explain that information to the student's parent/guardian.

#### **District assessment system**

In addition to the state assessment system, the district has developed a comprehensive assessment system that:

- challenges students to think critically and apply what they have learned and gives them the opportunity to demonstrate their skills and knowledge;
- includes "early warning" features that allow problems to be diagnosed promptly to let students, teachers and parents/guardians know that extra effort is necessary;
- provides reliable and valid information on student and school performance to educators, parents/guardians, and employers; and
- provides timely and useful data for instructional improvement and improved student learning, including feedback useful in determining whether the curriculum is aligned with the district's academic standards.

In accordance with applicable law, the district's assessment system will accommodate students with disabilities and English language learners.

The district's assessment results, in combination with state assessment results, will be used as the measurement of student achievement. It is believed these results will provide reliable and valid information about student progress on the district's academic standards.

#### **Additional assessment information for parents/guardians**

In accordance with state law and this policy's accompanying regulation, the district will distribute an assessment calendar and related information to parents/guardians on an annual basis to inform them about the state and district assessments that the district plans to administer during the school year.

#### **Classroom assessment system**

Classroom assessment practices will be aligned with the district's academic standards and assessment program. Assessment is an integral part of the teaching and learning process that should occur continuously in the classroom. The primary purpose of classroom assessment is to enable teachers to make instructional decisions for students on a continual basis.

Students are encouraged to engage in informal self-assessments as they study and attempt to solve problems, monitor their own progress, and improve their learning.

#### **Grading system**

The administration and professional staff will devise a grading system for evaluating and recording student progress and to measure student performance in conjunction with the district's academic standards. The records and reports of individual students will be kept in a form meaningful to parents/guardians as well as teachers. The grading system will be uniform district-wide at comparable grade levels. Peer grading of student assignments and classroom assessments is permissible. The intent of this practice is to teach material again in a new context and to show students how to assist and respect fellow students.

The Board will approve the grading, reporting, and assessment systems as developed by the professional staff, upon recommendation of the superintendent.

The Board recognizes that classroom grading and/or assessment systems, however effective, are subjective in nature but urges all professional staff members to conduct student evaluations as objectively as possible.

### **Equal Educational Opportunities**

Every student of St. Vrain Valley School District will have equal educational opportunities through programs offered in the school district regardless of disability, race, creed, color, sex, sexual orientation (which includes transgender status), marital status, national origin, religion, ancestry, other protected class, or need for special education services. A lack of English proficiency will not be a barrier to admission to or participation in district programs and activities including career and technical programs.

This concept of equal educational opportunity will guide the Board and staff in making decisions related to school district facilities, selection of educational materials, equipment, curriculum, and regulations affecting students. Students with identified physical and mental impairments that constitute disabilities will be provided with a free appropriate public education, consistent with the requirements of federal and state laws and regulations.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the superintendent or designee(s) to periodically monitor the following areas:

1. Curriculum and materials – review curriculum guides, textbooks, and supplemental materials for discriminatory bias.
2. Training – provide training for students and staff to identify and alleviate problems of discrimination.
3. Student access – review programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District support – ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment, and related matters.
5. Student evaluation instruments – review tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
6. Discipline – review discipline records and any relevant data to ensure the equitable implementation and application of Board discipline policies.

Complaint procedures have been established and are set forth in Policies AC and AC-R. All complaints relating to unlawful discrimination against students shall be reported to:

Johnny Terrell  
Executive Director of Student Services  
830 South Lincoln Street  
Longmont, CO 80501  
Phone: (303) 772-7700 x 57859  
terrell\_johnny@svvsd.org

### **Sexual Harassment of Students**

The Board recognizes that sexual harassment or harassment based on sexual orientation can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sexual harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination, as addressed in the Board's policy concerning unlawful discrimination and harassment.

#### **District's commitment**

The district is committed to maintaining a learning environment that is free from sexual harassment based on an individual's sex or sexual orientation. As used in this policy and defined by Colorado statute, "sexual orientation" means an individual's orientation toward heterosexuality, homosexuality, bisexuality or transgender status or another individual's perception thereof. It is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

### **Sexual harassment defined**

Pursuant to Title IX of the Educational Amendments of 1972, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, "harassment" means creating a hostile environment based on individual's sex or sexual orientation (which includes transgender status).

### **Reporting, investigations, and sanctions**

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor, or principal in their school building and file a complaint, through the district's complaint process addressing sex-based discrimination. All reports and indications from students, district employees, and third parties must be forwarded to the Title IX Coordinator.

The district will initiate and conduct an investigation in accordance with the appropriate procedures addressing sex-based discrimination and sexual harassment.

All matters involving sexual harassment reports must remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status or affect grades.

The district will take appropriate corrective action to: make the harassed student whole by restoring lost educational opportunities; prevent harassment from recurring; or prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

### **Notice and training**

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all district schools and departments. The policy and complaint procedures must be referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees will receive periodic training related to recognizing and preventing sexual harassment. District employees must receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district's website.

**File: JFBA/JFBB Revised September 9, 2020**

### **Open Enrollment**

The Board recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries or individual school attendance area boundaries. Therefore, students will be allowed to attend any school or participate in any education program of their choice on a space available, first-come, first-served basis provided they are eligible for enrollment, and follow the process of this policy and accompanying regulation.

In implementing the open enrollment program, the district is not required to:

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school to accommodate the enrollment request.
2. Establish and offer any particular program in a school if such program is not offered currently in such school.
3. Alter or waive any established eligibility criteria for participation in a particular program including age requirements, course prerequisites, and required levels of performance.
4. Enroll any nonresident student in any program or school after the pupil enrollment count day.

Notwithstanding the provisions of this policy, a student may be assigned outside the attendance area by mutual agreement of the principals in the special interest of student and/or school.

### **Open enrollment and transfers**

Resident students and their parents/guardians will be notified on an annual basis of the options available through open enrollment in sufficient time to apply.

Students, including home-schooled students desiring to take classes on a part-time basis, within designated attendance areas will have priority in registering in that school. Students may apply for open enrollment in a school outside their attendance area and such applications will be approved if there is space available in the requested school and the application has been submitted on or before October 1 in accordance with the regulation accompanying this policy.

Students granted permission to attend a school other than the school in their assigned attendance area will have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association, and the district's eligibility requirements.

Any student enrolled pursuant to this policy will be allowed to remain enrolled in the school or program through the end of the school year unless overcrowding or other undesirable conditions develop, as described in the accompanying regulation.

### **Transportation**

Transportation for students granted permission to attend school outside their attendance area must be furnished by their parents unless space is available in district buses without disruption of regular routes and loading areas. Homeless students, students in foster care, and students with disabilities will be transported, as necessary, in accordance with state and federal law.

### **Nondiscrimination**

The district will not unlawfully discriminate against any student based on a student's disability, race, creed, color, sex, sexual orientation, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy against and student making an open enrollment application. Decisions relative to the application will be made in accordance with this policy and accompanying regulation.

### **Nonresident enrollment**

Before considering requests for open enrollment from nonresidents, priority will be given to resident students who apply under the district's open enrollment/transfer plan.

Enrollment of nonresident students may be approved if the application has been submitted in accordance with the regulation accompanying this policy.

Any nonresident student requesting admission to a particular district school or program must submit their application, be approved and be in attendance prior to October 1 of the requested year of attendance. Any nonresident students applying for admission after October 1 must obtain the area assistant superintendent's approval prior to acceptance. For applications later than the October 1 date, principal discretion may be applied with assistant superintendent approval.

### **Special education/bilingual programs**

Requests from the parent/guardian of special education and bilingual education students for open enrollment in or transfer to another school or education program will be considered in accordance with this policy's accompanying regulation and applicable state and federal laws. The student's current Individualized Education Program (IEP) will be used to determine if the requested school or program can meet the student's needs. The district reserves the right to assign students in a special education or bilingual program in a school outside their attendance area notwithstanding this policy.

### **Rescission of open enrollment status**

Approved open enrollments are considered approved for one school year only. However, if the status of the school facility remains open from one year to the next, those approved students will be allowed to continue into the next school year in their open enrolled school without reapplication. When a district school has been determined



closed, the district reserves the right to rescind any or all open enrollment admissions at the end of each school year if overcrowding of facilities occurs in accordance with the accompanying regulation.

### **Closed schools**

A school may be closed to open enrollment and nonresident admission on an annual basis due to lack of space if enrollment is at or exceeds 95% of its capacity or it is projected to reach 95% capacity within the following three years or if there is a lack of teaching staff within a particular program.

The district's planning office will identify schools that meet the closed school requirement as stated above. The planning director will recommend to the superintendent that the school be closed to open enrollment and nonresident admissions. The superintendent will report to the Board of Education normally by April 15 of each year those schools that will be closed to open enrollment and nonresident admissions.

**File: JFBA/JFBB-R Revised September 23, 2020**

## **Open Enrollment**

### **Definition of an open enrolled student**

An "open enrolled" student is one who is a resident or nonresident of the district desiring to attend a district school other than the school within his/her attendance area or school district of residence. Open enrollment is not intended for students placed in special district programs within district schools.

The district will consider requests from parents or guardians of students who do or do not reside within district boundaries but who wish to attend a particular school or education program within the district in accordance with the following regulation.

Out-of-district students will only be considered after in-district requests have been considered.

When a school has been identified as "open", students may apply for open enrollment in a school outside their attendance area or school district of residence, and such applications may be approved if the application has been submitted in accordance with this regulation.

When a school has been identified as "closed", no new open enrollment applications will be approved except in accordance with the appeal process.

### **Application process**

#### **Timeline:**

1. Applications will be accepted at all schools beginning December 1.
2. Deadline for applications will be December 15.
3. The planning office will determine and notify schools of open or closed status by December 15.
4. Principals will notify the planning office regarding how many applications have been received and discuss space availability as soon as possible, or no later than January 10.
5. All applicants will be notified in writing, from the school for which they have applied, of their application status by January 17.
6. Applicants must notify the school to confirm acceptance by February 1.
7. Applications may continue to be received after the December 15 deadline (applicants may be placed on a waiting list if staffing levels have already been established and space availability could be exceeded).
8. At the secondary level, schools remaining "open" during the school year will only be allowed to accept new students at a semester break for high schools, and at a quarter/semester break for middle schools (three days prior and three days after the official quarter break). In addition, resident students wishing to return to their home schools will do so at the designated grading periods. Changes in schools at the elementary level will be made through approval of the building principals involved. The goal is to reduce the number of school changes within an academic year.
9. If any of the above dates land on a weekend or a holiday, the planning office will identify the appropriate alternative dates.

#### **Procedures:**

1. Application forms will be available in each school, at the educational services center in the planning office, and on the district website.
2. The receiving principal and/or district staff are responsible for explaining the application process and regulations to interested parents/guardians.

3. Students/parents/guardians may apply for open enrollment in a school outside of their attendance area by submitting a completed application form to the school of choice.
4. The receiving school principal will make the decision as to whether an application is approved based upon the criteria in this regulation, Board policy and applicable law.
5. The receiving school principal is responsible for notifying the parents/guardians of the approval or denial of an admission request.
6. For resident students seeking enrollment in a district school outside of their attendance area, the receiving school principal will notify the principal of the school in the student's attendance area and the planning office of the disposition of the request.
7. After leaving the elementary or middle school level, a student must reapply for open enrollment at the next level. Approval/denial of that request will be made in accordance with this regulation.

In addition, for nonresident admission applications, the following also applies:

1. Nonresident students requesting admission to a school or program must submit their application, be approved and be in attendance prior to October 1 of the requested school year. For applications later than the October 1 date, principal discretion may be applied with assistant superintendent approval.

#### **Grounds for denial of open enrollment application**

Open enrollment applications may be denied by the receiving principal for any of the following reasons:

1. The school has been identified as a closed school due to lack of space or teaching staff within the school.
2. There is a lack of space or teaching staff within a particular program or grade level of the school requested.
3. The school requested does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of the student or does not offer a particular program requested.
4. The student does not meet the established eligibility criteria for participation in a particular program including age requirements, course prerequisites or required levels of performance.
5. The student is not eligible for enrollment because grounds for denial of admission exist under applicable state law.
6. The student's application includes material misrepresentations, including but not limited to misrepresentations concerning the student's residence, discipline history or educational programming needs.

#### **Cancellation of an approved open enrollment**

The principal may cancel an open enrolled student from his/her school if the student has been expelled or is in the process of being expelled for being habitually disruptive or for serious violations as defined by state law.

Open enrollments approved through the appeal process by the planning director, area assistant superintendents, superintendent or Board of Education, may also be rescinded in the event that the student does not comply with predetermined conditions set for the original approval.

#### **Rescission of open enrollment status**

Approved open enrollment students are considered approved for one school year only. However, if the status of the school facility remains open from one year to the next, those approved students shall be allowed to continue into the next school year in their open enrolled school without reapplication.

When a district school has been determined closed for open enrollment due to overcrowding or elimination of a program, the district planning director shall determine the impact of currently approved open enrollments in the school in consultation with the principal. If it is determined by the superintendent or designee that open enrollment should be cancelled and those students could also be accommodated back in their home schools, students will be notified of the rescission of open enrollment by the principal no later than April 30th. Students shall have their open enrollment status cancelled in reverse order of acceptance. If it is determined that cancellation of open enrollment is only needed in specific grades or programs, then the cancellation shall be limited to that grade or program and cancellation shall be done in reverse order of acceptance. If the open enrollment status is not rescinded for students at closed schools, they shall be allowed to continue into the next school year in their open enrolled school without reapplication.

If necessary, the following order for rescission shall take place until the level of school enrollment determined adequate, is reached.

1. Nonresident students shall be the first to have their open enrollment status evaluated and cancelled.
2. Resident students shall be next to have their open enrollment status evaluated and cancelled.

### **Change in residence**

1. Elementary and secondary students whose place of residence changes during the school year may remain at the school they currently are attending until the end of the academic year.
2. Open enrollment forms must be completed for record-keeping purposes for students in this situation.
3. Students will be required to attend the school in their new attendance area the following year unless their application for continued open enrollment is approved.

### **Additional considerations**

Principals of closed schools or grade levels will approve applications which meet the following criteria, provided the student meets all other criteria in this regulation:

1. If a student completes two years at a particular secondary school and their circumstances change (e.g., address; program involvement; etc.), the student shall be approved by the principal for open enrollment to complete his/her years at that same school.
2. If the parents/guardians are building a home in another attendance area but the home will not be finished before school starts, or if they have a contract on a house that will not be closed on before school starts, the student shall be approved by the principal for open enrollment in the school in the new attendance area.
3. Siblings of students who have been granted open enrollment status may be approved by the principal for open enrollment, as long as the sibling will have concurrent enrollment in at least the first year as the originally approved student.
4. Students living outside the attendance area of the school they are currently attending, but enrolled as a result of a district oversight or mistake, shall be approved by the principal for open enrollment. This does not apply to students who falsify the enrollment application to gain access into a closed school.
5. Children of district employees may attend the same school at which their parent(s) or legal guardians work.

### **Appeal of a denial**

When a parent/guardian of a student has applied for open enrollment at a school and that application has been denied by the principal, the parent/guardian will be advised by the principal that they may appeal to the superintendent or designee.

### **Exceptions for attendance area boundary changes**

The Board of Education has adopted exceptions to this regulation for students affected by attendance area boundary changes.

These exceptions supersede the other sections of this regulation:

1. Elementary Schools - Current 4<sup>th</sup> graders who would be moved into a new attendance area by a boundary change would be able to open enroll back to their current school for their final year whether the school was open or closed.
2. Middle Schools - Current 7<sup>th</sup> graders who would be moved into a new middle school attendance area by a boundary change would be able to open enroll back to their current school for their final year whether the school was open or closed.
3. High Schools - Current 10<sup>th</sup> and 11<sup>th</sup> graders who would be moved into a new attendance area by a boundary change would be able to open enroll back to their current school for their final one or two years whether the school was open or closed.
4. Middle/Seniors - Current 7<sup>th</sup> and 10<sup>th</sup> and 11<sup>th</sup> graders who would be moved into a new attendance area by a boundary change would be able to open enroll back to their current school for their final one or two years whether the school was open or closed.

In all four situations the sibling rule, as stated above, does not apply unless approved by the area assistant superintendent through the appeal process. In cases where a school affected by boundary changes is designated as open, the applicable open enrollment procedures would be followed with the exception that students previously enrolled at the school would have priority over new students. After completion of the first year at new elementary and middle schools and the completion of the second year at new middle/senior and high schools, the new schools would revert to the standard open enrollment procedures.

### **Athletics and extracurricular activities - eligibility**

Eligibility for students granted permission to attend a school other than the school in their assigned attendance area shall be determined in accordance with the rules of the Colorado High School Activities Association.

### **Transportation**

Transportation for students granted permission to enroll pursuant to this regulation and accompanying policy shall be the responsibility of the student/parent/guardian. If the district assigns a student in a special education or

bilingual program in a school outside his/her attendance area, the district shall provide transportation, if necessary and in accordance with applicable law.

**File: JGA Revised June 24, 2015**

### **Assignment of New Students to Classes and Grade Levels**

New students transferring into the district shall present records of attendance, grade placement and academic achievement.

New students entering from public schools and accredited private schools shall be placed in grades and classes on the basis of their grade placement/credits in the school from which they are transferring. The receiving school shall request a complete record from the student's former school.

Academic achievement tests and other evaluation measures as found necessary by district administrators may be required for appropriate grade placement and awarding of credit when a student enrolls from home instruction or from a non-accredited private school, in accordance with the accompanying regulation.

**File: JGA-R Revised June 24, 2015**

### **Assignment of New Students to Classes and Grade Levels**

(Students from Home Instruction or Non-accredited Private Schools)

#### **Grades K-8 enrollment and placement**

Home instruction students or students from non-accredited private schools seeking to enroll in district schools (grades K-8) should apply at the requested school at least two weeks before the beginning of the first semester. This will allow time for testing if needed and appropriate placement of the student.

1. For purposes of placement only, students seeking to enroll in grades K-8 after a semester or more of home instruction or attendance at a non-accredited private school must comply with the following:
  - a. Students in kindergarten and first grade may be accepted and placed as any other transfer students according to district practice.
  - b. Parents of students in grades two through eight will submit results from district approved standardized tests administered within the current or previous school year. Based on test results and any other information provided by the parent, the principal will determine the appropriate grade placement. If test results are not submitted, the district achievement test will be given to the student.
2. Grades applied for home instruction transfer credits will be recorded as "S" (satisfactory) and "U" (unsatisfactory). The transcript will indicate that the work was completed in a home instruction program or at a non-accredited private school.
3. Students who re-enroll in the district after nine weeks or less of home instruction will be placed in the grade level or in the courses in which they would have been enrolled had they continued uninterrupted in the district.
4. At the parent's request, the principal will meet with the parent and student to notify and explain his or her decision regarding the student's placement.

#### **Grades 9-12 enrollment and placement**

Home instruction students or students from non-accredited private schools seeking to enroll in 9-12 should apply at the requested school at least 30 days before the beginning of the first semester. This will allow time so that records and documentation submitted can be evaluated and credit be issued where warranted toward a district high school diploma.

1. For purposes of placement and credit toward graduation requirements, students in grades 9-12 enrolling in the district after a semester or more of home instruction or attendance at a non-accredited private school must comply with the following:
  - a. Meet with school or district officials to review procedures and secure necessary forms.
  - b. Complete necessary forms and organize and submit documentation regarding the work which was completed and for which district credit is requested. Documents should include:
    - Courses and number of credits being requested
    - Information about the curriculum and instructional methods that were used. Courses should be grade appropriate, organized and sufficiently challenging.
    - Hours of instruction, which should be equivalent to or greater than that which would have occurred in a district high school.
    - Evidence that the student sufficiently mastered the curriculum, including such things as standardized test results, subject tests, papers and other examples of work.

School officials will review this information and determine the number of credits, if any, to be awarded based on a comparison to district standards for the awarding of credit. A \$50 fee will be charged for this assessment.

2. Credits will be accepted only for elective courses comparable to those offered in district schools.
3. Grades applied for home instruction transfer credits will be recorded as "S" (satisfactory) and "U" (unsatisfactory). The transcript will indicate that the work was completed in a home instruction program or at a non-accredited private school.
4. Students transferring from home instruction or non-accredited private schools must earn a minimum of 12 credits in a district high school during their junior and senior years including five credits in core subject areas. Students transferring into the district in twelfth grade may have credits earned in the district certified to the school of prior attendance for graduation.
5. Students who re-enroll in the district after nine weeks or less of home instruction will be placed in the grade level or in the courses in which they would have been enrolled had they continued uninterrupted in the district.
6. High school students enrolling from home instruction will be subject to Colorado High School Activities Association (CHSAA) regulations to qualify for athletics and activities.
7. Credits previously earned in public and/or accredited private school by home instruction students will be accepted based on transcripts presented to the district.
8. At the parent's request, the principal will meet with the parent and student to notify and explain his or her decision regarding the student's placement and/or graduation credits.

Home instruction students may apply for enrollment in classes offered by district schools while they are in home instruction. Approval will be on a space available basis as determined by the district. A student may be accepted as a transfer student on a district-wide basis. Parents should request information and follow timelines for pre-registration at the selected school. To be eligible to participate, home instruction students must be enrolled and attending during the attendance entitlement counting period in courses sufficient to be counted as a part-time student, which is 90 hours of instruction for the 1st semester. (i.e. Formula is "minutes of instruction x number of days in 1st semester / 60 => 90 hours").

### **Appeal procedure**

If the parent/guardian of a home instruction student wants to appeal the credit and placement decision of the principal, these steps may be followed:

1. The parent/guardian should submit a written request to the executive director of curriculum, as appropriate, for a review of the student's placement within one week after receiving the principal's decision.
2. The executive director of curriculum will convene an administrative review committee of three administrators at the appropriate level from other district schools. The committee will report its findings to the parent/guardian and the principal of the school no later than the 15th day after receiving the request.
3. If the parent/guardian is not satisfied with the decision, within one week the parent/guardian may request a hearing with the executive director of curriculum, as appropriate, whose decision will be binding.

**File: JH Revised September 9, 2020**

### **Student Absences and Excuses**

#### **Philosophy**

One criteria of a student's success in school is regular and punctual attendance. Frequent absences may lead to poor academic work, lack of social development and possible academic failure. Regular attendance is of utmost importance for school interest, social adjustment and scholastic achievement, particularly for closing the achievement gap. Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. In most situations, the work missed cannot be made up adequately. Students who have good attendance generally achieve higher grades, enjoy school more and are more employable after leaving school. For at least these reasons, the Board believes that a student must satisfy two basic requirements in order to earn full class credit: (1) satisfy all academic requirements, and (2) exhibit good attendance habits as stated in this policy.

When developmentally appropriate, it is the responsibility of the student to attend school. Ultimately, however, the responsibility to ensure that the student has good attendance rests with the parent/guardian. According to state law, it is the obligation of every parent/guardian to ensure that every child under their care and supervision receives adequate education and training and, if of compulsory attendance age, attends school. Schools will inform the parents/guardians if a student's education is being jeopardized by poor attendance.

Each year the Board establishes the school attendance policy by adopting a school calendar. Students are required to have actual teacher-pupil instruction and contact time of 1,056 hours for secondary students and 968 hours for elementary students during each school year.

## **Attendance**

Students are expected to enroll at the beginning of the school year, to attend regularly and to be prompt in arriving at school and at each class during the day.

## **Excused absences**

The building principal or their designee will grant excused absences with substantiated reason. The following will be considered:

1. A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance on a prearranged basis. Prearranged absences will be approved for appointments or circumstances of a *serious nature only* which cannot be taken care of outside of school hours.
2. A student who is absent for a prearranged extended period due to physical disability or mental or behavioral health disorder.
3. A student who is pursuing a work-study program under the supervision of the school.
4. A student who is attending any school-sponsored activity or activities of an educational nature with advance approval by the administration.
5. A student who is suspended or expelled.

The following may be considered excused absences at the discretion of the principal or designee:

1. Serious illness or death in the family.
2. Family emergencies or hardship.
3. Family vacations. (While discouraged, such excuses should be prearranged with the school administration. If a student has poor attendance or poor academic performance, a principal may deny an excused absence for vacation purposes.)
4. Religious observances when requested by a parent or guardian.
5. Absence required by a legal body or social agency (court, juvenile authorities, public health department or police).
6. Military connected students whose parent or legal guardian has been called to duty, is on leave from, or immediately returned from deployment.

