



Student Code of  
Conduct  
&  
Annual Notifications

2018-2019

**Weld RE-4 School District  
Student Code of Conduct  
&  
Annual Notifications  
Table of Contents**

	<u>Page</u>
Nondiscrimination/Equal Opportunity .....	1
Tobacco-Free Schools.....	7
School Closure .....	8
Health Education.....	8
Assessment Systems .....	9
Equal Educational Opportunities .....	11
Sexual Harassment.....	11
Student Attendance .....	13
Student Dress .....	14
Code of Conduct .....	14
Violent and Aggressive Behavior .....	16
Bullying Prevention and Education .....	17
Student Publications.....	18
Secret Societies/Gang-Related Activity.....	20
Student Involvement with Drugs and Alcohol.....	21
Weapons in School .....	22
Searches .....	23
Student Complaints and Grievances .....	24
Student Discipline.....	25
Use of Physical Intervention and Restraint .....	26
Discipline of Students with Disabilities.....	33
Suspension and Expulsion .....	35
Discipline of Habitually Disruptive Students .....	39
Immunization of Students .....	38
Administering Medicines to Students.....	41
Students with Food Allergies.....	42
Student Fees, Fines, and Charges .....	44
Appropriate Use of District and Personal Technology by Students .....	44
Annual Notifications.....	47

**All policies listed are subject to changes and updates by the Board of Education throughout the year. Please check the District’s website at [www.weldre4.org](http://www.weldre4.org) or visit the District Administration Office at 1020 Main Street, Windsor, during regular business hours for the most up to date policies including those not listed in this publication.**

## **NONDISCRIMINATION/EQUAL OPPORTUNITY Policy AC**

The District 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, national origin, religion, ancestry and other categories protected by law. 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 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, disability or other status protected by law. Discrimination against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law.

This policy and regulation shall be used to address all concerns regarding discrimination and harassment, except those regarding sexual harassment which are addressed in policies GBAA and JBB.

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 -discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or discrimination in violation of district 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, religion, national origin, ancestry, creed, disability or any other status protected by law. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the title, 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, disability or other protected status 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, disability or other protected status 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 (GBAA for employees and JBB for students) 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; and
3. other conduct that may be physically threatening, harmful or humiliating.

## **Reporting discrimination and harassment**

Any student who believes he or she has been a victim of discrimination or harassment in violation of District policy, or who has witnessed such 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 discrimination or harassment, or who has witnessed such 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, the complaint shall be made to the superintendent who shall designate an alternate compliance officer to investigate the matter.

## **District action**

All district employees who witness 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 discrimination and harassment, to end such 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 discrimination, harassment or retaliation.

To the extent possible, all reports of 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 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 discrimination or harassment in violation of District policy shall be disciplined according to applicable District policies, and the district shall take reasonable action to restore lost educational or employment opportunities to the individual(s) caused by the discrimination or harassment.

In cases involving potential criminal conduct, the compliance officer shall determine whether appropriate law enforcement officials should be notified.

### **Notice and training**

To reduce 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 discrimination and harassment. District employees shall receive additional training related to handling reports of 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 discrimination and harassment; and
- proven harassment prevention strategies.

## **NONDISCRIMINATION/EQUAL OPPORTUNITY (Complaint and Compliance Process) Policy AC-R**

The district is committed to providing a working and learning environment that is free from discrimination and harassment on the basis of a person's race, color, sex, religion, national origin, ancestry, creed, age, marital status, sexual orientation, disability, or any other status protected by law. The district shall promptly respond to concerns and complaints of discrimination and/or harassment; take action in response when discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

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

### **Definitions**

1. "Compliance officer" means an employee designated by the Board to receive complaints of alleged discrimination and harassment. The compliance officer shall be identified by title, address, telephone number and email address. See Exhibit AC-E-1. If the designated individual is not qualified or is unable to act as such, the superintendent shall designate an administrator who shall serve until a successor is appointed by the Board.

2. "Aggrieved individual" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting discrimination or harassment.

### **Compliance officer's duties**

The compliance officer shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting discrimination or harassment. The compliance officer's duties shall include providing notice to students, parents/guardians of students, employees and the general public concerning the compliance process, providing training for district staff regarding the prohibition of discrimination/harassment in all district

programs, activities and employment practices, disseminating information concerning the forms and procedures for the filing of complaints, ensuring the prompt investigation of all complaints, coordinating hearing procedures, and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

### **Complaint procedure**

An aggrieved individual is encouraged to promptly report the incident as provided in Board policy and this regulation. All reports received by teachers, counselors, principals or other district employees shall be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the superintendent.

Any aggrieved individual may file with the compliance officer a complaint charging the district, another student or any school employee with discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint shall be encouraged to use the form in AC-E-2.

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

The compliance officer shall confer with the aggrieved individual and/or the alleged victim of the discrimination or harassment as soon as is reasonably possible, but no later than 5 school days following the district's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 5 school days following the initial meeting with the aggrieved individual and/or alleged victim, the compliance officer shall attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if a student, his or her parents/guardians in order to obtain a response to the complaint. Such person(s) shall be informed of all allegations that, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

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

### **Informal action**

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

### **Formal action**

If informal resolution is inappropriate, unavailable or unsuccessful, the compliance officer shall promptly investigate the allegations to determine whether and/or to what extent, discrimination or harassment in violation of district policy has occurred. The compliance officer may consider the following types of information in determining whether discrimination or harassment occurred:

- a. statements by any witness to the alleged incident,
- b. evidence about the relative credibility of the parties involved,

- c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others,
- d. evidence of the aggrieved individual and/or alleged victim's reaction or change in behavior following the alleged prohibited conduct,
- e. evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct,
- f. evidence and witness statements or testimony presented by the parties involved,
- g. other contemporaneous evidence, and/or
- h. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the compliance officer, including:

- a. the degree to which the conduct affected one or more student's education or one or more employee's work environment,
- b. the type, frequency and duration of the conduct,
- c. the identity of, and relationship between, the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
- d. the number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct,
- e. the age of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
- f. the size of the school, location of the incident and context in which it occurred, and
- g. other incidents at the school.

The compliance officer shall prepare a written report containing findings and recommendations, as appropriate, and submit the report to the superintendent within 5 school days following the termination of the informal resolution process or a determination that information resolution would be inappropriate. The compliance officer's report shall be advisory and shall not bind the superintendent or the district to any particular course of action or remedial measure. Within 5 school days after receiving the compliance officer's findings and recommendation, the superintendent or designee shall determine any sanctions or other action deemed appropriate, including, if appropriate, recommendations to the Board for disciplinary or other action.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, shall be notified in writing by the superintendent of the final outcome of the investigation and any remedial action take, if applicable, within 5 school days following the superintendent's determination.

### **Hearing procedure for Section 504 complaints**

In addition to utilizing the complaint process described above, if a complaint involves a student's identification, evaluation, or educational placement under Section 504 of the Rehabilitation Act, the student's parent(s) or legal guardian(s) also have the option of requesting an impartial due process hearing.

An impartial due process hearing may be requested by filing written notice with the district's compliance officer. Upon receiving a written request for a hearing, the district's compliance officer will select an impartial hearing officer to decide the matter.

The district-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the student's parents/legal guardians and district. The hearing shall be informal, and formal rules of evidence shall not apply. The parties may be

represented by legal counsel, and they may present testimony and other evidence as they so choose. . The hearing shall be closed to the public.

Within ten (10) school days after the conclusion of the hearing, the hearing officer shall make a written recommendation to the superintendent based upon evidence presented at the administrative hearing. Within 10 days of receiving the hearing officer's recommendations, the superintendent or designee shall determine and take any action deemed appropriate.

Any party not satisfied with a decision made by the superintendent may present his/her concerns to the Board. Any action taken by the Board shall be final.

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

### **Outside agencies**

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

### **NONDISCRIMINATION/EQUAL OPPORTUNITY (Notice of Non-discrimination and Designation of Compliance Officer) Policy AC-E-1**

The District is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. To that end, 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 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, disability, or other status protected by law. Discrimination against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law.

Any person who has a question, concern, or complaint related to the District's non-discrimination policies and/or its efforts to ensure equal educational opportunities should contact one of the District's designated on-discrimination/equal opportunity compliance officers.

For student-related inquiries, including complaints of discrimination or harassment in violation of ADA, Section 504 and/or Title IX, please contact:

Director of Exceptional Student Service  
1020 Main Street, Windsor, CO 80550  
970-686-8000  
[Jonpaul.burden@weldre4.org](mailto:Jonpaul.burden@weldre4.org)

For employment-related inquiries, including complaints of discrimination or harassment in violation of the ADA, Section 504 and/or Title IX, please contact:

Director of Employee and Business Services  
1020 Main Street, Windsor, CO 80550  
970-686-8000  
[Nikki.schmidt@weldre4.org](mailto:Nikki.schmidt@weldre4.org)

**TOBACCO-FREE SCHOOLS  
Policy ADC**

Whereas the Use of Tobacco Products is detrimental to the well-being of students and staff, the following prohibitions are placed on its use and/or possession in school facilities, on district property, during district or school-sponsored activities or in school-owned transportation at all times.

Use of any Tobacco Products by staff, teachers, students, and visitors in or on any district property or at any district- or school-sponsored activity is prohibited.

Students shall not be in possession of any Tobacco Products while in school facilities, on school district property, during district- or school-sponsored activities or in school-owned transportation at any time.

“Tobacco Product” means:

- a. any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff and chewing tobacco; and
- b. any electronic or manual device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, vapor pen, vaporizer, or pipe.
- c. “Tobacco Product” does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product, and that is possessed or being used by a person legally permitted to purchase such tobacco use cessation product.

“Use of any Tobacco Product means “lighting, chewing, smoking, inhaling, vaporizing, ingesting or application of any Tobacco Product.”

“School property” means all property owned, leased, rented, or otherwise used or contracted for by a school or the school district and shall include school grounds over which the school exercises control including, but not limited to, areas surrounding any buildings, playgrounds, athletic fields, recreation areas, and parking areas.

“School facilities” includes, but is not limited to, all indoor and outdoor facilities used to provide educational services, library services, routine health care services, athletic or recreation services, and daycare or early childhood development services to children as well as facilities used for administration, support services, maintenance or storage and the grounds surrounding those facilities that are under the District’s ownership or control.

“School-owned transportation” means all vehicles owned, leased, or rented by the school or school district used for transporting students, staff, visitors, or other persons.

