

## **Equal Educational Opportunities**

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

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

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

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

(Adoption date: 04/20/2022)

LEGAL REFS.: 20 U.S.C. §1681 (*Title IX of the Education Amendments of 1972*)  
20 U.S.C. §1701-1758 (*Equal Educational Opportunities Act of 1974*)

29 U.S.C. §701 *et seq.* (Section 504 of the Rehabilitation Act of 1973)

C.R.S. 2-4-401 (3.4) (definition of gender expression)

C.R.S. 2-4-401 (3.5) (definition of gender identity)

C.R.S. 2-4-401 (13.5) (definition of sexual orientation)

C.R.S. 22-32-109 (1)(II) (Board duty to adopt written policies prohibiting discrimination)

C.R.S. 22-32-109.1 (2) (safe school plan to be revised as necessary in response to relevant data collected by the school district)

C.R.S. 22-32-110 (1)(k) (definition of racial or ethnic background includes hair texture, definition of protective hairstyle)

C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)

C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
JBB\*, Sexual Harassment

## **Sexual Harassment**

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 is a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature, or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

### **Sexual harassment defined**

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

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

Pursuant to state law, "harassment" means creating a hostile environment based on an individual's sex.

### **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 process addressing sex-based discrimination. All reports and indications from students, district employees and third parties must be forwarded to the Title IX Coordinator.

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

The district will take appropriate corrective action to: make the harassed student whole by restoring lost educational opportunities; prevent harassment from recurring; or

prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

### **Notice and training**

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

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

Adopted: April 10, 1995

Reviewed: May 3, 1999

Adopted: May 17, 1999

Revised: June 5, 2019

Revised: November 18, 2020

LEGAL REF.: 20 U.S.C. 1681 *et seq.* (*Title IX of the Education Amendments of 1972*)  
C.R.S. 22-32-109 (1)(II) (Board duty to adopt written policies prohibiting discrimination)  
C.R.S. 24-34-402 (definition of "harass" in employment practices)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)  
AC-R-2, Sex Based Discrimination and Sexual Harassment Investigation Procedures  
AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)  
JLF, Reporting Child Abuse/Child Protection

## **School Attendance Areas**

Attendance areas for each school of the district shall be drawn up by the administration and approved by the Board, based on geography and student population projections.

In establishing school boundaries, consideration shall be given to the densities of students in an area in relation to the relative capacities of the schools, the equalization of enrollments in classrooms and efficient use of transportation facilities.

A student's designated attendance area shall be based on the legal residence of the parents/guardians.

Adopted: September 10, 1990

Reviewed: October 26, 1998

Revised: June 5, 2019

LEGAL REF.: C.R.S. 22-32-110 (1)(m) (*power to fix attendance areas*)

CROSS REF.: JFBA, Intra-District Choice/Open Enrollment

## **Compulsory Attendance Ages**

Every child who has attained the age of six years on or before August 1 of each year 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.

The courts may issue orders against the child, child's parent, or both, compelling the child to attend school or the parent to take reasonable steps to assure the child's attendance. The order may require the parent, child, or both, to follow an appropriate treatment plan that addresses problems affecting the child's school attendance and that ensures an opportunity for the child to obtain a quality education.

Adopted: prior to October 26, 1998

Reviewed: October 26, 1998

Reviewed: May 29, 2007

Revised: May 27, 2008

Revised: June 5, 2019

LEGAL REFS.: C.R.S. 22-32-110 (1)(mm) (*board may authorize school employee to represent school district in judicial proceedings to enforce compulsory attendance*)  
C.R.S. 22-33-104 (*compulsory school attendance ages*)  
C.R.S. 22-33-104.5 (*home-based education*)  
C.R.S. 22-33-107 (*enforcement of school attendance laws*)  
C.R.S. 22-33-108 (*judicial proceedings to enforce school attendance laws*)

## **Entrance Age Requirements**

A child may enter kindergarten if they are five years old on or before October 1 of the year of enrollment. Younger students who do not meet the district's entrance age requirement for kindergarten may be accepted if transferring from another kindergarten program, if the principal or designee determines that placement of the student in kindergarten is appropriate.

A child may enroll in the first grade if they are six years old on or before October 1 of the year of enrollment.

A legal birth certificate or other acceptable record is required for enrollment age certification. The principal or designee will make exceptions to these entrance age requirements in accordance with state law pertaining to the education of military children.

Adopted: April 10, 1995

Reviewed: October 26, 1998

Revised: February 12, 2001

Revised: May 8, 2013

Revised: August 5, 2020

Revised: November 18, 2020

Revised: August 18, 2021

LEGAL REFS.: C.R.S. 22-1-115 (*school age*)  
C.R.S. 22-20-204 (*program plan requirements regarding highly advanced gifted children*)  
C.R.S. 22-32-119 (*kindergarten*)  
C.R.S. 22-33-104 (1)(a) (*Compulsory School Attendance Law requiring attendance for children aged 6 through 16 as of August 1*)  
C.R.S. 22-54-103 (10) (*sets October 1 date for funding*)  
C.R.S. 22-54-103 (10.5) (*defines pupil enrollment count day*)  
C.R.S. 24-60-3402 (*Interstate Compact on Educational Opportunity for Military Children*)  
1 CCR 301-8, 2220-R-12.00 (*highly advanced gifted children*)

CROSS REF.: JEA, Compulsory Attendance Ages

## **Admission and Denial of Admission**

### **Admission**

All persons age six and under 21 who have not graduated from high school or received any document evidencing completion of the equivalent of a secondary curriculum, and reside within the boundaries of this school district may be permitted to attend public schools without payment of tuition.

A birth certificate or other proof of legal age, as well as proof of residence, will be required by the school administration.

Students new to the district will be enrolled conditionally until records, including discipline records, from the schools previously attended by the student are received by the district. Notice of the conditional enrollment status of new students will be clearly indicated on all new student enrollment forms. In the event the student's records indicate a reason to deny admission, the student's conditional enrollment status will be revoked. The student's parent/guardian will be provided with written notice of the denial of admission. The notice will inform the parent/guardian of the right to request a hearing.

### **Denial of admission**

The Board of Education or the superintendent may deny admission to the schools of the district in accordance with applicable law.

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

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

### **Nondiscrimination**

The Board, the superintendent, other administrators, and district employees will not unlawfully discriminate based on a student's disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy.

(Adoption date: 04/20/2022)

LEGAL REFS.: C.R.S. 22-1-102 (*defines "resident"*)



C.R.S. 22-1-102.5 (*defines "homeless child"*)  
C.R.S. 22-1-115 (*school age is any age over five and under twenty-one years*)  
C.R.S. 22-2-409 (*notification of risk*)  
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner*)  
C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)  
C.R.S. 22-32-115 (*tuition to another school district*)  
C.R.S. 22-32-116 (*non-resident students*)  
C.R.S. 22-32-138 (*enrollment of students in out-of-home placements*)  
C.R.S. 22-33-103 through 22-33-110 (*school attendance law*)  
C.R.S. 22-33-105 (2)(c) (*requiring hearing to be convened if requested within 10 days after denial of admission or expulsion*)

CROSS REFS.: JEB, Entrance Age Requirements  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCB, Immunization of Students

## **Continuing Enrollment of Students Who Become Nonresidents**

### **Resident elementary students who become nonresidents**

Students enrolled in elementary school who become nonresidents during or between school years may remain enrolled in or re-enroll in the elementary school subject to the following requirements:

1. The student was included in the district's most recent pupil enrollment count and has been enrolled continuously in elementary school since the count was taken.
2. The parent/guardian has submitted a written request to the principal asking for the student to remain enrolled or to re-enroll in the school.
3. The request has been approved by the principal after a determination that space exists in the school to accommodate the student.

Once the elementary student's request is approved, the student may enroll or re-enroll in the requested school as long as he or she enrolls prior to the pupil enrollment count date. The district shall enter into a written agreement with the student's district of residence. However, this agreement will not contain any requirement that the district of residence or the parent/guardian pay tuition nor shall either district be required to provide transportation.

### **Resident secondary students who become nonresidents**

Secondary students who become nonresidents during the school year may remain enrolled through the semester at the student's current school. Students enrolled in the 12th grade may finish the school year at the current school.

Adopted: August 5, 2020

LEGAL REFS.: C.R.S. 22-32-115 (*tuition to another district*)  
C.R.S. 22-32-116 (*students who become nonresidents*)  
C.R.S. 22-33-103 (*parent not required to pay tuition if resident of Colorado*)

CROSS REFS.: JFABA, Nonresident Tuition Charges  
JFBA, Intra-District Choice/Open Enrollment  
JFBB, Inter-District Choice/Open Enrollment

## Nonresident Tuition Charges

The parents/guardians of Colorado students who are not residents of this school district shall not be charged tuition. Enrollment of these students shall be decided in accordance with the policy on inter-district choice/open enrollment.

However, the district may enter into a written agreement with any student's district of residence under which the district of residence agrees to pay tuition to allow the student to attend school within the district as long as the student is not a continuing enrolled student pursuant to the Board's policy on continuing enrollment of students who become nonresidents.