The district may require suitable proof regarding the above exceptions, including written statements from a health care provider.

If a student is in out-of-home placement (as that term is defined by C.R.S. 22-32-138 (1)(h)), absences due to court appearances and participation in court-ordered activities will be excused. The student's assigned social worker must verify the student's absence was for a court appearance or court-ordered activity.

## **Unexcused absences**

An unexcused absence is defined as an absence that is not covered by one of the foregoing exceptions. Each unexcused absence will be entered on the student's record. The parents or guardians of the student receiving unexcused absences will be notified orally or in writing by the district, district designee, or building staff.

Parents/guardians will be required to furnish an explanation for student absenteeism either in writing or orally. Absences not explained within two days after returning to school will be recorded as unexcused absences unless unusual or extenuating circumstances exist as determined by the building administrator.

In accordance with law, the district may impose academic penalties which relate directly to classes missed while unexcused. Students and parents/guardians may appeal to the area assistant superintendent or designee for exceptions to this policy or the accompanying regulations provided that no exception will be sustained if the student fails to abide by all requirements imposed as conditions for granting any such exception.

The minimum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is four (4) days in one month or ten (10) days during any school year.

## **Chronic absenteeism**

When a student has an excessive number of absences, these absences negatively impact the student's academic success. A student will be considered "chronically absent" if he or she has missed 10% or more of the days enrolled during the public school year, whether the absences are excused or unexcused. Absences due to

suspension or expulsion will not be counted in the total number of absences considered for the purpose of identifying a student as “chronically absent.”

If a student is identified as “chronically absent,” the principal or designee will develop a plan to improve the student’s attendance. The plan will include best practices and research-based strategies to address the reasons for the student’s chronic absenteeism, including but not limited to:

- Individual Case Management
- Creation of Attendance Plans
- Home Visits
- Cafecitos: Coffee Talks to Increase family-community engagement
- Schools and district-level attendance groups
- Multi-Tiered Systems of Support for students
- Collaboration with community partners to provide supports
- Basic need assistance via Family Outreach Liaisons
- Expelled & At-Risk Student Services program
- “E-credit” support
- Truancy Review Team Meetings

When practicable, the student’s parent/guardian will participate in the development of the plan.

Nothing herein will require the principal or designee to identify a student as “chronically absent” prior to declaring the student as “habitual truant” and pursuing court proceedings against the student and his or her parents/guardians to compel the student’s attendance in accordance with state law.

### **Make-up work**

Make-up work will be provided for any class in which a student has an excused absence unless otherwise determined by the building administrator or unless the absence is due to the student’s expulsion from school. It is the responsibility of the student to pick up any make-up assignments permitted on the day returning to class. A reasonable amount of time to complete make-up work will be given, generally two (2) days for each day absent.

Make-up work will be allowed following an unexcused absence or following a student’s suspension from school with the goal of providing the student an opportunity to keep up with the class and an incentive to attend school. This work may receive full or partial credit to the extent possible as determined by the building administrator. Unless otherwise permitted by the building administrator, make-up work will not be provided during a student’s expulsion. Rather, the district will offer alternative education services to the expelled student in accordance with state law. The district will determine the amount of credit the expelled student will receive for work completed during any alternative education program.

### **Tardiness**

Tardiness is defined as the appearance of a student without proper excuse after the scheduled time that a class begins. Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy student to uninterrupted learning, penalties shall be imposed for excessive tardiness. Students who accumulate 3 unexcused tardies shall be issued one-half day unexcused absence. Parents/guardians shall be notified of all penalties regarding tardiness.

Teachers shall be responsible for addressing tardiness as a classroom management issue. Excessive tardiness may be referred to the administration for consideration as an attendance problem.

In an unavoidable situation, a student detained by another teacher or administrator shall not be considered tardy provided that the teacher or administrator gives the student a pass to enter the next class. Teachers shall honor passes presented in accordance with this policy.

The provisions of this policy are applicable to all students in the district, including those above and below the age for compulsory attendance as required by law.

### **Attendance officer**

The superintendent or designee shall appoint an attendance officer to assist school administrators in the enforcement of this policy and to assist in identifying the reasons for and causes of nonattendance and excessive absences.

The provisions of this policy shall be applicable to all students in the district, including those above and below the age for compulsory attendance as required by law.

**File: JH-R Revised June 24, 2015**

### **Student Absences and Excuses**

This attendance procedure is designed to provide guidance and procedure for managing and improving student attendance. In addition, it is recognized that other important factors which impact school attendance include the positive relationships that exist between teachers and their students and the ongoing timely involvement of parents. It is the district's intention to encourage all students to have good attendance and to participate in school; however, it may become necessary as a last resort to implement steps which may include taking legal action when a student's level of absence becomes chronic.

#### **Elementary School Level**

Annual Incentive programs may recognize and reward those students with annual perfect attendance, exemplary attendance and improved attendance.

Steps for unexcused absences may include administrative conferences, detention, make-up time, parental contacts, and involvement of district-level prevention/intervention efforts.

Make-up work for excused and unexcused absences, or following a student's suspension, shall be provided for any class unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school.

In the case of both excused and unexcused absences, the principal or designee will make a reasonable number of attempts to contact parents/guardians in an effort to address a student's attendance issues.

#### **Secondary level**

Annual incentive programs may recognize and reward those students with annual perfect attendance, exemplary attendance and improved attendance.

Steps for unexcused absences may include administrative conferences, detention, suspension, make-up time, parental contacts, and involvement of district-level prevention/intervention efforts.

Make-up work for excused and unexcused absences, or following a student's suspension, shall be provided for any class unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school. Credit may be withheld for unexcused absences. Students who are unexcused may make up missed work for 50% credit.

In the case of both excused and unexcused absences, the principal or designee will make a reasonable number of attempts to contact parents/guardians in an effort to address a student's attendance issues. In addition:

1. At all high schools, 9 unexcused absences in a class within an 18-week period (semester) and/or 6 unexcused absences within a 9-week period (quarter) may result in a loss of credit (NC). Students over 17 may be removed from class if their cumulative average of class work results in a failing grade. Students with chronic absenteeism may be placed on a flexible schedule and referred to an alternative program. Where extenuating circumstances exist, the principal or designee may extend partial/full credit providing that specific conditions established by the school are met.
2. Because students under age 17 must fulfill the requirements of the compulsory attendance law, they will remain in the class regardless of the number of unexcused absences. The minimum number of unexcused absences (days) a student may incur before judicial proceedings may be initiated to enforce compulsory attendance is four (4) unexcused absences (days) in any one month or ten (10) unexcused absences (days) during any school year.
3. In the case of both excused and unexcused absences, the principal or designee will make a reasonable number of attempts to contact parents/guardians in an effort to address a student's attendance issues. As



part of this communication, the principal or designee shall notify parents/guardians of any grade reduction and/or loss of credit.

4. All students are expected to make up school work because of absenteeism.
  - a. Students with excused absences will be granted a reasonable amount of time to complete make-up work—generally two days for each day absent.
  - b. Time allowed for make-up work may not extend beyond the end of the grading period except by special permission of the principal or designee.
  - c. Students with prearranged absences must make arrangements prior to the absence for completing make-up work.
  - d. Students with excused absences due to suspension will receive 50% credit at the middle and high school level for all class work missed because a suspension is subject to penalty. Students will be held responsible for knowledge of class work covered during their absence.
  - e. Parents/guardians may request a conference with the building administration to discuss a decision related to the attendance policy. The conference must be requested within one week of notification.

#### **Notification of parents/guardians regarding unexcused absences**

The principal or designee will make reasonable efforts to work closely with parents/guardians to identify and resolve student attendance issues. Regardless of grade level, the following actions will be taken if a student's unexcused absences reach the levels identified.

After 3 unexcused days – a general letter of concern will be sent to parents/guardians requesting a conference with school officials.

After 6 unexcused days – a second letter will be sent indicating that the student has violated Board policy regarding the number of unexcused absence days allowed before judicial proceeding may be initiated and requiring a meeting with the parent/guardian.

After 10 unexcused days – a letter including a reference to the state compulsory attendance law and notification that the student's attendance will be monitored for the next 10 days at which time a decision may be made which may include legal action.

In all cases, letters sent to parents/guardians will be addressed to the current address on file with the district.

**File: JHB Revised November 11, 2020**

#### **Truancy**

If a student is absent without notification by the parent/guardian or if the student leaves school or a class without permission of the teacher or administrator in charge, the student shall be considered truant. A "habitually truant" student shall be defined as a student of compulsory attendance age who has four total days of unexcused absences from school or from class in any one month or 10 total days of unexcused absences during any school year. Absences due to suspension or expulsion shall not be counted in the total of unexcused absences for purposes of defining a student as "habitually truant."

In order to reduce the incidents of truancy, parents/guardians of all students shall be notified in writing at the beginning of each school year of their obligation to ensure that all children of compulsory attendance age attend school. Parents/guardians shall be required to acknowledge in writing awareness of their obligations and to furnish the school with a telephone number or other means of contacting them during the school day.

The school shall establish a system of monitoring individual unexcused absences. When a student fails to report on a regularly scheduled school day and school personnel have received no indication that the parent/guardian is aware of the absence, school personnel or volunteers under the direction of the school personnel shall make a reasonable effort to notify the parent/guardian by telephone.

When a student is declared habitually truant, the principal shall require a meeting between the student's parent/guardian and appropriate school personnel to review and evaluate the reasons for the student being habitually truant.

A plan shall be developed for a student who is at risk of being declared habitually truant with the goal of assisting the student to remain in school. The plan shall also include strategies to address the reasons for the truancy and shall implement research-based strategies to re-engage students with a high number of truantries. When feasible, the student's parent, guardian or legal custodian shall participate with district personnel during the development of

the plan. Appropriate school personnel shall make reasonable efforts to meet with the parent, guardian or legal custodian to review and evaluate the reasons for the student's truancy.

**File: JHD Revised June 24, 2015**

### **Exclusions and Exemptions from School Attendance**

#### **Denial of admission**

The Board of Education or the superintendent may deny admission to the schools of the district for cause. The grounds for denial of admission shall be those established by law. (See exhibit JF-E.)

Students who were expelled from any school district during the preceding 12 months or whose behavior during the preceding 12 months in another school district was detrimental to the welfare or safety of other students or school personnel may be denied admission.

The Board shall provide due process of law to students and parents/guardians through written procedures consistent with law for denial of admission to a student.

The policy and procedures for denial of admission shall be the same as those for student suspension and expulsion inasmuch as the same section of the law governs these areas.

#### **Exemptions from attendance**

A child may be exempt from school attendance as allowed by the Colorado Compulsory Attendance law.

**File: JIC Revised June 24, 2015**

### **Student Conduct**

The Board, in accordance with applicable 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 and to obey persons in authority. The code emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall be enforced uniformly, fairly and consistently for all students.

All Board-adopted policies and Board-approved regulations containing the letters "JIC" in the file name constitute the conduct section of the legally required code.

The Board shall consult with parents/guardians, students, teachers, administrators and other community members in the development and review of the conduct and discipline code.

The conduct and discipline code shall be provided to each student upon enrollment in elementary, middle, and high school. The district shall take reasonable measures to ensure each student is familiar with the code. Copies shall be posted or kept on file in each school of the District. In addition, any significant change in the code shall be provided to students and posted in each school.

In all instances, students shall be expected to conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all district employees, the educational purpose underlying all school activities, the widely shared use of district property, and the rights and welfare of other students and staff. All employees of the district shall be expected to share the responsibility for supervising the behavior of students and for seeing that they abide by the conduct and discipline code.

**File: JICA Revised June 24, 2015**

### **Student Dress Code**

District-wide standards on student attire are intended to help students concentrate on schoolwork, reduce discipline problems, and improve school order and safety. The Board recognizes that students have a right to express themselves through dress and personal appearance; however, students shall not wear apparel that is deemed disruptive or potentially disruptive to the classroom environment or to the maintenance of a safe and orderly school.

Any student deemed in violation of the dress code or the school's individual standards shall be required to change into appropriate clothing, make arrangements to have appropriate clothing brought to school immediately, and/or to remove the paraphernalia, or modify the appearance of his or her hair. If the student complies, there shall be no further penalty for that offense.

If the student cannot promptly obtain appropriate clothing on the first offense, the student shall be given a written or verbal warning and an administrator shall notify the student's parents/guardians. The student may be held out of class or classes at the discretion of the administrator. On the second offense, the student shall remain in the administrative areas of the school for the day to do schoolwork and a conference with parents/guardians should be held prior to the student's return to class or classes to clarify the district and school's expectations with respect to dress and appearance. Missed classes due to a second dress code offense will be considered similar to a suspension with regard to the student making up missed schoolwork. On the third offense, the student may be subject to suspension or other disciplinary action in accordance with Board policy concerning suspensions, expulsions and other disciplinary interventions.

### **Violations of student dress code**

The following items are deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school and are not acceptable in school buildings, on school grounds, or at school activities:

1. Any clothing or accessory that presents a reasonable threat or hazard to the safety of others in a school environment, e.g. sharp jewelry, some chains, etc.
2. Sunglasses and/or hats worn over the eyes inside the building.
3. Clothing that bares or exposes traditionally private parts of the body including, but not limited to, the stomach, buttocks, back and breasts.
4. Any clothing, paraphernalia, grooming, jewelry, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
  - Refer to drugs or controlled substances, tobacco, alcohol, or weapons
  - Are of sexual nature
  - By virtue of color, arrangement, trademark, or other attribute denote affiliation with gangs or which advocate drug use, violence, illegal activity, or disruptive behavior which is detrimental to the safety and welfare of other students
  - Are obscene, profane, vulgar, lewd, or legally libelous
  - Threaten the safety or welfare of any person
  - Otherwise disrupt the teaching-learning process

Students are required to wear appropriate footwear to ensure the safety and health of the student and others while on district property.

### **Exceptions and additions**

Appropriate athletic clothing may be worn in physical education classes. Certain school uniforms, e.g., athletic uniforms, cheerleading uniforms, band uniforms, etc., approved by the principal may be exempted from the policy. Building principals, in conjunction with the school accountability committees, may develop and adopt school-specific dress codes containing additional or specific criteria for student dress provided that such school standards are consistent with this policy. In addition, principals may identify certain events or occasions for which the dress code may be suspended or modified, e.g. pep assemblies, prom, spirit days, and attendance at after school events, etc.

**File: JICC Revised June 24, 2015**

### **Student Conduct in School Vehicles**

The privilege of riding in a school vehicle is contingent upon a student's good behavior and observance of the student code of conduct and established regulations for student conduct both at designated school vehicle stops and on-board school vehicles.

The operator of a school vehicle shall be responsible for safety of the students in the vehicle, both during the ride and while students are entering or leaving the vehicle. Students shall be required to conform to all rules concerning discipline, safety and behavior while riding in the school vehicle. It is the vehicle operator's duty to notify the director of transportation and the principal of the school involved if any student persists in violating the established rules of conduct.

Parents/guardians are requested to explain the importance of proper behavior on the school vehicle. They are also expected to support disciplinary actions that are necessary to help their child change behavior.

After due warning has been given to the student and to the student's parents/guardians, the director of transportation or designee and/or principal may withhold from the student the privilege of riding in the school vehicle. Violation of district policies and regulations while in a school vehicle may also result in the student's suspension or expulsion from school, in accordance with Board policy concerning student suspensions, expulsions

and other disciplinary interventions.

**Student Conduct in School Vehicles**

**Examples of inappropriate behavior**

Inappropriate behavior which involves the safety and welfare of bus riders or others:

1. Failure to remain seated
2. Teasing/harassing others
3. Hitting, fighting or assault
4. Unnecessary loud noises
5. Refusal to obey driver/insubordination
6. Throwing objects on or outside of the bus
7. Improper bus loading or unloading
8. Unauthorized use of emergency door or emergency equipment
9. Other dangerous, disruptive or inappropriate behavior

Inappropriate behavior which violates Board policy or regulations:

1. Vandalism or destruction of property
2. Profanity/obscene gestures
3. Use of tobacco
4. Use of drugs or alcohol
5. Possession of a weapon
6. Spitting
7. Other inappropriate or unacceptable behavior

**Minimum consequences**

All students are expected to exercise self control commensurate with their age and development. Generally, inappropriate behavior by secondary students grades 6-12 is more deliberate, dangerous and/or disruptive. Due to their maturity level, older students are expected to exercise greater self control.

Disciplinary measures for inappropriate behavior will accumulate. A warning might be given for one type of inappropriate behavior followed by a suspension for another type of inappropriate behavior.

Elementary

1st offense: Depending on the nature of the inappropriate behavior, a warning may or may not be given. A warning form usually will be written by the bus driver and sent home with the student. The warning form must be signed by the parent/guardian and the student, then returned to be kept on file in the transportation office.

It is primarily the bus driver's responsibility to ensure that the warning form has been signed and returned. If necessary, the driver may request the assistance of school administrators or the director of transportation.

If the warning form is not signed and returned the following school day, the student will be called to the principal's office and the parent/guardian will be contacted. The bus driver usually will be expected to be present for this contact. A copy of the warning form will be kept at the school, and a second copy will be kept in the transportation office.

2nd offense: Usually will result in a one- to two-day suspension of bus riding privileges. The parent/guardian must be notified prior to suspension. The bus driver primarily is responsible for notification of the parent/guardian but may request the assistance of school administrators or the director of transportation.

A suspension form will be sent home with copies sent to the school and the transportation office. The bus driver will see that school and transportation office copies are delivered the next school day.

3rd offense: Usually will result in a three- to five-day suspension of bus riding privileges. School/district administrators must contact the parent/guardian prior to suspension. A suspension form will be sent home with copies sent to the school and the transportation office.

4th offense: Usually will result in a suspension of bus riding privileges for six (6) to ten (10) days or longer if the inappropriate behavior warrants. The parent/guardian will be contacted prior to suspension by school administrators.

A parent/guardian conference will be held before the student resumes riding the bus. This conference usually will include the school/district administration, bus driver, parent/guardian and the student.

Suspension of bus riding privileges may include all bus routes and field or activity trips.

In cases of bus infractions involving drugs, assault, vandalism, possession of a weapon or other serious inappropriate behavior, it may be deemed appropriate to contact law enforcement officials for assistance. Suspension or expulsion from school also is likely.

In cases of suspension due to vandalism, appropriate arrangements for restitution must be made prior to re-establishment of riding privileges.

#### Secondary

1st offense: Depending on the nature of the inappropriate behavior, a warning may or may not be given. Serious inappropriate behavior or vandalism will result in immediate suspension. If a warning is to be used, a warning form usually will be written by the bus driver and sent home with the student. The warning form must be signed by the parent/guardian and the student, then returned to be kept on file in the transportation office.

It is primarily the bus driver's responsibility to ensure that the warning form has been signed and returned. If necessary, the driver may request the assistance of school administrators and/or the director of transportation.

If the warning form is not signed and returned the following school day, the student will be called to the principal's office and the parent/guardian will be contacted. The bus driver usually will be expected to be present for this contact. A copy of the warning form will be kept at the school, and a second copy will be kept in the transportation office.

2nd offense: Usually will result in a one- to two-day suspension of bus riding privileges. The parent/guardian must be notified prior to suspension. The bus driver primarily is responsible for notification of the parent/guardian but may request the assistance of school administrators or the director of transportation.

A suspension form will be sent home with copies sent to the school and the transportation office. The bus driver will see that school and transportation office copies are delivered the next school day.

3rd offense: Usually will result in a three- to fifteen-day suspension of bus riding privileges. The parent/guardian will be contacted prior to suspension by school administrators. A suspension form will be sent home with copies sent to the school and the transportation office.

A parent/guardian conference will be held before the student resumes riding the bus. This conference will usually include the school/district administration, bus driver, parent/guardian and the student.

4th offense: Usually will result in a suspension of bus riding privileges for a minimum of one semester; if necessary, into the next school year. The parent/guardian will be contacted prior to suspension of bus riding privileges.

Suspension of bus riding privileges may include all bus routes, vocational training or activity trips.

In cases of bus infractions involving drugs, assault, vandalism, possession of a weapon or other serious inappropriate behavior, it may be deemed appropriate to contact law enforcement officials for assistance. Suspension or expulsion from school also is likely.

In cases of suspension due to vandalism, appropriate arrangements for restitution must be made prior to re-establishment of riding privileges.

**File: JICDA Revised May 13, 2020**

### **Code of Conduct**

#### **Students in third grade and higher grade levels**

In accordance with applicable law and Board policy concerning student suspensions, expulsions, and other disciplinary interventions, the principal or designee may suspend or recommend expulsion of a student in third grade and higher grade levels who engages in one or more of the following activities while in school buildings, on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, and off district property when the conduct has a nexus to school or any district curricular or non-curricular event:

1. Causing or attempting to cause damage to district property or stealing or attempting to steal district property.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.

3. Willful destruction or defacing of district property.
4. Committing any act which if committed by an adult would be robbery or assault as defined by state law.
5. Committing extortion, coercion or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
6. Engaging in verbal abuse, e.g., name calling related to ethnicity, race, gender, sexual orientation or disability, ethnic or racial slurs, either orally or in writing or derogatory statements addressed publicly to an individual or a group that precipitate disruption of the district or school program or incite violence.
7. Engaging in "hazing" activities, i.e., forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior which recklessly endangers the health or safety of an individual for purposes of initiation into any student group.
8. Violation of the Board's policy on bullying prevention and education.
9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff.
10. Violation of any Board policy/regulation or established school rules.
11. Violation of the Board's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law.
12. Violation of the Board's policy on student conduct involving drugs and alcohol.
13. Violation of the Board's tobacco-free schools' policy.
14. Violation of the Board's policies prohibiting sexual or other harassment.
15. Violation of the Board's policy on nondiscrimination.
16. Violation of the Board's dress code policy.
17. Violation of the Board's policy on gangs and gang-like activity.
18. Throwing objects (unless part of a supervised school activity) that can or do cause bodily injury or damage to property.
19. Directing profanity, vulgar language or obscene gestures toward other students, school personnel, or others.
20. Lying or giving false information, either verbally or in writing, to a district employee.
21. Engaging in scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
22. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
23. Behavior on or off school property that is detrimental to the welfare or safety of other students or school personnel, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students.
24. Repeated interference with the district's ability to provide educational opportunities to other students.
25. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the district staff.

### **Students in preschool through second grade**

In accordance with applicable law and Board policy concerning student suspensions and expulsions, the principal or designee may suspend or recommend expulsion of a student in preschool, kindergarten, first grade, or second grade who engages in one or more of the following activities while on district property, in a school building, in a district or school vehicle, at a district or school activity or event, or off district property when the conduct has a nexus to school or any district curricular or non-curricular event:

1. Violation of the Board's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law.
2. Violation of the Board's policy on student conduct involving drugs and alcohol.
3. Conduct that endangers the health or safety of others.

**File: JICDE\* Revised September 9, 2020**

### **Bullying Prevention and Education**

The Board of Education supports a secure school climate, conducive to teaching and learning that is free from threat, harassment and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying is the use of coercion or intimidation to obtain control over another person or to cause physical, mental or emotional harm to another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or activity, gesture or the use of objects associated with, or symbolic of,

groups or organizations that engage in, or promote, bias-motivated activities that is reasonably foreseeable to result in coercion or intimidation. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that it is directed toward a student on the basis of his or her academic performance or any basis protected by federal and state law, including disability, race, creed, color, sex, sexual orientation (which includes transgender and gender identity), marital status, national origin, religion, ancestry, need for special education services, or other protected class, whether such characteristic(s) is actual or perceived.

Bullying is prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school or any district curricular or non-curricular activity or event.

A student who engages in any act of bullying and/or a student who takes any retaliatory action against a student, who reports in good faith an incident of bullying, is subject to appropriate disciplinary action including but not limited to suspension, expulsion and/or referral to law enforcement authorities. The severity and pattern, if any, of the bullying behavior will be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment will be subject to investigation and discipline under related Board policies and procedures. Students targeted by bullying when such bullying behavior may constitute unlawful discrimination or harassment also have additional rights and protections under Board policies and procedures regarding unlawful discrimination and harassment.

