
 PROCEDURES FOR SUSPENSIONS AND EXPULSIONS
A. Due Process

1. It is the policy of the Englewood Board of Education to provide due process of law to pupils, parents, and school personnel through written procedures consistent with CRS 22-33-101 et seq. and 25-4-907 of H.B. 1089 (Immunization Act) for the suspension, expulsion of, or denial of admission to a pupil.
2. Further, the Board of Education hereby directs the Superintendent to periodically review current procedures and develop new procedures, if necessary, which are consistent with this policy for adoption by the Board of Education.
3. Further, the Board of Education directs the Superintendent to distribute annually to each parent or guardian this or other policies and procedures adopted thereto, with regard to the suspension, expulsion of or denial of admission to any pupil, and to post such policies and procedures in each public school in the District.

B. Delegation of Authority1. Suspension :

The Board of Education hereby delegates to the principals of the school district or to a person designated in writing by the Principal and filed in the Superintendent's office the power to suspend a pupil from his or her school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1)(a), (1)(b), (1)(c), or (1)(e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1)(d) unless expulsion is mandatory under law (see Policy JKD/JKE). The total period of suspension shall not exceed 25 school days.

2. Suspension - the Board of Education hereby delegates to its executive officer (which term, for purposes of this policy includes the Superintendent of Schools or any individual temporarily serving in that capacity) the authority to suspend, in accordance with CRS 22-33-105, a pupil for an additional ten school days plus up to and including an additional 10 days necessary in order to present the matter to the Board of Education.
3. Expulsion and Denial of Admission - The Board of Education delegates to its executive officer (as defined above) the authority, in accordance with CRS 22-33-105, and 25-4-907 of H.B. 1089 to deny admission to, or expel for any period, not extending beyond one year, any child whom the executive officer, in accordance with the limitations imposed by Article 22, Chapter 33, CRS 1976 and 25-4-907 of H.B. 1089 shall determine does not qualify for admission to, or continued attendance at, the public schools of the District.

C. Suspension Procedures

The following procedures will be followed in any suspension, unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures shall apply. When the term "student or parent/guardian" is used, this will mean student if the student is 18 years of age or older; otherwise it will mean parent/guardian. All references to parent/guardian are intended to include legal custodian as well.

1. Notice. The Principal, his designee, or the Superintendent, at the time of the contemplated suspension shall give the student and parent/guardian notice of the contemplated action. Such notice for suspensions shall be given orally or in writing. Written notices may be delivered by certified United States mail. If mailed, delivery shall be deemed to be completed at such time as the notice is deposited in the United States mail addressed to the last known address of the student or his parent/guardian.
 - a. The written notice shall contain the following basic information:

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- 1) A statement of the charges against the student.
 - 2) A statement of what the student is accused of doing.
 - 3) An explanation of the evidence against the student. Specific names may be withheld if necessary to shield a witness.
 - 4) The time and place for the parent/guardian to meet with the administrator and review the suspension.
- b. This information should sufficiently inform the student and/or the parent or guardian of the basis for the contemplated action.
2. Informal Hearing. The student shall be given an opportunity to admit or deny the accusation, and to give his/or her version of the events. The administrator may go further in allowing the student to present witnesses, or may himself call the accuser and hold a more extensive hearing in order to make a proper decision of the contemplated action. There need be no delay between the time notice is given and the time of hearing.
 3. Timing. The notice and informal hearing should precede removal of the student from school. However, notice and informal hearing need not be given prior to the removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.
 4. As an alternative to suspension a student may remain in school with the consent of his teachers if his parent, guardian, or legal custodian attends class with the student for a period of time specified by the suspending authority. If the parent, guardian or legal custodian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the accompanying regulations.
 5. Prior to declaring a student habitually disruptive, the District must develop a remedial discipline plan. (See Policy JKF)
 6. Removal from School Grounds. A suspended student must leave the school building and the school grounds immediately following the meeting with the parent/guardian, at which time the best way to transfer custody of the student to the parent/guardian will be determined.
 7. Readmittance. No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent /guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student. The meeting shall address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
 8. Make-up Work. Suspended students shall be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive 100% credit for makeup work which is completed satisfactorily.
- D. Expulsion or Denial of Admission Procedures
- Unless otherwise determined by the Board, the Board of Education delegates to the Superintendent of Schools, who shall serve as a hearing officer, the authority to deny admission to or expel—for any period not extending beyond one year—any student whom the Superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district.
1. Notice. Not less than five days prior to the date of contemplated action, the executive officer shall cause written notice of such proposed action to be delivered to the student and his/or her

parent or guardian. Such delivery may be by United States mail or by personal delivery. If mailed, Englewood Schools will use Certified Mail with return receipt requested. Delivery shall be deemed to be completed at such time as the notice is deposited in the United States mail addressed to the last known address of the student and his parent or guardian.

