District Student Handbook
2018-19 School Year

Making a difference in our world...student by student
Brush School District RE-2(J)
Student Handbook

Welcome to Brush School District!

Parents and Students, this handbook includes Brush School District policies to address student conduct and discipline. All policies and regulations containing the letters “JIC” in the file constitute the student conduct section of the legally-required codes. All policies and regulations containing the letters “JK” in the file constitute the student discipline section of the legally-required code. Also some policies have exhibits (E) and regulations (R) to further clarify policy. The complete Policy Manual can be found on the district website www.brushschools.org located under Board of Education.

These policies combined are referred to as the Brush School District Student Handbook, regarding conduct and discipline. The Brush School District Student Handbook is part of the student registration process and must be acknowledged by students and parents/guardians as having been received, read and understood. In addition, a copy of the Brush School District Student Handbook is made available in the office at each school and is provided online under the school tab www.brushschools.org. It is the responsibility of the student and parent/guardian to become familiar with the information contained in the handbook. Each individual school has the authority to implement supplementary rules and regulations regarding student conduct and discipline. Additional information regarding rules and procedures specific to each school is outlined in the School Guide. School Guides are included in the registration process.

All STUDENT related polices are located in section "J" of the District’s Policy Manual. The Brush School District Student Handbook includes the following policies: all policies and regulations beginning with JIC and JK, policies JIH, JIHB and AC. These policies require annual written notification to students and parents/guardians. Policy references coincide with the Colorado Association of School Board (CASB), Colorado Department of Education (CDE) requirements, Colorado State Statutes and federal law. Both CASB and CDE are two great resources that provide additional educational information for parents.

Student policies JIH, Student Interrogations, Searches and Arrests and JIHB, Parking Lot Searches are also considered part of the legally required code of conduct and discipline for students.

The Brush School District Nondiscrimination/Equal Opportunity policy AC and AC-E1 is included in this handbook.
# Brush School District

## Brush, CO

### 2018-2019 Calendar

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<td>SECOND SEMESTER</td>
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<td>Preschool Mar 11 &amp; 14</td>
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### Teacher PLC No School BV & TP
- Oct 8, Nov 25, Jan 21
- Sep 3, Nov 22, 23, Dec 24, 25, 26, 27, 28, 31, Jan 1, 2, 3, 4, Feb 18, Mar 25, 26, 27, 28, 29, Apr 19, 22

### Holiday Breaks

### Teacher Comp Days
- Nov 21, Feb 15

### Student 1/2 day/Teacher
- Dec 21, May 24
- Aug 14, 15, 16, 17, 20, Sep 17, Oct 22, Nov 12, Dec 1, Jan 7, Feb 4, Mar 4, May 13

### Other PLC (No Students)
- Aug 21, Jan 8

### Holiday of Semesters
- 91 Sem 1 Days-Teachers
- 92 Sem 2 Days-Teachers
- 163 Year-Teachers

### Semester Dates
- 79.5 Sem 1 Days - Students - BV
- 84.5 Sem 2 Days - Students - BV
- 164 Year - Students
- 81.5 Sem 1 Days - Students - BMS/BHS
- 86.5 Sem 2 Days - Students - BMS/BHS
- 168 Year - Students
Student Conduct Policies

Student Conduct

It is the intention of the Board of Education that the district’s schools help students achieve maximum development of individual knowledge, skills and competence and that they learn behavior patterns which will enable them to be responsible, contributing members of society.

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.

Adopted: September 21, 1993
Revised: October 21, 2003
Revised: January 7, 2014

LEGAL REFS.: C.R.S. 22-11-302 (1)(f) (district accountability committee shall provide input to the board regarding the creation and enforcement of the conduct and discipline code)
C.R.S. 22-32-109.1 (2) (policy required as part of safe schools plan)
C.R.S. 22-32-109.1 (2)(a) (school district shall take reasonable measures to familiarize students with the conduct and discipline code)
C.R.S. 22-33-106 (1)(a-g) (grounds for suspension, expulsion and denial of admission)
Student Dress Code

A safe and disciplined learning environment is essential to a quality educational program. 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 shall be required to change into appropriate clothing or make arrangements to have appropriate clothing brought to school immediately. In this case, there shall be no further penalty.

If the student cannot promptly obtain appropriate clothing, on the first offense, the student shall be given a written warning and an administrator shall notify the student's parents/guardians. On the second offense, the student shall remain in the administrative office for the day and do schoolwork and a conference with parents/guardians shall be held. On the third offense, the student may be subject to suspension or other disciplinary action in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Unacceptable Items

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. Shorts, dresses, skirts or other similar clothing shorter than mid-thigh length
2. Sunglasses and/or hats worn inside the building
3. Inappropriately sheer, tight or low-cut clothing (e.g., midriffs, halter tops, backless clothing, tube tops, garments made of fishnet, mesh or similar material, muscle tops, etc.) that bare or expose traditionally private parts of the body including, but not limited to, the stomach, buttocks, back and breasts
4. Tank tops or other similar clothing with straps narrower than 1.5 inches in width
5. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
   - Refer to drugs, tobacco, alcohol, or weapons
   - Are of a sexual nature
   - By virtue of color, arrangement, trademark, or other attribute denote membership in gangs which advocate drug use, violence, or disruptive behavior
   - Are obscene, profane, vulgar, lewd, or legally libelous
   - Threaten the safety or welfare of any person
   - Promote any activity prohibited by the student code of conduct
   - Otherwise disrupt the teaching-learning process
Exceptions

Appropriate athletic clothing may be worn in physical education classes. Clothing normally worn when participating in school-sponsored extracurricular or sports activities (such as cheerleading uniforms and the like) may be worn to school when approved by the sponsor or coach.

Building principals, in conjunction with the school accountability committee, may develop and adopt school-specific dress codes that are consistent with this policy.

Adopted: October 21, 2003
Revised: January 7, 2014

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(l)(J) (board duty to adopt student dress code)

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 supervisor of transportation and the principal of the school involved if any student persists in violating the established rules of conduct.

After due warning has been given to the student and to the student's parents/guardians, the principal may withhold from the student the privilege of riding in a 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.

Adopted: March 6, 1967
Revised: November 1, 1994
Revised: October 21, 2003
Revised: January 7, 2014

LEGAL REFS.: C.R.S. 22-32-109.1 (2)(a)(l)(B) (discipline code to address conduct in school vehicles)
C.R.S. 42-1-102 (88.5) (definition of school vehicle which includes a school bus)
Code of Conduct

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 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. Commission of 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, i.e., name calling, 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 or regulations, 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 violent and aggressive behavior policy.