The principal of each school will develop a program to address bullying appropriate for the age level served by that school. The program will be aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To train staff and students in taking proactive steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents/guardians and community members in order to help maintain a bullying-free environment.
6. To support targets of bullying by means of individual and peer counseling.
7. To help develop peer support networks, social skills and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

**File: JICEA Revised September 9, 2020**

### **School-Related Student Publications (School Publications Code)**

The Board encourages students to express their views in school-sponsored publications while observing rules for responsible journalism and complying with this policy and state and federal law. To protect the rights of all members of the school community and to support the district's educational mission and purposes, students are prohibited from publishing expression which:

- is false or obscene;
- is libelous, slanderous or defamatory under state law;
- presents a clear and present danger of the commission of unlawful acts, violation of school rules or material and substantial disruption of the orderly operation of the school;
- violates the privacy rights of others;
- threatens violence to property or persons; or
- violates copyrights.

Student editors of school-sponsored publications are responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this policy, its accompanying regulation and applicable state and federal law. The publications advisor within each school is responsible for supervising the production of school-sponsored publications and for teaching and encouraging free and responsible expression and professional standards of journalism.

The publications advisor has authority to establish or limit writing assignments for students working with publications and to otherwise direct and control the learning experience that publications are intended to provide when participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given.

**Student Petitions and Distribution of Non-Curricular Materials**

To understand constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.

It is the goal of this policy to strike a necessary balance between a student's right of free speech and the district's responsibility to maintain an orderly and safe school environment which respects the rights of students, staff members and others on district grounds and during district-sponsored activities.

Students may distribute non-curricular materials on district property in person or electronically in accordance with this policy, its accompanying regulation and applicable state and federal law.

**Prohibited distribution**

Students may not circulate petitions or distribute non-curricular materials in person or electronically on district property, at district-sponsored activities or events, or through the district's electronic network(s) that in themselves or in the manner they are distributed:

- create or threaten to create a substantial disruption or material interference with the normal operation of the district, district activity or event;
- advocate or encourage unlawful conduct or conduct that violates Board policy, including but not limited to the Board's policies prohibiting unlawful discrimination, harassment and bullying;
- cause or threaten to cause injury to persons or property; or
- are obscene, defamatory or violate any person's privacy rights.

Students who circulate petitions or distribute non-curricular materials in violation of this policy may be subject to appropriate disciplinary action, including suspension and/ or expulsion.

District equipment and supplies and district technology devices shall not be used for the creation or publication of such material.

The principal shall present to any student or students wishing to circulate petitions or distribute non-curricular materials a copy of this policy and its accompanying regulation.

**Student Petitions and Distribution of Non-Curricular Materials**

**Approval required prior to distribution**

Students who wish to circulate petitions or distribute non-curricular materials in person or electronically on district property or at a district-sponsored activity or event shall submit the material to students' principal for approval at least five school days in advance of the planned distribution date so that details may be worked out regarding the time, place and manner of distribution. The principal or principal's designee shall respond to such requests within three school days. The principal is authorized to shorten this time period for good cause shown.

Students are required to produce an advance copy of the petitions or non-curricular materials that will be distributed for the principal's review solely for the purposes of determining whether the student has exercised proper judgment with respect to the content of such petition or materials and to determine whether they contain information which, in the principal's judgment, is prohibited by Board policy.

**Appeal**

If the principal does not approve the materials for distribution, the principal or principal's designee shall provide a written explanation of why the materials were not approved under the policy accompanying this regulation.

The student may then appeal the decision as follows:

1. Within 10 school days of receiving the principal's or designee's decision, the student may file a written notice of appeal with the superintendent.
2. The superintendent shall make a written determination within 10 school days of receiving the student's appeal.
3. Within 10 school days of receiving the superintendent's decision, the student may submit a written appeal the superintendent, requesting a hearing before the Board.



4. The superintendent shall schedule the hearing on the agenda of the next regularly scheduled Board meeting, which generally will be held within 30 days of the filing of a request for a hearing.

After providing the student with an opportunity to be heard, the Board shall render a decision, which shall be final.

The following restrictions apply to all requests to circulate petitions or distribute non-curricular materials by students on district property or at a district-sponsored activity:

1. **Place.** Circulation of petitions or distribution of non-curricular materials must be made at physical or electronic places within the district or on district property as designated by the principal except that in no event may such petitions or materials be circulated or distributed in any classroom of any building then being occupied by a regularly scheduled class.
2. **Time.** Circulation or distribution may be made up to one-half hour before school and/or during regularly scheduled lunch periods and/or 15 minutes after the last bell. Any other times during the school day are considered to be disruptive of normal district activities.
3. **Littering.** All distributed petitions or non-curricular materials discarded in school or on district grounds must be removed by the persons distributing such items.
4. **Manner.** No student may in any way be compelled or coerced to sign any petitions or accept any non-curricular materials. In the alternative, no district official or student may interfere with the circulation or distribution of such petitions or materials distributed in accordance with this regulation and its accompanying policy.

Violation of this regulation and/or accompanying policy will be sufficient cause for denial of the privilege to circulate petitions or distribute non-curricular materials at future dates and may be cause for disciplinary action, including suspension and/or expulsion.

**File: JICF Revised June 24, 2015**

#### **Secret Societies/Gang Activity**

The Board of Education desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence or disruptive behavior. The principal or designee shall maintain visible supervision of school premises, school vehicles and school-related activities to deter gang intimidation of students and confrontations between members of different gangs.

The principal or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

If a principal or designee suspects that a student may be involved in gang or gang-related activities, he or she shall communicate this suspicion to the student's parent/guardian.

Any student whose activities violate the student code of conduct and discipline, whether or not the student is affiliated with a gang, shall be treated in accordance with Board policies and regulations.

**File: JICG Revised June 24, 2015**

#### **Use of Tobacco by Students**

The St. Vrain Valley School District is committed to high standards of health and safety. This policy is the result of documented dangers of tobacco products combined with the district's educational role in the community.

In compliance with federal and state laws, the use or the conspicuous possession or display of tobacco products by students while in or on school properties, or under the school's jurisdiction, or while participating in a school-sponsored event is prohibited.

The district shall carry on programs of education designed to fully inform students about the hazards of smoking and all other tobacco products.

For purposes of this policy, the following definitions shall apply:

1. "School property" shall mean all property owned, leased, rented or otherwise used by a school including but not limited to the following:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
  - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas and parking areas.

- c. All vehicles used by the district for transporting students, staff, visitors or other persons.
2. "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" shall include cloves or any other product utilized for smoking. Tobacco product includes any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.
3. "Use" shall mean lighting, chewing, inhaling, smoking, or displaying any tobacco product.

**File: JICH Revised October 10, 2018**

### **Drug and Alcohol Involvement by Students**

It shall be a violation of Board policy and may be considered to be behavior which is detrimental to the welfare or safety of other students or school personnel for any student to possess, use, sell, distribute or procure or to be under the influence of a controlled substance without a prescription.

For purposes of this policy, a controlled substance includes but is not limited to alcohol, marijuana (medical or otherwise), narcotic drugs, hallucinogenic or mind-altering/mood altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, anabolic steroids, any other substances defined as "controlled substances" by state and federal law, or any prescription or nonprescription drug, medicine, vitamin, homeopathic substance, or other chemical substances not taken in accordance with Board policy and regulations on administering medications to students, or the Board's policy on administration of medical marijuana to qualified students.

This policy also includes substances that are represented by or to a student to be any such controlled substance as defined in the preceding paragraph or what the student believes to be any such substance. All paraphernalia that is associated with the use or distribution of a controlled substance is also prohibited and falls within the scope of this policy and its accompanying regulation.

This policy shall apply to any student who is on school property, in attendance at school, in a district vehicle or at any school or district-sponsored or sanctioned activity, whether on or off school grounds, or whose conduct at any time or place is found to be detrimental to the safety and/or welfare of students or school employees.

Students violating this policy shall be subject to disciplinary sanctions that may include suspension, expulsion, diversion activities and/or referral to appropriate law enforcement agencies as outlined in the regulation that accompanies this policy and as provided in the student code of conduct and discipline handbooks for each school.

Through the publication and distribution of the discipline handbooks, the Board shall have served notice to all students and their parent(s)/guardian(s) of their rights and responsibilities under Board policy.

Situations in which a student seeks counseling or information from a professional staff member for the purpose of overcoming substance abuse or dependency shall be handled on an individual basis and shall not be considered in violation of this policy.

Information provided to students and/or parents/guardians about community substance abuse treatment programs or other resources shall be accompanied by a disclaimer to clarify that the school district assumes no financial responsibility for the expense of drug or alcohol assessment or treatment provided by other agencies or groups unless otherwise required by law.

**File: JICH-R Revised June 24, 2015**

### **Drug and Alcohol Abuse by Students**

Students who violate Board policy JICH shall be subject to the following disciplinary consequences.

#### **Type A violation**

Using, possessing, being under the influence of a controlled substance without a prescription, sharing a controlled substance or being in possession of drug paraphernalia while on school grounds, in district vehicles or at any school or district-sponsored or sanctioned activity whether on or off school grounds, or when off school grounds where it is found to be detrimental to the safety and/or welfare of students or school personnel:

#### **Consequences for first violation:**

- The student shall be suspended up to five days.
- Parent(s)/guardian(s) of the student shall meet with the school principal or designee to discuss situation and consequences for a subsequent violation.

- The violation may be reported to the local law enforcement agency of the jurisdiction where the incident occurred in accordance with state law requirements.

The principal may agree to defer or reduce the suspension of the student only if the student and parent(s)/guardian(s) agree to attend an approved drug education diversion activity. Such agreement shall be placed in writing during the meeting with the principal or designee within the initial suspension period with a "time certain" established for this activity to be completed. This diversion activity must be attended by the parent(s)/guardian(s) and student at the next regularly scheduled program date and time or as soon thereafter as possible and agreed upon. Failure to agree or failure to attend the diversion activity, if initially agreed upon, shall cause the student to be suspended from school.

**Consequences for second violation:**

- The student shall be suspended up to ten days with an extension requested if necessary and expulsion proceedings may be initiated in accordance with JKD/JKE-R.
- The parent(s)/guardian(s) of the student will be informed of the situation by an initial telephone call by the principal or designee followed by a personal conference where the details of the expulsion proceedings shall be told to the student and parent(s)/guardian(s) and the possibility of a deferral of expulsion option as provided in this regulation.
- The violation may be reported to the local law enforcement agency of the jurisdiction where the incident occurred in accordance with state law requirements.

**Type B violation**

A Type B violation shall be determined in cases of selling or distributing a controlled substance.

Selling is defined as providing and/or distributing a controlled substance personally or through a secondary party for remuneration of money or other tangible goods or services of material value.

Selling of controlled substances shall be deemed detrimental to the welfare and/or safety of other students and school personnel under any of the following circumstances: while inside a school building or facility, on or near school grounds during the school day, in district vehicles, in attendance at any school or district-sponsored or sanctioned activities whether on or off school grounds; and selling of a controlled substance off school grounds. If found to be detrimental to the safety and/or welfare of students or school personnel.

**Consequence for first and any subsequent violation:**

- The student shall be suspended for up to ten days, with an extension requested, if necessary, and expulsion proceedings will be initiated in accordance with JKD/JKE-R.
- The parent(s)/guardian(s) of the student will be informed of the situation by an initial telephone call by the principal or designee followed by a personal conference where the details of the expulsion proceedings shall be told to the student and parent(s)/guardian(s) and the possibility of a deferral of expulsion option as provided in this regulation.

The violation shall be reported to the local law enforcement agency of the jurisdiction where the incident occurred in accordance with state law requirements.

**Drug paraphernalia**

For purposes of this policy, drug paraphernalia includes equipment, products, and materials of any kind which are used, or intended to be used, by the student for the manufacturing, compounding, processing, distributing, packaging, inhaling, or ingesting of a controlled substance, such as scales/balances (used or intended for use in weighing or measuring controlled substances), capsules or envelopes for use in the packaging or distribution of controlled substances, bongs, pipes, and other similar items.

This regulation supplements authority conferred elsewhere by either Board policy or state statute and shall not be deemed to limit or suspend such other authority.

**File: JICI Revised June 24, 2015**

**Weapons in School**

The Board of Education determines that student possession, use and/or threatened use of a weapon is detrimental to the safety of the students and school personnel within the district.

Using, possessing or threatening to use a dangerous weapon on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored activity or event, and off school property when the conduct has a reasonable connection to school or any district curricular or non-curricular event without the authorization of the school or the school district is prohibited. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

Section 921 of Title 18, U.S.C. defines "firearm" as:

- a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- b) the frame or receiver of any weapon described above;
- c) any firearm muffler or firearm silencer; or
- d) any destructive device.

Section 921 of Title 18, U.S.C. defines "destructive device" as:

- a) any explosive, incendiary, or poison gas:
  - 1) bomb;
  - 2) grenade;
  - 3) rocket having a propellant charge of more than four ounces;
  - 4) missile having an explosive or incendiary charge of more than one-quarter ounce;
  - 5) mine; or
  - 6) device similar to the devices described in paragraphs 1-5 of this sub-paragraph a.
- b) any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- c) any combination of parts either designed or intended for use in converting any device into any destructive device described in sub-paragraphs a and b and from which a destructive device may be readily assembled.

In accordance with federal law, expulsion shall be mandatory for no less than one full calendar year for a student who is determined to have brought a firearm to or possessed a firearm at school in violation of this policy. The superintendent may modify the length of this federal requirement for expulsion on a case-by-case basis. Such modification shall be in writing.

As used in this policy, "dangerous weapon" means:

- a. A firearm.
- b. Any pellet, BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- c. A fixed blade knife with a blade that measures longer than three inches in length.
- d. A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.
- e. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury including, but not limited to, slingshot, bludgeon, nun chucks, brass knuckles or artificial knuckles of any kind.

Students who use, possess or threaten to use a dangerous weapon in violation of this policy shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

### **Firearm facsimiles**

Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, and on school property when such conduct has a reasonable connection to school or any district curricular or non-curricular event without the authorization of the school or school district is prohibited. Students who violate this policy provision may be subject to disciplinary action, including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

A student may seek prior authorization from the building principal to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property for purposes of a school-related or non-school related activity. A student's failure to obtain such prior authorization is a violation of this policy provision and may result in disciplinary action, including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions. The principal's decision to deny or permit a student to carry, bring, use or possess a firearm facsimile that could

reasonably be mistaken for an actual firearm on school property shall be final.

School administrators shall consider violations of this policy provision on a case-by-case basis to determine whether suspension, expulsion or any other disciplinary action is appropriate based upon the individual facts and circumstances involved.

### **Local restrictions**

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, using or possessing or threatening to use any *knife*, regardless of the length of the blade, on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, and off school property when the conduct has a reasonable connection to school or school district curricular or non-curricular event without authorization of the school or school district is prohibited.

Students who violate this policy provision shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

### **Recordkeeping**

The district shall maintain records which describe the circumstances involving expulsions of students who bring weapons to school including the name of the school, the number of students expelled and the types of weapons involved as required by law.

### **Referral to law enforcement**

In accordance with applicable law, school personnel shall refer any student who brings a firearm or weapon to school without authorization of the school or the district to law enforcement.

**File: JIH Revised June 24, 2015**

### **Student Interviews, Interrogations, Searches and Arrests**

The Board seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school personnel to search a student's person and/or personal property and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

### **Searches conducted by school personnel**

Searches may be conducted by the principal or designee who has reasonable grounds for suspecting that a search will turn up evidence that the student has violated or is violating laws or school rules or Board policy. When reasonable grounds for a search exist, the principal or designee may search a student and/or his or her personal property while on school premises or during a school activity under the circumstances outlined in this policy and may seize any illegal, unauthorized or contraband materials.

Any search conducted by the principal or designee shall respect the privacy of the student and not be any more intrusive than necessary, considering the age and sex of the student and nature of the suspected infraction.

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. However a student's refusal to grant such permission shall not prevent the search from taking place. A student's failure to cooperate with the principal or designee conducting a search shall be considered grounds for disciplinary action.

A report shall be prepared by the school staff member who has conducted a search explaining the reasons for the search, the results and the names of any witnesses to the search. If the search produces evidence to be used as the basis for disciplinary action, the report shall be filed in the student's cumulative folder.

### **Definitions**

1. "Reasonable grounds" is the standard for a search on school property or at school or district activities carried out by the principal or designee. Reasonable grounds shall be based on facts provided by a reliable informant or personal observation which cause the principal or designee to believe, based on their own experience that searching a particular student, place or thing would lead to the discovery of evidence of a violation of state or federal laws or school rules or Board policy. Reasonable grounds require more than a mere hunch.
2. "Contraband" consists of all substances or materials prohibited by laws or school rules or Board policy including

but not limited to drugs, alcohol, guns, knives, other weapons and incendiary devices or any other personal property which the principal or designee deem potentially injurious or detrimental to the safety or welfare of students or staff.

### **Inspections of school property; canine inspections**

School lockers, desks and other storage areas are school property and remain at all times under the control of the school. School property provided for the use of students is subject to inspection at any time, to cleanout, to access for maintenance and to inspect or search pursuant to this policy.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school.

The principal or designee may search a particular desk, locker or any other storage area and its contents at any time. Whenever possible, another person shall be available to witness the search.

In order to ensure schools and school property are reasonably safe and drug-free, it is appropriate to implement a policy for the use of specially-trained dogs to assist in detecting the presence of contraband drugs, alcohol, and explosive materials on school premises. The following shall apply when conducting sweeps using specially-trained dogs:

1. Every canine inspection shall only be authorized by the building principal or his/her designee, and shall utilize district approved and specially trained dogs.
2. Canine inspections of district facilities and property are not considered "searches" and may be conducted on district property at any time with or without reasonable suspicion.
3. District authorized and specially-trained dogs may be used to search the air around lockers, desks, vehicles on district property, or on district vehicles. At no time shall the specially-trained dog have direct contact with any student or a student's personal possessions. Therefore, such searches are best conducted before and after school hours when students are not present.
4. Canine inspections shall be conducted in the presence of a local law enforcement officer and a member of the administrative team.
5. A canine alert to the possible presence of contraband shall constitute reasonable suspicion for school staff to initiate search procedures of personal property as described in this policy.

### **Searches of student's person**

The principal or designee may search the person of a student if the principal or designee has reasonable grounds to believe that the student is in possession of contraband.

Search of the person shall be limited to the student's pockets and/or socks and shoes, any object in the student's possession such as a purse, backpack or briefcase, and/or a "pat down" of the exterior of the student's clothing.

Searches of the person shall be conducted out of the presence of other students and as privately as possible. At least one but not more than three additional district employees of the same sex as the student being searched shall witness but not participate in the search.

The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible.

No strip search of a student shall be carried out by any employee of the district. Searches of the person which require removal of clothing other than outer clothing such as a coat or jacket or shoes or socks shall be referred to a law enforcement officer.

### **Seizure of items**

Any personal property found in the course of a search conducted by school officials which is evidence of a violation of laws, school rules or Board policy or which by its presence presents an immediate danger of physical harm may be:

1. Seized and offered as evidence in any suspension or expulsion proceeding;
2. Returned to the parent or guardian of the student from whom it was seized;
3. Turned over to any law enforcement officer in accordance with this policy.

### **Law enforcement officers' involvement**

The principal or designee may request a search on school premises be conducted by a law enforcement officer.

When law enforcement authorities are involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.

When law enforcement officers respond to such a request, no district employee shall assist or otherwise participate in any search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from the principal or designee to search a student, the student's personal property or school property, to obtain evidence related to criminal activities, the principal or designee shall require the police to produce a valid search warrant before the search is conducted unless:

1. There is uncoerced consent by the student;
2. There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search or create the potential for injury to the student or others;
3. The search is incident to an arrest and is limited to the person and immediate surroundings.

### **Interviews/interrogation**

When law enforcement officials request permission to interview students who are victims of or witnesses to a crime when students are in school or participating in school activities, the principal or designee shall be present and parents or guardians shall be notified. If, during the course of the interview, it becomes suspected that the student may be involved in the commission of a criminal act, the interview will stop until the student's parents/guardian are present unless the juvenile is emancipated as that term is defined in state law.

Law enforcement may interrogate a student who is suspected of committing a criminal act when students are in school or participating in school activities. The student's parent/guardian must be present during the interrogation unless an emergency exists. If the parent/guardian or student refuses to consent to questioning, police authorities will determine the course of action to be pursued.

Reasonable effort shall be made not to draw attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

### **Appeals**

Within five school days after a search, the student may appeal the search decision to the area assistant superintendent, who shall investigate in a timely manner the reasons for, and circumstances of, the search. These findings shall constitute the basis for the decision on the student's appeal.

The area assistant superintendent shall forward a written copy of the findings and appeal decision to the student and the superintendent. Within five school days after receipt of this written report, the student may appeal the decision to the superintendent.

The superintendent or designee shall review the case and issue a decision in writing to the student. The decision of the superintendent or designee shall constitute the final district determination.

**File: JIH-R Revised June 24, 2015**

## **Student Interviews, Interrogations, Searches and Arrests**

### **Investigations conducted in the educational environment**

#### **A. Initiated by school administrators**

##### **1. Conducted by administrators**

Principals or their designees will have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules or Board policy whether or not the alleged conduct is a violation of criminal law. Such investigations will be conducted in a way which does not unduly interfere with school activities. Due process, which requires students be allowed to present their version of the facts, will be followed at all times.

##### **2. Conducted by police authorities**

a. The superintendent's designee will determine when the necessity exists for police authorities to be contacted to quell a disturbance or to conduct an investigation of alleged criminal behavior which jeopardizes the safety of school property or interferes with the operation of the school or education of other students. To be in compliance with law, it will be the responsibility of the principal or designee or director of security to notify police authorities of any criminal investigation.

b. Should alleged criminal behavior occur during school hours, the principal or designee will request that police authorities conduct an investigation and question students who are potential witnesses of such behavior. Reasonable attempts will be made to contact the student's parent/guardian prior to questioning by police authorities. Such contacts or attempted contacts with parent/guardian must be

documented by the administrator involved. In the absence of the student's parent/guardian during any questioning of the student, the principal or designee must be present and must document what generally occurred during the interview.

- c. If child abuse allegedly involving the parent/guardian is suspected, the parent/guardian should not be contacted prior to questioning of the student by police authorities or the Department of Social Services.
- d. If the investigation has centered on any particular student suspected of alleged criminal activity, the procedures for taking students into temporary custody by the police as set forth below will be followed to the extent that they do not interfere with reasonable law enforcement procedures.

### **B. Initiated by police authorities**

Although cooperation with police authorities will be maintained, normally it should not be necessary for police authorities to initiate and conduct any investigation and questioning on school premises during school hours pertaining to criminal activities unrelated to the operation of the school.

Only when police authorities can show compelling circumstances to do so will they be permitted to conduct such an investigation during school hours. The circumstances ordinarily should be limited to those in which delay might result in danger to any person, flight from the jurisdiction by a person reasonably suspected of a crime, or destruction of evidence.

In such cases, the officers will be requested to obtain prior approval of the principal or designee before beginning such an investigation on school premises. The administrator will document the circumstances of such investigations as soon as possible.

Alleged criminal behavior related to the school environment brought to the principal's or other designee's attention by police authorities will be dealt with under the provisions of #2 above.

If the parent/guardian or student refuses to consent to the questioning, police authorities will determine the course of action to be pursued.

When students are removed from school for any reason by police authorities, reasonable efforts will be made to contact the student's parents/guardian immediately. Such efforts must be documented.

The superintendent's office must be notified immediately of any removal of a student from school by police authorities under any circumstances.

Where it is necessary to take a student into temporary custody on school premises and time permits, the police authority will be requested to contact the school principal or designee and to relate the circumstances necessitating such action. When possible, the principal or designee will have the student summoned to the principal's office where the student may be taken into temporary custody.

When a student has been taken into temporary custody or arrested on school premises without prior notification to the principal or designee, the school staff present may request the police authorities notify the principal or designee of the circumstances as quickly as possible. In the event that the police decline to notify the principal or designee, the school staff members must notify the principal or designee immediately.

The principal or designee may summon police authorities to the school to take a student into temporary custody. The superintendent or designee must be notified immediately.

**File: JIHB Revised June 24, 2015**

### **Parking Lot Searches**

The privilege of bringing a student-operated motor vehicle on to school property is conditioned on consent by the student driver to allow search of the vehicle when there is reasonable grounds for such a search.

Refusal by a student, parent/guardian or owner of the vehicle to allow access to a motor vehicle on school property at the time of a request to search the vehicle shall be cause for termination, without further hearing, of the privilege of bringing the vehicle onto school property. Refusal to submit to search may also result in disciplinary action and notification of law enforcement.