When a nonresident student with a disability applies to enroll in a school in this district, the district shall provide notice to the student's district of residence and, if applicable, the student's administrative unit of residence. The student's district and, if applicable, administrative unit of residence shall be responsible for paying the tuition charge for educating the student in accordance with state laws and regulations. The amount of the tuition shall be determined pursuant to the rules developed by the Colorado Department of Education.

Out-of-state students who wish to attend school in this district shall be charged tuition in accordance with the rates adopted by the Board.

The superintendent shall present to the Board for its consideration any request from parents/guardians for exceptions to this policy. The Board shall determine whether to consider the request and if it deems consideration appropriate, it shall make a determination on the merits of the request.

Adopted: September 8, 1997

Reviewed: October 26, 1998

Revised and recoded: August 5, 2020

LEGAL REFS.: C.R.S. 15-14-104 (*delegation of custodial power*)  
C.R.S. 22-1-102 (2) (*defines "resident"*)  
C.R.S. 22-20-106 (*designation of general and special education responsibilities for students with disabilities*)  
C.R.S. 22-20-107.5 (*defining district of residence for students with disabilities*)  
C.R.S. 22-20-109 (*tuition provisions for special education students*)  
C.R.S. 22-23-105 (*residence of migrant children*)  
C.R.S. 22-32-113 (1)(b), (c) (*transportation of students*)  
C.R.S. 22-32-115 (*tuition to another district*)  
C.R.S. 22-33-103 (*parent not required to pay tuition if resident of Colorado*)  
C.R.S. 22-33-106 (3) (*grounds for denial of admission*)  
1 CCR 301-8, Rules 2.02 and 3.01 (*obligating school districts to be of sufficient size and capacity to operate their own special education programs or to join an administrative unit that does so*)

CROSS REFS.: JFAB, Continuing Enrollment of Students Who Become  
Nonresidents  
JFABD, Homeless Students  
JFBB, Inter-District Choice/Open Enrollment

## **Admission of Non-immigrant Foreign Exchange Students**

The district recognizes the educational and cultural value of international exchange programs and foreign exchange students and authorizes the admission of a limited number of non-immigrant foreign exchange students to the education programs offered in the district's schools in accordance with this policy and accompanying regulation. The district reserves the right to deny admission to any student, in accordance with applicable law.

Foreign exchange students shall not be considered candidates for high school diplomas from the district. However, these students may be awarded a certificate of completion.

This policy and the accompanying regulation apply to non-immigrant foreign exchange students who temporarily reside within the district's boundaries without their parents/legal guardians for the purpose of attending school and who qualify for a visa under regulations issued pursuant to the Immigration and Naturalization Act. This policy and accompanying regulation do not apply to resident aliens, political exiles or students from other countries residing within the district's boundaries with their parents/legal guardians.

Foreign exchange students sponsored by an approved program (J-1 visa)

To protect the interests of the district, its schools and students, only foreign exchange students from an exchange program designated by the United States Department of State will be considered. Foreign exchange students admitted as part of an approved program are considered wards of the families with whom they reside.

Foreign students on a J-1 visa are not required by law to pay tuition.

Foreign exchange students privately sponsored (F-1 visa)

Privately sponsored foreign exchange students may be enrolled if an adult resident of the district has been given temporary guardianship and the student lives in the home of that guardian and if the student meets all legal requirements for a student visa.

Foreign students on an F-1 visa shall only attend secondary schools within the district and are required by law to pay the district for the full, unsubsidized per capita cost to the district for providing education to the student for the period of his or her attendance. The period of attendance may not exceed 12 months.

Adopted: November 9, 1998

Revised: June 5, 2019

LEGAL REFS.: 8 U.S.C. 1101(a)(15)(F)(i) (*definition of nonimmigrant student*)  
8 U.S.C. 1184 (m) (*admission of nonimmigrant elementary and secondary school students*)

*22 C.F.R. 62.25 (eligibility for and administration of foreign exchange secondary student visitor programs)*

CROSS REF.: JFABA, Nonresident Tuition Charges

## **Admission of Non-Immigrant Foreign Exchange Students**

### **Academic requirements**

No foreign exchange student will be admitted who has already graduated from the equivalent of the twelfth grade or who will reach the age of eighteen years and six months before the program's start date.

The student must have average or above-average grades in school.

Except as required by applicable law, the district will not provide foreign exchange students with admission to English as a second language programs, concurrent enrollment programs or other special programs.

### **General requirements**

Foreign exchange students are responsible for complying with all district policies and regulations.

Foreign exchange students are expected to pay for meals, books, athletic and student activity fees, yearbook costs, and all other fees and expenses normally borne by students in the district, unless the student is considered indigent and/or determined eligible for free- or reduced-price meals.

The eligibility requirements of the Colorado High School Activities Association shall be followed.

The sponsor, host family and local program representative must maintain personal contact with the school, must be available and willing to meet with school personnel when problems or circumstances require and must assume full and final responsibility for resolving problems including the early return of the student if personal, family or school difficulties cannot be resolved. If a student's grades, attendance, conduct or discipline are deemed unsatisfactory by the school, the student may be withdrawn.

### **Admissions process**

Approvals for admission must be obtained from the district between April 15 and July 31 for the following school year or between October 15 and December 15 for the second semester, except under unusual circumstances.

All applications will be screened by the superintendent or designee before they are forwarded for review and approval of the principal of the school where admission is being requested.

The student must attend the school in the attendance area in which the host family or sponsor lives, unless an appropriate transfer is approved by the district. Should a large number of foreign exchange students be scheduled for a particular school, a transfer to another school may be recommended by the district in order to create a balance in foreign exchange student enrollment.

Upon the student's arrival in the district, the adult sponsor (host family and/or local representative of the exchange program) and student must come to the school to complete the enrollment process. Students must arrive in sufficient time for attendance on the first day of school.

In addition to the district's general admission requirements, foreign exchange students requesting admission must submit:

1. Birth certificate or other proof of age.
2. Recent official transcript with English translation reflecting courses taken and grades earned.
3. Records showing required immunizations.
4. A letter of application written in English that provides pertinent information about the student, including student's name, age, birth date, home address and phone number, level of education, reasons for wanting to attend school in the district and the projected duration of enrollment.
5. The names, addresses and phone numbers of the foreign exchange student's own parents/guardians, the host family and the local exchange program representative.
6. A current notarized temporary custody agreement between the student's parents/guardians and the host family and/or exchange program.

**Foreign exchange students sponsored by an approved program (J-1 Visa)**

Only programs designated by the United States Department of State will be considered for placement of foreign exchange students on J-1 visas.

The program must have a local representative residing in or near the district who will meet with the student, host family, and school personnel on a regular basis.

Orientation, both pre-departure and upon arrival in the United States, must be provided to help foreign exchange students adjust to a new culture. Ongoing contact and support from the local representative of the exchange program must also be provided.

Orientation must be provided to the host family in advance of the foreign exchange student's arrival. The family should be acquainted with the needs and requirements of housing a visitor for a long period of time, advised of potential problems in hosting a foreign exchange student and provided with suggestions for coping with these problems. Ongoing contact and support from the local representative of the exchange program must also be provided.

Foreign exchange students on J-1 visas are not subject to tuition.



**Foreign exchange students privately sponsored (F-1 Visa)**

Pursuant to federal law, only high school students are eligible for F-1 visas. A student may receive F-1 status for no more than 12 months in a public school system. The student must have reimbursed the school district in advance for the full, unsubsidized cost of educating the student. This amount will be determined by the superintendent or designee.

Should a student not be able to obtain a visa or not attend for some other reason, the tuition will be refunded in full. Should a student attend for less than a full school year, tuition will only be refunded if a true hardship situation is demonstrated.

**Approved: November 9, 1998**

**Revised: August 5, 2020**

## Homeless Students

It is the Board's intent to remove barriers to the identification, enrollment and retention of homeless children and youth in school in accordance with state and federal law. The district shall take reasonable steps to ensure that homeless students are not segregated or stigmatized and that decisions are made in the best interests of the student.

Terms used in this policy and its accompanying regulation, such as "homeless children and youth," "unaccompanied youth," "school of origin," "enrollment," and "attendance area school" shall be as defined by the McKinney-Vento Homeless Assistance Act and its implementing regulations. For purposes of this policy and its accompanying regulation, "homeless students" shall refer to "homeless children and youth."

Each homeless student shall have access to and shall be provided education services for which the student is eligible, comparable to services provided to other students in the school, including summer school, career and technical education programs, gifted education programs, special education services, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law.

The district shall coordinate with other districts and with local social services agencies and other agencies or programs providing services to homeless students as needed.

At least one staff member shall be designated to serve as the local liaison and shall fulfill the duties required of the position as set forth in state and federal law. The district shall provide training and other technical assistance to the local liaison(s) and other appropriate district staff regarding the district's obligations to homeless students.

Duties of the local liaison and procedures for identification, enrollment, transportation and dispute resolution for homeless students shall be made in accordance with the accompanying regulation and applicable law.