14. Violation of the Board’s tobacco-free schools policy.
15. Violation of the Board's policies on prohibiting sexual or other harassment.
16. Violation of the Board's policy on nondiscrimination.
17. Violation of the Board's dress code policy.
18. Violation of the Board's policy on gangs and gang-like activity.
19. Throwing objects, unless part of a supervised school activity, that can cause bodily injury or damage to property.
20. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or others.
21. Lying or giving false information, either verbally or in writing, to a district employee.
22. 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.
23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
24. 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.
25. Repeated interference with the district's ability to provide educational opportunities to other students.
26. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the district staff.

Adopted: September 21, 1993
Revised: October 21, 2003
Revised: January 7, 2014

LEGAL REFS.: C.R.S. 18-3-202 et seq. (offenses against person)
C.R.S. 18-4-301 et seq. (offenses against property)
C.R.S. 18-9-124 (2)(a) (prohibition of hazing)
C.R.S. 22-12-105 (3) (authority to suspend or expel for false accusations)
C.R.S. 22-32-109.1 (2)(a)(I) (policy required as part of safe schools plan)
C.R.S. 22-32-109.1 (2)(a)(I)(A) (duty to adopt policies on student conduct, safety and welfare)
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
C.R.S. 22-33-106 (1)(a-g) (grounds for suspension, expulsion, denial of admission)
Violent and Aggressive Behavior

The Board recognizes there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff of the district are entitled. These behaviors, categorized as violent or aggressive, will not be tolerated and shall result in immediate action being taken by the district.

Students exhibiting violent or aggressive behavior or warning signs of future violent or aggressive behavior shall be subject to appropriate disciplinary action including suspension and/or expulsion in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions. As appropriate and in accordance with applicable law, students may also be referred to law enforcement authorities. At the district's discretion and when appropriate, the student may receive appropriate intervention designed to address the problem behavior.

Students shall be taught to recognize the warning signs of violent and aggressive behavior and shall report questionable behavior or potentially violent situations to appropriate school officials. All reports shall be taken seriously.

Acts of violence and aggression shall be documented and communicated by the staff to the building principal and the superintendent. The immediate involvement of the student's parents/guardians is also essential.

An act of violence and aggression is any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury or damage to persons or property. A threat of violence and aggression carries with it implied notions of risk of violence and a probability of harm or injury.

The following behaviors are defined as violent and aggressive:

1. Possession, threat with or use of a dangerous weapon — as described in the Board's weapons policy.

2. Physical assault — the act of striking or touching a person or that person's property with a part of the body or with any object with the intent of causing hurt or harm.

3. Verbal abuse — includes, but is not limited to, swearing, screaming, obscene gestures or threats directed, either orally (including by telephone) or in writing, at an individual, his or her family or a group.

4. Intimidation — an act intended to frighten or coerce someone into submission or obedience.

5. Extortion — the use of verbal or physical coercion in order to obtain financial or material gain from others.

6. Bullying — as described in the Board's policy on bullying prevention and education.
7. Gang activity — as described in the Board’s secret societies/gang activity policy.

8. Sexual harassment or other forms of harassment— as described in the Board’s sexual harassment policy and nondiscrimination policy.

9. Stalking — the persistent following, contacting, watching or any other such threatening actions that compromise the peace of mind or the personal safety of an individual.

10. Defiance — a serious act or instance of defying or opposing legitimate authority.

11. Discriminatory slurs — insulting, disparaging or derogatory comments made directly or by innuendo regarding a person’s race, color, ancestry, creed, sex, sexual orientation, religion, national origin, disability or need for special education services.

12. Vandalism — damaging or defacing property owned by or in the rightful possession of another.

13. Terrorism — a threat to commit violence communicated with the intent to terrorize or with reckless disregard for the risk of creating such terror or to cause serious public inconvenience, such as the evacuation of a building.

Adopted: October 21, 2003  
Revised: January 7, 2014

LEGAL REF.: C.R.S. 22-32-109.1 (1)(b) (definition of bullying)

**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 gesture. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that 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, national origin, religion, ancestry or the need for special education services, 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 shall be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment shall 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 superintendent shall develop a comprehensive program to address bullying at all school levels. The program shall 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 pro-active 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 and community members in order to help maintain a bully-free environment.

6. To support victims 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.

Adopted: October 2, 2001
Revised: January 7, 2014

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(K) (policy required as part of safe schools plan)
School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Because the Board recognizes creative student expression as an educational benefit of the school experience, it encourages freedom of comment, both oral and written, in a school setting with a degree of order in which proper learning can take place.

The Board encourages students to express their views in school-sponsored publications and to observe rules for responsible journalism. This means expression which is false or obscene, 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; or threatens violence to property or persons shall not be permitted.

Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this policy and state law. The publications advisor within each school shall be 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.

All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board policy. The school district and employees are provided immunity from civil or criminal penalties for any expression made or published by students.

The superintendent shall develop, for approval by the Board, a written official school publications code which shall include:

1. A statement of the purposes of official school publications.
2. Responsibilities of official school publications' advisors and student editors.
3. A list of prohibited materials.
4. Reasonable provisions for the time, place and manner of distributing school-sponsored student publications within the school district's jurisdiction.
5. Procedures for resolving differences.

The publications code shall be distributed to all students and teachers at the beginning of each school year.

Adopted: November 1, 1994
Revised: January 7, 2014

LEGAL REFS.: C.R.S. 22-1-120 (rights of free expression for public school students)
C.R.S. 22-1-123 (5)(e) (state law does not prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis or evaluation without obtaining written parental consent as long as participation is not prohibited by federal law)
C.R.S. 22-32-110 (1)(r) (power to exclude materials that are immoral or obscene)

File: JICEA-R

School-Related Student Publications
(School Publications Code)

1. Purpose

As stated in Board policy, school-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Content of school publications should reflect all areas of student interest, including topics about which there may be dissent or controversy.

2. Responsibilities of student journalists

In addition to the responsibilities set forth in the accompanying Board policy, students who work on official student publications will:

a. Rewrite material, as required by the faculty advisors to improve sentence structure, grammar, spelling and punctuation.

b. Check and verify all facts and verify the accuracy of all quotations.

c. In the case of editorials or letters to the editor concerning controversial issues, provide space for rebuttal comments and opinions.

If the Board determines that advertising is allowed in the publication, the student editor will determine the content of any advertisements.

3. Responsibilities of publication advisors

In addition to the responsibilities set forth in the accompanying Board policy, the publication advisor will exercise general supervision over all activities to create a proper learning environment.