The principal or designee may request a law enforcement officer to search a motor vehicle on school premises subject to the provisions of the policy on student interrogations, searches and arrests.



**Student Concerns, Complaints and Grievances**

Decisions made by school personnel which students believe are in violation of pertinent Board policies or individual school rules may be appealed to the principal or a designated representative or by following the specific appeal process created for particular complaints.

Grievance and investigation procedures are available for students to receive prompt and equitable resolution of allegations of discriminatory actions on the basis of disability, race, creed, color, sex, sexual orientation (which includes transgender status), marital status, national origin, religion, ancestry, need for special education services, or other protected class.

Complaints must be initiated in writing, dated and signed by the complainant. Forms for this purpose are available in the principals' offices. Completed forms must be filed with the appropriate persons as follows:

1. Conduct of an individual: immediate supervisor of the individual. The building principal is the supervisor of the teachers and support staff; the appropriate area assistant superintendent is the supervisor of the principal.
2. Departmental procedures: Building principal.
3. Building procedures: Building principal.
4. Board policies and regulations: Building principal.
5. Curricular programs: Building principal.
6. Unlawful discrimination: see Policies AC, JB, and JBB\*.
7. All others: Building principal.

When a complaint is filed in writing, a conference will be held with the complainant within five school days. A written response will be given to the complainant within 10 school days following the conference.

If the complaint is not resolved to the satisfaction of the student, a written appeal may be submitted within 10 school days in accordance with the appeal procedures.

Appeals must be made in the following order: building principal, area assistant superintendent, superintendent.

When an appeal has been filed in writing, a conference will be held with all parties involved within 10 school days. A written response will be given to the complainant within 10 school days following the conference.

St. Vrain Valley School District RE-1J  
Longmont, Colorado  
GRIEVANCE FORM

Name: \_\_\_\_\_

School: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Board Policy or administrative practice that was violated: \_\_\_\_\_

Date of Alleged Violation: \_\_\_\_\_

Briefly describe the alleged violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested Remedy: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.



specialized activities outside the classroom. Such groups shall not be considered school-sponsored student organizations nor be given all the privileges afforded to school-sponsored organizations.

Students may conduct meetings under this policy on school premises only during non-instructional time so that meetings do not interfere with the orderly conduct of the educational activities of the school. For purposes of this policy, "non-instructional time" means time set aside by each school before actual classroom instruction begins or after actual classroom instruction ends. Lunch period is considered "non-instructional time." Meetings of non-curricular student groups must be scheduled, organized and conducted within the guidelines established by this policy and accompanying regulation.

Requests for permission to conduct a non-curricular student meeting on campus must originate from a student or groups of students. Persons not attending school in this district, parents, school personnel or any other non-school persons are prohibited from directing, conducting, controlling or regularly attending the activities of a non-curricular student group.

The building administration shall develop general guidelines and rules so that students will be informed about the procedure for scheduling meetings and activities, the hours available for meetings, and the facilities available for meeting space. Students must request permission for a meeting of a non-curriculum related group from the principal and submit all scheduling requests to the principal for approval.

Students shall be responsible for ensuring the presence of a faculty monitor prior to every meeting. Under no circumstances shall the school compel a faculty member or school employee to monitor or attend a meeting of a non-curricular student group if the content of the speech at the meeting is contrary to the beliefs of the school employee.

All non-curricular student groups meeting on school premises are required to open membership to all interested and/or eligible students. Fraternities, sororities and/or secret societies shall not receive recognition in any manner under this policy. Attendance at all meetings must be voluntary.

All forms of hazing shall be prohibited in any group meeting on school premises. No initiation shall be held for any non-curricular student group which will be degrading and/or harmful to the student, or is unlawful.

The school district, through the building principal, retains the authority to prohibit meetings which otherwise would be unlawful. Disruptive behavior or continued violation of Board policies or regulations could result in suspension of permission to use school facilities.

Further, nothing in this policy shall be construed to limit the authority of the school to maintain discipline on school premises, to protect the well-being of students and faculty and to ensure that attendance at meetings is voluntary. Neither shall anything in this policy be used to imply that the school is sponsoring a non-curricular student group. No public funding or support shall be extended to non-curricular student groups other than an opportunity to meet on school premises.

In providing equal access to school facilities for all non-curricular groups, the district is not expressing any opinion or approval of the subject matter discussed at any meeting nor is it advocating or supporting in any manner the point of view expressed by any student or group meeting as allowed by this policy.

**File: JJA-2-R Revised and Recoded June 24, 2015**  
**Non-Curricular Student Organizations**  
(Secondary Schools)

1. Each building principal will review the school calendar and indicate when time and space are available for meetings of student organizations so that the meetings will not interfere with the regular educational activities of the school.
2. General information about time periods available for student meetings will be made available to students upon request.
3. Students seeking permission to meet on school premises during non-instructional time must complete a form available in the principal's office indicating the name of the organization, the nature of the organization, the purpose of the meeting, and the time and place of the meeting.
4. Upon reviewing this information, the principal will schedule the meeting if time and space are available.

Requests will be denied only in accordance with the Board policy on meetings of non-curricular student organizations.

5. The principal will verify that the students requesting permission for a meeting have made arrangements for a faculty monitor and obtained whatever assurances are deemed necessary to see that the meeting is appropriately supervised.
6. Notices of meetings of non-curricular student organizations may be posted only on designated bulletin boards used by non-curricular student organizations. Each high school will have up to 3 non-curricular community bulletin boards. Each middle school will have 1 non-curricular community bulletin board. The principal must approve the location, site and materials posted on the bulletin board. Non-curricular club announcements may be made over the public address system once a month with content approved by the principal. Non-curricular clubs will not have access to post information on the school website.
7. The principal will provide a fair opportunity to any students requesting permission to meet on school premises so long as time and space are available.
8. If a meeting request is denied by the principal, the principal will inform the students of the reason for the denial. The students will be given an opportunity to request a review of the principal's decision by the superintendent or designee by requesting a review in writing within 10 days of the denial of the request.

**File: JK Revised June 24, 2015**

### **Student Discipline**

The Board, in accordance with applicable 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 and to obey persons in authority. The code emphasizes that certain behavior is unacceptable and may result in disciplinary action. Disorderly students shall be dealt with in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process and free from unnecessary disruptions. The code shall be enforced uniformly, fairly and consistently for all students.

All Board-adopted policies and Board-approved regulations containing the letters "JK" in the file name constitute the discipline section of the legally required code. The Board shall consult with administrators, teachers, parents, students, and other members of the community in the development and review of the conduct and discipline code.

#### **Distribution of conduct and discipline code**

The conduct and discipline code shall be provided to each student upon enrollment in elementary, middle and high school. The district shall take reasonable measures to ensure each student is familiar with the code. Copies shall be posted in each school of the district. In addition, any significant change in the code shall be provided to students and posted in each school.

#### **Remedial discipline plans**

The principal may develop a remedial discipline plan 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 discipline plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.

#### **Discipline of habitually disruptive students**

Students who have caused a material and substantial disruption on school grounds, in a school vehicle or at a school activity or sanctioned event three or more times during the course of a school year may be declared habitually disruptive students. Any student enrolled in the district's schools may be subject to being declared a habitually disruptive student. Declaration as a habitually disruptive student shall result in the student's suspension and/or expulsion in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

#### **Immunity for enforcement of discipline code**

An act of a teacher or other employee shall not be considered child abuse if the act was performed in good faith and in compliance with Board policy and procedures.

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 criminal prosecution or civil liability unless the person is acting willfully or wantonly.

**Discipline of Students with Disabilities**

Students with disabilities are neither immune from a 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 Individualized Education Programs (IEPs), any behavioral intervention plan and this policy.

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 behavioral intervention plan.

**Suspensions, expulsions and provision of services**

Students with disabilities may be suspended for up to 10 school days in any given school year for violations of the student code of conduct. These 10 days need not be consecutive. During any such suspension, the student shall not receive educational services.

A disciplinary change of placement occurs: 1) when a student is removed for more than 10 consecutive school days, or 2) subjected to a series of removals that constitute a pattern of removal under governing law.

During any period of disciplinary action exceeding 10 consecutive days, the student will continue to receive a "free appropriate public education" in accordance with federal law.

When a student is expelled or subject to a removal that results in a disciplinary change of placement, educational services shall be provided as determined by the student's IEP team to enable the student to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals.

Prior to expulsion or other disciplinary change in placement, the student's parents shall be notified of the decision to take such disciplinary action and of their procedural safeguards. This notification shall occur not later than the date on which such decision is made.

Upon the eleventh school day of suspension or removal when such suspension or removal does not result in a disciplinary change of placement, educational services shall be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. School personnel, in consultation with at least one of the student's teachers, shall determine the educational services to be provided to the student during this period of suspension or removal.

**Manifestation determination**

Within 10 school days from the date of the decision to take disciplinary action that will result in a disciplinary change of placement, relevant members of the student's IEP team, including the student's parents, and the appropriate director of student services and/or their designee, shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents, to determine whether the student's behavior was a manifestation of the student's disability.

The team shall determine: (1) whether the student's conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; and (2) whether the student's conduct in question was the direct result of the school's failure to implement the student's IEP. If the answer to either of these two questions is "yes," the student's behavior shall be deemed to be a manifestation of the student's disability.

**Disciplinary action for behavior that is not a manifestation**

If the team determines that the student's behavior was not a manifestation of the student's disability, disciplinary procedures shall be applied to the student in the same manner as applied to nondisabled students.

As stated above, the student shall receive educational services during the period of expulsion or other disciplinary change of placement.

Within a reasonable amount of time after determining that the student's behavior is not a manifestation of the student's disability, the student may receive, as appropriate, a functional behavioral assessment ("FBA"). In addition, a behavioral intervention plan ("BIP") may be developed for the student, as appropriate. If a BIP has already been developed, the BIP may be reviewed and modified, as appropriate.

### **Disciplinary action and/or alternative placement for behavior that is a manifestation**

If the team determines that the student's behavior is a manifestation of the student's disability, expulsion proceedings or other disciplinary change of placement will be discontinued. However, the student may be placed in an alternative setting for up to 45 school days as discussed below or the student's placement may be changed for educational reasons as determined by the IEP team or as otherwise permitted by law.

Within a reasonable amount of time after determining that the student's behavior is a manifestation of the student's disability, the student's IEP team shall: (1) conduct an FBA of the student, unless an FBA has already been conducted; and (2) implement a BIP for the student. If a BIP has already been developed, the IEP team shall review it and modify it as necessary to address the student's behavior.

### **Placement in an alternative setting for 45 school days**

School personnel may remove a student with disabilities to an interim alternative setting for not more than 45 school days without regard to the manifestation determination if:

1. the student carried a weapon to school or a school function;
2. the student possessed a weapon at school or a school function;
3. the student possessed or used illegal drugs at school or a school function;
4. the student sold or solicited the sale of a controlled substance at school or a school function;
5. the student inflicted serious bodily injury on another person while at school or a school function; or
6. a hearing officer or court of appropriate jurisdiction so orders.

Such removal to an alternative setting is permissible even if the student's behavior is determined to be a manifestation of the student's disability. The student's IEP team shall determine the educational services to be provided to the student in the alternative setting.

### **Students not identified as disabled**

Students who have not been identified as disabled shall be subjected to the same disciplinary measures applied to students with disabilities if the district had "knowledge" of the student's disability before the behavior that precipitated the disciplinary action occurred.

The district is deemed to have knowledge of the student's disability if:

1. the student's parent has expressed concern in writing to district supervisory or administrative personnel or the student's teacher, that the student is in need of special education and related services;
2. the student's parent has requested an evaluation; or
3. the student's teacher or other district personnel have expressed specific concerns about the student's pattern of behavior directly to the director of special education or other district supervisory personnel.

If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited. Until the evaluation is completed, the student shall remain in the district's determined educational placement, which can include suspension or expulsion.

The district shall not be deemed to have knowledge that the student is a child with a disability if the parent has not allowed an evaluation of the student, or the student has been evaluated and it was determined that he or she is not a child with a disability, or the student was determined eligible for special education and related services, but the parent refused services.

**File: JK-R Revised June 24, 2015**

## **Student Discipline**

### **Remedial discipline plans**

1. The principal and/or designee may develop a plan 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 discipline plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.
2. To develop the plan, the principal and/or designee will arrange for a meeting with the student, the student's parent/guardian and any members of the staff whom the principal believes should attend.
3. The purpose of the meeting will be to address the reasons for the student's disruptive behavior and to establish goals, objectives and timelines to modify such behavior. A written plan will be prepared which addresses the student's disruptive behavior, educational needs and what steps are necessary to keep the child in school. The plan will include incentives for good behavior and consequences if the student violates the plan.

4. The plan may be written in the form of a contract which the student and the parent/guardian will sign and date.
5. The parent/guardian will be provided a copy of the remedial discipline plan and it will be placed in the student's cumulative file.

### **Habitually disruptive students**

A student may be declared "habitually disruptive" if three or more times during the course of the school year the student causes a material and substantial disruption on school grounds, in a school vehicle or at a school activity or sanctioned event.

1. The principal will inform the superintendent or designee when a student causes a second material and substantial disruption.
2. The student and the parent/guardian will be notified in writing of each disruption which counts toward declaring the student habitually disruptive. The student and parent/guardian will also be notified in writing and by telephone or other oral communication of the definition of "habitually disruptive student."
3. A student who has been declared habitually disruptive shall be suspended and/or expelled in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

**File: JKA Revised October 11, 2017**

### **Use of Physical Intervention and Restraint**

In dealing with disruptive students, any person employed by the district may, within the scope of his or her employment, use reasonable and appropriate physical intervention or force, as necessary, for the following purposes:

1. To quell a disturbance threatening physical injury to the student or others.
2. To obtain possession of weapons or other dangerous objects from a student or within the control of a student.
3. For the purpose of self-defense.
4. For the protection of persons or property.

Any such acts are not in conflict with the legal definition of child abuse and shall not be construed to constitute corporal punishment within the meaning and intention of this policy.

Under no circumstances shall a student be physically held for more than five minutes unless the provisions regarding restraint, contained in the regulation that accompanies this policy, are followed.

Any method or device used to involuntarily limit a student's freedom of movement for more than five minutes, including physical force, physical restraint, or seclusion, shall be in compliance with state law on protecting persons from restraint. The superintendent or designee shall develop procedures and a training program related to the use of restraint consistent with this policy and state law.

Corporal punishment shall not be administered to students by anyone in any district school.

District employees shall not use restraint as a punitive form of discipline or as a threat to control or to gain compliance of a student's behavior. Except as otherwise permitted by law, district employees are also prohibited from restraining a student by use of a prone restraint, mechanical restraint, or chemical restraint.

**File: JKA-E-2 Adopted August 8, 2018**

### **Complaint Procedures and Regulations Regarding the Use of Restraint or Seclusion, 1 CCR 301-45, 2620-R-2.07**

According to applicable rules of the Colorado State Board of Education, the following represents the process that must be followed when a student or the student's parent/ guardian wishes to file a complaint about the use of restraint or seclusion by a district employee.

2.07(1) A student or a parent or legal guardian may file a complaint about the use of restraint or seclusion used by an employee or volunteer of a school or charter school of [a] school district or Board of Cooperative Services or any institute charter school by using the procedures established under this section 2.07.

2.07(2) Required Content of the Complaint: The Complaint must contain the following information:

- 2.07(2)(a) A statement that the employee or volunteer has violated a requirement regarding the use of restraints and an identification of the portion of the statute, rule, or regulation alleged to have been violated, if known by the complainant;

- 2.07(2)(b) The background information and facts on which the Complaint is based that identify persons, actions and/or omissions;
- 2.07(2)(c) The name and the residential address of the child against whom the alleged violation occurred;
- 2.07(2)(d) The name of the school that the child was attending when the alleged violation occurred;
- 2.07(2)(e) A proposed resolution of the problem to the extent known and available to the complainant at the time the Complaint is filed;
- 2.07(2)(f) The Complaint must allege that the violation(s) set forth in the Complaint occurred not more than one (1) year prior to the date that the Complaint is filed with the Colorado Department of Education (CDE);
- 2.07(2)(g) The signature and contact information (minimally, address and telephone number) for the complainant; and
- 2.07(2)(h) Written verification in a cover letter accompanying the Complaint that a complete copy of the Complaint and any attachments have also been mailed, hand-delivered, or delivered by other secure method to the public education agency (i.e. a school district, BOCES, or the Charter School Institute) serving the child.

2.07(3) The Complaint, including any attachments, must be mailed, hand-delivered, or delivered by other secure method to the IDEA State Complaints:

IDEA Part B State Complaints Officer  
Colorado Department of Education  
Exceptional Student Leadership Unit, Dispute Resolution Office  
1560 Broadway, Suite 1175  
Denver, Colorado 80202

Additionally, as noted in paragraph 2.07(2)(h) above, a complete copy of the Complaint, including any attachments, must also be mailed, hand-delivered, or delivered by other secure method to the public education agency (i.e. a school district, BOCES or the Charter School Institute) serving the child.

2.07(4) Complaints involving children with disabilities

2.07(4)(a) If the State Complaints Officer determines that the Complaint alleges a violation of the IDEA or its implementing regulations in 34 CFR Part 300, then the Complaint shall be processed through CDE's IDEA dispute resolution process. In these cases, the State Complaints Officer shall also have the authority to investigate and process a Complaint alleging improper use of seclusion and restraints in accordance with the timelines and procedures outlined in these rules.

2.07(4)(b) If the State Complaints Officer determines that the Complaint does not meet the criteria under section 2.07(4)(a), he or she shall refer the Complaint to the Restraint Complaints Officer (RCO) within five (5) calendar days of receiving the Complaint and shall notify the complainant in writing of this referral.

2.07(4)(c) Nothing in this subsection shall require the complainant to submit an additional Complaint directly to the RCO.

2.07(5) The Complaint shall be considered properly filed with the Department when it is received in CDE's Dispute Resolution Office and satisfies paragraph 2.07(2) above. A Complaint, once filed, will not be accepted for investigation if the CDE does not have jurisdiction (i.e., authority) to investigate; or if the Complaint does not set forth sufficient grounds on which to grant relief.

2.07(6) Within ten calendar (10) days of receipt of the Complaint, the RCO shall decide to accept or reject the Complaint for investigation and notify the complainant in writing. If the Complaint was sent via mail, the RCO's decision shall be postmarked by the 10th day. If the Complaint is accepted, the RCO shall:

2.07(6)(a) Notify the complainant of receipt and acceptance of the Complaint;

2.07(6)(b) Notify, by certified or overnight mail, the public education agency of each and every allegation contained in the Complaint together with a complete copy of the Complaint; and

2.07(6)(c) Initiate an investigation concerning the allegations contained in the Complaint.

2.07(7) Complaint Timelines:

2.07(7)(a) Response: Within fifteen (15) calendar days of receiving the RCO's notification of the Complaint, the public education agency may file a Response to the Complaint allegations and provide information which it deems necessary or useful for the RCO to consider in conducting a thorough investigation. If the public education agency fails to timely respond to an allegation, the RCO may, in his/her sole discretion, deem the allegation admitted.

The Response is due by 5:00 p.m. on the date due. The public education agency shall provide any written Response to the RCO and also a complete copy of the Response, including any attachments, to the



complainant unless doing so would violate relevant laws regarding confidentiality. The public education agency shall provide the RCO with a legible copy of the written tracking receipt which verifies that a complete copy of the Response, including any attachments, was sent by certified or overnight mail to the complainant.

2.07(7)(b) Reply: Within ten (10) calendar days of delivery of the response, the complainant may file a written Reply to the Response, including any attachments, in support of his/her position. The complainant shall provide any written Reply to the RCO at the address identified in paragraph 2.07(3), above, and also provide the RCO by 5:00 p.m. on the date due with written verification that a complete copy of the Reply, including any attachments, was also mailed or hand-delivered to the public education agency.

The Response and Reply must be delivered by 5:00 p.m. on the date due to the office of the RCO and not merely postmarked by the due date. If the Response or Reply is untimely, the RCO may, within his or her sole discretion, refuse to consider the late document.

2.07(7)(c) Timeline Extensions: If the RCO finds that exceptional circumstances exist with respect to a particular Complaint, the RCO may, in his or her sole discretion, extend for a reasonable period of time, any of the timelines set forth in these Complaint procedures. Any request and extension of a timeline must occur prior to expiration of the timeline and shall be documented in a written order issued by the RCO prior to the expiration of the timeline and mailed to the parties. The RCO does not have authority to extend the regulatory statute of limitations of one (1) year described in Section 2.07(2)(f) above.

2.07(7)(d) If one or more due dates in the process fall on a weekend or a state holiday, the due date shall be the next calendar day following a weekend or state holiday if the due date is on a weekend or state holiday.

#### 2.07(8) Complaint Investigations:

2.07(8)(a) The Complaint investigation may include, but is not limited to: an onsite investigation; request(s) that the complainant or public education agency provide additional information; and request(s) to review records in the possession of either party.

2.07(8)(b) Any time after a Complaint is filed and before the Complaint is resolved, the RCO may recommend a public education agency to undertake immediate action in an extraordinary situation when it is imperative to do so in order to protect the rights, health or safety of any student.

2.07(8)(c) The CDE, through the RCO, shall have sixty (60) calendar days from the date of receipt of the properly filed Complaint, to resolve the Complaint. The parties may mutually agree to extend the sixty (60) calendar day time limit in order to engage in voluntary mediation. Any extension of the Decision due date will be set by the RCO to a date certain as per section 2.07(7)(c), above.

#### 2.07(9) Complaint Resolution:

2.07(9)(a) The RCO shall issue a written decision which details the findings of fact and conclusions of law unless the issues have been previously resolved. Based upon a finding that a public education agency has failed substantially to comply with state laws and regulations for the use of restraint, the RCO will, as part of the resolution of the Complaint, make recommendations to the public education agency of remedial actions that may be taken in order to come into compliance with applicable law and regulations, (e.g., technical assistance and training activities).

2.07(9)(b) The RCO shall have no authority to require corrective action by the public education agency, including but not limited to compensatory education for the child who is the subject of the complaint, monetary reimbursement or attorney fees.

2.07(9)(c) The decision of the RCO shall be final.

**File: JKA-R Revised October 11, 2017**

### **Use of Physical Intervention and Restraint**

#### **Restraint definitions**

Restraint is defined under state law and the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act as any method or device used to involuntarily limit freedom or movement, including but not limited to physical restraint, mechanical restraint, restraint using prescribed medication, and seclusion. With certain exceptions, prone, mechanical, and chemical restraint (using prescribed medication) shall not be used in our district.

Physical restraint means the use of bodily, physical force to limit an individual's freedom of movement.

Physical restraint does not include:

- a. the use of protective or adaptive devices for providing physical support, prevention of injury or voluntary or life-saving medical procedures;

- b. the holding of a student for less than five minutes by a staff person for the protection of the student or other persons;
- c. brief holding of a student by one adult for the purpose of calming or comforting a student;
- d. minimal physical contact for the purpose of safely escorting a student from one area to another;
- e. minimal physical contact for the purpose of assisting the student in completing a task for response.

Mechanical restraint means the physical device used to involuntarily restrict the movement of a student or the movement of normal function of the student's body. Mechanical restraint does not include:

- a. devices recommended by a physician, occupational therapist or physical therapist and agreed to by a student's Individualized Education Program (IEP) team or Section 504 team and used in accordance with the student's IEP or Section 504 plan;
- b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan;
- c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist, and consistent with a student's IEP or Section 504 plan; or
- d. positioning or securing devices used to allow treatment of a student's medical needs.

Chemical restraint means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.

Chemical restraint does not include:

- a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
- b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).

Seclusion means the placement of a student alone in a room from which egress is involuntarily prevented.

Seclusion does not mean:

- a. placement of a student in residential services in the student's room for the night; or
- b. time-out.

Time-out is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.

Bodily injury means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901 (3)(c).

State Board Rules mean the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.

Parent shall be as defined by the State Board rules.

### **Basis for use of restraint**

Staff may use restraint only in cases of emergency and with extreme caution after other less restrictive alternatives have failed or the staff member determines that such alternatives would be inappropriate or ineffective under the circumstances.

An emergency is a serious, probable, imminent threat of bodily injury to self or others where there is the present ability to affect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.