- a. Emergency Notice: In the event the Executive Officer determines that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened to the extent the Executive Officer may direct, provided that the pupil or his parents has actual notice of the hearing prior to the time it is held.
- b. Contents of Notice: The notice shall contain the following basic information.
 - 1) A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.
 - 2) A brief statement of the evidence to be presented against the student.
 - 3) A statement that the student has a right to a hearing on the question of expulsion or denial of admission but will receive this hearing only if the student or his/or her parent or guardian notifies the Executive Officer in writing within five school days after the day of the notice was sent. The student, parent, or guardian has the option of selecting the Chief Executive Officer or Board of Education to hear the case and must so designate.
 - 4) A statement that the student may be present at the hearing and hear all information against him or her; that he or she will have an opportunity to present such information as is relevant by his or her parent or guardian and an attorney.
 - 5) A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
2. Hearing. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Chief Executive Officer but including in all events, the student, his parent or guardian and if requested, an attorney. In addition, if requested by the student, his parent or guardian or attorney, such individuals who may have pertinent information shall be admitted to a closed hearing to the extent necessary to provide such information. The student or his representative may question individuals presenting information. A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript shall be at the expense of the party requesting the same. The Board of Education may retire to executive session to review and discuss the evidence; however, the final decision shall be made in public session.
3. Appeal. If the hearing is conducted by the Chief Executive Officer, a student or parent/guardian of the student may appeal a decision, to be considered by the Board within 5 days after the decision was made by the executive officer. Failure to request an appeal within 5 days shall result in a waiver of the right to appeal and the Superintendent's decision shall become final.

If an appeal is properly requested, the Board will review the finding of fact from the hearing and arguments relating to the decision. The student may be represented by counsel at the appeal. Representatives of the district and the parents may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Board may ask questions for purposes of clarification of the record.

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

4. Parental Responsibility. If a student between the ages of six and seventeen is expelled, his/or her parent/guardian will be responsible for ensuring compliance with the compulsory school

attendance law during the expulsion period. Upon expelling a student, district personnel shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based education program for the student, district personnel shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.

If a student is expelled for the remainder of the school year and is not receiving educational services through the district, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine if the child is receiving educational services from some other source (during a period of expulsion "basic educational services" shall be provided that move toward a district goal for the individual student). District personnel need not contact the parent or guardian after the student is enrolled in another school district or in an independent or parochial school, or if the student is committed to the department of human services or sentenced to a juvenile or adult detention facility.

5. Readmittance. No student will be readmitted to school until after a meeting between the principal or designee and the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

E. Procedure for Expulsion for Crimes of Violence

The following procedures will apply when the District receives notification that a student 14 to 17 has been charged in juvenile or district court with a crime of violence as defined by state law.

1. The Board or its designee will make a preliminary determination as to whether it will proceed with an expulsion hearing, based on the following factors:
 - a. The student's behavior was detrimental to the safety or welfare of other students, teachers, or school personnel.
 - b. Educating the student in school would disrupt the learning environment, provide a negative example for other students or create an unsafe environment for students, teachers, or other school personnel.
 - c. Grounds for expulsion of the student exist (the determination may be made in executive session to the extent allowed by law).
2. If it is determined that the student should not be educated in the schools of the district and that grounds for expulsion exist, the District will proceed with the expulsion of the student in accordance with the procedures set forth above.
3. Alternatively, expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program, including but not limited to, an on-line program authorized by state law or home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program shall not be considered a period of expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated a delinquent juvenile, the Board of Education or its designee may proceed to expel the student following the procedures set forth in these regulations.
5. If a crime of violence is committed by a student with a disability, the student will not be removed or expelled from school unless a qualified committee has determined that the student's conduct was not a manifestation of the student's disability. Discipline procedures for

any student with a disability will be in accordance with state and federal law and Board policy.

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

ADOPTED: March 18, 2008