4. Prohibited materials

a. Students may not publish or distribute material that is obscene. "Obscene" means:

   (1) The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.
(2) The publication depicts or describes in a patently offensive way sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of genitals.

(3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

b. Students may not publish expression that is libelous, slanderous or defamatory under state law. "Libelous" is defined as a false and unprivileged statement about a person that injures the individual’s reputation in the community.

c. Expression that is false as to any person who is not a public figure or involved in a matter of public concern is prohibited.

If the allegedly libeled individual is a "public figure or official," the official must show that the false statement was published with actual malice, as the terms are defined in law.

Under the "fair comment rule," a student is free to express an opinion on matters of public interest. Specifically, a student enjoys a privilege to criticize the performance of teachers, administrators, school officials and other school employees.

d. Expression which presents a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school, violates the rights of others to privacy, or threatens violence to property or persons is prohibited.

In order for a student publication to be considered disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial material disruption to normal school activity would occur if the material were distributed. Undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to show affirmatively substantial facts that reasonably support a forecast of likely disruption. Material that stimulates heated discussion or debate does not constitute the type of disruption that is prohibited.

5. Time, place and manner restrictions

The principal will coordinate with the publications advisor on the time, place and manner of distributing school-sponsored publications to reduce any conflict with school instructional time and/or reduce any disruption of the orderly operation of the school which might be caused by the distribution of school-sponsored publications.

6. Procedures for resolving differences

Student editors will work first with the publications advisor to resolve any differences. If the problem cannot be resolved at this level, the student editors and/or the publications advisor may work with the principal to resolve any problems. If the problem is not resolved at the principal level, the student editors and/or the publications advisor may work with the superintendent to resolve any problem. If the problem is not resolved at the superintendency level, the student editors and/or publications advisor may work with the Board of Education. If the
problem is not resolved at the Board level, the student editors and/or publications advisor may seek relief through the judicial system.

7. Legal advice

a. If in the opinion of the student editor, student editorial staff or faculty advisor, material proposed for publication may be "obscene," "libelous," or "cause a substantial disruption of school activities," the legal opinion of the school district's attorney should be sought if authorized by the principal.

b. Legal fees charged in connection with this consultation will be paid by the Board.

c. The final decision of whether the material is to be published will be left to the student editor.

Approved: October 21, 2003  
Revised: January 7, 2014

Student Distribution of Noncurricular Materials

Students who wish to distribute noncurricular printed materials on school property or in conjunction with a school activity must notify the principal a minimum of one day in advance so that details may be worked out regarding the time, place and manner of distribution.

Students do not have to produce an advance copy of the materials that will be distributed for the principal's review. However, materials which are distributed on school grounds containing information prohibited by Board policy and/or materials that create a significant or substantial disruption, damage to persons or property, or threaten violence to property or persons in the judgment of school officials, may subject the responsible students to disciplinary action following distribution.

The following restrictions will apply to all requests for distribution of noncurricular materials by students:

1. **Place.** Distribution of printed materials must be made at places within the school or on school grounds as designated by the principal except that in no event may such materials be distributed in any classroom of any building then being occupied by a regularly-scheduled class.

2. **Time.** Distribution may be made one-half hour before school and/or during regularly scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.

3. **Littering.** All distributed items discarded in school or on school grounds must be removed by the persons distributing such items.
4. **Manner.** No student may in any way be compelled or coerced to accept any noncurricular materials. In the alternative, no school official or student may interfere with the distribution of approved materials.

Violation of any of these regulations will be sufficient cause for denial of the privilege to distribute materials at future dates and for disciplinary action.

Approved: January 7, 2014

**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 continual, 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 superintendent 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.

The superintendent or designee shall provide inservice training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities and respond appropriately to gang behavior. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help students.

**Gang symbols**

The Board prohibits the presence on school premises, in school vehicles and at school-related activities of any apparel, jewelry, accessory, notebook or manner of grooming which by virtue of its color, arrangement, trademark or any other attribute denotes membership in gangs which advocate drug use, violence or disruptive behavior. This policy shall be applied at the principal’s discretion after consultation with the superintendent or designee as the need for it arises at individual school sites.

**Prevention education**

The Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Early intervention is a key component of efforts to break the cycle of gang membership. Therefore gang violence prevention education in the schools shall start with students in third grade.

Adopted: January 7, 2014

**LEGAL REFs.:**  
C.R.S. 22-1-120 (8)  
C.R.S. 22-32-109.1 (2)(a)(I)(F) *(policy required as part of safe schools plan)*
Secret Societies/Gang Activity

Gangs

At the principal's discretion, staff members may use the following techniques to discourage the influence of gangs:

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang affiliation will be referred to the principal or designee. The student's parents/guardians will be contacted and the student sent home to change clothes if necessary.

2. Any gang graffiti on school premises will be quietly removed, washed down or painted over as soon as discovered.
   a. Daily checks for graffiti will be made throughout the campus, including restroom walls and doors.
   b. Graffiti will be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.

3. Classroom and after-school programs at each school will be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior and foster interest in a variety of wholesome activities.

4. Staff members will actively promote membership in authorized student organizations that can provide students companionship, safety and a sense of purpose and belonging.

Gang prevention education

Gang prevention instruction offered in the schools will:

1. Explain the dangers of gang membership.

2. Include lessons or role-playing workshops in nonviolent conflict resolution and gang avoidance skills.

3. Promote constructive activities available in the community.

4. Involve students in structured, goal-oriented community service projects.

5. Encourage positive school behavior.

Gang prevention lessons may be taught jointly by teachers and law enforcement officers.
Community outreach

Gang prevention classes or counseling offered for parents/guardians will address the following topics:

1. Dangers of gang membership.
2. The nature of local gang apparel and graffiti.
3. Ways to deal effectively with one's children.
4. Warning signs which may indicate that children are at risk of becoming involved with gangs.

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media will address:

1. The scope and nature of local gang problems.
2. Ways that each segment of the community can help to alleviate these problems.

Intervention measures

Staff members will make efforts to assimilate gang-oriented students into the academic, extracurricular and social mainstream and into work experience programs. To this end:

1. Staff members will be provided with the names of known gang members.
2. Insofar as possible, classroom teachers will assign individual gang-oriented students to cooperative learning groups in which they may work toward common goals with students who are not members of their gang.
3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

Approved: October 21, 2003
Revised: January 7, 2014

File: JICH

Drug and Alcohol Involvement by Students

Brush School District RE-2(J) shall promote a healthy environment for students by providing education, support and decision making skills in regard to alcohol, drugs and other controlled substances and their abuse. In order to accomplish this goal, a cooperative effort must be made among the schools, parents/guardians, community and its agencies.