Restraints shall never be used as a punitive form of discipline or as a threat to gain control or gain compliance of a student's behavior.

School personnel shall use restraints only for the period of time necessary and using no more force than necessary; and to prioritize the prevention of harm to the student.

### **Duties relating to the use of restraint**

When restraints are used, the district shall ensure that:

- a. no restraint is administered in such a way that the student is inhibited or impeded from breathing or

- communicating;
- b. no restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
- c. restraints are only administered by district staff who have received training in accordance with the State Board rules;
- d. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
- e. when it is determined by trained district staff that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed; and
- f. the student is reasonably monitored to ensure the student's physical safety.
- g. Additionally, in the case of seclusion, staff shall reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student.

#### **Proper administration of specific restraints**

1. Chemical restraints shall not be used.
2. Mechanical and prone restraints shall not be used, except in the limited circumstances permitted by state law and as may be described in the accompanying policy.
3. Physical restraint
  - a. A person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student.
  - b. A restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
  - c. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.
4. Seclusion
  - a. Relief periods from seclusion shall be provided for reasonable access to toilet facilities.
  - b. Any space in which a student is secluded shall have adequate lighting, ventilation and size.
  - c. To the extent possible under the specific circumstances, the space should be free of injurious items.

#### **Notification requirements**

1. If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff shall notify, in writing, the student's parents, and, if appropriate, the student of:
  - a. The restraint procedures (including types of restraints) that might be used;
  - b. specific circumstances in which restraint might be used; and
  - c. staff involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel shall ensure that the meeting is convened.
3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

#### **Documentation requirements**

1. If restraints are used, a written report shall be submitted within one school day to school administration.
2. The school principal or designee shall verbally notify the parents as soon as possible but no later than the same school day that the restraint was used.
3. A written report based on the findings of the staff review be emailed, faxed or mailed to the student's parent within five calendar days of the use of the restraint. The written report of the use of restraint shall include:
  - a. the antecedent to the student's behavior if known;
  - b. a description of the incident;
  - c. efforts made to de-escalate the situation;
  - d. alternatives that were attempted;
  - e. the type and duration of the restraint used;
  - f. injuries that occurred, if any; and
  - g. the staff present and staff involved in administering the restraint.
4. A copy of the written report on the use of restraint shall be placed in the students' confidential file.

#### **Review of specific incidents of restraint**

1. The district shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize the future use of restraint.

2. The review shall include, but is not limited to:
  - a. staff review of the incident;
  - b. follow up communication with the student and the student's family;
  - c. review of the documentation to ensure use of alternative strategies; and
  - d. recommendation for adjustment of procedures, if appropriate.
3. If requested by the district or the student's parents, the district shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

**General review process**

1. The district shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.
2. The review shall include, but is not limited to:
  - a. analysis of incident reports, including all reports prepared to fulfil the documentation requirements outlined in this policy but not limited to procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow-up;
  - b. training needs of staff;
  - c. staff-to-student ratio; and
  - d. environmental conditions, including physical space, student seating arrangements and noise levels.

**Staff training**

1. The district shall ensure that staff utilizing restraint in schools are trained in accordance with the State Board rules.
2. Training shall include:
  - a. a continuum of prevention techniques;
  - b. environmental management;
  - c. a continuum of de-escalation techniques;
  - d. nationally recognized physical management and restraint practices including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
  - e. methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
  - f. appropriate documentation and notification procedures.
3. Retraining shall occur at a frequency of at least every two years.

**File: JKBA\* Revised June 24, 2015**

**Disciplinary Removal from Classroom**

It is the policy of the Board to maintain classrooms in which student behavior does not interfere with the ability of the teacher to teach effectively or the ability of other students to participate in classroom learning activities.

Students shall be expected to abide by the code of conduct adopted by the Board and any other appropriate classroom rules of behavior established by the building principal and/or classroom teacher for the purpose of maintaining order and a favorable academic atmosphere. Any student who violates the district's code of conduct or a teacher's classroom rules which have been approved by the school administrator may be subject to removal from class and/or disciplinary action.

Student removal from class is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when they are 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 in any particular circumstance. All instances of formal removal from class shall be documented.

A teacher is authorized to immediately remove a student from the teacher's classroom if the student's behavior:

1. violates the code of conduct adopted by the Board;
2. is dangerous, unruly, or disruptive; or
3. seriously interferes with the ability of the teacher to teach the class or other students to learn; or
4. violates the classroom rules which have been pre-approved by the administration.

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.

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 expulsions for the conduct or behavior for which the student was removed.

The superintendent or designee shall establish procedures to ensure that the implementation of this policy is consistent throughout the district. Parents/guardians shall be notified of the student's removal from class in accordance with established procedures.

**File: JKBA\*-R Revised June 24, 2015**

### **Disciplinary Removal from Classroom**

Staff, including administrators and teachers must use their training, experience and authority to create schools and classes where effective learning is possible. Students should be able to attend school and classes as free as reasonably possible from unnecessary and unwarranted distraction and disruption. Behavior that interferes with the classroom environment will not be tolerated.

A student who engages in classroom conduct or behavior prohibited by the classroom rules may be temporarily removed from class by a teacher.

A student who engages in classroom conduct or behavior prohibited by the code of conduct may be removed from class by a teacher and placed temporarily in an alternative setting in accordance with these procedures.

For purposes of this policy and procedure, a "class" includes regular classes, special classes, resource room sessions, labs, study halls, library time, school assemblies and other such learning opportunities taught or supervised by a teacher. "Teacher" means a person holding a license issued by the state who is employed to instruct, direct or supervise an instructional program. "Classroom rules" means those rules adopted by a teacher, and reviewed and approved by the building principal, governing student conduct and behavior within that teacher's class.

### **Informal removal from class or class participation**

An informal removal from class occurs when a student breaks one or several classroom rules in a class period or during the school day. The teacher may remove a student from the class or from class participation by using approved discipline management techniques such as having the student stand in the hall outside the door or some other safe "time out" environment either in or out of the classroom or sending the student to the principal's office for a short period of time. Generally, the student will be allowed to return to his or her classroom either the same day or the following day. The procedures set forth below do not apply to an informal removal from class.

### **Formal removal from class**

A teacher may formally remove a student from class for the following conduct or behavior:

1. Conduct that is prohibited in the student code of conduct. It should be noted that building administrators make decisions regarding suspension and the superintendent or designee makes decisions regarding expulsion. Thus, a teacher's decision to remove a student from class for behavior which is also covered by Board policies regarding suspension and expulsion may, but does not necessarily, mean that the student will also be suspended or expelled from district schools.
2. Disruptive, dangerous, unruly or inappropriate behavior. The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous, unruly or inappropriate:
  - a. Inappropriate physical contact intended or likely to hurt, distract, or annoy others such as hitting, biting, pushing, shoving, poking, pinching, or grabbing;
  - b. Inappropriate verbal conduct intended or likely to upset, distract, or annoy others such as name calling, teasing, or baiting;
  - c. Behavior that may constitute sexual or other harassment, or ethnic intimidation;
  - d. Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment, particularly when others are talking (e.g., lecture by teacher, response by other student, presentation by visitor) or during quiet study time;
  - e. Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.;
  - f. Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out;
  - g. Destroying or damaging the property of the school, the teacher or another student; or

- h. Loud, obnoxious, or outrageous behavior.
- 3. Conduct that otherwise interferes with the ability of the teacher to teach effectively. Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly, and responding appropriately when called upon. A student's noncompliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation, this behavior includes:
  - a. Open defiance of the teacher, manifested in words, gestures, or other overt behavior;
  - b. Open disrespect of the teacher, manifested in words, gestures, or other overt behavior; or
  - c. Other behavior likely or intended to sabotage or undermine classroom instruction.

### **Procedures to be followed for formally removing a student from class**

Unless the behavior is extreme as determined by the teacher, a teacher shall warn a student that continued misbehavior may lead to formal removal from class. When the teacher determines that formal removal is appropriate, the teacher should take one or more of the following courses of action as may be appropriate under the circumstances.

1. Instruct the student to go to the main office. Unless prevented by the immediate circumstances, the teacher shall immediately inform the office of the reason for the student's removal;
2. If the teacher deems it necessary, obtain coverage for the class and escort the student to the main school office. The teacher shall inform the building principal or designee of the reason for the student's removal from class;
3. Seek assistance from the main school office or other available staff. When assistance arrives, the teacher or the other staff member should accompany the student to the main office. The principal or designee shall be informed of the reason for the student's removal.

Within 24 hours of the student's removal from class, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the student's removal from class.

### **Notice to parent/guardian**

As soon as practical, but within 24 hours after the first formal removal from class, the teacher shall notify the student's parent/guardian by telephone or in writing that the student was removed, the duration of the removal, and the basis for the removal. The teacher shall provide an opportunity for the parent/guardian to attend a teacher-student-parent/guardian conference regarding the removal to be held as soon as practical. A conference need not be held prior to the student's return to class. If the student's removal from class is also subject to disciplinary actions (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

As soon as practical, but within 24 hours after the second formal removal, the building principal or designee shall notify the student's parent/guardian, in writing, that the student was removed, the duration of the removal, and the basis for the removal as stated by the teacher. The notice shall provide an opportunity for the parent/guardian to attend a student-teacher conference regarding the removal for the purpose of developing a disciplinary plan of action. A student shall not be returned to such class after a second formal removal unless such conference and plan has been developed. If the student's removal from class is also subject to disciplinary actions (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

### **Placement procedures**

Each building principal shall designate a room or other suitable place in the school to serve as the short-term removal area.

Students placed in the short-term removal area shall be supervised. During their time of placement, students are expected to do work of an academic nature including work provided by the teacher who removed the student from that class. Such work may also be related to the student's misconduct. In no event shall a student's time in the short-term removal area be non-academic, recreational or other free time. At the discretion of the building principal or designee, the student may be placed in another short-term removal area, including an appropriate class, program or educational setting, provided students are supervised in such alternative setting.

In most cases, a student shall remain in the short-term removal area or alternative setting for the duration of the class from which he or she was removed. Prior to allowing the student to resume his or her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be,

ready and able to return to class without recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building principal or designee may consider a different placement option.

### **Behavior plan**

The principal or designee and teacher, in consultation with the parent/guardian, shall develop a behavior plan for the student upon the student's second formal removal from class. The behavior plan will be similar, if not the same, as a remedial discipline plan developed for disruptive students in accordance with Board policy.

### **Removal for the remainder of term**

Upon the third formal removal from class, and upon notice, a student shall be officially removed from the teacher's class for the remainder of that term in accordance with the behavior plan. The principal shall be responsible for determining the appropriate placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. The principal's decision regarding placement is final.

A student removed from class for the remainder of the term shall be provided a reasonable opportunity to complete all class work and receive full-credit for that class. However, once a student is officially removed from class, a loss of credit or partial credit could occur if the principal determines that it would be too disruptive to enroll the student in another class after the start of the term, that such placement would not be practical due to other scheduling factors, or there is no practical means by which the student is able to make up the work.

### **Review of data and removal procedures by principal**

The principal is required to collect data pertaining to the number of students who are removed from class during the year. This information will be reported to the public on the safety section of the school report card. While there are a variety of factors to consider when analyzing this data, an unusually high number of formal documented student removals from any one teacher may be cause for concern. The principal shall review this data and removal procedures with that school's teachers at least annually.

A student may be formally removed from a classroom by a teacher only in accordance with the requirements of this policy and the applicable provisions of state and federal law, specifically including the Individuals with Disabilities Education Act. All teacher actions under this policy shall be subject to supervision by the teacher's supervisor as provided in Board policies and procedures.

### **Due Process**

The principal or designee shall take such reasonable actions as deemed necessary under the circumstances to be satisfied that there is a reasonable probability that the student engaged in the behavior or conduct which lead to the second formal removal from class. In the event that the student denies the behavior or conduct forming the basis for the removal, the principal or designee shall afford an opportunity for the student to explain his or her behavior or conduct, and may conduct such other investigation as deemed appropriate, including, if necessary, interviewing other students who observed the behavior or conduct. This due process hearing may be held in conjunction with the parent/guardian conference.

**File: JKD/JKE Revised May 27, 2020**

### **Suspension/Expulsion of Students (and Other Disciplinary Interventions)**

The Board of Education 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. (See JKD/JKE-R.) 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.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) shall also 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, if any such interventions are utilized.

### **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.

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 of Education delegates to each principal of the school district or to a person designated in writing by the principal the power to suspend a student in third grade and higher grade levels in his/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 ten school days on the grounds stated in C.R.S. 22-33-106 (1)(d) unless expulsion is mandatory under law (see JKD/JKE-E).

Students in preschool through second grade: The Board of Education delegates to the principals of the school district 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 of Education delegates to the superintendent of schools 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. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools 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 superintendent, 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 public schools of the district. 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 superintendent at the conclusion of the hearing. The superintendent shall 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.

Denial of admission or expulsion by the superintendent 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.

Each semester, the superintendent will provide a written summary of expulsion information to the Board.

### **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 district in which the juvenile is enrolled.

The information shall be used by the Board of Education 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. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

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 district to provide an alternative educational program for the student as specified in state law.

### **Restrictions imposed on suspended/expelled students**

#### **1. Suspension**

During a period of suspension, a student shall not attend any classes or participate in any school or district activities or extracurricular activities or functions and shall not be present on any school grounds or on any school property within the district without the express advance consent of the suspending principal. A violation of this policy may result in criminal charges of trespass.

A suspended student shall be required to make up all missed course work.

Upon termination of the suspension, the student shall return to school and shall be eligible to participate in school activities and functions.

#### **2. Expulsion**

During a period of expulsion, a student shall not attend any classes or attend or participate in any school or district activities or extracurricular activities or functions on or off district property. An expelled student shall not be present on any school grounds, which includes busses, within the district without the express advanced consent of the superintendent. A violation of this policy may result in criminal charges of trespass.

Educational programs may be made available to expelled students with the approval of the superintendent/designee\*. An expelled student shall remain subject to the requirements of the school attendance law and, if the student is of compulsory attendance age, the student's parents/guardians shall remain responsible for the expelled student's education either through a home school program, private school or other approved means.

**File: JKD/JKE-R Revised May 27, 2020**

### **Suspension/Expulsion of Students (Hearing Procedures)**

#### **A. Procedure for suspension of 10 days or less**

Through written policy, the Board of Education has delegated to any school principal or to a person designated in writing by the principal, the power to suspend a student for not more than three, five, or 10 school days, depending upon the grade of the student and type of infraction. Pursuant to policy JKD/JKE,

the superintendent has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed 25 school days. As a general rule, a suspension will be three school days or less for students in preschool through second grade, and five or ten school days for students in third grade and higher grade levels.

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

When the term "parent/guardian" is used, it refers to the parent/guardian of students under 18 years of age; if the student is 18 years or older, it refers to the student. All references to parent/guardian are intended to also include legal custodian.

1. **Notice.** The principal, designee or the superintendent at the time of contemplated action will give the student and parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be followed by written notice. If written, delivery will be deemed to be completed at such time as the notice is deposited in the United States mail addressed to the last known address of the student or student's parent/guardian.
2. **Contents of notice.** The notice will contain the following basic information:
  - a. A statement of the charges against the student.
  - b. A statement of what the student is accused of doing.
  - c. A statement of the basis of the allegation. Specific names may be withheld if necessary.

This information need not be sent out formally but should sufficiently inform the student and parent/guardian of the basis for the contemplated action.

3. **Informal hearing.** In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The principal or designee may go further in allowing the student to present witnesses or may themselves call the accuser and hold a more extensive hearing in order to gather relevant information and make a proper decision on the contemplated action.
4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the hearing.
5. **If the student's presence in school presents a danger.** Notice and an informal hearing need not be given 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 student's removal notice and an informal hearing should follow as soon after as practicable.
6. **Decision.** If following the informal hearing the disciplinary action contemplated involves suspension, the principal or designee will base the decision as to whether to suspend primarily on the informal hearing.

If a principal or designee determines that suspension is warranted, he or she may suspend the student for a period not to exceed five school days. However, if the suspension is for serious violations, the period of suspension may be up to and including 10 school days. The duration of the suspension will be subject to the policies and regulations of the Board.

7. **Notification following suspension.** If a student is suspended, the principal or designee delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the principal or designee to review the suspension.

8. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately following a determination by the parent/guardian and the principal or designee of the best way to transfer custody of the student to the parent/guardian.
9. **Readmittance.** No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the principal or designee, the parent/guardian has substantially agreed to review the suspension with the principal or designee. However, if the principal or designee cannot contact the parent/guardian or if the parent/ guardian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
10. **Make-up work.** Suspended students will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work which is completed satisfactorily. In determining whether to provide full or partial credit, pursuant to state law, the goal is to reintegrate the student back into the classroom and help prevent the student from dropping out.
11. **Procedure in lieu of suspension.** In lieu of suspension, a student may remain in school with the consent of the student's teachers if the student's parent/guardian agrees to attend all classes 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 classes with the student, the student will be suspended. The principal or designee may determine that the student's presence in school, even with the student's parent/guardian, poses a threat or potential for disruption. In this case, the option for the student to attend with a parent/guardian may not be permitted.

**B. Procedure for extension of suspensions**

1. The superintendent at his or her discretion may extend a suspension imposed by a principal or designee for a period not to exceed 10 school days. Such extension may be accomplished without further conference or prior notice. The student and the student's parent/guardian will be given written notice of the extension.
2. Following an initial extension of a suspension, the superintendent may extend the suspension for an additional 10 school days if necessary in order to present the matter at the next meeting of the Board. If it is determined that an additional suspension is warranted, the parent/guardian will be notified as soon as practical. The total period of suspension shall not exceed 25 school days.
3. No student will be readmitted to school until a meeting or conference with the superintendent has taken place and the circumstances of the suspension reviewed.

**C. Procedure for expulsion or denial of admission**

In the event that the superintendent contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed (If mandatory expulsion proceedings are pending and the student(s) involved chooses to withdraw from school prior to the expulsion hearing, the district will proceed with the expulsion process.)

1. **Notice.** Prior to the date of the contemplated action, the superintendent will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be in person or by United States mail and will be deemed to be completed when the notice is deposited in the United States mail addressed to the last known address of the student or the student's parent/guardian.
2. **Emergency notice.** In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened provided that the student or the student's parent/guardian have actual notice of the hearing prior to the time it is held.

3. **Contents of notice.** The notice will contain the following basic information:
  - a. A statement of the alleged reasons for the contemplated denial of admission or expulsion.
  - b. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or the student's parent/guardian.
  - c. A statement of the date, time and place of the hearing in the event one is requested.
  - d. A statement that the student may be present at the hearing and hear all information against the student, that the student will have an opportunity to present such information as is relevant and that the student may be accompanied and represented by a parent/guardian and an attorney.
  - e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
  
4. **Conduct of hearing.** A hearing may be requested by the parent/guardian. The hearing will be conducted by the superintendent or designee. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the superintendent or designee but including in all events the student, the student's parent/guardian and, if requested, the student's attorney. Such individuals as may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath if requested by either party. However, technical rules of evidence will not be applicable, and the superintendent or designee may consider and give appropriate weight to such information or evidence deemed appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or the student's representative may question individuals presenting information.

A sufficient record of the proceedings will be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting the same.

If the hearing is conducted by a designee, findings and recommendations will be forwarded to the superintendent. The superintendent will render a written decision no later than five school days after the hearing. The decision will be delivered to the student or the student's parent/guardian in the manner described above. In his or her opinion, the superintendent may establish reasonable conditions for readmission as well as the duration of the expulsion, which may not extend beyond one calendar year.

Each semester, the superintendent will provide a written summary of expulsion information to the Board.

5. **Appeal.** The student or the student's parent/guardian will have the right to appeal the decision of the superintendent to the Board provided that the superintendent is given written notice of such appeal within 10 school days of the superintendent's decision. The Board will set the matter for hearing at its next regular meeting.

If an appeal is properly requested, the Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the challenged action, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the hearing officer, the hearing officer's written decision, and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the district and the parents 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. Members of the Board may ask questions for purposes of clarification of the record.

Upon conclusion of the hearing, the Board may vote to affirm, reverse or modify the superintendent's decision. The Board's decision will be communicated orally and entered in the minutes of the meeting. Upon written request, the Board's decision will be reduced to writing for purposes of further judicial review pursuant to state law.

6. **Information to parents.** If a student between the ages of six and 17 is expelled, the parent/guardian will be responsible for ensuring compliance with the compulsory school attendance law during the expulsion period. Upon expelling a student, district personnel 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 a parent/guardian to request that the district provide services during the expulsion. If the parent/guardian chooses to provide a home-based education program for the student, district personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled and is not receiving services through the district, the school district will contact the expelled student's parent/guardian at least once every 60 days until the student is eligible to re-enroll to determine whether the child is receiving educational services. District personnel need not contact the parent/guardian after the student is enrolled in another school district or in an independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

7. **Re-admittance.** 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:
  - a. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
  - b. there is an identifiable victim of the expelled student's offense; and
  - c. 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.

Additionally, the district retains the right to assign the student returning from expulsion to any school site in the district, if deemed appropriate.

No student will be readmitted to school until after a meeting between the principal or designee and the parent/guardian has taken place, except that if the principal or designee cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit the student.

#### **D. Procedure for crimes of violence or 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 Board or its designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors:
  - a. Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students or school personnel.
  - b. 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.
  - c. Grounds for expulsion of the student exist.
2. If it is determined that the student should not be educated in the schools of the district and that grounds for expulsion exist, the district will proceed with the expulsion of the student, in accordance with the procedures set forth above.
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 but not limited to, an online program authorized by state law or 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 Board or designee may proceed to suspend or expel the student following the procedures set forth in these regulations.
5. Discipline procedures for any student with a disability will be in accordance with state and federal law and Board policy.
6. 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 policy, but shall remain confidential unless the information is otherwise available to the public by law.

**File: JKD/JKE-E Revised May 27, 2020**

### **Grounds for Suspension/Expulsion**

According to Colorado Revised Statutes 22-33-106 (1)(a-g), 22-33-106.1, and 22-12-105 (3), the following may be grounds for suspension or expulsion from a public school:

1. Continued willful disobedience or open and persistent defiance of proper authority.
2. Willful destruction or defacing of school property.
3. Behavior on or off school property which is detrimental to the welfare, health, or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or other children.
4. Declaration as a habitually disruptive student.
  - a. For purposes of this paragraph, "habitually disruptive student" means a child who has caused a material and substantial disruption three times or more during the course of the school year on school grounds, in a school vehicle or at a school activity or sanctioned event. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.
  - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student."
5. The use, possession or sale of a drug or controlled substance.
6. The commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. 18-3-204 if committed by an adult.
7. Possessing a dangerous weapon without the authorization of the school or the school district.

For purposes of this paragraph, "dangerous weapon" means:

  - a. A firearm.
  - b. Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
  - c. A fixed blade knife with a blade that exceeds three inches in length or a spring loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.
  - d. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.
8. Repeated interference with a school's ability to provide educational opportunities to other students.
9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property without the authorization of the school or school district.
10. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

According to C.R.S. 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Education Act and applicable federal law (*see policy JK\*-2, Discipline of Students with Disabilities*), the following

may be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.

**File: JKF\* Revised June 24, 2015**

### **Educational Alternatives for Expelled Students**

Upon request of a student or the student's parent/guardian, the district shall provide educational services deemed appropriate by the district for any student expelled from the district. The educational services will be designed to enable the student to return to the school in which the student was enrolled prior to expulsion, to successfully complete the high school equivalency examination, or to enroll in a non-public, non-parochial school or in an alternative school.

Educational services include tutoring, alternative educational programs, including 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. In addition to educational services, the student or parent/guardian may request any of the services provided by the district through agreements with state agencies and community organizations for at-risk students.

The district shall determine the amount of credit the student shall receive toward graduation for the educational services provided.

Educational services provided by the district shall be designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the conduct and discipline code of the district. Except as required by federal law for special education students, any student who is suspended or expelled while receiving educational services pursuant to this policy shall not receive further services until the period of suspension or expulsion is completed.

The educational services may be provided directly by the district or through agreements with state agencies and community organizations entered into pursuant to state law. The services need not be provided on school district property.

Students who are expelled for conduct or behavior involving a threat of harm to district students or personnel shall be served through a home-study course or in an alternative school setting designed to address such conduct or behavior, at the discretion of the district.