Adopted: April 10, 1995

Revised: October 26, 1998

Revised: June 5, 2019

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)  
20 U.S.C. 6313 (c)(3) (*reservation of Title I funding for homeless children and youths*)  
42 U.S.C. 11431 *et seq.* (*McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth*)  
C.R.S. 22-1-102.5 (*definition of homeless child*)  
C.R.S. 22-32-109 (1)(dd) (*duty to adopt/revise policies to remove barriers to access and success in schools for homeless children*)  
C.R.S. 22-33-103.5 (*attendance of homeless children*)  
C.R.S. 26-5.7-101 *et seq.* (*Homeless Youth Act*)

## **Homeless Students**

### **Local liaison**

The local liaison(s) shall work to identify homeless children and youth and facilitate each homeless student's access to and success in school.

The primary functions of the local liaison shall be to mediate disputes concerning school enrollment, assist in making transportation arrangements, assist in requesting the student's records, provide information and give referrals on services and opportunities, and assist any unaccompanied youth with enrollment, credit accrual and college readiness decisions.

### **Enrollment and school stability**

Enrollment shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines. The district shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible the district shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the district shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed outside the district during the school year, the student shall no longer be considered homeless and may only continue enrollment in the district for the remainder of the school year.

### **Tuition**

A student defined in state and federal law as a homeless child or youth shall be admitted without payment of tuition.

### **Enrollment determinations**

In making enrollment determinations, the local liaison shall consider relevant factors, including but not limited to:

- the best interests of the homeless student;
- to the extent feasible, keeping the homeless student in the school of origin;
- the wishes of the student and of the student's parent or guardian;
- which school can best meet the student's educational and other needs; and
- the student's transportation needs related to the school options.

### **Dispute resolution**

When a dispute arises over eligibility, school selection or enrollment, the district shall provide a written explanation of the district's decision and of the right to appeal, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. The homeless student shall be immediately enrolled in the school in which the parent/guardian or unaccompanied youth seeks to enroll, pending resolution of the dispute.

The local liaison shall attempt to resolve the dispute as expeditiously as possible. If the local liaison is unable to resolve it, the district shall follow the Colorado Department of Education's McKinney-Vento homeless education dispute resolution procedure.

### **Transportation**

Subsequent to a determination that the student shall attend a school in the district, a request for transportation may be made by the unaccompanied youth, or by the student's parent/guardian.

If the student is located in the district and attending the attendance area school, the district shall provide or arrange for the student's transportation to and from school in accordance with district transportation policies.

If the student is located outside of district boundaries but a determination has been made that the student shall remain in the school of origin within the district, the district and the district where the student is located shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

Approved: June 5, 2019

## **Students in Foster Care**

It is the Board's intent to promote educational stability for students in foster care in accordance with state and federal law. Terms used in this policy and its accompanying regulation, such as "foster care," "school of origin," "child's best interest" and "child welfare agency" shall be as defined by applicable federal law.

The district shall coordinate with other districts and with local child welfare agencies and other agencies or programs providing services to students in foster care as needed.

At least one staff member shall be designated to serve as the child welfare education liaison and fulfill the duties set forth in state and federal law.

Duties of the child welfare liaison and procedures for enrollment and transportation for students in foster care shall be made in accordance with the accompanying regulation and applicable law.

Adopted: June 5, 2019

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)  
20 U.S.C. 6311 (g)(1)(E) and 6312(c)(5) (*provisions in Every Student Succeeds Act (ESSA) regarding obligations to students in foster care*)  
42 U.S.C. 671 (a)(10) and 675(1)(G) (*child welfare agency requirements related to supporting normalcy for children in foster care and ensuring educational stability of children in foster care*)  
34 C.F.R. 200.30 (f)(1)(iii) (*ESSA's definition of "foster care"*)  
C.R.S. 22-32-138 (*enrollment of students in out-of-home placements*)  
C.R.S. 22-33-103 through 22-33-110 (*school attendance law*)

CROSS REFS.: JF, Admission and Denial of Admission  
JH, Student Absences and Excuses  
JJJ, Extracurricular Activity Eligibility  
JLCB, Immunization of Students  
JQ, Student Fees, Fines and Charges

## **Students in Foster Care**

### **Child welfare education liaison**

At least one district staff member shall be designated to serve as the child welfare education liaison. In lieu of designating a district employee, the district may contract with an individual or request that the district's Board of Cooperative Services (BOCES) designate a BOCES employee to serve as the district's child welfare education liaison. By August 15 of each year, the district shall report the name and contact information of the district's child welfare education liaison to the Colorado Department of Education.

The child welfare education liaison shall be responsible for working with child placement agencies, county departments of human services, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment of students in foster care. The specific duties of the child welfare education liaison shall include, but are not limited to:

- working with social workers from county departments of human services, juvenile probation officers, and foster care parents to ensure the immediate school enrollment and prompt transfer of students' education information and records when students are required to change school enrollment due to changes in placement;
- ensuring that the education information and records of a student in foster care are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department of human services;
- participating and collaborating on best interest determinations with the local county department of human services; and
- providing training to district staff on the Title I provisions and educational needs of students in foster care.

In addition to the liaison's duties pertaining to students in foster care, the district's child welfare education liaison is designated to receive notice of a student who is transitioning to public school from a state-licensed day treatment facility, facility school or hospital providing inpatient acute care or psychiatric services and who has been determined by that facility, facility school, hospital, or a court to be a risk to himself or herself or the community within the 12 months prior to the proposed transfer to a public school. Under certain circumstances, the child welfare education liaison may receive an invitation to participate in the development of a transition plan for such student.

### **Enrollment determinations**

In making enrollment determinations, the child welfare education liaison shall assist appropriate county department of human services representatives in making "best interest of the child" education decisions, particularly the determination of whether or not it is in the best interest of the student in foster care to remain in his/her school of

origin or to enroll in a new school.

### **Transfer of education records**

If a student in foster care transfers to another school, the sending district shall transfer the student's education information and records to the receiving school within five school days after receiving a transfer request from the county department of human services that has legal custody of the student.

The sending district may release the student's education information and records to an employee of the county department of human services for the sole purpose of transferring the education information and records to the student's new school. Such release shall be in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act.

If the request for a records transfer involves a student who is receiving special education services pursuant to an individualized education plan, the sending district shall notify its special education director of the records request.

The sending district shall not delay the transfer of education information and records of a student in foster care for any reason, including but not limited to the existence of any unpaid fines or fees.

### **Enrollment in a new school**

If it is determined that it is not in the student's best interests to remain in his/her school of origin and unless otherwise permitted by state law to deny enrollment, the district or new school shall immediately enroll a student in foster care in the new school, regardless of whether:

- the district or school has received the student's education records or certificate of immunization;
- the student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or
- the student can comply with any other pre-enrollment restrictions or requirements imposed by the district or new school.

If the district or new school enrolls a student in foster care without receiving the student's certificate of immunization, the district or school shall notify the student's legal guardian that, unless the district or 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 student in foster care shall be suspended until such time as the district or school receives the certificate of immunization or authorization.

### **Transfer of credits**

When a student in foster care transfers from one school to another school, the sending school shall certify to the receiving school or district the coursework that the student fully or partially completed while enrolled. The receiving school or district

shall accept the student's certified coursework as if it had been completed at the receiving school.

The receiving school or district shall apply all of the student's certified coursework toward completion of the student's requirements for the grade level in which the student is enrolled at the receiving school or for graduation from the receiving school if the student is enrolled in 12th grade. The receiving school or district may award elective credit for any portion of the student's certified coursework that is not aligned with the curriculum of the receiving school or district.

### **Transportation**

Applicable federal law requires the district to develop procedures to ensure that students in foster care who need transportation to their respective schools of origin promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner. Accordingly, when the district is notified that a student in foster care needs, or may need, transportation to a district school, the child welfare education liaison will take steps to establish an individualized plan that addresses how transportation to maintain the student in his/her school of origin will be arranged, provided and funded for the duration of time that the student is in foster care and attending his/her school of origin.

In establishing such a plan, the child welfare education liaison and other district staff shall follow any existing transportation procedures that the district, acting in collaboration with one or more relevant departments of human services, has adopted or otherwise expressly agreed to implement for the cost-effective transportation of the student in foster care. If there are additional costs in providing transportation to the school of origin, the district will provide such transportation if:

- the local county department of human services agrees to reimburse the district for the cost of such transportation;
- the district agrees to pay for the cost; or
- the district and local county department of human services agree to share the cost.

Adopted: June 5, 2019



### **Intra-District Choice/Open Enrollment**

The Board of Education endorses the neighborhood school concept and makes many decisions based on student population within the attendance areas of residence. The Board recognizes, however, that resident students may wish to attend a school or participate in a program located in an area other than that of their assigned school. Therefore, students will be allowed to attend any school or participate in any program of their choice on a space available, first-come, first-served basis.

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

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

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

#### **Open enrollment and transfers**

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

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

Parents and/or students who desire a change of school after March 1 must submit a letter together with the required form requesting a transfer. The request will be reviewed and acted upon in accordance with the regulations accompanying this policy.

Open enrollment and transfer students attending a school outside their attendance area will be granted enrollment on a year-to-year basis.

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

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

### **Transportation**

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

### **Military children**

The district will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for open enrollment in a district school or program. No additional documentation of an inbound active duty military member's child's state address will be required to apply for open enrollment.