It shall be a violation of Board policy and 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 exchange or to be under the influence of alcohol, drugs
or other controlled substances. The unlawful possession or use of alcohol or controlled substances is wrong and harmful to students.

For purposes of this policy, controlled substances include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medication, vitamin or other chemical substances not taken in accordance with the Board policy and regulations on administering medications to students.

This policy also includes substances that are represented by or to the student to be any such controlled substance or what the student believes to be any such substance.

This policy shall apply to any student on district property, being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, off school property when the conduct has a reasonable connection to school or any district curricular or non-curricular event, or whose conduct at any time or place interferes with the operations of the district or the safety or welfare of students or employees.

Students violating this policy shall be subject to disciplinary sanctions which may include suspension and/or expulsion from school and referral for prosecution.

Disciplinary sanctions and interventions for violations of this policy shall be in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Situations in which a student seeks counseling or information from a professional staff member for the purpose of overcoming substance abuse shall be handled on an individual basis depending upon the nature and particulars of the case. When appropriate, parents shall be involved and effort made to direct the substance abuser to sources of help.

The Board, in recognition that drug and alcohol abuse is a community problem, shall cooperate actively with law enforcement, social services or other agencies and organizations, parents/guardians and any other recognized community resources committed to reducing the incidents of illegal use of drugs and alcohol by school-aged youths.

Whenever possible in dealing with student problems associated with drug and alcohol abuse, school personnel shall provide parents/guardians and students with information concerning education and rehabilitation programs which are available.

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.

Adopted: August 21, 1990
Revised: October 21, 2003
Revised: January 7, 2014
Drug and Alcohol Involvement by Students

In accordance with the accompanying policy, the following procedures are established for addressing alcohol- or drug-related misconduct. These procedures will supplement and complement authority conferred elsewhere by Board policy and will not be deemed to limit or suspend such other authority.

**Use**

1. When a student is suspected of use, the person having the suspicion shall notify the principal or designee. Notification must include reasons for such suspicion (observed use, unusual behavior, etc.). The principal or designee will conduct a check of the suspected student and collect data. This action shall comply with the Board policy on investigations and searches.
   
   a. If information is not sufficient to warrant further action, the principal or designee may have a personal conference with the student expressing awareness and concern.
   
   b. If information warrants, the student's parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the student's parent or guardian general information and resources related to substance abuse.

2. When necessary, emergency health and safety care will be provided and any procedural or disciplinary issues postponed until the student's immediate needs are treated. While waiting for the student's parent/guardian or further medical aid, the student will not be left alone but placed in a quiet situation where the student will remain under observation.

**Possession, distribution and exchange**

Students who possess or are involved in any distribution or exchange of alcohol, drugs, other controlled substances or drug-containing or drug-related paraphernalia in violation of Board policy will be handled in the following manner:
1. A staff member who comes in contact with evidence and/or contraband shall notify the principal or designee immediately.

2. A staff member who has reasonable cause to believe that a student possesses or is involved in any distribution or exchange of alcohol, any controlled substance or drug-containing or drug-related paraphernalia in violation of Board policy will request that the student accompany him or her to the principal or designee. If the student refuses, the staff member will notify the principal or designee immediately.

3. The principal or designee will undertake investigation and search procedures in accordance with Board policy.

4. The principal or designee will place any evidence in an envelope or alternative container as necessary which will be sealed, dated and initialed by the individual who originally obtained the materials and by the principal or designee. The evidence then will be placed in the school safe.

5. The principal or designee shall refer the student to appropriate law enforcement officials in accordance with applicable law. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.

If information warrants, the student’s parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action and offering the parent or guardian general information and resources related to substance abuse.

Approved: August 21, 1990
Revised: November 1, 1994
Revised: October 21, 2003
Revised: January 7, 2014

File: JICI

Weapons in School

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

Dangerous weapons

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 or district-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.

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 exceeds 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, a slingshot, bludgeon, nunchucks, brass knuckles, artificial knuckles of any kind, crossbow or primitive arms.

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

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.

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 off 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, the using, 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 any 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 school district to law enforcement.

Adopted: January 7, 2014

LEGAL REFS.: 18 U.S.C. §921 (a)(3) (federal definition of “firearm”)
20 U.S.C. §7151 (Gun-Free Schools Act)
20 U.S.C. §7151 (h) (requiring schools to have policies requiring referral to law enforcement)
C.R.S. 22-32-109.1 (2)(a)(l)(G) (policy required as part of safe schools plan)
C.R.S. 22-33-102 (4) (definition of dangerous weapon)
C.R.S. 22-33-106 (1) (grounds for suspension, expulsion, denial of admission)
C.R.S. 22-33-106 (1)(f) (must adopt policy regarding firearm facsimiles)

File: JICI-E

Gun-Free Schools Act
(Definition of “Firearm”)

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 or 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.

Issued: January 7, 2014

File: JICJ

Student Use of Electronic Communication Devices

The Board of Education recognizes that electronic communication devices can play a vital communication role during emergency situations. However, ordinary use of electronic communication devices in school situations disrupts and interferes with the educational process and is not acceptable. For purposes of this policy, “electronic communication devices” include cell phones, beepers, pagers, walkie-talkies, and any other telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Students may carry electronic communication devices but these devices must be turned off during instructional time except they may be used only during emergencies. For purposes of this policy, “emergency” shall mean an actual or imminent threat to public health or safety, which may result in loss of life, injury or property damage.

Electronic communication devices with cameras are prohibited in locker rooms, bathrooms, or other locations where such operation may violate the privacy rights of another person.

It is the student’s responsibility to ensure that the device is turned off and out of sight during unauthorized times. Violation of this policy and/or use that violates any other district policy shall result in disciplinary measures and confiscation of the electronic communication device. Confiscated devices shall be returned to the student only after a conference with the parent/guardian, student and school personnel. The building principal or designee may also refer the matter to law enforcement, as appropriate.

The district shall not be responsible for loss, theft or destruction of electronic communication devices brought onto school property.

Adopted: October 21, 2003
Revised: January 7, 2014
STUDENT DISCIPLINE POLICIES

File: JK

Student Discipline

The Board believes that effective student discipline is a prerequisite for sound educational practice and productive learning. The objectives of disciplining any student must be to help the student develop a positive attitude toward self-discipline and socially acceptable behavior.

All policies and procedures for handling general and major student discipline problems shall be designed to achieve these broad objectives. 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 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 also 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 “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.