All expelled students receiving services will be included in the district's pupil enrollment, including those expelled prior to the pupil enrollment count date.

**File: JKF\*-R Adopted June 24, 2015**

### **Educational Alternatives for Expelled Students**

Parents/guardians shall be notified in writing at the time of any expulsion of their right to request services from the district if their child is expelled.

All requests for services for expelled students must be made in writing to the principal or to the principal's designee by the student or the student's parent/guardian.

Within 10 school days of receiving the request, the principal will notify the student and the parent/guardian of the goal in providing educational services, the services to be provided by the district and the amount of credit the student will receive.

If an expelled student is not receiving educational services through the school district under the accompanying policy, the parents/guardians shall be contacted at least once every 60 days until the student is eligible to re-enroll to determine the educational services the student is receiving, unless the student is enrolled in another school district or independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

### **Expulsion Prevention**

It is the belief of the Board that available alternatives and prevention services should be explored to help students who are at risk of expulsion before expulsion becomes a necessary consequence. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who are truant, who have been or are likely to be declared habitually truant or to be declared habitually disruptive.

The district, working with the student's parent/guardian, shall provide students who are identified as at risk of suspension or expulsion with a plan to provide necessary support services to help them avoid expulsion. Services may include:

1. educational services (tutoring, alternative educational programs or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies);
2. counseling services;
3. drug or alcohol addiction treatment programs, and/or
4. family preservation services.

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations and institutions of higher education.

The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures, including but not limited to suspension and/or expulsion.

**File: JLCB Revised June 24, 2015**

### **Immunization of Students**

The superintendent or designee(s) shall provide parents/guardians of students enrolled in the district a copy of the standardized immunization document developed by the Colorado Department of Public Health and Environment. The standardized immunization document includes a list of required and recommended immunizations at the age which each immunization should be given.

Students who do not submit an up-to-date certificate of immunization or a written authorization signed by one parent/guardian requesting local health officials to administer the immunizations or a valid exemption may be excluded from the school and/or school environment.

All information distributed to parents/guardians by the district will inform them of their rights to seek an exemption from immunization requirements.

**File: JLCD Revised April 8, 2020**

### **Administering Medications to Students**

School personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours.

Medication, other than medical marijuana, may be administered to students by school personnel whom a district school nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical marijuana. The administration of medical marijuana shall be in accordance with the Board's policy on administration of medical marijuana to qualified students.

The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements. Medication, other than medical marijuana, may be administered to students only when the following requirements are met:

1. Medication shall be in the original properly labeled container. If it is a prescription medication, the student's name, name of the medication, dosage, how often it is to be administered, and name of the prescribing health care practitioner shall be printed on the container.



2. The school shall have received written permission from the student's parent/ guardian to administer the medication to the student and either:
  - a. written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law; or
  - b. a standing medical order, if the medication is an over-the-counter medication such as Advil or Tylenol.
3. The parent/guardian shall be responsible for providing all medication to be administered to the student.
4. The nonprescription medication is a product that has been approved by the federal Food and Drug Administration (FDA).

### **Self-administration of medication for asthma, allergies or anaphylaxis**

A student with asthma, a food allergy, other severe allergies, diabetes, or related, life-threatening conditions may possess and self-administer medication, other than medical marijuana, to treat such conditions. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with the regulation that accompanies this policy.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other severe allergies, anaphylaxis, diabetes or other related, life-threatening condition may be limited or revoked by the school principal after consultation with a district school nurse, the school health clerk and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

Sharing, borrowing or distribution of medication is prohibited. The student's authorization to self-administer medication may be revoked by the school principal after consultation with a district school nurse, the school health clerk and the student's parent/guardian and the student may be subject to disciplinary consequences, including suspension and/or expulsion, for violation of this policy.

### **Medical marijuana**

The Board recognizes the Colorado General Assembly passed HB 16-1373 mandating school districts allow the administration of medical marijuana to students on school grounds under certain circumstances, so long as the school districts do not lose or will not have its federal funds reasonably jeopardized. The Board further recognizes that such state law, whether or not school districts have a corresponding policy, is contrary to federal law, which continues to categorize all forms of marijuana as a Schedule I controlled substance.

The Board strives to honor families' private medical decisions while maintaining a learning environment free of disruption and upholding its commitments to be a drug and alcohol-free environment. To accomplish these goals, the district permits the administration of medical marijuana to qualified students in accordance with state law during school hours if the administration cannot reasonably be accomplished outside of school hours, so long as the district will not lose federal funding as set forth below.

Definitions:

"Designated location" means a location identified in writing by the school district and may only include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado;

"Medical marijuana" means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.

"Permissible form of medical marijuana" means nonsmokeable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time;

"Primary caregiver" means the qualified student's parent, legal guardian or licensed medical professional; and

"Qualified student" means a student who holds a valid registration from the state of Colorado (license issued by the Colorado Department of Public Health and Environment) for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

### **Permissible administration of medical marijuana to a qualified student**

Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the district's policy and/or procedures concerning visitors to schools and all other applicable policies.

The primary caregiver shall be responsible for providing the permissible form of medical marijuana to be administered to the qualified student and only administer the medical marijuana in accordance with this policy and the approved Written Plan (Board Exhibit JLCD-E). After administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver shall remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event. A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location only if all of the following parameters have been met:

1. The qualified student's parent/guardian provided the school with a copy of the student's valid, current registration from the state of Colorado authorizing the student to receive medical marijuana.
2. The primary caregiver creates a Written Plan (Board Exhibit JLCD-E), which receives approval by the district in its sole discretion that identifies the form, designated location(s), and any protocols regarding administration of a permissible form of medical marijuana to the qualified student.
3. Forms of medical marijuana not included in the definition of permissible form of medical marijuana may be proposed by the qualified student's primary parent/ guardian to the superintendent, or his/her designee, who may authorize such a request after consultation with appropriate personnel chosen by the district. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may only be appropriate for students who receive ongoing adult assistance, or on a case-by-case basis, as determined by the district, when adequate protections against misuse may be made.
4. The district director of student services, or his/her designee, shall maintain a copy of each Written Plan (Board Exhibit JLCD-E).
5. The primary caregiver shall not administer the permissible form of medical marijuana in a manner that creates disruption to the educational environment or causes exposure to other students.

### **Additional parameters**

School district personnel shall not administer, give advice related to, or possess medical marijuana in any form; nor shall they be responsible for verifying information related to the medical marijuana such as potency, dosage, and how often it should be administered.

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy shall not apply to school grounds, school buses, or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Qualified students shall not possess or self-administer medical marijuana.

Permission to administer medical marijuana to a qualified student on school grounds, school buses, or school-sponsored events may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow the parameters as outlined in this policy, the student is no longer an eligible student, or the district is no longer required by state law to permit a primary caregiver to possess and administer medical marijuana on school grounds, school buses, or at school-sponsored events.

Any student possession, use, distribution, sale or intoxication of marijuana inconsistent with this policy may be considered a violation of district policy concerning drug and alcohol involvement by students or other district policy and may subject the student to disciplinary consequences up to and including expulsion.

If the federal government indicates that the district's federal funds are jeopardized by this policy, the district declares that this policy shall be suspended immediately and that the administration of any form of medical marijuana to qualified students shall not be permitted on school grounds, upon a school bus or at a school-sponsored event. The district shall post notice of a policy suspension and prohibition in a conspicuous place on its website.

The parent or guardian shall provide a written statement that specifically describes the product and method of administration, and releases the district, its employees, agents, and assigns from any and all legal liability and financial responsibility to the eligible student and any third-party related to the possession and administration of medical marijuana to the eligible student on school property, school buses, or at school-sponsored events.

**File: JLCD-R Revised March 8, 2017**

### **Administering Medications to Students**

If under exceptional circumstances a student is required to take medication during school hours, only a district school nurse or the nurse's designee may administer the medication to the student in compliance with the following regulation. In the alternative, the parent/guardian may come to school to administer the medication. Administration of medical marijuana shall only be in accordance with Board Policy JLCD.

1. All directives of the accompanying policy shall be followed.
2. Written orders from the student's health care practitioner with prescriptive authority under Colorado law shall be on file in the school stating:
  - a. Student's name
  - b. Name of medication
  - c. Dosage
  - d. Purpose of the medication
  - e. Time of day medication is to be given
  - f. Anticipated number of days it needs to be given in school
  - g. Possible side effects
  - h. Signature of parent, which serves as authorization to give the medication
  - i. Signature of health care practitioner
3. The medication shall be brought to school in a container appropriately labeled by the pharmacy or health care practitioner.
4. An individual record shall be kept of medications administered by school personnel.
5. Medication shall be stored in a clean, locked cabinet or container. Emergency medications (such as epinephrine) shall be kept in a secure location accessible to designated school staff.

Unless these requirements can be met, medication will not be administered to students at school.

### **Self-Administration of medication for asthma, allergies or anaphylaxis**

A school shall permit a student to possess and self-administer medication for asthma, severe allergies, diabetes or other life-threatening conditions, such as an inhaler or epinephrine, if all of the following conditions are met:

1. Written authorization signed by the student's health care practitioner must be on file with the school which shall include the student's name; the name, purpose, prescribed dosage, frequency, and length of time between dosages of the medication(s) to be self-administered; and confirmation that the student has been instructed and is capable of self-administration of the medication.
2. A district school nurse or school administrator, in consultation with the school health clerk, the student's health care practitioner, and the student's parent/guardian collaborate to make an assessment of the student's knowledge of his or her condition and ability to self-administer medication.
3. A written statement signed by the student's parent/guardian must be on file with the school, which shall include permission for the student to self-administer his/her medication and a release from liability for any injury arising from the student's self-administration of such medication.
4. A written contract between the school health clerk, school administrator, the student, and the student's parent/guardian must be on file with the school, assigning levels of responsibility to the student's parent/guardian, student, and school employees.

A treatment plan authorizing a student to possess and self-administer medication for asthma or anaphylaxis shall be effective only for the school year in which it is approved

A student shall report to the school health clerk or designee or other adult at the school immediately after the student uses an epinephrine auto-injector during school hours. Upon receiving such report from a student, the school health clerk, designee, or other adult will provide appropriate follow-up care to the student, which shall include making a 911 emergency call.

**File: JLCDA\* Revised June 24, 2015**

### **Students with Food Allergies**

To meet state law requirements concerning the management of food allergies and anaphylaxis among students, the Board sets forth the following requirements.

### **Health care plan**

A district school nurse, or a school administrator in consultation with a district school nurse, shall develop and implement a health care plan (plan) for each student with a diagnosis of a potentially life-threatening food allergy. The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders. If a student qualifies as a student with a disability in accordance with federal law, the student's Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

### **Reasonable accommodations**

Reasonable accommodations shall be made to reduce the student's exposure to agents that may cause anaphylaxis within the school environment. If a student qualifies as a student with a disability in accordance with federal law, the student's Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

### **Access to emergency medications**

Emergency medications for treatment of the student's food allergies or anaphylaxis shall be kept in a secure location accessible to designated school staff. Whenever possible and in a timely fashion, the student's parent/legal guardian shall supply the school with the medication needed for treatment of the student's food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with the Board's policy on administration of medications.

### **Staff training**

The principal or equivalent school administrator, in consultation with a district school nurse, shall determine the appropriate recipients of emergency anaphylaxis treatment training, which shall include those staff directly involved with a student who has a known food allergy during the school day. At a minimum, the training shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize symptoms of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

**File: JLDAC Revised February 26, 2020**

### **Screening/Testing of Students (And Treatment of Mental Disorders)**

Parents/guardians and eligible students have the right to review any survey, assessment, analysis or evaluation administered or distributed by a school to students whether created by the district or a third party. For purposes of this policy, "eligible student" means a student 18 years of age or older or an emancipated minor. Any survey, assessment, analysis or evaluation administered or distributed by a school to students shall be subject to applicable state and federal laws protecting the confidentiality of student records.

### **Survey, assessment, analysis or evaluation for which consent is required**

Except as otherwise permitted by law, students shall not be required to submit to a survey, assessment, analysis, or evaluation that is intended to reveal information, whether the information is personally identifiable or not, without prior written consent of the parent/ guardian or eligible student, if that survey, assessment, analysis, or evaluation reveals information in the following areas ("protected information"):

1. political affiliations or beliefs of the student or the student's parent/guardian
2. mental or psychological conditions of the student or the student's family
3. sexual behavior or attitudes
4. illegal, anti-social, self-incriminating or demeaning behavior
5. critical appraisals of other individuals with whom the student has a close family relationship
6. legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers
7. religious practices, affiliations or beliefs of the student or the student's parent/ guardian
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
9. social security number

School personnel responsible for administering any such survey, assessment, analysis or evaluation shall give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and shall make

a copy of the document available for viewing at convenient times and locations. The notice shall offer to provide the following written information upon request:

1. records or information that may be examined and required in the survey, assessment, analysis or evaluation
2. the means by which the records or information shall be examined, reviewed, or disseminated
3. the means by which the information is to be obtained
4. the purposes for which the records or information are needed
5. the entities or persons, regardless of affiliation, who will have access to the information; and
6. a method by which a parent/guardian can grant or deny permission to access or examine the records or information

These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

### **Exceptions to policy**

Nothing in this section of the policy shall:

1. prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, assessment, analysis or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law
2. be construed to prevent a district employee from reporting known or suspected child abuse or neglect as required by state law
3. be construed to limit the ability of a health professional that is acting as an agent of the school district to evaluate an individual child
4. be construed to require parental notice or consent for a survey, assessment, analysis or evaluation related to educational products or services for or to students or educational institutions. These products and services include, but are not limited to, the following:
  - college or other postsecondary education recruitment or military recruitment activities
  - book clubs, magazines and programs providing access to low-cost literary products
  - curriculum and instructional materials used by district schools
  - tests and assessments used by district schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students
  - the sale by students of products or services to raise funds for school-related or education-related activities
  - student recognition programs
5. be construed to require parental notice or consent for assessments used to collect evidence of what a student knows and is able to do and to measure a student's academic progress toward attaining a content standard
6. limit the ability of the district to administer a suicide assessment or threat assessment

### **Surveys, assessment, analysis or evaluation for marketing purposes**

Parents/guardians and eligible students shall receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

### **Annual notice**

At the beginning of each academic year, the district shall inform parents/guardians and eligible students that the parent/guardian or eligible student has the right to consent before students are required to submit to a survey that concerns one or more of the protected areas and to opt out of the following:

1. activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information;
2. the administration of any protected information survey; or
3. any non-emergency, invasive physical examination or screening (other than a hearing, vision or scoliosis screening) that is:
  - required as a condition of attendance;
  - administered by the school and scheduled by the school in advance; and
  - not necessary to protect the immediate health and safety of the student or of other students.

### **Psychiatric/psychological/behavior testing methods or procedures**

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used. Prior to conducting any such testing, school personnel shall obtain written permission from the parent/guardian or eligible student in accordance with applicable law.

School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian, and such discussions may include a suggestion that the parent/ guardian speak with an appropriate health care professional regarding any behavior concerns that school personnel may have. Only those persons appropriately certified or licensed may expose students to any psychiatric or psychological method or procedure for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent/guardian.

Licensed school personnel are encouraged to be knowledgeable about psychiatric or psychological methods and procedures but shall not be involved in any diagnosis, assessment or treatment of any type of mental disorder or disability unless appropriately certified. In accordance with state law, school personnel including certified school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teach about psychological or psychiatric methods or procedures shall be permissible and considered outside the scope of this policy. It is understood that there is a significant difference between practicing therapy and providing activities that may be therapeutic in nature. Any teacher who questions whether a planned activity is one involving psychiatric or psychological methods or procedures for which the teacher may not be properly certified or licensed shall consult with the school principal.

### **Special education evaluation**

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

**File: JLF Revised June 24, 2015**

### **Reporting Child Abuse/Child Protection**

It is the policy of the Board that the district complies with the Colorado Children's Code regarding the reporting of suspected child abuse or neglect.

To that end, any school official or employee who has reasonable cause to know or suspect that a child, has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately upon receiving such information report or cause a report to be made to the appropriate county department of social services or local law enforcement agency. Failure to report promptly may result in civil and/or criminal liability. A person who reports child abuse or neglect in good faith is immune from civil or criminal liability.

Reports of child abuse or neglect, the name and address of the child, family or informant or any other identifying information in the report shall be confidential and shall not be public information. Under no circumstances should photographs be taken of the student.

The superintendent or designee shall provide periodic in-service programs for all employees in order to provide them with information about the Colorado Children's Code, to assist them in recognizing and reporting instances of child abuse and to instruct them on how to assist victims and their families.

School employees and officials shall not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school official or employee to prove that the child has been abused or neglected.

The superintendent or designee shall submit such procedures as are necessary to the Board for approval to accomplish the intent of this policy.

**File: JLF-R Revised August 26, 2015**

### **Reporting Child Abuse/Child Protection**

#### **1. Definition of abuse or neglect**

Child abuse or neglect is defined in law as “an act or omission which seriously threatens the health or welfare of a child.” Specifically, this refers to:

- a. Evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and such condition or death which is not justifiably explained or where the history given concerning such condition or death is at variance with the condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
- b. Any case in which a child is subject to unlawful sexual behavior as defined in state law.
- c. Any case in which a child is in need of services because the child’s parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.
- d. Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment of the child’s intellectual or psychological functioning or development or a substantial risk or impairment of the child’s intellectual or psychological functioning or development.
- e. Any act or omission described as neglect in state law as follows:
  - i) A parent, guardian or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or allowed another person to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
  - ii) The child lacks proper parental care through actions or omissions of the parent, guardian or legal custodian.
  - iii) The child’s environment is injurious to his or her welfare.
  - iv) A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for his or her health, guidance or well-being.
  - v) The child is homeless, without proper care or not domiciled with his or her parent, guardian or legal custodian through no fault of such parent, guardian or legal custodian.
  - vi) The child has run away from home or is otherwise beyond the control of his or her parent, guardian or legal custodian.
  - vii) A parent, guardian or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse and the parent, guardian or legal custodian has been the respondent in another proceeding in which a court had adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or has determined that such parent’s, guardian’s or legal custodian’s abuse or neglect caused the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

#### **2. Annual training**

Each school principal or designee shall review this policy, regulation and exhibit with all school staff members on an annual basis at the beginning of the school year. The superintendent or designee will ensure that this information is reviewed with all other district employees having routine contact with students in that same time frame on an annual basis.

#### **3. Reporting requirements**

Any school employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact to the appropriate county department of social services or appropriate law enforcement agency, or through the statewide child abuse reporting system at 1-844-264-5437. The employee must follow any oral report with a written report sent to the appropriate agency. The standard written report format is available on the district website, at each school, and/or through the office of security and emergency management.

In cases where the suspected or known perpetrator is a school employee, the report should be made to the law enforcement agency. (Reports made to social services will be referred to law enforcement.)

If a child is in immediate danger, the employee should call 911. “Immediate” refers to abuse that occurs in the employee’s presence or has just occurred.

The employee reporting suspected abuse/neglect to social services or law enforcement officials must inform the school principal as soon as possible orally or with a written memo. The ultimate responsibility for seeing that the oral and written reports are made to social services or law enforcement agencies lies with the school

official or employee who had the original concern. Adequate follow-up is required to ensure that such reports have been made.

#### **4. Contents of report**

The following information should be included to the extent possible in the initial oral report:

- a. Name, age/date of birth, and sex of the child.
- b. Name, address and phone number of the child's parents/guardians and/or persons with whom the child lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or neglect, as well as any other pertinent information about this individual.
- d. The nature and extent of the child's injury or condition as well as any evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings—all with dates as appropriate.
- e. The family composition, if known.
- f. Any action taken by the person making the report.
- g. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the school official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. School personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. School personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A school employee's reasonable cause to suspect that the child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry or from an explanation which does not fit the injury.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

#### **5. After filing reports**

After the report is made to the agency, district and school staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The school will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the school will provide support services for the child.

Once a report of child abuse is given to the agency, the responsibility for investigation and follow-up lies with the agency. It is not the responsibility of the school staff to investigate the case. Therefore, the school staff will not engage in the following activities:

- a. Make home visits for investigative purposes.
- b. Take the child for medical treatment. (This does not preclude taking action in an emergency situation.)
- c. Convey messages between the agency and the parents/guardian.

Authorized school and district personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

#### **6. Guidelines for consideration**

- a. If any school employee has questions about reasonable cause of child abuse and the need for making a report, the employee may consult with the school principal and/or the office of safety and security, unless the alleged perpetrator is an employee, then they should notify the assistant superintendent of human resources. Consulting with the county department of social services may be advisable.

Note that consultation with another school official or employee will not absolve the school official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise a court order must be obtained to legally withhold a child from his or her parent or guardian.
- c. When any school official or employee has a question about the thorough investigation of suspected abuse/neglect following the filing of a report, the employee or official should contact the school principal, the office of security and emergency management and/or the county department of social services.



**Use of Safety and Security Technologies**

The Board of Education recognizes that maintaining the safety and security of students, staff and district property is best implemented with a multifaceted approach. To the extent that modern electronic technologies such as video surveillance cameras assist in providing another tool to establish and maintain safer environments, the use of electronic technologies is supported by the Board of Education.

The use of electronic technologies shall be in accordance with applicable state and federal laws pertaining to such use. The district also shall comply with applicable law related to maintaining electronic recordings.

**Use of Safety and Security Technologies**

**Use**

1. Electronic recording equipment may be utilized on school premises, district property and on district vehicles for the purpose of promoting safety.
2. The district shall notify its students and staff that electronic recording equipment may be in use on any school/district property or on any district vehicle.
3. Written signage will be displayed on school/district property or district vehicles where electronic recording equipment is used and will include notice that electronic recording equipment may or may not be in use at any time.
4. Staff and students are prohibited from unauthorized use, tampering with or otherwise interfering with the district's electronic recording equipment and will be subject to appropriate disciplinary action for such violations. Disciplinary action shall be consistent with district policies and procedures.
5. The building principal, authorized district administration and designated trained staff shall be the only personnel allowed to view recorded images. However, recorded images showing discipline, legal or policy violations, may be viewed by other appropriate district personnel or legal authorities.
6. Recorded images may be copied for the purpose of evidence in a criminal investigation. A formal request by law enforcement and case number must accompany the request to the district executive director of safety and security.
7. Electronic technologies shall not monitor areas where students, staff and the public have a reasonable expectation of privacy such as locker rooms and adult and student restrooms.
8. The district shall provide reasonable safeguards including but not limited to password, code and/or firewall protection and controlled physical access to the equipment or stored recordings to protect from unauthorized use.

**Use on school property:**

1. The use of electronic recording equipment on school property shall be supervised and controlled by the building principal/designee and the district executive director of safety and security. The district executive director of safety and security will also designate who operates the system and who monitors and maintains the recordings.
2. Electronic recording equipment may be installed on outside grounds at schools and buildings and in common areas inside the school as deemed necessary by the district and approved by the superintendent. The superintendent may approve the use of covert electronic recording equipment on an as needed basis. Electronic recording equipment shall not be located in any area in which the public has a reasonable expectation of privacy, i.e., restrooms, locker rooms, etc.
3. Electronic cameras may be in use 24 hours per day with signage to notify patrons who use the premises that electronic recording equipment is in use.
4. When video monitors are used in schools, they shall be located in the administrative and/or security offices at the school. Staff will take appropriate precautions (closing and locking door, locking computer screen, etc.) to ensure unauthorized personnel do not have access to view video footage. Unauthorized personnel may include students, parents, visitors, and other staff members.

**Use in district vehicles:**

1. The use of electronic recording equipment on district vehicles shall be supervised by the director of transportation. The director of transportation will also designate who operates the system and who maintains the recordings.
2. A notice will be posted on all school buses that electronic recording equipment may be used for student management purposes.
3. When a district vehicle is equipped with electronic recording equipment, such equipment may or may not be actively recording and specific notice shall not be given other than the notice that the equipment is used.