Signs regarding this prohibition and the consequences of a violation will be displayed in prominent places on all school property This policy will be published in all employee and student handbooks, and will be posted on bulletin boards in school facilities.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property or a district- or school-sponsored activity. Employees found to be in violation of this policy will be subject to appropriate disciplinary action in accordance with personnel policies.

Any student who violates this policy is subject to the consequences described below. The sequence of consequences that follow will occur during the student's tenure in each of the three building levels (K-5, 6-8, 9-12) that exist in the school district. The student returns to a first offense consequence only when he or she advances to a new building level.

1. For the first offense, the student shall be suspended from classes for one day and a letter shall be sent to his or her parents notifying them of the violation. This suspension may be in school or out of school.
2. For the second offense, the student shall be suspended from school for two days and a letter shall be sent to his or her parents notifying them of the violation. Before the student is readmitted to school, a conference will be held with the student, parents and a building administrator.
3. For the third and subsequent offense(s), the student shall be suspended from school for a minimum of two days and a maximum of 5 days and a letter shall be sent to his or her parents notifying them of the violation. Before the student is readmitted to school, a conference will be held with the student, parents, and a building administrator.
4. Notwithstanding other provisions of this policy, a student may be recommended for expulsion by the building principal at any time (1) if the offense is deemed to be behavior that is detrimental to the welfare of other students or of school personnel, including behavior that creates a threat of physical harm to the child or the other children; (2) for the fourth and subsequent violations of this policy if the smoking violation(s) is (are) deemed by the building principal to be a pattern of continued willful disobedience or open and persistent defiance of proper authority; or (3) if the student distributes, dispenses, sells, gives, or exchanges a Tobacco Product on school district property, during district- or school- sponsored activities, in school-owned transportation or off school district property when such conduct has a reasonable connection to school or any district curricular or non-curricular activity or event or when such conduct interferes with the operations of the District or the safety or welfare of students or employees.

Exemptions-

Pursuant to state law no exemption shall be granted pursuant to this policy.

### **SCHOOL CLOSURE EBCE**

The Superintendent is empowered to close the schools, dismiss them early, or to delay a school day start in event of hazardous weather or other emergencies which threaten the safety, health or welfare of students or staff members. It is understood that the Superintendent will take such action only after consultation with appropriate authorities. The Board shall ratify the closing at its next regular meeting.

Parents, students, and staff members shall be informed early in each school year as to how they shall be notified in event of emergency closings, early dismissals, or delayed starts.

### **HEALTH EDUCATION IHAM-R**

1. Exemption will be granted from a specific portion of the health education curriculum upon the request of the student's parent/guardian.
2. A request for exemption must be submitted in writing to the principal at least ten school days in advance of instruction in that portion of the curriculum for which the exemption is requested.
3. The principal will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternative activity for which the student will receive credit.
4. The principal or teacher will inform the parent/guardian of disposition of the request within ten school days of receipt of the request.

## **ASSESSMENT SYSTEMS IKA**

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

### **State assessment system**

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

Additionally, state law requires district to include state assessment results on annual report cards if the district has sufficient time to process the results after they are released. As required, “readiness assessments” will be recorded on the student’s final high school transcript.

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

#### **1. Pencil and paper testing option**

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

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

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

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

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

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

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

This policy's exemption process shall apply only to state assessments and shall not apply to district or classroom assessments.

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

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

### **District assessment system**

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

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

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

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

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

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

### **Classroom assessment system**

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

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

## **ASSESSMENT SYSTEMS IKA-R (Exemption Procedure and Information to Parents/Guardians)**

### **Parent/guardian request for exemption**

In accordance with the accompanying policy, the parent/guardian of a student enrolled in the district may request that his or her child be exempt from participating in one or more state assessments.

1. The request for exemption must be submitted in writing to the school principal.
2. The parent/guardian will not be required to state the reason for asking for the exemption.
3. The request for exemption may apply to all or specific state assessments administered to the student during the school year.

4. A request for exemption will be valid for one school year. Requests for exemption from state assessments in subsequent school years require a new written request.
5. Parents/guardians are encouraged to submit their requests for exemption at the earliest possible date each school year so that the district may plan accordingly.

### **Information to parents/guardians**

Each school year at the earliest possible time, the district shall distribute information to students' parents/guardians regarding the state and district assessments that the district will administer that year. This information shall also be posted on the district's website.

The district shall also distribute a district assessment calendar to students' parents/guardians at the earliest possible time each school year, and shall post the calendar on the district's website.

At a minimum, the district assessment calendar shall include:

- An estimate of the testing hours required on each testing day; and
- Whether the assessment is required by federal and/or state law or was selected by the district.

## **EQUAL EDUCATIONAL OPPORTUNITIES**

### **JB**

Every student of this school district shall have equitable educational opportunities through programs offered in the school district regardless of race, color, ancestry, creed, sex, sexual orientation, religion, national origin, marital status, disability or need for special education services.

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

## **SEXUAL HARASSMENT**

### **Policy JBB**

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

### **District's commitment**

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

The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

### **Sexual harassment prohibited**

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same sex and whether or not the student resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.
3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.

Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

Sexual harassment as defined above may include, but is not limited to:

1. sex-oriented verbal "kidding," abuse or harassment,
2. pressure for sexual activity,
3. repeated remarks to a person with sexual implications,
4. unwelcome touching, such as patting, pinching or constant brushing against the body of another,
5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns,
6. sexual violence.

### **Reporting, investigation and sanctions**

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor or principal in their school building and file a complaint, through the district's complaint and compliance process. All reports and indications from students, district employees and third parties shall be forwarded to the compliance officer.

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

Any student found to have engaged in sexual harassment shall be subject to discipline, including, but not limited to, being placed under a remedial discipline plan, suspension or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with applicable law and Board policy.

### **Notice and training**

Notice of this policy shall be circulated to all district schools and departments and incorporated in all student handbooks.

All students and district employees shall receive periodic training related to recognizing and preventing sexual harassment. District employees shall receive additional periodic training related to handling reports of sexual harassment.

## **STUDENT ATTENDANCE Policy JE**

Students in the Re-4 School District are expected to be present as assigned and to be engaged in the District's educational process on a regular basis. Regular and punctual attendance is an important factor in determining student achievement and success.

Attendance is primarily the responsibility of the student and his or her parents or guardians. It is the obligation of every parent or guardian to ensure that every child under his or her care and supervision, who is of compulsory attendance age, attends school as may be required by Colorado statutes, Board of Education policies, and school regulations.

Every child who has attained the age of six years on or before August 1 and is under the age of 17 years shall attend public school during each school year, except as may be provided for in state statutes, Board policy, or school regulations.

At the beginning of each school year and upon enrollment of a student during the year, parents, guardians, and legal custodians shall be notified of their obligations to ensure their child's school attendance.

The Board of Education appoints the principal or his or her designee of each school as attendance officer for their respective school. The attendance officer shall counsel with students and parents investigate the causes of nonattendance, and report to the Board regarding compulsory school attendance. The attendance officer will initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this policy.

The attendance officer, in consultation with the Superintendent of Schools, will initiate judicial proceedings to enforce compulsory attendance pursuant to Colorado statutes. The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is eight during any calendar year or school year.

Absences due to suspension or expulsion may be considered unexcused for the purpose of determining academic credit. Absences due to suspension or expulsion will be considered excused for the purpose of calculating the number of absences prior to initiating judicial proceedings and for the purpose of classifying a student as "habitually truant."

A student shall be considered "habitually truant" who has four or more unexcused absences from school in any one month or ten unexcused absences during any school year. Each school is authorized to establish procedures concerning students who are habitually truant. These procedures shall include, at a minimum, the principal or designee notifying the student's parents, guardian, or legal custodian, in writing, of the student's absences and of the fact that the student is "habitually truant" and scheduling a meeting with all concerned to develop a plan addressing the reasons for the student's absences, ways to improve the student's attendance, and consequences for further unexcused absences.

The following shall be considered excused absences:

1. A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance.
2. A student who is enrolled for the minimum period required by law in an independent or parochial school which provides a basic academic education.
3. A student who is absent for an extended period due to physical, mental, or emotional disability.
4. A student to whom a current age and school certificate or work permit has been issued under Colorado law.
5. A student who is in the custody of a court or law enforcement authorities.
6. A student who is pursuing a work-study program under the supervision of a public school.
7. A student who is being instructed at home, as provided by Colorado law.
8. A student who has an individualized education plan which may outline alternative attendance requirements.

An unexcused absence shall be any absence that is not found within the foregoing exceptions listed in this policy. Senior class "ditch-days" or "senior trips" (not executed as part of an educational activity approved by the administration) are prohibited by the Board.

Penalties for unexcused absence shall be administered at the school site, and may include, but are not limited to, the initiation of judicial proceedings to enforce compulsory attendance after eight unexcused absences during any calendar year or school year, and the imposition of academic penalties rationally related to classes missed while unexcused.

**COMPULSORY ATTENDANCE**  
**Policy JEA**

Every child who has attained the age of six years on or before August 1 and is under the age of 17 is required to attend public school with such exceptions as provided by law. It is the parent's responsibility to ensure attendance. Attendance officer(s) designated by the Board shall monitor and enforce the law.

**STUDENT DRESS**  
**Policy JICA**

The Board of Education recognizes that students have the right to express themselves by their manner of dress and personal appearance. District-wide standards on student attire are intended to help students maintain focus and attention on learning to reduce discipline problems, and to improve school order and safety. Such student expression may not be allowed to disrupt the classroom environment or maintenance of safe and orderly school operations. Student dress that is deemed by a school principal or designee to be disruptive or potentially disruptive to the classroom environment, or the maintenance of a safe and orderly school, shall be prohibited.

Any student deemed in violation of the dress code shall be required to either 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 obtain appropriate clothing, the student may be subject to disciplinary actions, including being sent home from school until the student is dressed appropriately for school. Consequences for repeated dress code violations may include suspension or other disciplinary action in accordance with Board policy concerning student suspensions, expulsions, and other disciplinary interventions.

School-specific rules concerning student dress consistent with these principles shall be established by the school administration to insure that student dress meets appropriate standards of cleanliness, healthfulness, order and safety, and does not disrupt the educational process. For purposes of this policy, "student dress" includes, without limitation, hair color or style.

**CODE OF CONDUCT**  
**JICDA**

In accordance with applicable law and District 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 school property when the conduct has a reasonable connection to school or any District curricular or non-curricular activity or event:

1. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the District staff.
2. Causing or attempting to cause damage to school property or stealing or attempting to steal District property.
3. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
4. Willful destruction or defacing of school property.
5. Violation of District Policy or building regulations.
6. Violation of the District's Policy on weapons in the schools. In accordance with federal law, expulsion shall be mandatory for bringing or possessing a firearm.
7. Violation of the District's Policy on student conduct involving drugs and alcohol.
8. Violation of the District's violent and aggressive behavior policy.