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.

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 an 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.

**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.

Adopted: September 21, 1993
Revised: October 21, 2003
Revised: January 7, 2014

**LEGAL REFS.:**
- C.R.S. 18-6-401 (1) (definition of child abuse)
- C.R.S. 22-11-302 (1)(f) (district accountability committee shall provide input to the Board regarding the creation and enforcement of the conduct and discipline code)
- C.R.S. 22-32-109.1 (2)(a) (adoption and enforcement of conduct and discipline code)
- C.R.S. 22-32-109.1 (2)(a)(l) (school district shall take reasonable measures to familiarize students with the conduct and discipline code)
- C.R.S. 22-32-109.1 (2)(a)(l)(C) (discipline of habitually disruptive students is required part of conduct and discipline code)
- C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
- C.R.S. 22-33-106 (1) (grounds for suspension, expulsion and denial of admission)
- C.R.S. 22-33-106 (1)(c.5) (definition of habitually disruptive students)

**File:** JK*-2

**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 when a student is removed for more than 10 consecutive school days or subjected to a series of removals that constitute a pattern of removal under governing law.

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.

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.

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, 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 supervising 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.

Adopted: October 21, 2003
Revised: January 7, 2014

LEGAL REFS.: 20 U.S.C. §1401 et seq. (Individuals with Disabilities Education Improvement
Act of 2004)
34 C.F.R. 300.530-300.537 (IDEIA regulations)
C.R.S. 22-20-101 et seq. (Exceptional Children’s Educational Act)
C.R.S. 22-33-106 (1)(c)

Student Discipline

Remedial discipline plans

1. The principal 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 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 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.

Adopted: October 21, 2003
Revised: January 7, 2014

File: JKA

Use of Physical Intervention and Restraint

To maintain a safe learning environment, district employees may, within the scope of their employment and consistent with state law, use physical intervention and restraint with students in accordance with this policy and accompanying regulation. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with this policy and accompanying regulation.

Physical intervention

Corporal punishment shall not be administered to any student by any district employee.
Within the scope of their employment, district employees may use reasonable and appropriate physical intervention with a student, that does not constitute restraint as defined by this policy, to accomplish the following:

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

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

**Restraint**

Restraint is defined by state law and this policy as any method or device used to involuntarily limit a student’s freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals and seclusion. Restraint shall not include the holding of a student for less than five minutes by a district employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

District employees shall not use restraint as a punitive form of discipline or as a threat to control or gain compliance of a student’s behavior. District employees are also prohibited from restraining a student by use of a mechanical restraint or chemical restraint, as those terms are defined by applicable State Board of Education rules and this policy’s accompanying regulation.

Restraint shall only be administered by district employees trained in accordance with applicable State Board of Education rules.

**Exceptions**

The restraint provisions in this policy and accompanying regulation shall not apply to:

1. Peace officers as defined by C.R.S. 16-2.5-101 et seq. who are acting within the scope of their employment or in accordance with C.R.S. 16-3-109; and
2. When the district is engaged in transporting a student from one facility or location to another facility or location when it is within the scope of the district’s powers and authority to effect such transportation.

Adopted: November 1, 1994
Revised: October 21, 2003
Revised: January 7, 2014

**LEGAL REFS.:**  
C.R.S. 18-1-703 (use of physical force by those supervising minors)  
C.R.S. 18-6-401 (1) (definition of child abuse)  
C.R.S. 19-1-103 (1) (definition of abuse and neglect)
C.R.S. 22-32-109.1 (2)(a) (adoption and enforcement of discipline code)
C.R.S. 22-32-109.1 (2)(a)(I)(D) (policy required as part of safe schools plan)
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
C.R.S. 26-20-101 et seq. (Protection of Persons from Restraint Act)
1 CCR 301-45 (State Board of Education rules for the Administration of the
Protection of Persons from Restraint Act)

Student Restraint Incident Report Form

Student: ___________________________ School: ___________________________
Date: ___________________________ Time: ___________________________
Location: ___________________________

Staff directly involved in restraint (include names and titles; attach supplemental
statements, if any):

________________________________________________________________________

Witnesses (include names and titles):

________________________________________________________________________

Description of events immediately before the behavior occurred:

________________________________________________________________________
________________________________________________________________________

Efforts/alternatives made prior to the use of restraint:

____ Teaching interaction
____ Offered self-control strategy
____ Verbal de-escalation
____ Other(s) (please describe): ____________________________________________

Type of restraint used:

________________________________________________________________________

Time restraint began: ________________________________________________

Time restraint ended: ________________________________________________

Chronological description of incident (include behavior, statements made, actions
taken):

________________________________________________________________________
Resolution:

______ Student calm/reintegrated into classroom/educational programming
______ Student calm/additional time provided for de-escalation outside of instructional setting
______ Additional support requested (medical/mental health/parent/police)
______ Other(s) (please describe):

Injuries or property loss/damage:

Persons notified of incident (include name, title, date and time notified):

Name and title of person writing report

Signature

<table>
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<tr>
<th>Checklist</th>
<th>Date</th>
<th>Comments</th>
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<tr>
<td>If an injury to staff or student has occurred, submit student accident report and/or staff incident report.</td>
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<tr>
<td>Building principal or designee verbally notify parent by end of the school day that the restraint was used.</td>
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<td>Conduct internal review of incident of restraint.</td>
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<td>Review documentation to ensure use of alternative strategies and recommend adjustments to procedures, if appropriate.</td>
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<td>Report e-mailed, mailed or faxed to parent within 5 calendar days of the use of restraint.</td>
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<tr>
<td>If requested by parents or the school, convene a meeting (that may be an IEP, BIP or 504 meeting) to review the incident.</td>
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Copies: parent, student’s confidential file [required]

Issued: January 7, 2014
Use of Physical Intervention

A. Definitions

In accordance with the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, the following definitions apply for purposes of this regulation and accompanying policy.

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals and seclusion.

2. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint does not include:

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

3. "Mechanical restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or 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 IEP team or Section 504 team and used in accordance with the student's Individualized Education Program (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 or physical 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.
4. "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).

5. "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.

6. "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.

7. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.

8. "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).

9. "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.

10. "Parent" shall be as defined by the State Board rules.

B. Basis for use of restraint

Restraints shall only be used:

1. In an emergency and with extreme caution; and

2. After:

a. the failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
b. a determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. 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.

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

C. Duties related to the use of restraint – general requirements

When restraints are used, the district shall ensure that:

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

2. no restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;

3. restraints are only administered by district staff who have received training in accordance with the State Board rules;

4. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;

5. 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

6. the student is reasonably monitored to ensure the student's physical safety.