The district school or program in which the child of an inbound active duty military member is open enrolled will grant guaranteed automatic matriculation while the child remains in the district, including guaranteed automatic matriculation to the next grade, even if the next grade is in a different school level or building, in the same manner guaranteed automatic matriculation is provided to resident students. The district will also grant priority preference for the younger siblings of the child of an inbound active duty military member who is open enrolled for purposes of enrolling in subsequent school years.

### **Nondiscrimination**

The Board, the superintendent, other administrators, and district employees will not unlawfully discriminate based on a student's disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin,

religion, ancestry, or need for special education services in the determination or recommendation of action under this policy.

### **Special education students**

The district shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. Thereafter, the district shall consider the request for open enrollment or transfer to another school or program in accordance with applicable state and federal laws.

Adopted: December 7, 2022

LEGAL REFS.: C.R.S. 22-1-102 (*definition of district resident*)  
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner*)  
C.R.S. 22-32-110 (1)(m) (*power to fix boundaries*)  
C.R.S. 22-36-101 *et seq.* (*open enrollment*)  
C.R.S. 22-36-107 (*inbound active duty military families open enrollment and registration*)  
1 CCR 301-8, Rules 4.03 and 8.07 (*prohibiting administrative units from inquiring about a transferring child's IEP or disability status until after the child has been admitted*)

CROSS REFS.: EEA, Student Transportation  
IHBG, Home Schooling  
JC, School Attendance Areas  
JFABD, Homeless Students  
JFABE\*, Students in Foster Care  
JFBB, Inter-District Choice/Open Enrollment  
JJJ, Extracurricular Activity Eligibility

## **Intra-District Choice/Open Enrollment**

### **1. Attendance areas**

Students will attend the district school determined by their residence unless a request to enroll in another school or program is approved. No student will be enrolled in a school or program outside the attendance area without prior approval in accordance with these regulations.

The principal of each school will be responsible for checking student enrollment records to determine that each student is a legal resident of that school's attendance area or has an approved authorization for open enrollment or transfer.

Students must register in the school serving their attendance area even though a request is pending for open enrollment or transfer. Registration in the requested school will not be permitted until the student has received written approval for open enrollment or transfer.

### **2. Open enrollment**

Requests for open enrollment must be initiated by the parents/guardians by filing the approved form with the principal of the school which the student wishes to attend (receiving school). The receiving school principal will notify the principal of the school in the student's attendance area of the disposition of the request. Central administration of the school district must also receive copies of related paperwork.

Forms will be available in every school building and in the central administrative office. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parents/guardians the procedures used to process open enrollment requests.

The receiving school principal will make the decision as to whether an open enrollment application is accepted or rejected based on criteria established in state law and Board policy. The receiving school principal will be responsible for notifying the parents/guardians and students of approval or disapproval of an open enrollment request no later than May .

### **3. Grounds for denial of open enrollment**

An open enrollment request may be denied at any time if:

- a. There is a lack of space or teaching staff within a particular program or school requested.
- b. The school requested does not offer appropriate programs for the student, is not structured or equipped with the necessary facilities to meet the student's special needs, or does not offer a particular program requested.
- c. The student does not meet the established eligibility criteria for participation in a particular program including age requirements, course prerequisites, and required levels of performance.
- d. A desegregation plan is in effect for the school district, and such denial is necessary in order to enable compliance with the desegregation plan.
- e. The student has been expelled from any school district during the preceding 12 months.
- f. The student has demonstrated behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel including but not limited to behavior that has resulted in an out-of-school suspension.
- g. The student has graduated from the 12th grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

Upon enrollment at a school outside the attendance area, the student should plan to remain in that school for a full academic year. Once a student is accepted under the open enrollment plan, reasonable effort will be made to permit the student to complete the highest grade in that building subject to the right of residents of the attendance area to attend the school.

A student who is the child of an inbound active duty service member and who is accepted under the open enrollment plan is guaranteed automatic matriculation, including automatic matriculation to the next grade level, even if the next grade is in a different school level or building.

Students who wish to return to their home school or to open enroll in a different school must submit an open enrollment request in accordance with these regulations.

Each principal will maintain a file of all open enrollment requests to that building. A copy will be forwarded to the central office for district-wide data collection purposes.

Those students who apply for open enrollment and cannot be accepted at the time of application will be placed on a waiting list in the order in which the applications are received and will be considered for approval at a later date if space becomes available. The waiting list will be maintained until July 1 of each year, after which a new waiting list will be developed for the next 12 months.

#### **4. Transfers**

The transfer process is available to allow flexibility in choice of school when the open enrollment deadline has passed and/or circumstances necessitate a change in school just prior to or during a school year. All requests for enrollment at a school outside a student's attendance area will be processed as transfers once the open enrollment deadline has passed.

Requests for transfer must be initiated by the parents/guardians by filing the approved form with the principal of the school which the student wishes to attend (receiving school). The receiving school principal will notify the principal of the school in the student's attendance area of the disposition of the request.

Forms will be available in every school building and in the central administrative office. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parent/guardian the procedures used to process transfer requests.

The receiving school principal will make the decision as to whether a transfer application is accepted or rejected based on the same criteria established in state and federal law and Board policy as used to consider open enrollment requests. It may be appropriate under some circumstances to conditionally approve a transfer request. The receiving school principal will be responsible for notifying the parents and students of approval or disapproval of a transfer request as soon as possible.

Permission to transfer when granted will be for one academic year or the remainder of the year if the transfer occurs after the beginning of any school year. Renewal of transfers is not automatic.

Students who wish to return to their home school or to transfer to a different school must reapply for a transfer in accordance with these regulations.

Each principal will maintain a file of all transfer requests to or from his/her building. A copy will be forwarded to the central office for district-wide data collection purposes.

**5. Criteria to determine availability of space or teaching staff**

Open enrollment and transfers within the district will be approved subject to space availability in the school requested contingent upon district class size guidelines and subject to availability as determined by the receiving principal taking enrollment projections into consideration. Students whose open enrollment or transfer requests have been approved will be assigned to classrooms on the basis of available staff and support services as well as the best use of classroom space. Mobile units will not be taken into consideration when determining availability of classroom space.

Requests for enrollment in particular programs will take into consideration the applicant's qualifications for the program.

An open enrollment or transfer granted to one child in a family will not necessarily support the open enrollment or transfer of another child in the family, except that priority preference is granted for a younger sibling of a child of an inbound active duty service member.

**6. Continuing enrollment criteria**

Any student enrolled pursuant to this policy will be allowed to remain enrolled in the school or program through the end of the school year unless the student is expelled from the school or program or the district determines that the student's application contained material misstatements or omissions.

Permission for a student to attend a district school may be rescinded at the end of the school year if the school's growth in enrollment due to an increase in students living in the school's boundary results in inadequate space or resources for enrolled students. In such cases, the enrollment of choice or transfer students will be rescinded for particular schools or programs.

Any choice or transfer student may be denied enrollment for the next school year if, due to a change in circumstances, the school would be required to add programs, space, or teaching staff or make an alteration to facilities or equipment in order to serve the student or the student no longer meets the established eligibility criteria for the school.

Students whose place of residence changes within the school district during the school year must complete transfer forms for record-keeping purposes. Students

will be required to attend the school of their new attendance area the following year unless an application is made for open enrollment or transfer.

**7. Eligibility for activities**

Eligibility for participation in extracurricular and interscholastic activities will be determined in accordance with applicable law, the bylaws of the Colorado High School Activities Association, and the district's eligibility requirements.

Any student who enrolls in a school outside of the attendance area by falsifying the address forfeits eligibility to participate in the school's activities.

**8. Appeal procedure**

Should a request for open enrollment or transfer be denied, the parent/guardian will be advised by the principal that they may appeal the denial by contacting the Superintendent or designee.

The principal will submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision will be final.

(Adoption date: 04/20/2022)



### **Inter-District Choice/Open Enrollment**

The Board recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries.

Nonresident students from other school districts within the state who are accepted pursuant to the regulations approved by the Board may enroll in particular programs or schools within this district on a space available basis without payment of tuition, except as otherwise provided by law.

In providing for the open enrollment of nonresident students, the school district will not:

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

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

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

Students granted permission to enroll in a school pursuant to this policy will have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association, and the district's eligibility requirements.

## **Transportation**

The Board recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries.

Homeless students, students in foster care, and students with disabilities will be transported, as necessary, in accordance with state and federal law. Buses from this district may enter the student's district of residence to pick up or deliver the student only with specific permission of the Board of Education of the district of residence.

## **Military children**

The district will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for open enrollment in a district school or program. No additional documentation of an inbound active duty military member's child's state address will be required to apply for open enrollment.

The district school or program in which the child of an inbound active duty military member is open enrolled will grant guaranteed automatic matriculation while the child remains in the district, including guaranteed automatic matriculation to the next grade, even if the next grade is in a different school level or building, in the same manner guaranteed automatic matriculation is provided to resident students. The district will also grant priority preference for the younger siblings of the child of an inbound active duty military member who is open enrolled for purposes of enrolling in subsequent school years.