- 9 Violation of the District's tobacco-free schools policy.
10. Violation of the District's Policies on prohibiting sexual or other harassment.
11. Violation of the District's Policy on nondiscrimination.
12. Violation of the District's dress code policy.
13. Violation of the District's policy on bullying prevention and education.
14. Violation of the District's policy on gangs and gang-like activity.
15. Throwing objects, unless part of a supervised school activity that can or do cause bodily injury or damage to property.
16. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or others.
17. Engaging in verbal abuse, i.e., name calling, making a threat of harm to other individuals or property, ethnic or racial slurs, either orally or in writing or derogatory statements addressed publicly to an individual or group that precipitate disruption of the District or school program or incite violence.
18. 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.
19. Behavior on or off school property which 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.
20. Repeated interference with the District's ability to provide educational opportunities to other students.
21. The commission of any act, which if committed by an adult, would be robbery or first or second degree assault as defined by state law.
22. Violation of criminal law which has an effect on the District or on the general safety or welfare of students or staff.
23. Lying or giving false information, either verbally or in writing, to a District employee.
24. 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.
25. 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.
26. Making a false accusation of criminal activity against a District employee to law enforcement or to the District personnel.
27. Declaration of the student as a habitually disruptive student, pursuant to Policy JKD JKE.
28. Failure to comply with the immunization requirements as specified in Part 9, Article 4, Title 25, C.R.S. Any suspension expulsion or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be noted in the student's permanent record with an appropriate explanation.

The Board recognizes there are certain behaviors that, if tolerated, would compromise the learning environment to which the students and staff of the district are entitled. These behaviors, categorized as violent or aggressive, will not be tolerated.

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 and Board policy, 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. The district may also conduct a threat assessment of the student.

Students shall immediately report questionable behavior or potentially violent situations to an administrator, counselor or teacher.

A staff member who witnesses or receives a report of a student's act of violence and aggression shall notify the building principal or designee as soon as possible.

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.

An act of violence and aggression includes but is not limited to the following behaviors:

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 (including by text, social media or other electronic means), 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 (which includes transgender), 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.

## **BULLYING PREVENTION AND EDUCATION Policy JICDE**

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 and 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.

In determining the appropriate action to be taken in response to incidents of student bullying, the principal or principal's designees shall consider multiple indicators of the bullying behavior's severity, which may include whether the bullying behavior is unwanted and aggressive; is repeated or has the potential to be repeated; involves a real or perceived power imbalance wherein the student engaging in bullying behavior is using his or her power to control or harm others; involves making threats, spreading rumors, attacking someone physically or verbally; or excluding someone from a group on purpose.

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.

Available interventions for the student who engaged in the bullying behavior or retaliatory action include, but are not limited to:

Imposing discipline, which may include classroom removal, detention, classroom suspension, counseling, participation in the district's restorative justice program or positive behavioral intervention support program, peer mediation, referral to law enforcement authorities, referral to a juvenile assessment center for counseling or other services, being placed on a remedial discipline plans, suspension, or expulsion.

In addition, the principal or principals designee may:

Meet with the student to develop strategies to conform the student's behavior to acceptable standards;

Hold a conference with the student's parents in order to develop cooperative strategies to conform the student's behavior to acceptable standards;

Separate the student from other students at school or from particular school programs or activities until the student can conform his or her behavior to an acceptable standard;

Withhold privileges (ie: recess, field trips, participation in extracurricular activities, etc.) until the student can conform his or her behavior to acceptable standards.

The superintendent, or designee, 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.

**STUDENT PUBLICATIONS  
(AND DISTRIBUTION OF LITERATURE)  
JICE**

School Sponsored Publications

The Board encourages students to express their views in school-sponsored publications, or in other media that may be approved by the District but they must observe rules for responsible journalism. This means expression which is false or obscene, libelous, slanderous or defamatory under state law; or expression which 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, or which violates the privacy rights of others, or that threatens violence to property or persons shall not be permitted.

The Board also encourages school-sponsored publications as an educational activity through which students can gain experience in reporting, writing, editing, and an understanding of responsible journalism. 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 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;
5. Procedures for resolving differences.

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

#### Distribution of Literature

Students shall enjoy constitutional rights to the distribution of literature on school grounds and in school buildings, except that the principal may prohibit the distribution in school buildings of a specific issue of a specific publication for the reasons stated in the first paragraph above. The principal may request that no literature be distributed unless a copy is submitted in advance.

The time, place, and manner of such distribution of literature shall be reasonably regulated by the principal.

## **SCHOOL PUBLICATIONS CODE JICE-R**

#### PURPOSES OF SCHOOL PUBLICATIONS

School-sponsored student publications in various media serve as educational activities through which students can gain experience and knowledge in responsible journalistic reporting, writing, and editing. They also serve as a public forum for student expression.

#### RESPONSIBILITIES OF SCHOOL PUBLICATIONS' ADVISORS

Advisors of school-sponsored student publications are responsible for supervising the production of these publications and for teaching and encouraging free and responsible expression and professional standards of journalism. If the student publication is part of a class or activity for which grades or school credits are given, the advisor also has authority to establish or limit writing assignments and to otherwise direct and control the learning experience.

#### RESPONSIBILITIES OF SCHOOL PUBLICATIONS' STUDENT EDITORS

Student editors of school-sponsored publications are responsible for determining the news, opinion, and advertising content of their publications, subject to the limitations of state law and school district policy (see policy JICE).

#### MATERIAL THAT IS PROHIBITED IN SCHOOL PUBLICATIONS

The following material is prohibited in school-sponsored publications:

1. Expression which is false, obscene, libelous, slanderous, or defamatory;
2. Expression which 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;
3. Expression which violates the privacy rights of others;
4. Expression that threatens violence to property or persons.

#### DISTRIBUTION OF SCHOOL PUBLICATIONS

In all cases the principal, working in conjunction with the advisor and student editor, shall determine a reasonable and appropriate time, place, and manner for the distribution of school-sponsored publications.

#### PROCEDURES FOR RESOLVING DIFFERENCES

Prior to publication, if differences arise concerning publication material, all parties concerned will meet and discuss with the principal the reasons why they believe the material to be appropriate or inappropriate for publication. The principal will assist in articulating all sides of the discussion, encouraging the student editor to carefully consider all points and potential consequences before making a decision regarding publication of material in dispute.

After publication, if an individual or group believes that published material is material prohibited by state law or school district policy, that individual or group may file a written complaint with the principal, articulating the reasons for the complaint. The principal shall meet with the individuals and the advisor and student editor to attempt to resolve any differences. The student editor must respond to the complaint in writing, with a copy sent to the principal. If the individual or group is not satisfied with the written response from the student editor, a complaint may then be filed with the superintendent. The superintendent shall then meet with all parties concerned to attempt to resolve the differences.

#### CONSEQUENCES FOR POLICY VIOLATION

If in the process of discussion of differences, it becomes clear to the principal or superintendent that the student editor has engaged in willful or reckless disregard of school district policy on school-sponsored publications, the student editor shall be subject to disciplinary action by the school.

### **SECRET SOCIETIES/GANG ACTIVITY Policy JICF**

It shall be unlawful for any pupil attending a public school to join or become a member of any secret fraternity or sorority not approved by the Board of Education.

The Board of Education desires to keep District schools, events, and students safe and free from the influence of gangs and gang related activity. Such activity is detrimental to the safety and welfare of students and school personnel and threatens to disrupt the educational process.

The principal of each school or principal's designee shall take reasonable steps to deter gang intimidation of students and confrontations between members of different gangs on school grounds, in school vehicles and at school activities or sanctioned events.

The term "gang" as used in this policy shall refer to all groups of individuals that exist without the sponsorship or authorization of the school or District and who share a common interest, bond, or activity characterized by anti-social, criminal or delinquent conduct engaged in collectively or individually.

The presence of any apparel (including clothing), jewelry, accessory, notebook, or manner of grooming which by virtue of its color, arrangement, trademark, or other attribute denotes membership in gangs which advocate drug use, violence or disruptive behavior is prohibited on school grounds, in school vehicles and at school activities or sanctioned events.

Gestures, signals, or graffiti which connote gang membership or activities are prohibited in school buildings, on school grounds, at school activities, and in school vehicles.

Subject to the approval of the superintendent or designee, principals may establish additional standards for their schools not inconsistent with District policy and state law. Such standards shall be published and made available to students and parents.

Gang graffiti shall be removed, washed down, or painted over as soon as discovered.

The superintendent or superintendent's designee may provide in-service training to help school personnel identify gang activities and manifestations of such in order to recognize and respond appropriately to gang behavior in schools.

The District will inform students of the dangers of gang membership, design activities to promote nonviolent conflict resolution, and promote positive school behavior. Disciplinary action for violation of these standards may include that apparel be removed or changed before reentering class, parent conferences, classroom removal, in-school suspension, and other proportionate disciplinary interventions and consequences as may be established by the building principal. Parents will be notified of violations of this policy.

More severe disciplinary actions may be taken including suspension, expulsion or referral to law enforcement for repeated or serious violations of policy, including violations that threatened the safety of any student or staff member.

A copy of this policy and any significant changes hereto, shall be distributed to each student and his or her parents, guardian, or legal custodian and to each new student and his or her parents, guardian, or legal custodian.

## **STUDENT INVOLVEMENT WITH DRUGS AND ALCOHOL Policy JICH**

### Definitions

“Controlled substances” means all substances defined under the Uniform Controlled Substances Act of 1992, C.R.S. § 18-18-101, et. seq., as “drugs” or “controlled substances,” as well as counterfeit drugs and substances falsely represented as being drugs including, but not be limited to, opiates, narcotics, cocaine, anabolic steroids, amphetamine and other stimulants, barbiturates, depressants, hallucinogenic or mind-altering substances, marijuana, inhalants, anabolic steroids, and any other controlled substances defined by law or legal drugs, as defined herein, when used by a person for whom they are not intended in a manner that is not intended and is violative of the law and District Policy.

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.

“Legal drugs” means over-the-counter and prescription drugs, including vitamins and other dietary supplements or chemical substances that are properly possessed and used by the person for whom they are intended or prescribed in accordance with all applicable district policies and regulations or administering medications to students.

“Illegal drugs” means all drugs not defined herein as legal drugs.