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.

D. Proper administration of specific restraints

1. Chemical restraints shall not be used.

2. Mechanical restraints shall not be used, except that this provision shall not apply to armed security officers who have received documented training in defensive tactics utilizing handcuffing procedures and are detaining the student for law enforcement.

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; and
b. any space in which a student is secluded shall have adequate lighting, ventilation and size. To the extent possible under the specific circumstances, the space should be free of injurious items.

E. 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.

F. 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 end of the school day that the restraint was used.

3. A written report based on the findings of the staff review required by paragraph G. below shall be emailed, faxed or mailed to the student’s parent within five calendar days of the use of 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 student’s confidential file.
G. 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 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. recommendations 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.

H. 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 pursuant to paragraphs F.1 and F.3 above and including, 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.

I. 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.

Adopted: prior to 1994
Adopted: November 1, 1994
Revised: October 21, 2003
Revised: January 7, 2014

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 code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action. Upon the third formal removal from class, a teacher may remove the student from the teacher’s class in accordance with this policy, its accompanying regulation and applicable law.

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.

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, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

The superintendent is directed to establish procedures to implement this policy so that removals from a classroom occur in a consistent manner throughout the district. Parents/guardians shall be notified of the student’s removal from class in accordance with established procedures.

Adopted: October 21, 2003
Revised: January 7, 2014

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(l)(B) (policy required as part of safe school plan)
CROSS REFS.: JIC subcodes, (all pertain to student conduct)
JK, Student Discipline, and subcodes

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. Such behavior interferes with the classroom environment and will not be tolerated.

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 teaching license issued by the state who is employed to instruct, direct or supervise the instructional program. It does not include substitute teachers as defined in state law.

Informal removal to the principal’s office

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 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 later the same 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:

4. Conduct that is prohibited in the student code of conduct. A teacher's decision to remove a student from class for behavior covered by district policies regarding suspension and expulsion may, but does not necessarily, mean that the student will also be suspended and/or expelled.

5. Disruptive, dangerous, or unruly behavior. The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous, or unruly:

   6. Inappropriate physical contact intended or likely to hurt, distract, or annoy others such as hitting, biting, pushing, shoving, poking, pinching, or grabbing;
   7. Inappropriate verbal conduct intended or likely to upset, distract, or annoy others such as name calling, teasing, or baiting;
   8. Behavior that may constitute sexual or other harassment;
   9. 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;
   10. Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.;
   11. Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out;
   12. Destroying or damaging the property of the school, the teacher or another student; or
   13. Loud, obnoxious, or outrageous behavior.

6. 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:

   - Open defiance of the teacher, manifest in words, gestures, or other overt behavior;
   - Open disrespect of the teacher, manifest in words, gestures, or other overt behavior; or
   - 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 removal from class. When the teacher determines that removal is appropriate, the teacher shall take one of the following courses of action:

1. Instruct the student to go to the main office. Unless prevented by the immediate circumstances, the teacher shall send a note with the student stating the reason for the student's removal and call the building principal's office.
2. 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 practicable, the building principal or designee shall notify the student's parent/guardian, in writing, that the student was removed from class. The written notice shall specify the class from which 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. If the student's removal from class is also subject to disciplinary action (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.

When the student arrives at the main office, the building principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal or designee is not available immediately upon the student's arrival, the student will be taken to the designated short-term removal area and the principal or designee will speak to the student as soon as practicable.

At the discretion of the building principal or designee, the student may be placed in another appropriate class, program or educational setting, provided students are supervised in such alternative setting.

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. If possible, such work shall be related to the work in the class from which the student was removed or may be related to the student's misconduct. In no event shall a student's time in the short-term removal area be recreation or other free time.

In most cases, a student shall remain in the short-term removal area 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 shall consider whether a behavior plan should be developed for the student upon the student's first 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 Policy JK. A behavior plan shall be developed after the teacher formally removes a student from class for the second time.

Removal for remainder of term

Upon the third formal removal from class, a student shall be officially removed from the teacher's class for the remainder of the term. The principal shall be responsible for determining the appropriate educational 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.

Once a student is officially removed from class, a loss of credit may occur if the principal determines that it would be too disruptive to enroll the student in another class after the start of the term.

Review 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 with teachers at least annually.

A student may be removed from a classroom by a teacher only in accordance with the requirements of this regulation and accompanying policy and the applicable provisions of state and federal law. All teacher actions under this regulation shall be subject to evaluation and supervision by the teacher's supervisor as provided in Board policies and procedures.

Approved: October 21, 2003
Revised: January 7, 2014

Suspension/Expulsion of Students

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.

Other disciplinary interventions

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the principal or designee may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to detention, in-school suspension, counseling, participation in the district's restorative justice program or positive behavioral intervention support (PBIS) program, peer mediation, referral to a juvenile assessment center for counseling or other services, or other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system. See, C.R.S. 22-32-109.1 (2)(a)(II).

As another intervention and alternative to suspension, the principal or designee may permit the student to remain in school with the consent of the student's teachers if the parent/guardian attends class with the student for a period of time specified by the principal or designee. If the parent/guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the accompanying regulations.

This alternative to suspension shall not be used if expulsion proceedings have been or are about to be initiated or if the principal or designee determines that the student's presence in school, even if accompanied by a parent/guardian, would be disruptive to the operations of the school or be detrimental to the learning environment.

Nothing in this policy shall limit the Board's and its designees' authority to suspend and/or expel a student as deemed appropriate by the Board and its designees. The decision to suspend and/or expel a student instead of providing an alternative to suspension or expulsion or the failure of an intervention to remediate the student's behavior shall not be grounds to prevent the Board and its designees from proceeding with appropriate disciplinary measures, including but not limited to suspension and/or expulsion.

Delegation of authority

1. 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 that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1)(a), (1)(b), (1)(c) or (1)(e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1)(d) unless expulsion is mandatory under law (see exhibit coded JKD/JKE-E), but the total period of suspension shall not exceed 25 school days.
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, 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.

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.

The superintendent shall report on each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the 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.

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 this policy.

The Board may determine to wait until the conclusion of court proceedings to consider expulsion, in which case it shall be the responsibility of the district to provide an alternative educational program for the student as specified in state law.