## **Nondiscrimination**

The Board, the superintendent, other administrators, and district employees will not unlawfully discriminate based on a student's disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or need for special education services in the determination or recommendation of action under this policy.

## **Special education**

The district shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. Thereafter, the district shall consider the request for open enrollment in accordance with applicable state and federal laws.

(Adoption date)

LEGAL REFS.: C.R.S. 15-14-105 (*delegation of custodial power*)

C.R.S. 19-1-115.5 (*child in foster care placement is considered resident of school district in which foster home is located*)  
C.R.S. 22-1-102 (2) (*definition of resident of district*)  
C.R.S. 22-20-106 (*designation of general and special education responsibilities for students with disabilities*)  
C.R.S. 22-20-107.5 (*defining district of residence for students with disabilities*)  
C.R.S. 22-20-109 (*tuition for special education services*)  
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner*)  
C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)  
C.R.S. 22-32-113 (1)(c) (*transportation of students residing in another district*)  
C.R.S. 22-32-115 (*district may pay tuition for student to attend in another district not to exceed 120% of per pupil general fund cost*)  
C.R.S. 22-32-115 (2)(b) (*subject to 22-36-101 district must permit any student whose parents are residents of Colorado to attend w/o payment of tuition*)  
C.R.S. 22-32-115 (4)(a) (*district is not liable for tuition except pursuant to written agreement*)  
C.R.S. 22-32-116 (*if become non-resident may finish semester, if in 12th grade may finish year, special rules for elementary students*)  
C.R.S. 22-33-103 (*any resident may attend district school w/o payment of tuition, tuition can be paid by district of residence pursuant to written agreement, parents may pay tuition if non-Colorado resident*)  
C.R.S. 22-33-106 (3) (*grounds to deny admission*)  
C.R.S. 22-36-101 et seq. (*open enrollment policy must have timeline and reasons to deny enrollment*)  
C.R.S. 22-36-107 (*inbound active duty military families open enrollment and registration*)  
C.R.S. 22-54-103 (10.5) (*definition of pupil enrollment count day*)  
1 CCR 301-8, Rules 4.03 and 8.07 (*prohibiting administrative units from inquiring about a transferring child's IEP or disability status until after the child has been admitted*)

CROSS REFS.: JFAB, Continuing Enrollment of Students Who Become Nonresidents  
JFABA, Nonresident Tuition Charges  
JFABD, Homeless Students  
JFABE\*, Students in Foster Care  
JFBA, Intra-District Choice/Open Enrollment  
JJJ, Extracurricular Activity Eligibility

## **Inter-District Choice/Open Enrollment**

The district will consider enrollment requests from Colorado students who do not reside within the boundaries of the school district but who wish to attend a particular school or program within the district in accordance with the following regulations:

### **1. Determination of residency**

Any questions about a student's residency status must be resolved prior to application for open enrollment. These regulations apply to all Colorado students who do not reside within the boundaries of the school district.

### **2. Requests for open enrollment**

Requests for open enrollment as a nonresident student must be initiated by the parent/guardian by filing the approved form with the principal of the school which the student wishes to attend (receiving school) prior to July 1 for enrollment in the following academic year.

Forms will be available in every school building and in the central administrative office. A parent/guardian who is an inbound active duty military member may access and submit forms electronically. The principal will explain to the parent/guardian the procedures used to process open enrollment requests.

Students must submit an open enrollment request in accordance with these regulations for each school or program requested within the district. Each principal will maintain a file of all enrollment requests received from nonresidents. A copy will be forwarded to the central office for district-wide data collection purposes.

The receiving school principal will make the decision as to whether an application is accepted or rejected based on criteria established in state law and Board policy and regulations. The receiving school principal will be responsible for notifying the parent/guardian and student of approval or disapproval of an open enrollment request no later than August 1.

Approval of a request to enroll in the district will be conditioned on compliance with each of the following:

- a. Actual enrollment and attendance prior to the pupil enrollment count day of the following academic year.
- b. Satisfaction of all district requirements for enrollment.

In the event any information is falsified or withheld from the district during the enrollment process, approval for open enrollment will be withdrawn.

Those students who apply for open enrollment who are not accepted at the time of application will be placed on a waiting list in the order in which the applications are received and will be considered for approval at a later date if space becomes available. The waiting list will be maintained until October 1 of each year, after which a new listing will be developed for the next 12 months.

### **3. Grounds for denial of open enrollment**

An open enrollment request may be denied at any time if:

- a. There is a lack of space or teaching staff in a particular program or school requested, in which case priority will be given to resident students applying for enrollment in the program or school.
- b. The school requested does not offer appropriate programs for the student, is not structured or equipped with the necessary facilities to meet the student's special needs, or does not offer the particular program requested.
- c. The student does not meet the established eligibility criteria for participating in a particular program including age requirements, course prerequisites, and required levels of performance.
- d. A desegregation plan is in effect for the school district, and denial is necessary in order to enable compliance with the desegregation plan.
- e. The student has been expelled from any school district during the preceding 12 months.
- f. The student has demonstrated behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel including but not limited to behavior that has resulted in an out-of-school suspension.
- g. The student has graduated from the 12th grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

### **4. Criteria to determine availability of space or teaching staff**

Enrollment requests are subject to space availability in the school requested contingent upon district class size guidelines and subject to availability as determined by the receiving principal taking enrollment projections into consideration. Students whose enrollment requests have been approved will be assigned to classrooms on the basis of available staff and support services as well as the best use of classroom space.

Requests for enrollment in particular programs will take into consideration the applicant's qualifications for the program.

Open enrollment granted to one child in a family will not necessarily support enrollment of another child from the same family, except that priority preference is granted for a younger sibling of a child of an inbound active duty service member.

#### **5. Eligibility for activities**

Eligibility for participation in extracurricular and interscholastic activities will be determined in accordance with applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

#### **6. Continuing enrollment criteria**

Any student enrolled pursuant to these procedures and accompanying Board policy will be allowed to remain enrolled in the school or program through the end of the school year unless the student is expelled from the school or program or the district determines that the student's application contained material misstatements or omissions.

Permission for a nonresident student to attend a district school may be rescinded at the end of the school year if the school's growth in enrollment due to an increase in students living in the school's boundary results in inadequate space or resources for enrolled students. In such cases, the enrollment of nonresident students will be rescinded for particular schools or programs.

Any nonresident student may be denied enrollment for the next school year if, due to a change in circumstances, the school would be required to add programs, space, or teaching staff or make an alteration to facilities or equipment in order to serve the student or the student no longer meets the established eligibility criteria for the school.

A student who is the child of an inbound active duty service member and who is accepted under the open enrollment plan is guaranteed automatic matriculation,

including automatic matriculation to the next grade level, even if the next grade is in a different school level or building.

## **7. Appeal procedure**

Should a request for open enrollment be denied, the parent/guardian will be advised by the principal that they may appeal the denial by contacting the Superintendent.

The principal will submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision will be final.

(Adoption date: 04/20/2022)

The principal shall submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision shall be final.

Adopted: April 10, 1995

Reviewed: October 26, 1998

Revised: June 5, 2019

Revised: August 7, 2019



## **Student Withdrawal from School/Dropouts**

The Board recognizes and promotes the importance of obtaining a high school diploma, as a diploma assists students to lead healthy and productive lives after graduation. Those youth who withdraw from school and prepare to face life with less than a high school education will have a much more difficult time entering the workforce or pursuing other goals. Therefore, the Board strongly urges every teacher, guidance counselor, principal, parent and citizen to exert all the influence which he/she can command to keep all district students in school through high school graduation.

Principals, teachers and guidance counselors are encouraged to make dropout prevention a priority through personal contacts with students and specialized programs. The goal is to enable those students who are considering dropping out or have dropped out of school to return and resume their programs with a minimum degree of disruption.

To emphasize the importance of a high school diploma and to encourage students to reconsider their decision to withdraw from school, the district shall notify the student's parent/guardian in writing, when the district has knowledge that a student has dropped out of school. Such written notification shall be in accordance with this policy's accompanying regulation. For purposes of this policy, "dropout" shall mean any student included in the district's "student dropout rate," as defined by the rules of the State Board of Education.

Adopted: September 26, 2005

Revised: June 5, 2019

LEGAL REFS.: C.R.S. 22-2-114.1 (*dropout rate reporting*)  
C.R.S. 22-14-108 (*written notice of dropout status*)  
C.R.S. 22-32-118.5 (*intervention strategies for students in grades 6-9 at risk of dropping out*)  
C.R.S. 22-33-104 (*compulsory school attendance*)  
C.R.S. 22-33-203 and 204 (*services for expelled and at-risk students*)  
C.R.S. 22-35-109.5 (*dropout recovery programs*)  
1 CCR 301-1, Rule 13.01 (*definition of "student dropout rate"*)

CROSS REF.: IKF, Graduation Requirements

## **Student Withdrawal from School/Dropouts**

When a student is identified by the staff as a potential or immediate dropout, the following procedure is to be implemented:

1. The student and a school counselor will meet for the purpose of discussing the reason(s) for leaving school and the student's plans for the future.
2. The counselor and the student's teachers will meet to discuss the student's present scholastic standing.
3. The student, his/her parents, guardian or legal custodian, the counselor and the principal or designee will review all pertinent information and give their recommendations.