“Drug paraphernalia” means any machine, instrument, tool or device as defined in the Uniform Controlled Substances Act of 1992, C.R.S. § 18-18-426.

“To possess” or “to be in possession” means to have controlled substances, illegal drugs, drug paraphernalia, or alcohol on ones’ personal property, or in an automobile or other vehicle, locker, desk or other storage area on district property as defined in this policy.

“Distributing,” “dispensing,” “selling,” “giving,” and “exchanging” shall include any means by which illegal drugs or alcohol are transferred from one person to another regardless of whether there is use or intent to use the drugs or alcohol involved in the transfer.

Because the unlawful possession and use of illegal drugs and/or alcohol is wrong and harmful to students, using, possessing, distributing, selling, giving, exchanging and being under the influence of illegal drugs or alcohol is prohibited on District property, at a school sponsored or district-sponsored activity or event, or while being transported in vehicles dispatched by the District or one of its schools at any time, and off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event or at any time or place when such conduct 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.

Situations in which a student seeks counseling or information from a professional staff members for the purpose of overcoming substance abuse shall be handled on an individual basis depending upon the nature and particulars of the case.

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.

A biennial review of the District's alcohol and drug program will be conducted to determine its effectiveness and to ensure consistent enforcement of sanctions.

Information about the elements of the District's alcohol and drug program, including the results of the biennial review, is available to the public in the District Office.

## **WEAPONS IN SCHOOL**

### **Policy JICI**

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. 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.
- c. Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- d. Knives, including any fixed-blade knife with a blade that exceeds three inches in length; or any spring loaded knife or 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, nun chucks, brass knuckles or artificial knuckles of any kind.

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

In accordance with federal law, expulsion shall be for no less than one full calendar year for any student who is determined to have 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 must 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 District 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 District 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.

#### 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.

## **SEARCHES Policy JIHA**

### GENERAL STATEMENT

In order to maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, desks or storage areas, or student automobiles, under the circumstances described below, and may seize any illegal, unauthorized, or contraband materials discovered in the search.

### PERSONAL SEARCHES

A student's person and/or personal effects, such as a purse, book bag, back pack, etc., may be searched whenever a school authority has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.

In such situations, the scope of the search and measures adopted must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Searches of the person of a student may include a search of the student's pockets or any object in the student's possession. Searches of the person of a student which require a

“pat down” or which require removal of clothing other than a coat, jacket, or equivalent exterior clothing shall not be conducted by school personnel. If necessary, such searches shall be referred to and conducted by law enforcement officers.

Except in situations presenting a significant risk to the safety or welfare of students or school personnel or property, personal searches of a student shall be conducted in a private room by a building administrator or their designee and another witness, one of whom shall be of the same sex as the student.

#### LOCKER/DESK/STORAGE AREA SEARCHES

All lockers, desks, storage, and similar areas provided for student use on school premises are school property and remain at all times under the control of the school. Student use of such areas is subject to the right of school authorities to open or enter into the same and inspect the contents for any reason at any time without notice or student consent.

No student shall lock or impede access to any locker, desk or storage area except with a lock provided or approved by school authorities. Unapproved locks or impediments will be removed and destroyed. Students assume full responsibility for the security of their lockers, desks and storage areas and any loss of or damage to the contents therein.

Under normal circumstances, students shall be notified of the pending search and given the option to be present at the search. However, if, in the opinion of school or law enforcement officials, it is expedient not to notify the student whose locker, desk or storage area is to be searched, the principal or his/her designee has the authority to proceed without such notification.

#### AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or rules of the school. Under normal circumstances, the student shall be notified of the pending search and given the option to be present at the search. However, if, in the opinion of school or law enforcement officials, it is not expedient to notify the student whose automobile is to be searched, the principal or his/her designee has the authority to proceed without such notification. The principal or his/her designee will attempt to notify the parent or guardian of the student whose automobile has been searched that a search has taken place and the results of that search.

### **STUDENT COMPLAINTS AND GRIEVANCES** **Policy JII.R**

For the purpose of this procedure, the following categories of complaints are established:

1. Conduct of an individual
2. Board policies and regulations
3. Civil rights
4. Curricular programs

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

1. Conduct of an individual: Immediate supervisor of the individual. The building principal is the supervisor of the teachers; the superintendent or superintendent's designee is the supervisor of the principal and support staff members.
2. Board policies and regulations: superintendent or superintendent's designee.
3. Civil rights: Compliance officer, principal or superintendent, as set forth in Regulation AC-R.
4. Curricular programs: Principal, superintendent or superintendent's designee.

The following procedures shall apply to student complaints and grievances, except those involving civil rights claims, discrimination and/or harassment, which are governed by Regulation AC-R. When a complaint is filed in writing, a conference will be held with the complainant within five days. A written response will be given to the complainant within ten school days following the conference.

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

Appeals must be made in the following order: building principal, superintendent or superintendent's designee, Board of Education.

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

If the appeal should reach the level of the Board of Education, a meeting with the Board will be scheduled within 20 school days after a written appeal has been filed, or as soon thereafter as possible. A written response from the Board will be given to the complainant within ten days following the conference.

## **STUDENT DISCIPLINE Policy JK**

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 student discipline problems shall be designed to achieve these broad objectives.

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 student conduct and discipline code.

### Remedial discipline plans

The principal, or designee, may develop a remedial discipline plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events. The goal of the remedial discipline plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.

### Discipline of habitually disruptive students

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

### Discipline of students with disabilities

Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with the requirement of Board Policy JKB, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and any other applicable law and/or District Policy.

### 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 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.

## **STUDENT DISCIPLINE Policy JK-R**

### **Remedial discipline plans**

1. The principal, or designee, may develop a plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in a school vehicle or at a school activity or event. 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 or designee, will contact the student's parent/guardian to schedule 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, or designee, will inform the superintendent when a student causes a second material and substantial disruption.
2. The student and the student's 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.

## **USE OF PHYSICAL INTERVENTION AND RESTRAINT Policy JK-A**

To maintain a safe learning environment, district employees may, within the scope of their employment and consistent with applicable 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 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 five or more minutes unless the provisions regarding restraint contained in this policy and accompanying regulation are followed.

### **Restraint**

For purposes of this policy and accompanying regulation, restraint is defined 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 prone restraint, mechanical restraint or chemical restraint, as those terms are defined by applicable state law 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 prohibition on the use of mechanical or prone restraints in this policy and accompanying regulation shall not apply to:

1. Certified peace officers or armed security officers working in a school and who meet the legal requirements of C.R.S. 26-20-111(3);
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. 18-1-901 (3)(e).

## **USE OF PHYSICAL INTERVENTION AND RESTRAINT Policy JK-A-R**

### **A. Definitions**

In accordance with state law and the State Board of Education Rules for 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 the 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 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. “Prone restraint” means a restraint in which the student being restrained is secured in a prone (i.e, face-down) position.
  6. “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.
  7. “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.
  8. “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.
  9. “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).
  10. The term “State Board Rules” refers the Colorado State Board of Education Rules for the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.
  11. “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, school personnel 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 and prone restraints shall not be used, except in the limited circumstances permitted by state law and described as exceptions in the accompanying policy.
- ~~3.~~ Physical restraint:
  - a. a person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student;
  - b. a restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised; and
  - c. a student shall be released from physical restraint within fifteen (15) 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.
  - c. 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 the student (if appropriate) of:
  - a. the restraint procedures (including types of restraints) that might be used;

- b. the specific circumstances in which restraint might be used; and
  - c. the staff who may be involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification provided, 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 restrains 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 student's parents as soon as possible but no later than the end of the school day that restraint was used.
3. A written report based on the findings of the staff review described in paragraph G below shall be e-mailed, faxed or mailed to the student's parents 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 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 the review is 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 IEP's 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.

**COMPLAINT PROCEDURES AND REGULATIONS REGARDING  
THE USE OF RESTRAINT OR SECLUSION,  
1CCR 301-45,2620-R-2.07  
JKA-E-2**

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

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

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

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

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

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

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

2.07(4) Complaints involving children with disabilities

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

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

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

2.07(5) The Complaint shall be considered properly filed with the Department when it is received in CDE's Dispute Resolution Office and satisfies paragraph 2.07(2) above. A Complaint, once filed, will not be accepted for investigation if the CDE does not have jurisdiction (i.e., authority) to investigate; or if the Complaint does not set forth sufficient grounds on File: JKA-E-2 3 of 5 which to grant relief.

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

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

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

2.07(6)(c) Initiate an investigation concerning the allegations contained in the Complaint. 2.07(7)

**Complaint Timelines:**

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

The Response is due by 5:00 p.m. on the date due. The public education agency shall provide any written Response to the RCO and also a complete copy of the Response, including any attachments, to the complainant unless doing so would violate relevant laws regarding confidentiality. The public education agency shall provide the RCO with a legible copy of the written tracking receipt which verifies that a complete copy of the Response, including any attachments, was sent by certified or overnight mail to the complainant.

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

The Response and Reply must be delivered by 5:00 p.m. on the date due to the office of the RCO and not merely File: JKA-E-2 4 of 5 postmarked by the due date. If the Response or Reply is untimely, the RCO may, within his or her sole discretion, refuse to consider the late document.

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

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

2.07(8) Complaint Investigations:

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

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

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

2.07(9) Complaint Resolution:

2.07(9)(a) The RCO shall issue a written decision which details the findings of fact and conclusions of law unless the issues have been previously resolved. Based upon a finding that a public education agency has failed substantially to comply with state laws and regulations for the use of restraint, the RCO will, as part of the resolution of the Complaint, make recommendations to the public education agency of remedial actions that may be taken in order to come into compliance File: JKA-E-2 5 of 5 with applicable law and regulations, (e.g., technical assistance and training activities).

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

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

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

### **Policy JKB**

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 the requirements of this policy, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and any other applicable law or District policy.

Nothing in this policy shall prohibit an IEP or Section 504 team from establishing consequences for disruptive or unacceptable behavior as a part of the student's IEP, Section 504 plan, and/or behavioral intervention plan.

#### Suspensions, Expulsions and Provision of Services during Periods of Disciplinary Removal

A "disciplinary change of placement" occurs when a student is removed from school for more than 10 consecutive school days or subjected to a series of removals that total more than 10 school days in a school year and constitute a pattern of removal under governing law. Prior to a disciplinary change in placement, the student's parents shall be notified of the decision to take such disciplinary action and of their procedural safeguards. If the student is eligible for services under the IDEA, parents also shall be provided with a copy of the District's IDEA procedural safeguards hand-out. This notification shall occur not later than the date on which such decision is made.