Adopted: September 21, 1993
Revised: November 1, 1994
Revised: October 21, 2003
Revised: March 1, 2011
Revised: February 21, 2012
Revised: January 7, 2014
LEGAL REFS.:  C.R.S. 16-22-102 (9) (unlawful sexual behavior)
C.R.S. 18-1.3-406 (crime of violence)
C.R.S. 22-32-109.1 (2)(a) (adoption and enforcement of discipline code)
C.R.S. 22-32-109.1 (2)(a)(I)(E) (policy required as part of conduct and discipline code)
C.R.S. 22-32-109.1 (3) (agreements with state agencies)
C.R.S. 22-32-144 (restorative justice practices)
C.R.S. 22-33-105 (suspension, expulsion and denial of admission)
C.R.S. 22-33-106 (grounds for suspension, expulsion and denial of admission)
C.R.S. 22-33-106.3 (use of student's written statements in expulsion hearings)
C.R.S. 22-33-106.5 (information concerning offenses committed by students)
C.R.S. 22-33-107 (compulsory attendance law)
C.R.S. 22-33-107.5 (notice of failure to attend)
C.R.S. 22-33-108 (juvenile judicial proceedings)

File: JKD/JKE-E

Grounds for Suspension/Expulsion

According to Colorado Revised Statutes 22-33-106 (1)(a-g) 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 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 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.

Issued: January 7, 2014

File: JKD/JKE-R

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 the power to suspend a student for not more than five or 10 days,
depending upon the 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 10 days or less.

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 the parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be given in person. If written, delivery may be by 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 set 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 administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a 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 informal 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, an informal hearing will follow as soon after the student's removal as practicable.

6. **Notification following suspension.** If a student is suspended the administrator 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 administrator to review the suspension.

7. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately after the parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.

8. **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 administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator 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.

9. **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.

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

In the event the Board of Education contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed:

1. **Notice.** Not less than five days prior to the date of the contemplated action, the Board of Education or an appropriate administrative officer of the district will cause written notice of such proposed action to be delivered to the student and the student’s parent/guardian. Such delivery may be by 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 basic reasons alleged 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 parent/guardian within 10 days after the date of the notice.

   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 him or her, 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. Such hearing will be conducted by the superintendent. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the superintendent but including in all events the student, the 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. However, technical rules of evidence will not be applicable, and the superintendent may consider and give appropriate weight to such information or evidence he or she deems appropriate. The student’s written statement, if any, may be presented as evidence in accordance with applicable law. The student or representative may question individuals presenting information.

A sufficient record of the proceedings shall 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.

The superintendent will prepare specific factual findings and issue a written decision within five days after the hearing.

5. Appeal. Within 10 days after the decision of the superintendent, the student may appeal the decision to the Board. Failure to request an appeal within 10 days will result in a waiver of the right to appeal and the superintendent’s decision will become final.

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 superintendent, the superintendent’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.

The Board will make final determination regarding the expulsion or denial of admission of the student and will inform the student and his parent/guardian of the right to judicial review.

6. Information to parents. 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 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 educational services through the district, the school district shall 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. Readmittance. 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.

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 administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

C. 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.
2. If it is determined that the student should not be educated in the schools of the district, the district may suspend or expel 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 on-line program authorized by state law or a home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.

4. If the student pleads guilty to the charge, is found guilty or is adjudicated a delinquent juvenile, the Board or designee may proceed to suspend or expel the student following the procedures set forth in these regulations.

5. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this policy, but shall remain confidential unless the information is otherwise available to the public by law.

Adopted: March 13, 1967
Revised: date of manual revision
Revised: July 15, 1975
Revised: November 1, 1994
Revised: October 21, 2003
Revised: March 1, 2011
Revised: February 21, 2012
Revised: January 7, 2014

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 GED, 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.

The superintendent is directed to apply for moneys through the expelled and at-risk student services grant program established by Colorado law or any other grant programs to assist in providing such services.

All expelled students receiving services will be included in the district’s pupil enrollment, including those expelled prior to the pupil enrollment count date.

Adopted: October 21, 2003
Revised: January 7, 2014

LEGAL REFS.: C.R.S. 22-33-201.5 (definition of educational services)
C.R.S. 22-33-203 (educational alternatives for expelled students)
C.R.S. 22-33-204 (services for at-risk students)
C.R.S. 22-33-205 (expelled students grant programs)

CROSS REFS.: JIC, Student Conduct, and subcodes
                JK, Student Discipline, and subcodes

File: JKF*-R

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.

Approved: October 21, 2003
Revised: January 7, 2014

Expulsion Prevention

It is the belief of the Board that available interventions 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 who are likely 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.

Adopted: October 21, 2003
Revised: January 7, 2014

LEGAL REFS.: C.R.S. 22-14-101 et seq. (dropout prevention and student re-engagement)
C.R.S. 22-33-202 (identification of at-risk students)
C.R.S. 22-33-204 (services for at-risk students)
C.R.S. 22-33-204.5 (students in facility schools shall be considered at-risk)
C.R.S. 22-33-205 (grants for services to expelled, at-risk and truant students)
Student Interviews, Interrogations, Searches and Arrests

The Board of Education 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 the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

Interviews by school administrators

When a violation of Board policy or school rules occurs, the principal or designee may question potential student victims and witnesses without prior consent of the student’s parent/guardian. If a school official is investigating a report of child abuse and the suspected perpetrator is a member of the student’s family, no contact with the student’s family will be made.

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interview the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally or in writing.

Searches conducted by school personnel

School personnel may search a student and/or the student’s personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized or contraband materials.

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. A student's failure to cooperate with school officials conducting a search shall be considered grounds for disciplinary action.

An administrative report shall be prepared by the school official conducting a search explaining the reasons for the search, the results and the names of any witnesses to the search.

Search of school property

School lockers, desks and other storage areas are school property and remain at all times under the control of the school. All such lockers, desks and other storage areas, as well as their contents, are subject to inspection at any time, with or without notice.
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, as well as for any loss or damage relating to the contents of such desks and lockers.

Search of the student’s person or personal effects

The principal or designee may search the person of a student or a student’s personal effects such as a purse, backpack, book bag, or briefcase on school property or at school-sponsored events or activities if the school official has reasonable grounds to suspect that the search will uncover:

a. Evidence of a violation of Board and/or district policies, school rules, or federal, state, or local laws.

b. Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

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

The extent of the search of a student’s person or personal effects, as well as the means to conduct the search, must be reasonably related to the objectives of the search and the nature of the suspected violation. Additionally, school officials conducting the search shall be respectful of privacy considerations, in light of the sex and age of the student.

Searches of the person shall be conducted out of the presence of other students and as privately as possible by a person of the same sex as the student being searched. At least one person of the same sex as the student being searched shall witness but not participate in the search.