4. Electronic recordings from district vehicles may be stored for a maximum of six months.

#### **Storage/security/chain of custody**

1. All electronic recordings will be stored and secured to ensure confidentiality. Storage devices that are not in use shall be locked in a secured storage area. Only authorized access shall be allowed and a log of all instances of access to and use of recorded materials shall be kept.
2. Unless otherwise specified in this policy, electronic recordings shall be stored for a maximum of 20 days after initial recording, whereupon such recordings may be released for rerecording or erasure unless otherwise directed by the executive director of safety and security. The storage method will be dependent upon the type of system installed, which may vary from school to school, and with the introduction of new technology.
3. Electronic recordings held for review of student or staff incidents shall be maintained in their original form pending resolution of the issue. Recordings then will be released for erasure, copied for authorized law enforcement agencies, retained as a necessary part of the student's behavior record, or retained as a necessary part of a personnel record in accordance with applicable Board Policy.
4. All requests for copying a recorded image must be done through submitting a Law Enforcement Records Request form to the executive director of safety and security. The executive director of safety and security will track all requests.

#### **Viewing and copying requests**

1. Law enforcement requesting a copy of a recorded image shall complete the Law Enforcement Record Request form and submit to the executive director of safety and security for authorization of copying recorded footage. Authorization will be considered on a 'need to know' basis only and released in accordance with applicable law.
2. Written requests for viewing will be limited to those whom the district determines have a need to view the recordings to substantiate evidence that has led to a disciplinary and/or legal action. This also applies to district employees who are requesting to view video outside the scope of their normal job duties (e.g. a staff member wanting to view an incident involving their own child would have to make a written request).
3. Only a specific incident and/or related incident will be made available when a request for viewing is made and approved.

#### **Viewing**

1. Approved viewing will be permitted only at District facilities and supervised by the building principal/designee, executive director of safety and security or the director of transportation.
2. To the extent required by law, a written log will be maintained of those viewing electronic recordings including the date of viewing, reasons for viewing, date the recording was made, name of the viewer and, when appropriate, district vehicle videotaped and name of the vehicle's driver.
3. Electronic recordings will remain the property of the district and may be reproduced only in accordance with applicable law and Board policy.

#### **Student records**

1. The district will comply with the requirements of federal and state laws and Board policies regarding student records as applicable in the district's use of electronic recordings.
2. Electronic recordings may be considered for retention as part of a student's behavioral record or as part of an employee's personnel record. Such records shall be maintained in accordance with applicable law and Board policy.

#### **Training of electronic recording equipment**

1. District employees who are responsible for the installation, maintenance and surveillance monitoring shall be required to attend a district-sponsored training on the use and legal requirements associated with electronic recording equipment.

**File: JQ Revised June 26, 2019**

#### **Student Fees, Fines and Charges**

Students shall not be charged an instructional fee as a condition of enrollment in school or as a condition of attendance in any class that is considered part of the academic portion of the district's educational program except tuition when allowed by law. However, the district may require students to pay textbook fees, fees for expendable materials and other miscellaneous fees as more fully set forth in this policy.

All student fees and charges shall be adopted by the Board annually at the beginning of each school year. Any fees added must be submitted for Board approval prior to the fee being charged. The fees shall remain in place

until modified or removed by Board resolution. All student fees adopted by the Board shall be used for the purposes set forth in the motion and shall not be spent for any other purpose.

Fees attached to courses required for graduation may be waived upon request. Any fee not waived or not paid may exclude a student from that activity. Participation in courses, activities and acquisition of miscellaneous items may either be required or elective depending on individual student choice and academic pathway towards graduation. Fees related to courses, activities and miscellaneous items are required when a student's choice is elective or there are no additional options available for completion of a graduation requirement.

All fees for textbooks, expendable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(h).

**File: JQ-R Revised January 24, 2018**

### **Student Fees, Fines and Charges**

#### **Fees for use of textbooks, library resources and other school property**

School property, such as textbooks, is often loaned to students. No fee will be assessed for this property. However, it is expected that students shall return textbooks, library resources and other school property to the school in good condition.

Students shall be assessed fines for lost or damaged school property.

In computing textbook fines, replacement costs shall be 100 percent for books one to three years old. Replacement costs in the fourth year, and each consecutive year, shall be reduced by ten percent from the original cost, with minimum replacement costs of 60 percent of the original cost. Library books, materials and equipment lost or rendered unusable shall be charged at current replacement costs.

For damaged technology equipment, the fee shall be 100 percent of the cost of repair. If a device is lost or rendered unrepairable, the fee shall be the current cost of replacement.

If the school district has made a reasonable effort to obtain payment for lost or damaged school property and the student is graduating, the district may deny the privilege of participation in the graduation ceremony if the student has failed to return or replace this property by the date of the ceremony. Alternative payment methods, such as installment plans or school service, shall apply to students who are unable to pay.

#### **Fees for consumable supplies and materials**

Teachers shall select instructional activities for each course that are based on district standards. Students may be charged a fee for consumable supplies and materials used in the course. Fees attached to courses required for graduation may be waived upon request. Fees for consumable supplies and materials shall relate directly to the actual cost of providing these materials to the individual student. When fees are used for supplies and materials, those items shall contribute to a project that becomes the property of the student. Fees shall correlate with a specific course in the school year for which they are collected. In addition, students may be required to pay for optional materials they select for class projects that are above the basic requirements for the course and are to be retained by the student.

#### **Participation fees**

Students participating in athletic, intramural, cheerleading and forensic programs shall pay a participation fee. Any participation fee collected shall be used to fund the particular activity for which it is charged and not for any other purpose. The participation fee shall be paid prior to a student being involved in the activity. Fees may be waived if there is financial need. Participation fees shall be waived for homeless students as defined by McKinney-Vento. Participants who are cut or who quit an activity up to and including the 15<sup>th</sup> calendar day from their first day of practice shall be reimbursed the full amount of the fee. Requests for reimbursement shall be made no later than 25 calendar days after the beginning date.

A coach will not allow a student to participate in any practice or game without the signed form from the school office. This form shall act as receipt of fees.

Fees will be deposited by the recipient school; the deposit slip and receipt will be forwarded to the district's office of financial services no later than 30 days after the beginning of the athletic or forensics season. Fees will be deposited in a district-wide student activities account using current deposit procedures. Fees collected for cheerleading participation will be deposited in the school's cheerleading activities account.

A listing of participants will be sent to the executive director of athletics, activities and fine arts listing names, amount of collections, waivers and reimbursements no later than 30 calendar days after the beginning of the season.

### **Miscellaneous fees**

Students may be asked to pay miscellaneous fees as a condition of voluntary participation in or attendance at school-sponsored activities or programs not within the academic portion of the educational program. Extracurricular, co-curricular activities and student organizations may collect fees to cover the cost of specific activities and/or events.

Students participating in activities which are not required by the teacher or used in the determination of a grade may be required to pay charges covering the cost of the activity. Students may be required to pay for such charges including but not limited to all or part of field trip costs, admission or entrance fees, food costs, and lodging. However, it is incumbent upon the teacher and principal to make reasonable efforts to be sure no student is denied the ability to participate in trips or other enrichment activities because of lack of funds.

There shall be no admission charge for students for any program given at school during the school day. Students may be charged admission for programs and events held after school hours.

Student activity passes shall be available to all secondary students at a reasonable price to encourage school-wide participation in activities. The cost of activity passes shall be set at each school based on regular season league prices. Activity passes shall admit students to selected student activities. Activity passes shall not be transferable. CHSAA sponsored, post-season playoff games do not allow the use of these activity passes. Post-season tickets are sold separately.

### **Waiver of fees**

Fees attached to courses required for graduation may be waived upon request. Any optional fee not waived or not paid may exclude a student from that activity. All fees, fines and charges for textbooks and expendable supplies and materials required for classes within the academic portion of the educational program and any transportation fee shall be waived for indigent students. An indigent student is defined as any child who is eligible for a free or reduced price lunch under the federal poverty income guidelines. Homeless students as defined by McKinney-Vento are also designated as indigent. (Extreme hardship situations not meeting this minimum may be considered by the principal.) Notification of how a student may request a scholarship or access a waiver shall be published in course description books.

Fees for textbooks, consumable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(e).

### **Fee schedule**

A complete list of student fees and their purposes shall be maintained by building principals and made available upon request. Parents shall be informed of the fee schedule or otherwise how to apply for a waiver of fees. Students qualifying for a fee waiver will receive it without unnecessary embarrassment or public exposure of their need.

A list of all fees will be submitted to the Board on an annual basis and coincide with the publication of course description books at each school. Prior to submission to the Board of Education, fee lists will be reviewed and approved by building principals and the department of learning services.

Notification of fees and what they purchase shall be included in course description books. In addition, notification may be included in but not limited to newsletters, summer letters, and course syllabi.

Students may be requested to bring specific, necessary supplies for their own use in the classroom. This list shall be prepared by the teacher, approved by the principal, and provided to the parent. Schools may not require students to bring supplies to the class to be "pooled" or for shared use by the other students. Donations voluntarily shared will be considered optional.

### **Fee changes**

Any changes to fees must be reviewed and approved by building principals and the department of learning services and then approved by the Board. Approval shall be obtained prior to the fees being changed and charged.

### **Additional program fees**

The Board may approve fees recommended by the superintendent for programs offered during that period of the calendar year not embraced within the regular school year. Examples could include but are not limited to continuation programs, part-time programs, evening programs, career and technical programs, community educational programs, cultural, recreational, social and other “opportunity programs.”

**File: JRA/JRC Revised March 10, 2021**

### **Student Records/Release of Information on Students**

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student’s parent/guardian or the eligible student, except as set forth in law and this policy.

The superintendent or designee shall provide for the proper administration of student education records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

### **Content and custody of student education records**

The principal is the official custodian of student education records in his or her building.

Student education records are those records that relate directly to a student. Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Educational Program (IEP).

Student education records do not include records maintained by a law enforcement unit of the school district that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student’s education records.

In accordance with applicable law, requests for inspection and review of student education records, requests for copies of such records, and disclosure of personally identifiable information therein, shall be maintained and logged as a part of each student’s education record.

School personnel shall use reasonable methods to authenticate the identity of parents/guardians, students, school officials, and other parties to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures shall be required.

### **Access to student education records by parents/guardians and eligible students**

A parent/guardian has the right to inspect and review his or her student’s education records if the student is under 18 years of age. If a student is 18 years old or older (“eligible student”), the student may inspect or review his or her own education records and provide written consent for disclosure of such records and personally identifiable information therein. However, the parent/guardian also is entitled to access his or her student’s education records, despite the lack of written consent from the eligible student, if an eligible student is a dependent for federal income tax purposes or the disclosure is in connection with a health or safety emergency. Access to student education records by parents or eligible students shall be in accordance with the regulation accompanying this policy.

### **Request to amend student education record**

A parent/guardian or eligible student may ask the district to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record shall be in accordance with the regulation accompanying this policy.

### **Disclosure with written consent**

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information from a student’s education record, the notice provided to the parent/guardian or eligible student shall contain the following:

- a. the specific records to be disclosed;

- b. the specific reasons for such disclosure;
- c. the specific identity of any person, agency or organization requesting such information and the intended uses of the information.
- d. the method or manner by which the records will be disclosed; and
- e. the right to review or receive a copy of the records to be disclosed.

The parent/guardian's or eligible student's consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required by this policy.

All signed consent forms shall be retained by the district.

**Disclosure without written consent**

The district may disclose student education records or personally identifiable information contained therein without written consent of the parent/guardian or eligible student if the disclosure meets one of the following conditions:

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein.
  - a. For purposes of this policy, a "school official" is a person employed by the district as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, consultant or therapist); a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.
  - b. A school official has a "legitimate educational interest" if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official's area of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll or has enrolled. Any records sent during the student's application or transfer period may be supplemented, updated or corrected as necessary.
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities.
4. The disclosure is in connection with a student's application for, or receipt of, financial aid.
5. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
7. The disclosure is to accrediting organizations for accrediting functions.
8. The disclosure is to the parent/guardian of an eligible student and the student is a dependent for IRS tax purposes.
9. The disclosure is in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.
10. The disclosure is to comply with a judicial order or lawful subpoena. The district shall make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena unless:
  - a. The court order or subpoena prohibits such notification; or
  - b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.
11. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.

12. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.
13. The disclosure is of "directory information" as defined by this policy.

### **Disclosure of directory information**

Directory information may also be disclosed without written consent of the parent/guardian or eligible student. "Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The superintendent or designee reserves the right to determine, in his or her sole discretion, if a disclosure is considered harmful or an invasion of privacy. Directory information which may be released includes but is not limited to the student's name, photographs, grade level, participation in officially recognized activities and sports, weight and height of athletes, degrees, honors and awards received, and dates of attendance.

Student telephone numbers and mailing addresses shall not be disclosed pursuant to this section. Bulk data requests made by third parties, such as requests for lists of students' names, phone numbers, email addresses, etc., for marketing purposes, may be denied at the discretion of the superintendent or designee.

### **Disclosure of disciplinary information to school personnel**

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. 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.

State law requires the principal or designee to inform the student and the student's parent/guardian when disciplinary information is communicated and to provide a copy of the shared disciplinary information. The eligible student and/or the student's parent/guardian may challenge the accuracy of such disciplinary information through the process outlined in this policy and accompanying regulation.

### **Disclosure to military recruiting officers**

Names, addresses and home telephone numbers, as well as directory information, of secondary school students shall be released to military recruiting officers within 90 days of the request, unless a parent/guardian or eligible student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

### **Disclosure to Medicaid**

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent/guardian before the release of any non-directory information required for billing. To accomplish this, the district shall;

- include a consent form with the "start of school" information each fall.
- include a consent form with IEP packet materials.
- include a consent provision on the Medical Emergency form.

### **Disclosure to the Colorado Commission on Higher Education (CCHE)**

On or before December 31 of each school year, the school district shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

### **Publication of student photos on district/school web pages**

Student pictures shall not be published on district or school web pages without prior written parent/guardian or eligible student permission. Students' last names shall not accompany pictures, except for senior high students. No other personal student information may be included on a page (address, phone number, email address, etc.). School staff is responsible for collecting and retaining all parent/guardian or eligible student photo permits.

### **Annual notification of rights**

The district shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. A copy of this policy and accompanying regulation will be included annually in the annual notification to parents/guardians and behavioral code of conduct book given to each student and is available

electronically on the district's website. For notice to parents/guardians or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act (FERPA), and this policy and accompanying regulation may be obtained from the office of the superintendent during normal business hours.

### **Governing law**

The district shall comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The district shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

**File: JRA/JRC-R Revised June 24, 2015**

### **Student Records/Release of Information on Students (Notification to Parents/Guardians and Students of Rights Concerning Student Education Records)**

The Family Educational Rights and Privacy Act ("FERPA") and Colorado law afford parents/guardians and students over 18 years of age (eligible students) certain rights with respect to the student's education records, as follows:

**1. The right to inspect and review the student's education records within a reasonable time period after the request is made (not to exceed 45 days).**

A parent/guardian or eligible student making such a request must submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal, upon receipt of the written request, will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected. The student's records shall be examined in the presence of the principal or designee.

During inspection and review of student education records by a parent/guardian or eligible student and when requested by them, the principal shall provide personnel necessary to give explanations and interpretations of the records.

The original record itself shall not be taken from the school building. However, upon request, one copy of the record shall be provided within a reasonable time to the parent/guardian or eligible student at a reasonable cost of \$.25 a page and/or \$2.00 per document for immunization records, transcripts, birth certificates, report cards or health records, or no more than \$10.00 per request for complete cumulative folders or IEPs. There will be a \$6.00 charge per education/graduation verifications. There will be a transaction fee of \$4.00 associated with each request when paying with credit card.

**2. The right to request the amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights.**

A parent/guardian or eligible student may ask the district to amend a record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student by writing to the school principal (or appropriate school official) clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading or otherwise violates the privacy rights of the student. The request to amend a student's education record must be made in writing within ten (10) school days of the date the records were first examined.

If the principal or higher administrative official, after consulting with any other person(s) having relevant information, decides not to amend the record as requested, the principal will notify the parent/guardian or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. A request for a hearing must be made in writing to the superintendent or designee and requested within 10 school days of the parent/guardian's or eligible student's receipt of the decision denying the request to amend the student's education record.

If the parent/guardian or eligible student requests a formal hearing, the hearing shall be held in accordance with the following:



- a. The hearing will be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent/guardian or eligible student by certified mail.
- b. The hearing will be conducted by a principal or higher administrative official as designated in writing by the superintendent or designee. The official conducting the hearing shall not be the principal who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.
- c. Parents/guardians or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
- d. The official designated above shall make a decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent/guardian or eligible student of that decision by certified mail.
- e. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- f. The decision shall include a statement informing the parents/guardians or eligible student of their right to place in the student records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the district. If the student record is disclosed by the school to any other party, the explanation also shall be disclosed to that party.

3. **The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA and state law authorize disclosure without comment.**

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information regarding a student, the notice provided to the parent/guardian or eligible student shall contain the following:

- a. the specific records to be disclosed;
- b. the specific reasons for such disclosure;
- c. the specific identify of any person, agency or organization requesting such information and the intended uses of the information
- d. the method or manner by which the records will be disclosed; and
- e. the right to review or receive a copy of the records to be disclosed

The parent/guardian's or eligible student's consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required by this regulation.

All signed consent forms shall be retained by the school district.

4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education  
400 Maryland Avenue, SW, Washington, DC 20202-5920

5. **The right to refuse to permit the designation of any or all of the categories of directory information.**

The district is permitted by law to disclose directory information as defined in policy JRA/JRC without written consent of the parent/guardian or eligible student. Directory information means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The parent/guardian or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance.

6. **The right to request that information not be provided to military recruiting officers.**

Names, addresses and home telephone numbers as well as directory information of secondary school students will be released to military recruiting officers within 90 days of the request unless a student submits a written request that such information not be released.

**File: JRCA\* Revised June 24, 2015**

**Sharing of Student Records/Information between  
School Districts and State Agencies**

It is the Board of Education's intention to utilize all avenues under state law to facilitate the sharing of relevant student records and information when necessary to protect the safety and welfare of school district staff, visitors, students, and the public and to protect property.

The superintendent or designee is directed to develop procedures and a training program for staff consistent with this policy. The procedures shall direct school district personnel to provide and obtain student records and information to/from state agencies, including law enforcement and judicial department agencies, to the extent required or allowed by state and federal law.

#### **Sharing of information by the school district**

Disciplinary and attendance information shall only be shared with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to adjudication. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.

School personnel who share disciplinary and attendance information concerning a student pursuant to this policy are immune from civil and criminal liability if they act in good faith compliance with state law.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from student's education records.

#### **Information obtained from state agencies**

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including to protect public safety and safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

School district personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained. School personnel who knowingly violate this provision are subject to disciplinary action.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Educational Rights and Privacy Act ("FERPA").

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 district in which the juvenile is enrolled.

The information shall be used by the Board of Education 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. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

**File: JRCSB\* Adopted May 24, 2017**

#### **Student Information Privacy and Protection**

The Board is committed to protecting the confidentiality of student data obtained, created and/or maintained by the district. The Board directs district staff to manage its student data privacy, protection and security obligations in accordance with this policy and applicable law.

The scope of this Board policy is limited to a "school service", as such term is defined in the Colorado Student Data Transparency and Security Act (Act) and this policy.

#### **Definitions**

"Local administrator" means the lead administrator for a specific location, department, or area of responsibility such as a school principal, department executive director, or area assistant superintendent.

"School Service" means an internet website, online service, online application, or mobile application, that:

- a) Is designed and marketed primarily for use in a preschool, elementary school, or secondary school;
- b) Is used at the direction of teachers or other employees of a local education provider; and
- c) Collects, maintains, or uses student personally identifiable information

A school service does not include an internet website, online service, online application, or mobile application that is designed and marketed for use by individuals or entities generally, even if it is also marketed to a United States preschool, elementary school or secondary school.

“School service contract provider” or “contract provider” means an entity, other than a public education entity or an institution of higher education, which enters into a formal, negotiated contract with a public education entity to provide a school service.

“School service on-demand provider” or “on-demand provider” means an entity, other than a public education entity, that provides a school service on occasion to a public education entity, subject to agreement by the public education entity, or an employee of the public education entity, to standard, non-negotiable terms and conditions of service established by the providing entity.

“Student personally identifiable information” or “student PII” means information that, alone or in combination, personally identifies an individual student or the student’s parent/guardian or family, and that is collected, maintained, generated, or inferred by the district, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

“Security breach” means the unauthorized disclosure of student personally identifiable information by a third party.

#### **Access, collection and sharing within the district**

The district shall follow applicable law and Board policy in the district’s access to, collection, and sharing of student personally identifiable information.

District employees shall ensure that confidential student personally identifiable information is disclosed within the district only to officials who have a legitimate educational interest, in accordance with applicable law and Board policy.

#### **Outsourcing and disclosure to third parties**

District employees shall ensure that student personally identifiable information is disclosed to school service contract providers and school service on-demand providers only as authorized by applicable law and Board policy.

Any contract between the district and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student personally identifiable information and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, the district shall post the following on its website:

- A list of the school service contract providers that it contracts with and a copy of each contract; and
- To the extent practicable, a list of the school service on-demand providers that the district uses.
- A notice to on-demand services providers that, if the district ceases using or refuses to use an on-demand school service provider because the on-demand service provider does not substantially comply with its own privacy policy or does not meet the requirements specified in sections 22-16-109(2), C.R.S. and 22-16-110(1), C.R.S., the district will post on its website the name of the on-demand service provider, with any written response that the on-demand provider may submit. The district will also notify the Colorado Department of Education, which will post on its website the on-demand provider’s name and any written response.

#### **Privacy and security standards**

The security of student personally identifiable information maintained by the district is a high priority. The district shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of district-maintained student personally identifiable information.

#### **Security breach or other unauthorized disclosure**

Employees who disclose student personally identifiable information in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and Board policy.

Employee concerns about a possible security breach shall be reported immediately to the administrator. If the local administrator is the person alleged to be responsible for the security breach, the staff member shall report the concern to the next person in line of responsibility for that local administrator (i.e., principal to area assistant

superintendent, executive director to superintendent, etc).

When the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student personally identifiable information, the district shall follow this policy's accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict the district from terminating its contract with the school service contract provider, as deemed appropriate by the district and in accordance with the contract and the Act.

#### **Data retention and destruction**

The district shall retain and destroy student personally identifiable information in accordance with applicable law and Board policy.

#### **Staff training**

The district shall provide periodic in-service trainings to appropriate district employees to inform them of their obligations under applicable law and Board policy concerning the confidentiality of student personally identifiable information.

#### **Parent/guardian complaints**

In accordance with this policy's accompanying regulation, a parent/guardian of a district student may file a written complaint with the district if the parent/guardian believes the district, school service contract provider, or school service on-demand provider has failed to comply with the Act.

#### **Parent/guardian requests to amend student personally identifiable information**

Parent/guardian requests to amend his or her child's personally identifiable information shall be in accordance with the district's procedures governing access to and amendment of student education records under FERPA, applicable state law and Board policy.

#### **Oversight, audits and review**

The chief technology officer, or his/her designee, shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The district's practices with respect to student data privacy and the implementation of this policy shall be periodically audited by the chief technology officer, or his/her designee.

A privacy and security audit shall be performed by the district on an annual basis. Such audit shall include a review of existing user access to and the security of student personally identifiable information.

The chief technology officer, or his/her designee, shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student personally identifiable information in light of advances in data technology and dissemination. The chief technology officer, or his/her designee, shall recommend revisions to this policy and/or accompanying regulation as deemed appropriate or necessary.

#### **Compliance with governing law and Board policy**

The district shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student personally identifiable information. The district shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

**Student Information Privacy and Protection  
(Public Hearing and Complaint Procedures)**

**Contract breach by school service contract provider**

Within a reasonable amount of time after the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student personally identifiable information, the Board shall make a decision regarding whether to terminate the district's contract with the school service contract provider in accordance with the following procedure.

1. The district shall notify the school service contract provider of the basis for its determination that the school service contract provider has committed a material breach of the contract and shall inform the school service contract provider of the meeting date that the Board plans to hold a public hearing to discuss the material breach.
2. Prior to the Board meeting during which the public hearing will be held, the school service contract provider may submit a written response to the district regarding the material breach.
3. The Board shall hold the public hearing to discuss the nature of the material breach at a regular or special meeting.
4. In the public hearing, a district representative shall first be entitled to present testimony or other evidence regarding the district's findings of a material breach. The school service contract provider shall then have an opportunity to respond by presenting testimony or other evidence. If the school service contract provider is unable to attend the meeting, the Board shall consider any written response that the school service contract provider submitted to the district.
5. If members of the public wish to provide testimony in the public hearing regarding the alleged material breach, they shall be allowed to do so. Such testimony shall be received by the Board during the public hearing when the Board considers the alleged material breach. The Board shall not receive testimony at any time during which the public is invited to make general comments to the Board.
6. The Board shall decide whether to terminate the contract with the school service contract provider within 30 days of the Board meeting and shall notify the school service contract provider of its decision in writing. The Board's decision shall be final.
7. The district shall follow the requirements of the Student Data Transparency and Security Act (Act) in posting information to the district website and reporting information to the Colorado Department of Education regarding service contract providers that commit a material breach of contract by improperly disclosing student personally identifiable information.