Students with disabilities may be suspended from school *without receipt of educational services* 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. To the extent the District provides educational services to students without disabilities during such short periods of disciplinary removal, the District will do the same for students with disabilities.

For students who are eligible for services under the IDEA, educational services will be provided starting on the eleventh (11th) school day of disciplinary removal in a given school year. Such 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. Where the proposed removal does not constitute a disciplinary change of placement (e.g., where a suspension takes the student beyond the 10 day mark, but is not part of a pattern of removal), school personnel, in consultation with at least one of the student's teachers, shall determine the educational services to be provided. Where the proposed removal constitutes a disciplinary

change of placement (e.g., where the student is being expelled or the suspension at-issue is part of a pattern of removal), the student's IEP team shall determine the educational services to be provided.

For students with disabilities who are not eligible for services under the IDEA (i.e., Section 504 students), there is no requirement that the District provide educational services during expulsions or other disciplinary changes of placement. However, educational services will be provided consistent with those provided to non-disabled students.

#### 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 or Section 504 team, including the student's parents, shall review all relevant information in the student's file, including the student's IEP or Section 504 plan, any teacher observations, and any relevant information provided by the parents, to determine whether the student's misconduct was a manifestation of the student's disability.

The team shall determine: (1) whether the student's misconduct was caused by, or had a direct and substantial relationship to, the student's disability; or (2) whether the student's misconduct was the direct result of the school's failure to implement the student's IEP or Section 504 plan. 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.

Special Note for Section 504 students currently engaged in the use of illegal drugs or alcohol: Under Section 504, the District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against a student with a disability who is currently engaged in the use of illegal drugs or alcohol to the same extent that such disciplinary action is taken against students without disabilities. Accordingly, a manifestation determination need not be held for a Section 504 student if the misconduct at-issue involves the use or possession of illegal drugs or alcohol and the student is currently engaged in the use of illegal drug alcohol.

#### 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, if the student is eligible for services under the IDEA, the student shall receive educational services during the period of expulsion or other disciplinary change of placement so as 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. Additionally, the student shall receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

If the student is not eligible for services under the IDEA (i.e., he/she is a Section 504 student), educational and behavioral intervention services will be provided consistent with those provided to non-disabled students.

#### 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, and the student will be returned to the placement from which he was removed. However, the student may be placed in an alternative setting for up to 45 school days as discussed in the section below, or the student's placement may be changed for educational reasons as determined by the IEP or Section 504 team or as otherwise permitted by law.

Additionally, for IDEA-eligible student, 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

Under the IDEA, school personnel may remove a student with a disability 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, on school premises, or a school function;
3. the student knowingly possessed or used illegal drugs at school, on school premises, or at a school function;
4. the student knowingly sold or solicited the sale of a controlled substance at school, on school premises, or at a school function;
5. the student inflicted serious bodily injury on another person while at school, on school premises, or at 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.

#### Protections for Students Not Determined Eligible for Special Education Services under the IDEA

Students who have not been identified as eligible for services under the IDEA shall be subjected to the same disciplinary measures applied to IDEA-eligible students 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, *prior to the misconduct at issue*:

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

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 under the IDEA, 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.

If the District did not have knowledge that the student is a child with a disability prior to the misconduct at issue, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behavior.

If a request for an IDEA evaluation is made during a disciplinary period of removal, 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 without educational services.

### **SUSPENSION AND EXPULSION Policy JKD JKE**

#### 1. Definitions

- A. “Expulsion” means the exclusion of a student from attending school and participating in school activities for a specified period of time not to extend beyond one calendar year, unless student contact with the School District is otherwise authorized by the school principal or District administration.
- B. “Habitually Disruptive Student” means a student who three or more times during the school year has caused a material and substantial disruption in the classroom, while on school district property, at a school-sanctioned or district-sanctioned activity or event, or while being transported in a District-approved vehicle.
- C. “Informal Hearing” means notice to the student of what he or she has been accused of doing and an opportunity for the student to explain his or her position regarding the incident constituting grounds for discipline. There need be no delay between the time notice is given and the time of the hearing. An informal hearing does not include representation by counsel, the ability to confront and cross-examine witnesses, or to call witnesses to verify the

student's version of the incident.

- D. "Parent" means a student's parent, legal guardian, or legal custodian of students under 18 years of age; if the student is 18 years or older, it refers to the student.
- E. "Student With Disabilities" means a student for whom a determination of disability has been made by a properly constituted Individualized Education Plan (IEP) or §504 team in accordance with state and federal laws governing the education of children with disabilities.
- F. "Suspension" means the exclusion of a student from attending school and participating in school activities for a specified and limited period of time as set forth under "Suspension from School," below, unless student contact with the School District is otherwise authorized by the school principal or the District administration.
- G. A "Classroom Suspension" means the exclusion of a student from the classroom by a teacher when the student has caused a material and substantial disruption.

## 2. Due Process Policy

It is the policy of the Board of Education to provide due process of law to students through written procedures consistent with law for the suspensions, expulsions and denials of admission.

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.

The Board hereby directs the superintendent to periodically review current procedures and develop new procedures for adoption by the Board, if necessary, which are consistent with this policy. The Board further directs the superintendent to provide copies of the District's Conduct and Discipline Code, as defined in Policy JICDA and JK, annually to each student and to post or keep on file copies of the Conduct and Discipline Code in each school in the District.

### 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, positive behavioral

intervention support 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.

As another intervention and alternative to suspension, the principals 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 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.

### 3. Grounds for Suspension or Expulsion

In addition to those grounds set forth in Policy JICDA, according to Colorado Revised Statutes 22-33-106 (1)(a-g) and 3(e) and 22-12-105 (3), students enrolled in the District may be suspended or expelled for the following conduct while in school buildings, on district property, when being transported in vehicles dispatched by the district or one of its schools, during 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 activity or event.

- A. Continued willful disobedience or open and persistent defiance of proper authority.
- B. Willful destruction or defacing of school property.
- C. Behavior on or off school property which is detrimental to the welfare or safety of other students or school personnel, including behavior which creates a threat of physical harm to the student or to other students.
- D. Declaration as a habitually disruptive student.
- E. Repeated interference with the school's ability to provide educational opportunities to other students.
- F. The commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be robbery pursuant to C.R.S 18-4-301 or assault pursuant to C.R.S. 18-3-201, 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.
- G. Possession of a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned events, without the authorization of the school or school district.

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

As used in this paragraph, "dangerous weapon" is as defined in Policy JICI.

- H. The use, possession or sale of a drug or controlled substance as defined in C.R.S. 18-18-102(5) on school grounds, in a school vehicle or at a school activity or sanctioned event.

- I. 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.
- J. Failure to comply with the immunization requirements, as specified in Part 9, Article 4, Title 25, C.R.S. Any suspension or expulsion for such failure to comply shall not be recorded as a disciplinary action but may be noted in the student's permanent record with an appropriate explanation.
- K. Pursuant to C.R.S. 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or to school district officials or personnel.
- L. 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 JKB Discipline of Students with Disabilities), the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program.
  - i. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
  - ii. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.
- M. Other violations of District Policy, including but not limited to the District Discipline and Conduct Code.

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.

This 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 of 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.

4. Suspension from School

- A. Delegation of Authority. The Board delegates to any school principal of the District and their designees the power to suspend a student for up to five school days for grounds 3 (A through E) listed above and to suspend for up to ten school days for grounds 3(F through H), listed above.

The Board hereby delegates to the superintendent or his/her designee the authority to extend a suspension for up to ten additional school days, and another ten days if necessary in order to present the issue of expulsion to the next meeting of the Board, but the total period of suspension shall not exceed 25 school days.

### **EXPULSION PREVENTION Policy JKDA JKEA**

District personnel shall enforce the provisions of the student code of conduct so that students demonstrating unacceptable behavior and their parents, guardians, or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code.

It is the belief of the Board that available interventions and prevention services should be explored to help student 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 have been or are likely to be declared habitually truant or habitually disruptive 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 the 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 which are not limited to suspension and/or expulsion.

### **DISCIPLINE OF HABITUALLY DISRUPTIVE STUDENTS Policy JKG**

A remedial discipline plan may be developed in accordance with Regulation JKG-R for any student who has been suspended one or two times during any school year causing a material and substantial disruption in the classroom, on School District property, at a school-sanctioned or District-sanctioned activity or event, or while being transported in a District-approved vehicle.

Any student who causes a material and substantial disruption in the classroom, on School District property, at a school-sanctioned or District-sanctioned activity or event, or while being transported in a District-approved vehicle three or more times in any one school year may be declared a habitually disruptive student and may be subject to suspension or expulsion in accordance with District Policy JKD/JKE, Suspension and Expulsion (And Other Disciplinary Interventions); Regulation JKG-R; and state law.

For purposes of this policy, disruptive behavior means behavior on the part of the student that requires suspension, and, in the view of the principal or designee, has caused a serious interference with the orderly operation of the school or with the school's ability to provide educational opportunities to the student or others, is behavior that is detrimental to the welfare or safety of others or is behavior that is prohibited by the District's Conduct and Discipline Code.

Disruptive behavior by a student identified as a student with a disability under the IDEA or Section 504 shall be dealt with in accordance with the student's IEP or Section 504 plan. A student with a disability shall be subject to expulsion as a habitually disruptive student only if a determination has been made by the student's IEP or Section 504 team that the disruptive behavior is not a manifestation of the student's disability.

## **DISCIPLINE OF HABITUALLY DISRUPTIVE STUDENTS**

### **Policy JKG-R**

#### Definitions:

1. "Habitually Disruptive Student" means a student who three or more times during any school year has caused a material and substantial disruption in the classroom, or on school District property, at a school-sanctioned or District-sanctioned activity or event, or while being transported in a District approved vehicle.
2. "Parent" means a student's parent, legal guardian, or legal custodian of students under 18 years of age; if the student is 18 years or older, it refers to the student.

#### Reporting Requirements:

1. The student and his or her parent shall be notified in writing of each disruption that is counted toward declaring the student as habitually disruptive and shall be notified in writing and by telephone or other means of communication of the definition of "habitually disruptive student" and the corresponding discipline imposed on such students.
2. The principal or designee shall prepare a brief written summary of any disruption that occurs. The student and his or her parent shall be given a copy of the summary which is to be placed in the student's file. The student may submit a written response to the incident report which will be attached to the written summary.
3. If the principal or designee determines that the student has not engaged in disruptive behavior, as defined in this policy and policy JKG, the records of the student's involvement in the incident shall be modified to reflect an accurate description of the incident and the incident shall not be considered disruptive behavior for purposes of this policy.