Searches of a student’s person and/or personal effects may be conducted without the prior consent of the student's parent/guardian. However, the parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person which may require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. School personnel shall not participate in such searches.

Seizure of items

Anything found in the course of a search conducted by school officials which is evidence of a violation of law or Board policy or school rules 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. Such material shall be kept in a secure place by the principal until it is presented at the hearing.

2. Returned to the student or the parent/guardian.

3. Turned over to a law enforcement officer in accordance with this policy.
Law enforcement officers’ involvement

Interrogations and interviews

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or designee shall ascertain that the law enforcement officer has proper identification. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interrogations and interviews are discouraged during students’ class time.

The principal or designee shall be present during the law enforcement interrogation or interview unless a court order provides otherwise. It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards.

Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall notify the student’s parent/guardian, except in cases involving investigation of reported child abuse where the suspected perpetrator is a member of the student’s family, when law enforcement has a court order directing that the student’s parent/guardian not be notified, or when an emergency or other exigent circumstances exist.

If the student is under 18, the student’s parent/guardian also shall be present during the law enforcement interrogation or interview unless: (1) the juvenile is emancipated as that term is defined in state law; (2) the student’s parent/guardian has not been notified pursuant to this policy; or (3) the student’s parent/guardian agrees to the interrogation or interview without being present.

Search and seizure

The principal or designee may request a search on school premises be conducted by a law enforcement officer. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search. It is expected that searches by law enforcement will be conducted in accordance with the requirements of applicable law.

Custody and/or arrest

Students will be released to law enforcement officers if the student has been placed under arrest or if the student’s parent/guardian and the student consent to such release. When a student is removed from school by law enforcement officers for any reason, school officials will make reasonable efforts to notify the student’s parent/guardian.

It is expected that all procedural safeguards prescribed by law are followed by law enforcement officers conducting student arrests. However, district staff is not responsible for an officer’s legal compliance when arresting a student.

Adopted: February 6, 1967
Revised: August 15, 1995
Revised: October 21, 2003
Revised: January 7, 2014
LEGAL REFS.:  C.R.S. 19-2-511 et seq.
C.R.S. 22-32-109.1 (2)(a)(l)(l) (policy required as part of safe schools plan)

File: JIHB

Parking Lot Searches

The privilege of bringing a student-operated motor vehicle on to school premises is conditioned on consent by the student driver to allow search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband.

Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises 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 on to school premises.

Refusal to submit to search also may result in disciplinary action and notification of law enforcement officials.

Routine patrolling of student parking lots and inspection of the outside of student automobiles shall be permitted at all times.

Adopted: August 15, 1995
Revised: January 7, 2014

Nondiscrimination/Equal Opportunity

The Board is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall 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 race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, gender identity, disability or need for special education services. 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. The Brush School District RE-2J provides equal access to designated youth groups. Furthermore the lack of English language skills will not be a barrier to participation or admission.

This policy and regulation shall be used to address all concerns regarding unlawful discrimination and harassment, except those regarding sexual harassment which are addressed in other Board policies listed in this policy's cross references.

In keeping with these statements, the following shall be 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 he or she lives.

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 shall 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 race, color, sex (which includes marital status), sexual orientation, gender identity, religion, national origin, ancestry, creed, disability or need for special education services. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age, genetic information or conditions related to pregnancy or childbirth. The Brush School District RE-2J provides equal access to designated youth groups. Furthermore the lack of English language skills will not be a barrier to participation or admission. The announcement shall also include the name, address, email address and telephone number of the person designated to coordinate Title IX and Section 504 and ADA compliance activities.

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

The notice shall 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 race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, gender identity, disability or need for special education services 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.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, national origin, ancestry, creed, religion, sex, sexual orientation, gender identity, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment will apply to complaints alleging sexual harassment.

Harassing conduct may take many forms, including but not limited to:

1. verbal acts and name-calling;
2. graphic depictions and written statements, which may include use of cell phones or the Internet;
3. other conduct that may be physically threatening, harmful or humiliating.

**Reporting unlawful discrimination and harassment**

Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in Board policy, or who has witnessed such unlawful discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment, or who has witnessed such unlawful discrimination or harassment, shall 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 shall 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 shall take prompt and effective action to stop it, as prescribed by the district.

The district shall 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 shall take interim measures during the investigation to protect against further unlawful discrimination, harassment or retaliation.

To the extent possible, all reports of unlawful discrimination or harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment. No student, employee or member of the public shall 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 shall implement measures designed to remedy the problem in those areas or activities.

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

In cases involving potential criminal conduct, the compliance officer shall 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 shall be referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution.
Students and district employees shall receive periodic training related to recognizing and preventing unlawful discrimination and harassment. District employees shall receive additional training related to handling reports of unlawful discrimination and harassment. The training will include, but not be 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.

Adopted: October 25, 1983
Revised: November 1, 1994
Revised: October 21, 2003
Revised: April 5, 2011
Revised: January 7, 2014
Revised: May 15, 2018

29 U.S.C. §701 et seq. (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. §12101 et seq. (Title II of the Americans with Disabilities Act)
42 U.S.C. §2000e (Title VII of the Civil Rights Act of 1964)
34 C.F.R. Part 100 through Part 110 (civil rights regulations)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation, which includes transgender)
C.R.S. 18-9-121 (bias-motivated crimes)
C.R.S. 22-32-109 (1)(l) (Board duty to adopt written policies prohibiting discrimination)
C.R.S. 24-34-301 et seq. (Colorado Civil Rights Division)
C.R.S. 24-34-301 (7) (definition of sexual orientation, which includes transgender)
C.R.S. 24-34-402 et seq. (discriminatory or unfair employment practices)
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees)
C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)
C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment
JB, Equal Educational Opportunities
JBB*, Sexual Harassment

Brush School District RE-2(J), Brush, Colorado
Nondiscrimination/Equal Opportunity

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 Nondiscrimination Act of 2008, and Colorado law, Brush School District RE-2(J) does not unlawfully discriminate on the basis of race, color, sex, religion, national origin, ancestry, creed, age, marital status, sexual orientation, gender identity, genetic information, disability or need for special education services in admissions, access to, treatment, or employment in educational programs or activities which it operates. The Brush School District RE-2J provides equal access to designated youth groups. Furthermore the lack of English language skills will not be a barrier to participation or admission.

Complaint procedures have been established for students, parents, employees and members of the public. The following person(s) have been identified as the compliance officer for the district:

Dr. William Wilson, Superintendent
527 Industrial Park Road
Brush, CO 80723
(970) 842-5176
b.wilson@brushschools.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. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

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