**Parent/guardian complaints**

In accordance with the accompanying policy, the parent/guardian of a district student may file a written complaint with the chief technology officer or his/her designee if the parent/guardian believes the district, school service contract provider, or school service on-demand provider has failed to comply with the Act.

1. The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the district, school service contract provider, or school service on-demand provider has violated and its impact on his or her child.
2. The parent/guardian may provide evidence to the chief technology officer supporting his/her complaint in accordance with the Act.
3. The chief technology officer, or his/her designee, shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.
4. Within 10 calendar days of receipt of the district's response, the parent/guardian may appeal to the Board. Such appeal must be in writing and submitted to the chief technology officer or his/her designee.
5. The Board shall review the parent/guardian's complaint and the district's response at a regular or special meeting. A district representative and the parent/guardian may provide testimony to the Board in the same manner as described in page 1, paragraph 5, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session to the extent permitted by law.
6. The Board shall make a determination regarding the parent/guardian's complaint that the district failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final.
7. This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the district shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicably state law and Board policy.

**Governing law and Board policy**

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a

Board policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. The complaint and hearing procedures described in the regulation shall apply, unless the context otherwise requires and/or unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts any of these procedures, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

**File: JS\* Revised and Recoded June 24, 2015**

### **Student Responsible Use of the Internet and Electronic Communications**

The Internet and electronic communications have vast potential to support curriculum and student learning. The Board of Education believes they should be used in schools as a learning resource to educate and to inform.

Use of the Internet and electronic communications require students to think critically, analyze information, write clearly, use problem-solving skills and hone technology and research skills that employers demand. Use of these tools also encourages an attitude of lifelong learning and offers an opportunity for students to participate in distance learning activities, ask questions of and consult with experts, communicate with other students and individuals and locate material to meet educational and personal information needs.

The Internet and electronic communications are fluid environments in which students may access materials and information from many sources, including some that may be harmful to students. While it is impossible to predict with certainty what information students might locate or come into contact with, the district shall take reasonable steps to protect students from accessing material and information that is obscene, pornographic or otherwise harmful to minors, as defined by the Board. Students shall take responsibility for their own use of district technology devices to avoid contact with material or information that may be harmful to minors. For purposes of this policy, "district technology device" means any district-owned technology, hardware, software, or other technology that is used for learning purposes and has access to the Internet.

#### **Bring your own device (BYOD)**

Students who elect to use their own device must conform to this and other district policies while the device is using district network/Internet and on district property.

#### **Blocking or filtering obscene, pornographic and harmful information**

Technology that blocks or filters material and information that is obscene, pornographic or otherwise harmful to minors, as defined by law, shall be in place when devices are using district networks (wireless and wired). Students shall report access to material and information that is inappropriate, offensive or otherwise in violation of this policy to the supervising staff member. If a student becomes aware of other students accessing such material or information, he or she shall report it to the supervising staff member.

#### **No expectation of privacy**

District technology devices are owned by the district and are intended for educational purposes. Students shall have no expectation of privacy when using district technologies. The district reserves the right to monitor, inspect, copy, review and store (at any time and without prior notice) all usage of district technologies, including devices and all Internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed/received through district technology devices shall remain the property of the school district.

#### **Unauthorized and unacceptable uses**

Students shall use district technology devices in a responsible, efficient, ethical and legal manner.

Because technology and ways of using technology are constantly evolving, every unacceptable use of district technology devices cannot be specifically described in policy. Therefore, examples of unacceptable uses include, but are not limited to, the following.

No student shall access, create, transmit, retransmit or forward material or information:

- that promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturing or purchasing of destructive devices or weapons
- that is unaligned with district curriculum standards and learning goals
- that contains pornographic, obscene or other sexually oriented materials
- that harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons in accordance with Policy AC-R

- for personal profit, financial gain, advertising, commercial transaction or political purposes
- that plagiarizes the work of another without express consent
- that uses inappropriate or profane language likely to be offensive to others in the school community
- that is knowingly false or could be construed as intending to purposely damage another person's reputation
- in violation of any federal or state law or district policy, including but not limited to copyrighted material and material protected by trade secret
- that contains personal information protected by confidentiality laws
- using another individual's Internet or electronic communications account without written permission from that individual
- that impersonates another or transmits through an anonymous remailer
- that accesses fee services without specific permission from the system administrator or a student's guardian

### **Security**

Security on district technology devices is a high priority. Students who identify a security problem while using district technology devices must immediately notify a teacher or principal. Students should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Students shall not:

- use another person's password or any other identifier
- gain or attempt to gain unauthorized access to district technology devices
- read, alter, delete or copy (or attempt to do so) electronic communications of other system users

Any user identified as a security risk, or as having a history of problems with technology, may be denied access to the Internet, electronic communications and/or district technology devices.

### **Safety**

In the interest of student safety and security, the district shall educate students about appropriate online behavior, including cyberbullying awareness and response; and interacting on social networking sites, in chat rooms, and other forms of direct electronic communications.

Students shall follow digital safety best practices while using the Internet or electronic communications. Without first obtaining permission of the supervising staff member, students shall not communicate any information that might allow another person to locate him or her. Students shall not arrange personal meetings with persons met on the Internet or through electronic communications.

### **Vandalism**

Vandalism will result in cancellation of privileges and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. Vandalism is defined as any malicious or intentional attempt to harm, destroy, modify, abuse or disrupt operation of any network within the school district or any network or device connected to the Internet, operation of any form of electronic communications, the data contained on any network or electronic communications, the data of another user, usage by another user, or district technology device. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

### **Unauthorized content**

Students are prohibited from using or possessing any software applications, mobile apps, services, or other content that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees.

### **Assigning student projects and monitoring student use**

The district will make reasonable efforts to see that the Internet and electronic communications are used responsibly by students. Administrators, teachers and staff have a professional responsibility to work together to monitor students' use of the Internet and electronic communications, help students develop the intellectual skills needed to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to evaluate and use information to meet their educational goals. Students shall have specifically defined objectives and search strategies prior to accessing material and information on the Internet and through electronic communications.

### **Student use is a privilege**

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Student use of the Internet, electronic communications and district technology devices is a privilege, not a right. Failure to follow the use procedures contained in this policy shall result in the loss of the privilege to use these tools and restitution for costs associated with damages, and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. The school district may deny, revoke or suspend access to district technology or close accounts at any time.

The district's Student Responsible Use of the Internet and Electronic Communications policy is presented to and acknowledged by students and parents annually in the Annual Notifications to Parents/Guardians and Behavioral Code of Conduct presented to all parents and guardians.

### **School district makes no warranties**

The school district makes no warranties of any kind, whether expressed or implied, related to the use of district technology devices, including access to the Internet and electronic communications services. Providing access to these services does not imply endorsement by the district of the content, nor does the district make any guarantee as to the accuracy or quality of information received. The district shall not be responsible for any damages, losses or costs a student suffers in using the Internet and electronic communications. This includes loss of data and service interruptions. Use of any information obtained via the Internet and electronic communications is at the student's own risk.

**File: JS\*-R Revised and Recoded June 24, 2015**

## **Student Responsible Use of the Internet and Electronic Communication Guidelines**

### **General Information**

The smooth operation of the district's network relies upon users adhering to established standards of proper conduct. In order to be granted access to the district's network, a user must adhere to the provisions of the district's policies and regulations governing the use of the network. Compliance with these policies is required. In general, this requires efficient, ethical, and legal utilization of the district network. If a student violates district network policies, regulations, procedures or guidelines, access to the district network may be denied and other legal or disciplinary action may be taken. The district will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the district network. The district network is the property of the district and its use is a privilege, not a right. Students enrolled in the district will be granted access to the district network.

### **Rules of use**

#### **Students will:**

- Use the District network in support of educational objectives and in a way that is consistent with the mission and curriculum of the St. Vrain Valley School District.
- Abide by local, state, and federal laws such as, but not limited to, the copyright law, licensing laws, privacy laws, and district policies and regulations, as well as district and school-based guidelines.
- Abide by the responsible use agreement of any accessed network.
- Be responsible for maintaining confidentiality of passwords and protecting accounts from misuse.
- Change passwords frequently and as required by the district.
- Ensure electronic communication students send to themselves from a non-district account will meet district requirements for acceptable use.
- Access the network through their accounts and/or devices and not attempt to access using another's identify and/or device.
- Access the district network only through district-approved resources and/or services.
- Be held responsible for damage done to the SVVSD network, software, data, student accounts, hardware and for unauthorized costs incurred.

#### **Students will not:**

- Use the district network to harass any person on the basis of race, color, sex, religion, national origin, age, disability, or any other basis. (district policies and regulations prohibiting harassment apply to the use of the district network.)
- Use the district network to access, process, generate, or distribute pornographic or obscene material, inappropriate text or graphic files, files which may be harmful to themselves and others, or files dangerous to the integrity of the SVVSD network or others.



- Attempt to circumvent security measures or filters.
- Load, install, redistribute or access software on district assets without permission from District Technology Services (DTS) (i.e., open source, illegal, not owned and licensed by SVVSD).
- Install hardware not owned and licensed by the district, unless specifically approved by DTS.
- Use the district network for private financial gain, commercial advertising, or solicitation purposes.
- Use the district network to solicit, proselytize, advocate or communicate the views of any non-school sponsored organization, or to raise or solicit funds for any non-school related or non-school sponsored entity or organization, whether for profit or not-profit.
- Use the district network to establish any non-approved website.
- Perform an act that plagiarizes the work of another without express consent.
- Spread falsehoods about a person that lowers the affected individual in the eyes of the community.
- Pretend to be someone else when sending/receiving electronic communications.
- Reveal personal information such as addresses or phone numbers of the student or others unnecessarily.
- Use the district network in such a way that would disrupt the use of the district network by other users.
- Send frivolous or excessive messages and images.
- Create, send, or forward chain letters or any other message type that causes district network congestion or interferes with the delivery of electronic communication to others.
- Send electronic communication to anyone who asks not to receive such communication.
- Forge or attempt to forge electronic messages.
- Attempt to read, delete, copy, or modify the electronic communication of other system users or interfere with the ability of other system users to send/receive electronic communication.
- Download attachments into the district system that do not meet these responsible use guidelines.
- Access the district network without permission.

### **Websites**

- Only content and links which support the SVVSD mission and programs are acceptable, and all must comply with this regulation and accompanying policy.
- If students prepare pages meant to officially represent the school or a district program, every link must be tested by a supervising faculty member prior to submission.
- Websites must follow Federal Fair Use Guidelines for content and follow other applicable trademark and copyright laws.
- Unapproved outside hosting of district websites is not permitted.
- District websites or other Internet venues will not contain private student information unless that information is part of a secure service authorized by the district.
- Student photos may not be used without prior parent/guardian permission in writing. Students' last names shall not accompany photos, except for secondary students. No other personally identifiable student information may be included on an openly accessible webpage/electronic messaging system (address, phone number, email address, etc.). School staff is responsible for collecting and retaining, on file, all active parent photo permits.
- Any domain used by an SVVSD organization must be owned by SVVSD.

### **Monitored use**

- The district reserves the right to access, retrieve, print, read, disclose to third parties or otherwise monitor (i) all messages (including personal messages) sent or received through its electronic communications system; (ii) all sites visited and files downloaded on the Internet; and (iii) all other uses of the district network.
- Reasons for which the district or others authorized by it may access such information include, but are not limited to: (i) to provide for the safety and security of minors; (ii) to determine whether a violation of this policy or other district policies has occurred; (iii) to investigate and repair a failure or error in the network system; or (iv) to obtain information requested by a third party in litigation or in response to a government investigation.
- Messages sent over the district network (including personal messages) and other uses of the district network should not be considered private or confidential.
- Student use of the district network constitutes consent to access by the district or others authorized by the district to electronic messages sent and received by students to sites visited on and files downloaded from the Internet and to all other uses of the district network.
- Electronic communication sent or received by students, including electronic communications on district-owned equipment, as well as other documents generated through use of the district network, may be considered a public record subject to disclosure or inspection under the Colorado Open Records Act.

**Teachers monitoring student use of network shall:**

- Review with students the district network policies, regulations, and responsible use guidelines, including Internet safety information, guidelines for appropriate online behavior (including use of social networks), cyberbullying awareness and response, and applicable acceptable use agreements.
- Maintain supervision of students using the district network.
- Report to appropriate district personnel any inappropriate materials that are found to be accessible.
- Report to appropriate district personnel inappropriate behavior.

**Damage caused by a student**

- Any attempt to harm or destroy any district equipment or materials, data of another user of the district system, or any other networks is prohibited.
- Any harm or destruction that is the result of negligence to any district equipment or materials, the data of another user of the district system, or any other networks is prohibited.
- Attempts to degrade or disrupt system performance will be viewed as violations of district policy and administrative regulations.

**Students will understand:**

- The district is not responsible for students' inability to access or receive any outside electronic communications.
- The district system is provided on an "as-is, as-available" basis.
- The district makes no warranties of any kind, whether expressed or implied, related to the use of district computers and computer systems, including access to the Internet and electronic communications services.
- Providing access to these services does not imply endorsement by the district of the content, nor does the district make any guarantee as to the accuracy or quality of information received.
- The district shall not be responsible for any damages, losses or costs a user suffers while using the Internet and electronic communications. This includes loss of data and service interruptions.
- Use of any information obtained via the Internet and electronic communications is at the student's own risk.
- The district does not warrant that the functions or services performed by, or that the information or software contained on, the system will meet the system user's requirements, or that the system will be uninterrupted or error-free, or that defects will be corrected.
- Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third party individuals in the system are those of the providers and not the district.

**Consequences**

Parents and students have received this regulation and its accompanying policy through the Annual Notifications to Parents/Guardians and Behavior Code of Conduct and acknowledge these policies and agree to the same.

Failure to adhere to district policies, regulations, procedures or guidelines regarding the use of the district network may result in immediate suspension of access to the district network. Violation may also result in disciplinary action including, but not limited to, suspension, expulsion, and liability for damages. Students may also be subject to all civil and criminal penalties as defined in any applicable local, state or federal laws.

**File: JS\*-E Adopted June 24, 2015**

**Student Responsible Use of Technology, Access and Digital Communication Expectations**

The St. Vrain Valley School District offers students access to computers and the Internet to support the district vision and mission. In order to provide open access to the resources, tools and equipment we believe are essential to teaching and learning, it is important that users understand their responsibilities and conduct themselves as responsible learners at all times. Listed below are guidelines that outline responsible use.

**I will:**

- Keep private information private. (My password and identity are mine and not to be shared.)
- Treat others with respect, both online and offline.
- Report anyone who tries to use technology or the Internet to hurt or harass me to a teacher or other adult.
- Strive to be a responsible digital citizen.
- Encourage others to be good digital citizens.
- Have appropriate conversations in all my interactions with others.
- Tell adults when someone makes me uncomfortable.
- Use technology for school-related purposes.
- Credit my sources when I am using other people's information, images or other material.

- Respect the work of other students and not try to copy, damage, or delete their work.
- Follow district policies, rules, and regulations.
- Ask for permission before connecting my own devices to the district network.
- Take care of district computer equipment.

**I will not:**

- Read another student's private communications without permission.
- Use improper language or pictures.
- Use communication tools to spread lies about others.
- Pretend to be someone else online.
- Give out my full name, password, address or any other personal information to someone I don't know.
- Give out the full names and addresses of others.
- Send email to anyone who asks me not to.
- Look for, read, view, or copy inappropriate pictures or information.
- Load my own software on the district network to use at school, unless I have received permission.
- Try to get access to or make technology or network do things not approved by my school and the district.
- Seek out or share passwords of others.

**I understand:**

- That sometimes my computer work may be lost and I should be careful to back up important work.
- That some things I read on the Internet may not be true.
- That the computers and network belong to the district and that using them is a privilege, not a right.
- That the computers, network and printers may not work everyday.
- That it is my responsibility to make sure that the devices I use on the district network are approved.
- That the things that I do using a school computer or network are not private and that my teachers and district staff may review my work and activities at any time.
- That it is my responsibility to read and abide by the terms and conditions of Board Policy JS-R and all revisions.

**Consequences for misuse**

- I might not be allowed to use the computers or the district network if I break these rules.
- I may be suspended or expelled from school if I act irresponsibly.

**File: KBBA Revised October 28, 2015**

**Custodial and Noncustodial Parent  
Rights and Responsibilities**

School officials shall presume that the parent who enrolls a student in school is the student's custodial parent. Unless a currently effective Colorado court order specifies otherwise, the custodial parent shall be the one whom the school district holds responsible for the education and welfare of the student. Where the court order specifies that the parents shall share custody and jointly make decisions relative to the care and education of their child, school officials shall consult with both parents regarding educational matters affecting the child. Where the parents disagree in such matters and the court order does not provide a mechanism for resolving their differences, school officials shall follow the instructions of the parent with whom the child primarily resides during a normal school week.

If the rights of the noncustodial parent are restricted by a Colorado court order, the custodial parent shall provide the school with a certified copy of the currently effective court order curtailing these specific rights. Unless informed through the submission of such a court order, the school district assumes there are no restrictions regarding a noncustodial parent's rights, including the right to access the student's educational records.

The student shall not be permitted to visit with or be released to anyone, including the noncustodial parent, without the approval of the custodial parent. Unless otherwise provided by applicable law or court order, education conferences with a noncustodial parent shall be permitted only upon the consent of the custodial parent.

**Custodial and Noncustodial Parent Rights and Responsibilities**

The following procedures have been developed for situations involving child custody, visitation and release of records:

1. The enrollment records of the district will include information regarding the marital status of a student's parents. Such status will be reviewed each year.
2. The school shall flag the files of students whose parents are divorced or legally separated or have other special custody arrangements.
3. If a person whom the principal or designee does not recognize appears at school requesting the dismissal of a student, the principal or designee shall ask for identification such as a driver's license.

**Children of divorced/separated parents**

1. Both parents have the right to access the student's educational records.
2. If a student's parents are divorced, legally separated, or have other special custody arrangements, district personnel shall request a copy of any and all legal documents pertaining to child custody, including restraining orders.
3. The district will presume that both parents have equal access to a child when that student is registered in school unless one (1) parent provides the district with a currently effective Colorado court order indicating otherwise.
4. A copy of the court order governing a divorce, separation or delineation of parental rights will be provided by the custodial parent and kept in the student's cumulative file as a temporary record.
5. If the school is aware that the student's parents are divorced or separated and a parent refuses to provide a copy of the court order to the district, the principal will be advised and a statement of the refusal will be noted, including the date and situation. This statement will be filed in the student's cumulative record. The district will provide access to the student's educational records to both parents in this case.
6. A student will not be denied admission to school on the basis of refusing the request for documentation of a divorce, separation or delineation of parental rights.
7. A student will not be released to or visited by a noncustodial parent during the school day unless the custodial parent has approved the release or permission for visitation.
8. If a school official is in doubt about the validity of a request or documentation presented, the official will contact the superintendent or designee. The official shall request positive identification of any individual making a request for release or visitation of a student.
9. If a person making a request for release or visitation refuses to leave the school premises at the principal's request, the principal may contact the appropriate law enforcement agency.
10. Contact from an attorney on behalf of a parent may be referred to the school attorney on advice of the superintendent.

**Public Concerns and Complaints**

The Board of Education strives to foster a constructive working relationship between the St. Vrain Valley School District, employees and the public by providing a fair, orderly, and timely process for handling concerns and complaints concerning the operation of the school district. Public complaints concerning unlawful discrimination, instructional resources, or teaching methods shall be processed according to applicable Board policy, as listed in this policy's cross references.

The Board of Education relies on district staff to resolve concerns raised by the public, and believes that complaints are best handled and resolved as close to their origin as possible. It is the policy of the Board to provide for such resolution at the level most directly involved first and in an informal manner if possible. If resolution at the direct level cannot be accomplished, the concern may be reviewed by the principal, appropriate district-level supervisor and/or the superintendent.

This policy shall not apply to parent/guardian concerns or complaints filed on behalf of a student or concerning a student. If a parent/guardian files a complaint, the district shall follow applicable Board policy in responding to the complaint, as listed in this policy's cross references.

**Public Conduct on District Property**

Persons using or upon school district property, including all district buildings, parking lots, and any district vehicle used to transport students, shall not engage in the conduct described below.

Any person considered by the superintendent or designee to be in violation of this policy shall be instructed to leave district property and law enforcement may be contacted. Any person who has engaged, or district officials reasonably believe will engage, in conduct prohibited by this policy may be excluded from district property.

The following conduct by any person is prohibited:

1. Any conduct that obstructs, disrupts or interferes with or threatens to obstruct, disrupt or interfere with district operations or any activity sponsored or approved by the district.
2. Physical abuse or threat of harm to any person or school district property.
3. Damage or threat of damage to district property regardless of the location, or property of a member of the community when such property is located on district property.
4. Forceful or unauthorized entry to or occupation of district facilities, including both buildings and grounds.
5. Use, possession, distribution or sale of drugs and other controlled substances, alcohol and other illegal contraband on district property, at district or school-sponsored functions or in any district vehicle transporting students. For purposes of this policy, "controlled substances" means drugs identified and regulated under federal law, including but not limited to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine). If, however, the administration of medical marijuana is in accordance with the Board's policy on administration of medical marijuana to qualified students, such possession shall not be considered a violation of this policy.
6. Distribution, manufacture or sale of controlled substances or the possession of controlled substances with intent to distribute them within 1,000 feet of the perimeter of school grounds.
7. Entry onto district buildings or grounds by a person known to be under the influence of alcohol or a controlled substance.
8. Unlawful use of any tobacco product.
9. Possession of a deadly weapon on school property or in school buildings, unless such possession is in accordance with C.R.S. 18-12-105.5 or 18-12-214(3). For the purposes of this policy, "deadly weapon" means:
  - a. firearm, whether loaded or unloaded;
  - b. fixed blade knife with a blade that exceeds three inches in length;
  - c. spring-loaded knife or pocket knife with a blade exceeding three and one-half inches in length; or
  - d. any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury including, but not limited to, a BB gun, a slingshot, bludgeon, nunchucks, brass knuckles or artificial knuckles of any kind.
10. Profanity or verbally abusive language.
11. Violation of any federal, state or municipal law or Board policy.

**Visitors to Schools**

The district will make reasonable efforts to accommodate requests to visit the district's schools, yet also recognizes concerns for the welfare of students. Therefore, the district limits visitors to:

1. Parents/guardians of current students;
2. Other family members of current students who are approved by the student's parent/guardian; and
3. Board members and other persons invited by the district for official business purposes.

To ensure visitors do not disrupt the educational process or other school operations and that no unauthorized persons enter schools, all visitors must report to the school office immediately when entering a school. Visitors may be asked to show proper identification and the reason for being at school. Authorized visitors will: (1) be required to sign in and out; (2) be given name-tags to wear identifying themselves as visitors; and (3) may be accompanied by a district employee for some or all of the visit. School administrators may approve additional building procedures pertaining to school visitors to preserve a proper and safe learning environment.

Unauthorized persons may not loiter on school property at any time. Law enforcement authorities may be called to enforce this policy provision.

Visiting schools is a privilege, not a right, which may be limited, denied, or revoked by a school administrator or designee based on considerations of student and/or staff health, safety, efficient school operations, maintenance of a proper educational environment, or failure to comply with this policy.



Please note, all Board of Education District Policies are available on our website, [www.svvsd.org](http://www.svvsd.org). From the main page, click on the Parents/Students tab, and then click on Board Policies. The policies are divided by section, A – L. Policies in this book are continually being revised and will be posted on our website upon revision. This book, updated with revised policy, is also available on the District website. It is the responsibility of the student/parent/guardian to review the current version.

Your signature indicates you have received, read, and understand the Annual Notification to Parents/Guardians; Behavioral Code of Conduct; Rights and Responsibilities of Students and Parents; and Board of Education Policies book.

Student's Name \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date