#### Remedial Discipline Plans:

1. After a student has been suspended for the first or second time during any school year for causing a material and substantial disruption, a remedial discipline plan may be developed for the student by the principal or designee, with the assistance of the student's teacher(s) and any other school personnel involved, as well as the student and his or her parent(s).
2. The principal or designee shall make reasonable efforts to meet with the student, and his or her parent, and any school personnel whom the principal or designee deems necessary to attend in order to develop the remedial discipline plan.
3. The purpose of the meeting will be to address the reasons for the student's disruptive behavior, and to develop a written remedial discipline plan if appropriate. The remedial discipline plan shall address the student's disruptive behavior, his or her educational needs, and the goals, objectives, and timelines for modifying the disruptive behavior so as to keep the student in school. The plan also shall inform the student of the consequences in the event he/she continues to engage in disruptive behavior in violation of the plan. Such consequences may include discipline, including suspension or expulsion, as provided in the District discipline code or as provided by the rules and regulations of the school.
4. The remedial discipline plan shall be written in the form of a contract and signed by the student and his or her parent.
5. If the student and his or her parent fail to attend the meeting after the principal or designee have made reasonable attempts to schedule and provide notice of the meeting to the student and his/her parent, then the principal or designee may conduct the meeting and establish the remedial discipline plan with those people present at the meeting.
6. The student and his or her parent, and the school personnel responsible for implementing the remedial discipline plan shall be provided a copy of the remedial discipline plan and a copy shall be placed in the student's file.
7. Further instances of behavior that causes a material and substantial disruption will be dealt with in accordance with the remedial discipline plan.

#### Discipline of Habitually Disruptive Students:

1. If a student engages in behavior that causes a material and substantial disruption three or more times in a school year, the principal or designee shall, after receiving the student's file, record of prior incidents, and any remedial discipline plans which may have been developed, inform the student and the parent, in writing that the student is being recommended for expulsion as an habitually disruptive student.
2. The principal or designee shall initiate proceedings for expulsion of the student, in accordance with District Policy JKD/JKE, Suspension and Expulsion (And Other Disciplinary Invention).

Students with Disabilities:

All incidents of material and substantial disruption caused by a student identified as a student with disabilities shall be reported by the principal or designee to the student's primary special education provider. Such incidents shall be dealt with in accordance with the section concerning discipline of students with disabilities in Policy JKB.

**IMMUNIZATION OF STUDENTS  
JLCB**

1. No student may attend school in the district unless the student has presented to the school an up-to-date certificate of immunization or a completed exemption form. *[Note: Please refer to current standardized immunization documents and official exemption forms developed and updated by the Colorado Department of Public Health and Environment for a list of immunization requirements and recommendations.]*
2. A student shall be exempted from required immunizations only upon submission of:
  - a. certification from a licensed physician that the student's physical condition is such that immunization would endanger the student's life or health or is otherwise medically contraindicated due to other medical conditions.
  - b. a statement signed by the parent/guardian or the emancipated student that the student adheres to a religious belief whose teachings are opposed to immunizations.
  - c. a statement signed by the parent/guardian or the emancipated student that the student holds a personal belief that is opposed to immunizations.

In the event of an outbreak of disease against which immunization is required, no exemption will be recognized and those students will be excluded from school.

3. Parents/guardians or emancipated students who assert an exemption from immunizations based on a religious or personal belief ("non-medical exemption") shall submit the required exemption form to the school on an annual basis. Such submission shall occur at the beginning of each school year that the non-medical exemption is asserted.
4. Parents/guardians or emancipated students who assert an exemption from immunizations based on a medical reason shall submit the required medical exemption form to the school one time. The medical exemption form shall be maintained on file at each new school the student attends.
5. The district will provide upon request an immunization reporting form. The school district nurse is responsible for seeing that required information is included on the form and transferred to an official certificate of immunization as required.
6. If there is a failure to comply with the immunization requirements, the district school nurse or principal will personally notify the parent/guardian or emancipated student. Such notification will be accomplished either by telephone or in person. If this is not possible, contact will be by mail. Emancipated students must be contacted directly rather than through their parents/guardians.

The parent/guardian or emancipated student will be notified of the following:

- a. that up-to-date immunizations are required under Colorado law.
- b. that within fourteen (14) days of notification, the parent/guardian must submit either an authorization for administration of the immunization by

health officials or a valid exemption or documentation to the school showing that the next required immunization has been given and a written plan for completion of all required immunizations.

- c. that if the required documentation is not submitted within fourteen (14) days of notification or if the student begins but does not continue or complete the written plan, the student will be suspended or expelled.

7. A student who fails to comply will be suspended by the principal for up to five days and notice of the suspension sent to the Health Department, in accordance with applicable law.
8. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
9. Any suspension or expulsion under this policy will terminate automatically upon compliance.
10. Record of any such suspension or expulsion will be contained in the student's health file, with an appropriate explanation—not in the student's disciplinary file. Any student expelled for failure to comply with the immunization requirements will not be included in calculating the dropout rate, but will be included in the annual report to the State Board of Education.

### **Students in out-of-home placements**

The following procedure shall apply to students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(e).

Unless the district or school is otherwise authorized to deny enrollment to a student in out-of-home placement, the district or school shall enroll the student regardless of whether the district or school has received the student's immunization records. Upon enrolling the student, the school shall notify the student's legal guardian that unless the school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the school shall suspend the student until such time as the school receives the certificate of immunization or authorization.

## **ADMINISTERING MEDICINES TO STUDENTS JLCD**

School personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours and the student's parent/guardian is not available to administer the medication during the school day.

Medication may be administered to students by school personnel whom a registered nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication. The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements. Medication may be administered to students by the school nurse or other school designee only when the following requirements are met:

1. Medication shall be in the original properly labeled container. If it is a prescription medication, the student's name, name of the medication, dosage, how often it is to be administered, and name of the prescribing health care practitioner shall be printed on the container.
2. The school shall have received written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law.
3. The school shall have received written permission from the student's parent/guardian to administer the medication to the student.
4. The parent/guardian shall be responsible for providing all medication to be administered to the student.

### **Self-administration of medication for asthma, allergies or anaphylaxis**

A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition may possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with the regulation accompanying this policy.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or other related, life-threatening condition may be limited or revoked by the school principal after consultation with the school nurse and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

### **Using of stock epinephrine auto-injectors in emergency situations**

The district may have a stock supply of epinephrine auto-injectors for use in emergency anaphylaxis events that occur on school grounds. Any administrations of a stock epinephrine auto-injector to a student by a district employee shall be in accordance with applicable state law, including applicable State Board of Education rules.

The district's stock supply of epinephrine auto-injectors is not intended to replace student-specific orders or medication provided by the student's parent/guardian to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition.

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy shall be considered a violation of Board policy concerning drug and alcohol involvement by students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

### **Disposal of medications**

Medications that are no longer needed at school and have not been picked up by the parent/guardian, once notified by school staff, will be disposed of. It is the responsibility of the school nurse or designated school employee to dispose of medication. Should school personnel be required to dispose of medication, one witness must be present and school personnel must document the disposal, including the signatures of the individual disposing of the medication and the witness.

### **Preventive measures**

Preventive measures, such as sunscreen, insect repellent, diaper ointment, and cough drops, may be used with written parental permission only.

School personnel shall not recommend or require the use of a psychotropic drug for any student. School personnel shall not require a test for a child's behavior without prior written permission from the child's parent(s) or guardian(s) and prior written disclosure as to the disposition of the result or testing. School personnel who have concerns about a child's behavior should discuss those concerns with the parent or legal guardian and may suggest that the parent or legal guardian speak with an appropriate health care professional about the child and the behavior concerns.

## **STUDENTS WITH FOOD ALLERGIES POLICY JLCDA**

The Board recognizes that many students are being diagnosed with potentially life-threatening food allergies. To address this issue and meet state law requirements concerning the management of food allergies and anaphylaxis amount students, the Board sets forth the following requirements.

### **Health care plan**

The school nurse, or a school administrator in consultation with the school nurse, shall develop and implement a health care plan (plan) for each student with a diagnosis of a potentially life-threatening food allergy. The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders. If a student qualifies as a student with a disability in accordance with federal law, the students Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

**Reasonable accommodations**

Reasonable accommodations shall be made to reduce the student’s exposure to agents that may cause anaphylaxis within the school environment. If a student qualifies as a student with a disability in accordance with federal law, the students Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

**Access to emergency medications**

Emergency medications for treatment of the student’s food allergies or anaphylaxis shall be kept in a secure location accessible to designated school staff. Whenever possible and in a timely fashion, the students parent/legal guardian shall supply the school with the medication needed for treatment of the students food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with Board policy JLCD Administration of Medications.

**Staff training**

The principal or equivalent school administrator, in consultation with the school nurse, shall determine the appropriate recipients of emergency anaphylaxis treatment training, which shall include those staff directly involved with a student who has a known food allergy during the school day. At a minimum, the trainings shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize symptoms of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

**STUDENT FEES, FINES, AND CHARGES****JQ**

There shall be no instructional fees, except those approved by the Board of Education. Books shall be provided on a loan basis; no rental fee will be assessed for textbooks and workbooks used in the classroom for reference, except those approved by the Board of Education.

However, students shall be assessed fines for lost, damaged, or defaced books (including those checked out from the library), materials or equipment. The fines will be for the amount of the loss. In computing a fine, the replacement cost of the book will be charged. Fines may be charged for student parking violations according to a schedule that is approved by the Board of Education.

No student shall be charged a shop, crafts, or art class fee, except as approved by the Board of Education. Teachers shall determine a basic course for each class which can be completed with materials furnished by the school. However, students shall be required to pay for materials that go into shop, crafts, or art projects that are above the basic requirements for the course and are to be retained by the student.

Fees for the use of items such as choral robes, band uniforms and school-owned instruments shall be approved by the Board upon the recommendation of the Superintendent.

Students participating in activities which are not required by the teacher or used in the determination of a grade may be required to pay charges covering the cost of the activity. Such charges may include but are not limited to admission fees, food costs and transportation costs on field trips.

The Board shall review and approve a fee schedule from time to time, except that the Board will act on a revised fee schedule when a new fee is proposed or an existing fee is requested to be modified. Fee schedules shall outline the fees that are reasonably necessary for and reasonably related to the actual cost of textbooks or expendable supplies. Such schedule of fees is available to the public upon request. The schedule of fees shall indicate which fees are voluntary in nature.