If, after the above procedure has been followed, the student remains firm on his/her intention to leave school, a final meeting will be scheduled between the student and the counselor to discuss those educational and occupational alternatives available to the student. The discussion will include, but not necessarily be limited to, the following subjects: (1) equivalency diploma; (2) adult education classes; (3) correspondence courses; and (4) available skill training programs. In addition, work-study programs will be explored.

When the student has been a dropout for 10 school days, an attempt shall be made by the school counselor to meet with the student and the student's parent(s)/legal guardian/custodian for a re-evaluation of the student's decision to leave school, with the option offered to return to school at this time as a student in good standing, depending upon the student's willingness to make up missed scholastic assignments.

When a student has been a dropout for 15 school days, the principal or designee shall send a written notice to the student's parent/legal guardian/custodian. At a minimum, the written notice shall include notification of the student's dropout status and an explanation of the educational alternatives available to assist the student in re-engaging in school. Such written notice shall be sent even if the student is not subject to the compulsory attendance laws, i.e. those students 17 years of age or older. The written notice may also include, but not be limited to, an encouragement that the student return to school; an explanation of the long-term ramifications to the student of dropping out of school and the availability of services for at-risk students, such as counseling services, drug or alcohol addiction treatment programs and family preservation services. The written notice shall be sent within five school days after the student has been a dropout for 15 school days.

The district shall strive to retain students in school and assist them in earning a high school diploma.

Approved: September 26, 2005

Reviewed: May 29, 2007

Revised: June 5, 2019

## **Admission and Denial of Admission**

According to the Colorado Revised Statutes 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Educational Act (see policy JK-2, Discipline of Students with Disabilities) and other laws pertaining to the education of students with disabilities, the following may be grounds for denial of admission to a public school or diversion to an appropriate alternate program:

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

According to C.R.S. 22-33-106 (3)(a-f), the following may constitute additional grounds for denial of admission to a public school:

1. Graduating from the 12th grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
2. Failure to meet age requirements.
3. Having been expelled from any school district during the preceding 12 months.
4. Not being a resident of the district unless otherwise entitled to attend under C.R.S. 22, Articles 23 (migrant children), 32 (exclusion of non-residents) or 36 (schools of choice).
5. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
6. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other pupils or of school personnel.

According to C.R.S. 22-33-106 (4)(a), a student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

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

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

Students in out-of-home placements

State law limits the grounds for denial of enrollment regarding students in out-of-home placements, as defined by C.R.S. 22-32-138 (1)(e).

Issued: June 5, 2019

**Delegation of Custodial Power by Parent or Guardian**

The undersigned, being the parent or guardian of \_\_\_\_\_, a minor child residing within the boundaries of \_\_\_\_\_ SCHOOL DISTRICT \_\_\_\_\_, pursuant to Colorado Revised Statutes, Section 15-14-105, does hereby designate and appoint \_\_\_\_\_, whose address is \_\_\_\_\_, as the student's true and lawful attorney-in- fact for a period not exceeding 12 months from the date hereof, and conferring upon said attorney-in-fact powers limited to the following:

Any and all power the undersigned may have regarding the care, custody or property of said minor child or ward, except the undersigned's power to consent to marriage or adoption of said minor child or ward, specifically including but not by way of limitation of this power the authority to make all decisions, consents, approvals and authorizations as may be required, appropriate or convenient in connection with said minor child's education in the public schools operated by \_\_\_\_\_ SCHOOL DISTRICT \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Parent or guardian

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary public

Issued: June 5, 2019

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

New students entering from public schools and accredited private schools shall be placed in grades and classes on the basis of their grade placement/credits in the school from which they are transferring.

The school and/or district administration, through academic achievement tests and other evaluation measures as found necessary, shall determine the appropriate grade level/credit status of students transferring from home-based educational programs and non-accredited private schools.

Adopted: January 24, 1994

Reviewed: October 26, 1998

Revised: June 5, 2019

LEGAL REF.: C.R.S. 22-33-104.5 (4) (*placement of homeschooled students seeking enrollment in a public school*)

CROSS REF.: IHBG, Home Schooling

## **Student Absences and Excuses**

One criteria of a student's success in school is regular and punctual attendance. Frequent absences may lead to poor academic work, lack of social development and possible academic failure. Regular attendance is of utmost importance for school interest, social adjustment and scholastic achievement. No single factor may interfere with a student's progress more quickly than frequent tardiness or absence.

According to state law, it is the obligation of every parent/guardian to ensure that every child under their care and supervision receives adequate education and training and, if of compulsory attendance age, attends school.

Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. In most situations, the work missed cannot be made up adequately. Students who have good attendance generally achieve higher grades, enjoy school more and are more employable after leaving school. For at least these reasons, the Board believes that a student must satisfy two basic requirements in order to earn full class credit: (1) satisfy all academic requirements, and (2) exhibit good attendance habits as stated in this policy.

### **Excused absences**

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

As applicable, the district may require suitable proof regarding the above exceptions, including written statements from medical sources.

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

## **Unexcused absences**

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

In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while unexcused. Penalties may include a warning, school detention or in-school suspension. Academic penalties, out-of-school suspensions or expulsion will not be imposed for any unexcused absence.

The administration will develop procedures to implement appropriate penalties. The school administration will consider the correlation between course failure, truancy and a student dropping out of school in developing these procedures and will implement research-based strategies to re-engage students with a high number of unexcused absences.

Students and parents/guardians may petition the Board of Education for exceptions to this policy provided that no exception will be sustained if the student fails to abide by all requirements imposed by the Board as conditions for granting any such exception.

The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is 10 days during any calendar year or school year.

## **Chronic absenteeism**

When a student has an excessive number of absences, these absences negatively impact the student's academic success. For this reason, a student who has 18 total absences in a school year, whether the absences are excused or unexcused, may be identified as "chronically absent" by the principal or designee. Absences due to suspension or expulsion will not be counted in the total number of absences considered for purposes of identifying a student as "chronically absent."

If a student is identified as "chronically absent," the principal or designee will develop a plan to improve the student's attendance. The plan will include best practices and research-based strategies to address the reasons for the student's chronic absenteeism, including but not limited to creating an attendance contract, and other solutions as deemed appropriate. When practicable, the student's parent/guardian will participate in the development of the plan.

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

## **Make-up work**

Make-up work will be provided for any class in which a student has an excused



absence unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school. It is the responsibility of the student to pick up any make-up assignments permitted on the day returning to class. There will be two days allowed for make-up work for each day of absence.

Make-up work will be allowed following an unexcused absence or following a student's suspension from school with the goal of providing the student an opportunity to keep up with the class and an incentive to attend school. This work may receive full or partial credit to the extent possible as determined by the building administrator. If a student was aware of an upcoming assessment, the student will take it upon their return.

Unless otherwise permitted by the building administrator, make-up work will not be provided during a student's expulsion. Rather, the district will offer alternative education services to the expelled student in accordance with state law. The district will determine the amount of credit the expelled student will receive for work completed during any alternative education program.

### **Tardiness**

Tardiness is defined as the appearance of a student without proper excuse after the scheduled time that a class begins. Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy student to uninterrupted learning, appropriate penalties may be imposed for excessive tardiness. Parents/guardians will be notified of all penalties regarding tardiness.

In an unavoidable situation, a student detained by another teacher or administrator will not be considered tardy provided that the teacher or administrator gives the student a pass to enter the next class. Teachers will honor passes presented in accordance with this policy. Three tardies over the course of the school year will be considered one absence.

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

Adopted: April 10, 1995

Reviewed: October 14, 1996

Revised: March 13, 1999

Revised: August 14, 2000

Revised: June 5, 2019

Revised: September 2, 2020

LEGAL REFS.: C.R.S. 22- 14-101 *et seq.* (*dropout prevention and student re-engagement*)  
C.R.S. 22-32-109 (1)(n) (*length of school year, instruction & contact time*)  
C.R.S. 22-32-109.1 (2)(a) (*conduct and discipline code*)  
C.R.S. 22-32-138 (6) (*excused absence requirements for students in out-of-home placements*)  
C.R.S. 22-33-101 *et seq.* (*School Attendance Law of 1963*)  
C.R.S. 22-33-105 (3)(d)(III) (*opportunity to make up work*)

*during suspension)*

*C.R.S. 22-33-108 (judicial proceedings to enforce school attendance laws)*

*C.R.S. 22-33-203 (educational alternatives for expelled students and determination of credit)*

*1 CCR 301-78 Rules 1.00 et seq. (standardized calculation for counting student attendance and truancy)*

CROSS REFS.: EBCE, Closings and Cancellations  
IC/ICA, School Year/School Calendar/Instruction Time  
JEA, Compulsory Attendance Ages  
JFABE, Students in Foster Care  
JFC, Student Withdrawal from School/Dropouts  
JHB, Truancy  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLIB, Student Dismissal Precautions

## Truancy

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

In order to reduce the incidents of truancy, parents/guardians of all students shall be notified in writing at the beginning of each school year of their obligation to ensure that all children of compulsory attendance age attend school.