**Appropriate Use of District and Personal Technology by Students****JS****Introduction**

Weld County School District RE-4 (“District” or “WSD”) is pleased to offer its students access to the District’s network, servers, computers, communication systems (i.e. e-mail, web sites, blogging, podcasting, VOIP and audience response systems and/or other emerging technologies), hardware, software, operating systems, and an array of other emerging technologies (hereafter referred to as “District Technology”) to promote educational excellence. Each student is responsible for her/his use of technology, whether personal (i.e. computers/laptops, cell phones, portable digital assistants (PDAs), wireless email devices, tablets cameras, audio and/or video recorders and players, data storage devices and other digital devices) (hereafter referred to as “Personal Technology”) or District-

provided. While using technology on or near school property, in school vehicles, and at school-sponsored activities, as well as using District Technology resources via off-campus remote access or with District-provided equipment, each student is expected to act in an appropriate manner consistent with school, District, and legal guidelines. It is the joint responsibility of District and school personnel and the parent(s)/guardian(s) of each student to educate students about their responsibilities and to establish expectations when using and/or accessing technology.

### **Using the District Internet and Communications Systems**

District Technology is provided to students to conduct research, complete assignments, and communicate with others to further their education. Use of, and access to, District Technology is a privilege, not a right; therefore, general rules of school behavior apply. Such use and/or access is provided to students who agree to act in a considerate and responsible manner. Just as students are responsible for good behavior in a classroom or a school hallway, they must also be responsible when using and/or accessing District Technology. Students must comply with District standards and honor this agreement to be permitted access and use of District Technology.

All digital storage on District Technology is WSD property, and network administrators may review files and communications to maintain system integrity and ensure that students are using District Technology responsibly. Students should not expect that files stored on, or sent via, District computers or servers will be private.

The educational value of technology integration in curriculum is substantial. Access to the Internet enables students to use extensive online libraries and databases. Families should be warned that some material accessible through the Internet might contain items that are illegal, defamatory, inaccurate, profane, sexually oriented, or potentially offensive to some people. While the intent is to make the Internet available to further educational goals and objectives, students may find ways to access these other materials as well. WSD does not condone or permit the use of this material and uses content filtering technology to protect, to the extent possible, against Internet access by both adults and minors to visual depictions that are obscene, child pornography or harmful to minors. Parents and guardians must be aware that content filtering tools are not completely fail-safe and while at school, direct supervision by school personnel of each student using a District computer or accessing the Internet through the District's server is desired, but not always possible. Students are expected to use District Technology in a manner consistent with the rules below and will be held responsible for their intentional misuse and inappropriate access. WSD believes that the benefits of student access to the Internet in the form of information resources and opportunities for collaboration exceed any disadvantages. Ultimately, parents and/or guardians are responsible for setting and conveying the standards that their children should follow when using and/or accessing technology. If a student accidentally accesses inappropriate material, they should back out of that information at once and notify the supervising adult.

To ensure that student Internet access on District Technology is subject to the District's technology protection measures, student use of Internet-ready District Technology shall primarily be restricted to District property and the District's network. While on District premises, student may use only District networks in conjunction with District Technology. Students shall not be permitted to remove Internet-ready District Technology from District property unless the District Technology in question includes one or more technology protection measures.

### **Proper and Acceptable Use of Technology by Students**

District Technology must only be used and/or accessed in a manner that supports education and academic research and that is consistent with the educational mission and objectives of WSD. Additionally, Personal Technology must not be used in a manner that has a detrimental effect on the educational environment.

*Activities that are permitted and encouraged include:*

- school work;
- original creation and presentation of academic work;
- research on topics being studied in school;
- research for opportunities outside of school related to community service, employment, or further education.

*Activities that are not permitted include but are not limited to:*

- plagiarism or representing the work of others as one's own including non-attributed use of Copyright ©, Registered ® and/or Trademark ™ materials;
- use of profane, obscene, and/or inappropriate language, images, and/or other materials;
- use of technology, District or Personal, to harass, intimidate, or bully others;
- use of District Technology to search, view, communicate, publish, download, store, or retrieve materials that are not related to school work, community service, employment, or further education (thus, searching inappropriate materials is not permitted);

- circumventing or intentionally compromising District security measures;
- damaging or modifying District computers or networks;
- use of District Technology to install or utilize software or executable files that are not approved by the WSD Technology Department, and/or the installation of such software or executable files onto District Technology;
- intentional or neglectful transmission of viruses or other destructive computer files; hacking into District or external computers; intentionally bypassing District filters;
- use of USB, bootable CDs, or other devices to alter the function of a District computer or a network;
- connection of Personal Technology to the WSD data network for purposes other than to store or retrieve education-related data;
- use of District Technology to subscribe to any online services or to order any goods or services;
- use of personal email accounts, not District-provided email accounts, on the District network;
- unauthorized online sharing of any student's or staff member's name, home address, phone number, image, or other personal information;
- using District Technology for non-educational uses such as games, role-playing multi-user environments, gambling, junk mail, chain mail, jokes, or raffles;
- use of District Technology to participate in online chat rooms or instant messaging, unless specifically assigned by a teacher;
- use of District Technology for commercial purposes, personal financial gain, or fraud;
- use of technology, District or Personal, to cheat on homework, quizzes, or tests or to assist others in cheating;
- use of technology, District or Personal, to take an unauthorized photo or image and/or violate the privacy of others;
- use of technology, District or Personal, with cameras and/or video recording capabilities is prohibited in locker rooms, bathrooms, or any other location where such use could violate another person's reasonable expectation of privacy;
- use of technology, District or Personal, in any manner that is disruptive (this includes the obtrusive ringing or buzzing of technology during instructional time or other school-sponsored activities or events);
- any activity that violates board policy, a school rule, or a local, state, or federal law.

Students are expected to report harassment, threats, hate-speech, bullying behavior and inappropriate content to a teacher or administrator. If a student has any questions about whether a specific activity is permitted, he or she should ask a teacher or administrator.

### **Education about Appropriate Online Behavior**

The District has procedures and curriculum in place for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber bullying awareness and response.

### **Privacy and Security**

Students must use and access District Technology responsibly and in a secure manner. They must not share their logins, passwords, or access with others. Students may only access District Technology using their assigned logins and passwords.

### **Online Assessments**

Student assessments may be conducted through the use and/or access of District Technology. Normally, students will use District Technology as a part of their instructional day. Privacy and security, as defined above, along with confidentiality of assessment responses, are expected.

### **Vandalism**

Any intentional act by a student that damages District Technology, or data stored on any District Technology, will be considered vandalism and will be subject to school rules and disciplinary procedures. Any intentional act that requires a person's time to investigate, repair, replace, or perform corrective work on District Technology or data is also considered vandalism.

### **Consequences of Misuse**

Misuse of, or inappropriate access to, Personal or District Technology while on or near school property, in school vehicles, and at school-sponsored activities, including the misuse or inappropriate access of District Technology via off-campus remote access, may result in disciplinary action up to and including expulsion. This document shall be used in conjunction with WSD Board of Education policies. In addition, a student's use of District Technology may be suspended or restricted. If the building principal or designee believes a student's possession or use of Personal or District Technology may involve a violation of the law, the building principal or designee may also refer the matter to law enforcement, as appropriate.

A school may temporarily hold (pending parental or same-day pick up) Personal Technologies that are used inappropriately. Personal Technologies that are portable and carried with a student are considered to be personal effects in a student's possession and thereby subject to WSD policies and school rules and regulations governing searches of such items. Students are required to turn portable Personal Technology over to school personnel when requested. Students who refuse to do so may be removed from class or other school activity, have committed insubordination and resisting authority in violation of policies for student discipline, and shall be subject to disciplinary action. Additionally, and in accordance with District policy and state law, students may be disciplined for any use of Personal Technology that has a detrimental effect on the welfare or safety of other students or of school personnel regardless of whether such use occurs on or off school property or entails the use or access of District Technology.

Individual schools may choose to have additional rules and regulations pertaining to the use of Personal Technology in their respective buildings.

Intentional unauthorized access and/or damage to District networks, servers, user accounts, passwords, or other District resources may be punishable under local, state, or federal law.

### **No Warranty**

WSD does not expressly or implicitly warrant the District Technology it provides to students. Therefore, WSD is not responsible for any damage or loss incurred through use of District Technology including, but not limited to, damage or loss caused by non-deliveries, misdeliveries, service interruptions, unauthorized use, loss of data, and exposure to potentially harmful or inappropriate material or people. Use of District Technology and reliance on any information obtained via District Technology is at a student's own risk and

the District specifically denies any responsibility for the reliability of such use or accuracy and quality of information obtained through the use of district Technology including District-provided Internet access.

The student and his/her parent/guardian will indemnify and hold WSD harmless from any losses sustained as the result of misuse or inappropriate access of District Technology resources by the student.

Also, the District assumes no responsibility for loss or damage to the personal property of students including Personal Technology. If, pursuant to this policy, the Personal Technology of students is confiscated by school personnel, reasonable care will be taken of the item until either it is retrieved or after a reasonable period of time is discarded.

## **ANNUAL NOTIFICATIONS (also posted on Weld RE-4 home page at [www.weldre4.org](http://www.weldre4.org))**

### **Civil Rights**

Weld County School District RE-4 is an equal opportunity educational institution and will not discriminate on the basis of race, color, national origin, sex, age, disability or conditions related to pregnancy or childbirth in its activities, programs or employment practices as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans With Disabilities Act, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973. Any person who has a question, concern or complaint related to the District's non-discrimination policies and/or its efforts to ensure equal educational opportunities should contact one of the District's designated non-discrimination/equal opportunity compliance officers. For student related inquires, including complaints of discrimination or harassment in violation of the ADA, Section 504 and/or Title IX, please contact: Director of Exceptional Student Services, 1020 Main Street, Windsor, CO 80550, 970-686-8000, [jonpaul.burden@weldre4.org](mailto:jonpaul.burden@weldre4.org) For employment-related inquires, including complaints of discrimination or harassment in violation of the ADA, Section 504 and/or Title IX, please contact: Director of Employee and Business Services, 1020 Main Street, Windsor, CO 80550, 970-686-8000, [nikki.schmidt@weldre4.org](mailto:nikki.schmidt@weldre4.org) or the Office of Civil Rights, U.S. Department of Education, Rocky Mountain Region, 1961 Stout Street, Denver, Colorado, 1-800-368-1019.

### **A.H.E.R.A.**

Weld County School District RE-4 has completed the necessary inspection and management plans as required by the A.H.E.R.A. (Asbestos Hazard Emergency Response Act) legislation. The coordinator for the District is the Director of Maintenance and Operations. The Management Plans and Inspection Reports are available for each building at the District Administration Offices at 1020 Main Street, Windsor, Colorado, 80550 for review during normal business hours. A copying fee will be required if copies are

reports or sections thereof are requested. Questions regarding this notification may be directed to the Director of Maintenance and Operations at (970) 686-8050.

### **Student Records Policy JRA/JRC**

Student records are maintained in accordance with the Federal Family Educational Rights and Privacy Act of 1974 and the Colorado Open Records Law. The purpose of this policy is to assure parents and students (18 years and older), that they have access to their children's educational records and that each individual's right to privacy shall be protected by limiting access to and the transferability of educational records in accordance with applicable law.

#### **Content and Custody of Records**

In general, a student's education records are those records in all formats and media, including photographic and electronic, maintained by the School District, which are directly related to the student. Student education records may contain, but are not necessarily be limited to, the following information: personal identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations, and reports of serious or recurrent behavior patterns and any individualized education program (IEP).

Student records do not include records of instructional, supervisory, and administrative personnel which are in the sole custody of the maker thereof, and which are not accessible or revealed to any other person except a substitute and records and documents which are privileged under law. Student education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

The building principal shall be the designated official custodian of the records of students in his/her building.

#### **Access to Records**

A parent or legal guardian shall be able to inspect and review the student's education files. However, if a student is 18 years or older ("eligible student"), the student may inspect his own education records and give written consent for disclosure of such records and personal identifiable information therein, and his written permission shall be necessary in order for his parent/legal guardian to access them, unless the eligible student is a dependent for income tax purposes or the disclosure is in connection with a health or safety emergency.

The building principal shall provide such personnel as are necessary to give explanations and interpretations of the student records when requested by the parent/legal guardian or the eligible student.

1. A request to see the file must be submitted on an official district form by the parent/legal guardian or eligible student to the principal of the school attended by the student, or in some instances, to the supervisor of student records.
2. The principal, upon receiving the request, will set a date and time for inspection and review of the records. In no case will the date set be more than three school days after the request has been made.
1. The parent/legal guardian or eligible student shall examine the file in the presence of the principal or another person permitted by policy and designated by the superintendent. Only the following certified personnel are designated by the superintendent: Director of Exceptional Student Services or designee, principal, assistant principal, counselor, or in case of inactive records, the supervisor of student records.

The record itself shall not be taken from the school building. However, upon request, one copy of the records shall be provided within a reasonable time to the parent/legal guardian or eligible student at a cost of \$.25 per page.

A record of all requests for inspection and review of education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each individual's record. Such request for records or information shall be made available to the parent/legal guardian or eligible student upon request in accordance with the requirements of this regulation.

School personnel shall use reasonable methods to authenticate the identity of parents, students, school officials, and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures shall be required.

#### Requests to Amend Education Records

Parents/legal guardians or eligible students who believe that information contained in the education records of a student is inaccurate or misleading or violates the privacy rights of the student may request that the District amend the records. A request to amend a student's records must be made in writing to the school principal within 10 school days of the date the records were first examined.

If the parent/legal guardian or eligible student challenges any part of the record, the principal (or in the case of psychological test data, the Director of Pupil Services or designee) should review the part of the record being challenged and may by mutual agreement with the person making the challenge destroy, delete or add the information in question.

If the principal denies the request to amend, the parent/legal guardian or eligible student may make a written appeal to the superintendent. This appeal must be answered by the superintendent in writing within 10 school days.

If the first two steps have not resulted in a formal change, then the parent/legal guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The response to the request must be mailed within 10 school days. The hearing will be held in accordance with the following procedure:

- The hearing shall be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent/legal guardian or eligible student by certified mail.
- The hearing will be conducted by a building principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not have a direct interest in the outcome of the hearing.
- Parents/legal guardians or eligible students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
- The official designated above shall make a decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent/legal guardian or eligible student of that decision by certified mail.
- The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- The decision shall include a statement informing the parent/legal guardian or eligible student of their right to place in the student records a statement commenting upon the information in the records and/or setting forth any reason for disagreement.

Any explanation placed in the records shall be maintained as a part of the records as long as the record itself is maintained by the school district. If the student record is disclosed by the school to any other party, the explanation shall also be disclosed to that party.

#### Disclosure Without Written Consent

The School District may disclose student education records or personally identifiable information contained therein without written consent of the parent/legal guardian or eligible student if the disclosure meets one of the following conditions:

- A. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy shall be permitted access to specific student education records.
  - 1. For purposes of this policy, a “school official” is a person employed by the district as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has outsourced services or functions it would otherwise use its own employees to perform; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.
  - 2. A school official has a “legitimate educational interest” if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official’s areas of responsibility; (3) relevant to the accomplishment of some task or determination about the student; and (4) consistent with the purposes for which the data are maintained.
- B. The disclosure is to officials of another school, school system or postsecondary education institution in which the student seeks or intends to enroll or has enrolled for purposes related to student’s enrollment or transfer. Any records sent during the student’s application or transfer period may be supplemented, updated or corrected as necessary.
- C. The disclosure is to authorities identified in the Family Educational Rights and Privacy Act and accompanying federal regulations. These include: Comptroller General of the United States, Attorney General of the United States, Secretary of Education of the U.S. Department of Education, Director of the National Institute of Education, Assistant Secretary of Education, state and local educational authorities.
- D. The disclosure is in connection with a student’s application for, or receipt of, financial aid as needed to determine the student’s eligibility for aid, the amount of the aid, the conditions of the aid or to enforce the terms and conditions of the aid.
- E. The disclosure is to accrediting organizations for accrediting functions.
- F. The disclosure is to state and local officials and concerns the juvenile justice system’s ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado’s Children’s Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
- G. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.

- H. The disclosure is required to comply with court order or subpoena. The District shall make a reasonable effort to inform the parent or eligible student prior to complying with the subpoena or court order unless:
  - 1. The court order or subpoena prohibits such notification; or
  - 2. The parent is a party to a court proceeding involving child abuse and/or neglect or dependency matters and the court order is issued in the context of that proceeding.
- I. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.
- J. The disclosure is to appropriate officials in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.
- K. The disclosure is of “directory information: as defined by this policy.
- L. The disclosure is of group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.
- M. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and either agencies and institutions receiving funding or providing benefits or programs authorized under the National School Lunch Act or the Child Nutrition Act.
- N. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student’s case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.

#### Disclosure to Other Parties

The school shall not disclose student records to other individuals or parties without prior written consent of the parent or eligible student.

#### Disclosure of Directory Information

The School District may disclose directory information without written consent of the parent/legal guardian or eligible student. The parent/legal guardian or eligible student has the right to refuse to permit the designation of any or all of the categories of information provided such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 8 or the following Monday if September 8 is a Saturday or Sunday.

Directory information is the information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the student’s name, address, telephone listing, electronic mail address, date and place of birth, photograph, grade level, major fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent and previous education agency or institution attended by the student, and other similar information. Directory information also includes student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifies cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a password known only by the authorized user.

The School District shall release the names, addresses, and home telephone numbers of secondary school students to military recruiting officers unless the parent or eligible student submits a request, in writing, within the time period established by the District that such information not be released.

On or before December 31 of each school year, the school district shall disclose to the Colorado Commission on Higher Education, the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

#### Release of Information to Other Schools/Agencies

- A. Information from student education records may be released to officials of other school systems in which the student intends to enroll on the condition that parent/legal guardian or eligible student is notified, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record as previously described.
- B. In cases where a student has applied for financial aid, records may be made available to an educational institution or a governmental agency or organization offering such aid in accordance with the procedure above.
- C. Except at the written request and authorization of the parent/legal guardian or eligible student, records will not be released to prospective employers, F.B.I. or any person or agency not specifically named in the Family Educational Rights and Privacy Act and the accompanying federal regulations.
- D. Requests for the release of information that are received from educational institutions and other agencies ordinarily are accompanied by the required parent/legal guardian or eligible student authorization for release of information. These requests should also include a description of the records desired, the reason for the request, the person requesting the record, the intended use, and assurance of confidentiality of the information to be released. In the absence of parent/legal guardian or eligible student authorization for release of information, the school principal will place the request in the student's permanent file, forward the District's consent form to the requesting agency, and record the request.
- E. Whenever the District is required by law or this regulation to seek written consent prior to disclosing personally identifiable information from a student's education record, the notice or consent form provided to the parent/legal guardian or eligible student shall contain: the specific records to be disclosed; the specific reasons for such disclosure; the specific identity of any such person, agency or organization requesting such information and the intended uses of the information; the method or manner by which the records will be disclosure; and the right to review or receive a copy of the relevant records to be disclosed. Consent given shall be valid only for the specific instance for which it was given. All signed consent forms shall be retained by the District.

#### Requesting Records from Other Districts/Schools

When a student transfers to the School District from another district, the principal of the receiving school will ask the parent/legal guardian or eligible student to sign the authorization form. This form will be completed by the principal and forwarded to the school of previous attendance.

#### Annual Notification of Rights

The School District at the beginning of each academic year will notify the parents/legal guardians and eligible students of their rights pursuant to this policy. Copies of this policy or forms may be obtained from the District administration office at any time during normal business hours. A copy of the Family Educational Rights and Privacy Act, the Board policy on student records, and this regulation shall be on file in the office of each building principal and of each individual who carries out procedures relative to the Act or policy. Complaints regarding violations of rights accorded parents and eligible students

pursuant to the Family Rights and Privacy Act may be submitted to the local Office of Civil Rights of the Department of Education.

#### Waivers

A parent/legal guardian or eligible student may waive any or all of his rights protected by this policy. A waiver shall not be valid unless in writing and signed by the parent or eligible student. The district does not require a waiver but may request a waiver. Any waiver under this provision may be revoked at any time in writing.

#### **Notice to Parents Regarding Sex Offender Registry:**

Colorado statutes require that each public school in the state give parents a statement identifying where and the procedures by which they may obtain information about registered sex offenders. The responsibility for preparing this statement rests with the Sex Offender Management Board. The Sex Offender Management Board has prepared a "School Resource Guide to Sex Offender Registration." This document can be found in .PDF format at:

<http://hermes.cde.state.co.us/drupal/islandora/object/co%3A4577>

or the Colorado Department of Education website at:

<http://www.cde.state.co.us/stateinfo/slstpfocusbiblio>

#### **Notice of Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA):**

Information concerning both FERPA and PPRA is available on the United States Department of Education website at [www.ed.gov/fpco](http://www.ed.gov/fpco)