Parents/guardians shall be required to acknowledge in writing awareness of their obligations and to furnish the school with a telephone number or other means of contacting them during the school day.

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

A plan shall be developed for a student who is at risk of being declared habitually truant with the goal of assisting the child to remain in school. The plan shall also include strategies to address the reasons for the truancy. When practicable, the student’s parent/guardian or legal custodian shall participate with district personnel during the development of the plan. Appropriate school personnel shall make reasonable efforts to meet with the parent/guardian or legal custodian to review and evaluate the reasons for the student’s truancy.

In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while truant. Penalties may include a warning, school detention or in-school suspension. Academic penalties, out-of-school suspensions or expulsion shall not be imposed for any truancy.

The administration shall develop regulations to implement appropriate penalties for truancy. The school administration shall consider the correlation between course failure, truancy and a student dropping out of school in developing these regulations and shall implement research-based strategies to re-engage students with a high number of trancies.

Adopted: July 12, 1993  
Revised: October 14, 1996  
Reviewed: October 26, 1998  
Revised: June 5, 2019

LEGAL REFS.: C.R.S. 22-14-101 *et seq.* (dropout prevention and student re- engagement)  
C.R.S. 22-33-104 (compulsory school attendance)

C.R.S. 22-33-105 (*suspension/expulsion*)  
C.R.S. 22-33-107 (*enforcement of compulsory school attendance*)  
C.R.S. 22-33-108 (*judicial proceedings to enforce school attendance laws*)  
1 CCR 301-78 Rules 1.00 *et seq.* (*standardized calculation for counting student attendance and truancy*)

CROSS REFS.: IHBG, Home Schooling  
JEA, Compulsory Attendance Ages  
JFC, Student Withdrawal from School/Dropouts  
JH, Student Absences and Excuses

## **Student Involvement in Decision-Making**

Students are in a unique position to make positive contributions to the improvement of the educational program and to the operation of a more effective school system.

Therefore, it is the Board's belief that students, in keeping with their level of maturity, should be encouraged to participate in the development of policies, regulations and procedures which affect them. Their participation in decision-making shall be considered part of the educational process.

As appropriate to the age of students, class or school organizations and school government organizations such as student councils and a student board of education may be formed to offer practice in self-government and to serve as channels for the expression of student ideas and opinions.

The Board shall take into consideration student opinions in establishing policies which directly affect student programs, activities, privileges and other areas of student sensitivity.

Students shall be welcomed at Board meetings and shall be granted the same opportunities for public participation that are extended to the general public.

Adopted: April 10, 1995

Reviewed: October 26, 1998

Revised: June 5, 2019

CROSS REFS.: BEDH, Public Participation at Board Meetings  
BG, School Board Policy Process

## **Student Conduct**

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

The Board, in accordance with applicable law, has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall be enforced uniformly, fairly and consistently for all students.

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

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

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

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

Adopted: July 12, 1993

Reviewed: October 26, 1999

Revised: July 9, 2001

Revised: June 5, 2019

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

CROSS REFS.: GBGB, Staff Personal Security and Safety  
JIC subcodes (all pertain to student conduct)  
JK, Student Discipline (and subcodes)

## **Student Dress Code**

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

Any student deemed in violation of the dress code shall be required to change into appropriate clothing or make arrangements to have appropriate clothing brought to school immediately. In this case, there shall be no further penalty.

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

### **Unacceptable items**

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

1. Shorts, dresses, skirts or other similar clothing shorter than mid-thighlength
2. Sunglasses, hoodies, bandanas, and/or hats worn inside the building.
3. Inappropriately sheer, tight or low-cut clothing such as midriffs, halter tops, backless clothing, tube tops, garments made of fishnet, mesh or similar material, muscle tops, etc. that bare or expose traditionally private parts of the body including, but not limited to, the stomach, buttocks, back and breasts
4. Muscle shirts/t-shirts with the sides cut down.
5. Spaghetti strap tank tops.
6. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
  - a. Refer to drugs, tobacco, alcohol, or weapons
  - b. Are of a sexual nature

- c. By virtue of color, arrangement, trademark, or other attribute that denotes membership in gangs which advocate drug use, violence, or disruptive behavior
- d. Are obscene, profane, vulgar, lewd, or legally libelous
- e. Threaten the safety or welfare of any person
- f. Promote any activity prohibited by the student code of conduct
- g. Otherwise disrupt the teaching/learning process

### **Exceptions**

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

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

Adopted: April 10, 1995

Reviewed: October 26, 1998

Revised: April 9, 2001

Revised: July 9, 2001

Revised: June 30, 2003

Revised: June 5, 2019

Revised: September 4, 2019

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

CROSS REFS.: IMDB, Flag Displays  
JBB, Sexual Harassment  
JIC, Student Conduct J  
ICDA, Code of Conduct  
JICF, Secret Societies/Gang Activity  
JICH, Drug and Alcohol Involvement by Students  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)



## **Student Conduct in School Vehicles**

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

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

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

Adopted: November 11, 1988

Reviewed: October 26, 1998

Revised: July 9, 2001

Revised: June 5, 2019

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

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

## Code of Conduct

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

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

1. Causing or attempting to cause damage to district property or stealing or attempting to steal district property.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Willful destruction or defacing of district property.
4. Commission of any act which if committed by an adult would be robbery or assault as defined by state law.
5. Committing extortion, coercion or blackmail, such as obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
6. Engaging in verbal abuse, such name calling, ethnic or racial slurs, either orally or in writing or derogatory statements addressed publicly to an individual or a group that precipitate disruption of the district or school program or incite violence.
7. Engaging in "hazing" activities, i.e., forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food or drink or any other behavior which recklessly endangers the health or safety of an individual for purposes of initiation into any student group.
8. Violation of the Board's policy on bullying prevention and education.
9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff.
10. Violation of any Board policy or regulations, or established school rules.
11. Violation of the Board's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law.
12. Violation of the Board's policy on student conduct involving drugs and alcohol.

13. Violation of the Board's violent and aggressive behavior policy.
14. Violation of the Board's tobacco-free schools policy.
15. Violation of the Board's policies prohibiting sexual or other harassment.
16. Violation of the Board's policy on nondiscrimination.
17. Violation of the Board's dress code policy.
18. Violation of the Board's policy on gangs and gang-like activity.
19. Throwing objects, unless part of a supervised school activity, that can or do cause bodily injury or damage property.
20. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or others.
21. Lying or giving false information, either verbally or in writing, to a district employee.
22. Engaging in scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
24. Behavior on or off school property that is detrimental to the welfare or safety of other students or school personnel, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students.
25. Repeated interference with the district's ability to provide educational opportunities to other students.
26. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the district staff.

**Students in preschool through second grade**

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

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

3. Conduct that endangers the health or safety of others.

Adopted: July 12, 1993

Revised: September 9, 1996

Reviewed: October 26, 1998

Revised: September 13, 1999

Revised: July 9, 2001

Revised: June 5, 2019

Revised: September 16, 2020

LEGAL REFS.: C.R.S. 18-3-202 *et seq.* (offenses against person)  
C.R.S. 18-4-301 *et seq.* (offenses against property)  
C.R.S. 18-9-124 (2)(a) (prohibition of hazing)  
C.R.S. 22-12-105 (3) (authority to suspend or expel for false accusations)  
C.R.S. 22-32-109.1 (2)(a)(l) (policy required as part of safe schools plan)  
C.R.S. 22-32-109.1 (2)(a)(l)(A) (duty to adopt policies on student conduct, safety and welfare)  
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)  
C.R.S. 22-33-106 (1)(a-g) (grounds for suspension, expulsion, denial of admission)  
C.R.S. 22-33-106.1 (suspension and expulsion for students in preschool through second grade)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
ADC, Tobacco-Free Schools  
ADD, Safe Schools  
GBGB, Staff Personal Security and Safety  
JBB, Sexual Harassment  
JIC, Student Conduct JICA,  
Student Dress Code  
JICC, Student Conduct in School Vehicles  
JICDD, Violent and Aggressive Behavior  
JICDE, Bullying Prevention and Education  
JICF, Secret Societies/Gang Activity  
JICH, Drug and Alcohol Involvement by Students  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)

## **Violent and Aggressive Behavior**

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, will 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 must 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 must 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 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 inwriting (including by text, social media, or other electronic means), at an individual, their 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 disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services.
12. Vandalism — damaging or defacing property owned by or in the rightful possession of another.
13. Terrorism — a threat to commit violence communicated with the intent to terrorize or with reckless disregard for the risk of creating such terror or to cause serious public inconvenience, such as the evacuation of a building.

Adopted: September 10, 2001

Revised: May 25, 2016

Revised: June 5, 2019

Revised: September 16, 2020

LEGAL REF.: C.R.S. 22-32-109.1 (1)(b) (*definition of bullying*)  
C.R.S. 22-32-110 (1)(k) (*definition of racial or ethnic background includes hair texture, definition of protective hairstyle*)  
C.R.S. 24-34-301 (7) (*definition of sexual orientation, which includes transgender*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
JBB, Sexual Harassment  
JICDA, Code of Conduct  
JICDE, Bullying Prevention and Education  
JICF, Secret Societies/Gang Activity  
JICI, Weapons in School

## **Bullying Prevention and Education**

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

Bullying is the use of coercion or intimidation to obtain control over another person or to cause physical, mental, or emotional harm to another person. Bullying can occur through written, verbal, or electronically transmitted expression or by means of a physical act or gesture. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of their academic performance or any basis protected by federal and state law, including disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, religion, ancestry, or the need for special education services, whether such characteristic(s) is actual or perceived.

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

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

The superintendent will develop a comprehensive program to address bullying at all school levels. The program will be aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents, and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To train staff and students in taking proactive steps to prevent bullying from occurring.

3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents and community members in order to help maintain a bullying-free environment.
6. To support targets of bullying by means of individual and peer counseling.
7. To help develop peer support networks, social skills, and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

The district's comprehensive program to address bullying will incorporate provisions for adequate due processes and safeguards for students accused of bullying behaviors, in accordance with applicable law and Board policy.

The district will administer surveys of students' impressions of the severity of bullying in their schools. Such surveys will be conducted in accordance with applicable law and Board policy. Students' survey responses will be confidential. Participation in the surveys will not be required and students may voluntarily "opt in" to participate in the survey.

The district school(s) included in the district's bullying prevention and education grant will appoint a team of persons to advise school administration concerning the severity and frequency of bullying incidents. The school team(s) may include, but need not be limited to, counselors, teachers, school administrators, parents, students, law enforcement officials, social workers, prosecutors, health professionals, and mental health professionals.

(Adoption date: 04/20/2022)

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(K) (*policy required as part of safe schools plan*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
JB, Equal Educational Opportunities  
JBB\*, Sexual Harassment  
JICDA, Code of Conduct  
JICDD\*, Violent and Aggressive Behavior



JICDE\*-E-1, Bullying Report Form – Exhibit  
JICDE\*-E-2, Bullying Investigation Form – Exhibit  
JICJ, Student Use of Cell Phones and Other Personal Technology  
Devices  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students (and Other  
Disciplinary Interventions)  
JLDAC, Screening/Testing of Students (And Treatment of Mental  
Disorders)

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

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

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

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

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

Adopted: January 24, 1994

Reviewed: October 26, 1998

Revised: June 5, 2019

Revised: September 16, 2020

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

CROSS REF.: JLDAC, Screening/Testing of Students

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

### **1. Purpose**

School-sponsored publications provide an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Content of school-sponsored publications and other forms of media should reflect all areas of student interest, including topics about which there may be dissent or controversy.

#### **Responsibilities of Student Journalists**

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

1. Rewrite material, as required by the faculty advisors to improve sentence structure, grammar, spelling and punctuation.
2. Check and verify all facts, and verify the accuracy of all quotations.
3. In the case of editorials or letters to the editor concerning controversial issues, provide space for rebuttal comments and opinions.

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

#### **Responsibilities of Publication Advisors**

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

### **2. Prohibited Materials**

The following defines those materials prohibited by this regulation's accompanying policy.

- a. Students may not publish or distribute material that is obscene. "Obscene" means:
  - (1) The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.
  - (2) The publication depicts or describes in a patently offensive way sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of genitals.

- (3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- b. Students may not publish expression that is libelous, slanderous or defamatory under state law. "Libelous" is defined as a false and unprivileged statement about a person that injures the individual's reputation in the community.
- c. Expression that is false as to any person who is not a public figure or involved in a matter of public concern is prohibited.

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

- d. 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, violates the rights of others to privacy, or threatens violence to property or persons is prohibited.

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

### **3. Time, place and manner restrictions**

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

### **4. Procedures for resolving differences**

Student editors will work first with the publications advisor to resolve any differences. If the problem cannot be resolved at this level, the student editors and/or the publications advisor will work with the principal to resolve any problems. If the problem is not resolved at the principal level, the student editors and/or the publications advisor may appeal to the superintendent. The superintendent's decision shall be final.

### **Legal Advice**

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

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

Adopted: January 24, 1994  
Reviewed: October 26, 1998  
Revised: July 9, 2001  
Revised: June 5, 2019

## **Student Distribution of Noncurricular Materials**

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

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

Students may distribute noncurricular materials on school property in accordance with this policy, its accompanying regulation and applicable state and federal law.

### **Prohibited distribution**

Students may not distribute any noncurricular materials on school property or at school-sponsored activities or events that in themselves or in the manner they are distributed:

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

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

School equipment and supplies may not be used for publication of such material.

Adopted: January 24, 1994

Reviewed: October 26, 1998

Revised: August 27, 2001

Revised: June 5, 2019

Revised: September 16, 2020

LEGAL REFS.: Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1968)  
Taylor v. Roswell Indep. Sch. Dist., 713 F.3d 25 (10th Cir. 2013)  
Colo. Const. Art 9, 5  
C.R.S. 22-1-120 (*rights of free expression for public school students*)  
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JICEA, School-Related Student Publications  
JK, Student Discipline, and subcodes  
KHC, Distribution/Posting of Noncurricular Materials

## **Student Distribution of Noncurricular Materials**

### **Approval required prior to distribution**

Students who wish to distribute more than 10 items or copies of noncurricular materials on school property or at a school-sponsored activity or event shall submit the material to the school principal for approval at least five school days in advance of the planned distribution date. The principal or principal's designee shall respond to such requests within three school days.

### **Appeal**

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

The student may then appeal the decision as follows:

1. Within 10 school days of receiving the principal's or designee's decision, the student may file a written notice of appeal with the superintendent.
2. The superintendent shall make a written determination within 10 school days of receiving the student's appeal.
3. Within 10 school days of receiving the superintendent's decision, the student may submit a written appeal to the superintendent, requesting a hearing before the Board.
4. The superintendent shall schedule the hearing on the agenda of the next regularly scheduled Board meeting, which generally will be held within 30 days of the filing of a request for a hearing.

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

The following restrictions apply to all requests to distribute more than 10 items or copies of noncurricular materials by students on school property or at a school-sponsored activity:

1. Place

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

2. Time

Distribution may be made one-half hour before school and/or during regularly

scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.

3. Littering

All distributed noncurricular materials discarded in school or on school grounds must be removed by the persons distributing such items.

4. Manner

No student may in any way be compelled or coerced to accept any noncurricular materials. In the alternative, no school official or student may interfere with materials distributed in accordance with this regulation and its accompanying policy.

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

Approved: January 24, 1994

Reviewed: October 26, 1998

Revised: August 27, 2001

Revised: June 5, 2019



## **Secret Societies/Gang Activity**

The Board of Education desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence or disruptive behavior.

The superintendent or 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 presence of any apparel, jewelry, accessory, notebook or manner of grooming which by virtue of its color, arrangement, trademark or any other attribute that 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.

Adopted: July 12, 1993

Reviewed: October 26, 1998

Revised: August 14, 2000

Revised: June 5, 2019

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(F) (*policy required as part of safe schools plan*)

CROSS REFS.: IHACA, Law-Related Education  
JICA, Student Dress Code

## **Secret Societies/Gang Activity**

### **Gangs**

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

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang affiliation will be referred to the principal or designee. The student's parents/guardians will be contacted and the student sent home to change clothes if necessary.
2. Any gang graffiti on school premises will be quietly removed, washed down or painted over as soon as discovered.
  - a. Daily checks for graffiti will be made throughout the campus, including restroom walls and doors.
  - b. Graffiti will be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
3. Classroom and after-school programs at each school will be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior and foster interest in a variety of wholesome activities.
4. Staff members will actively promote membership in authorized student organizations that can provide students companionship, safety and a sense of purpose and belonging.

### **Gang prevention education**

Gang prevention instruction offered in the schools may:

1. Explain the dangers of gang membership.
2. Include lessons or role-playing workshops in nonviolent conflict resolution and gang avoidance skills.
3. Promote constructive activities available in the community.
4. Involve students in structured, goal-oriented community service projects.
5. Encourage positive school behavior.

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

### **Community outreach**

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

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

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

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

Approved: June 5, 2019

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

Weld County School District RE-5J shall promote a healthy environment for students by providing education, support and decision making skills in regard to alcohol, drugs and other controlled substances and their abuse. In order to accomplish this goal, a cooperative effort must be made among the schools, parents/guardians, community and its agencies.

It shall be a violation of Board policy and considered to be behavior which is detrimental to the welfare or safety of other students or school personnel for any student to possess, use, sell, distribute or exchange or to be under the influence of alcohol, drugs or other controlled substances. The unlawful possession or use of alcohol or controlled substances is wrong and harmful to students.

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

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

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

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

Disciplinary sanctions and interventions for violations of this policy shall be in accordance with this policy's accompanying regulation.

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

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

Whenever possible in dealing with student problems associated with drug and alcohol abuse, school personnel shall provide parents/guardians and students

with information concerning education and rehabilitation programs which are available.

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

Adopted: August 13, 1990  
Reviewed: October 26, 1998  
Revised: September 13, 1999  
Revised: August 14, 2000  
Revised: June 5, 2019

LEGAL REFS.: 20 U.S.C. 7101 *et seq.* (*Safe & Drug-Free Schools and Communities Act of 1994*)  
21 U.S.C. 812 (*definition of "controlled substance"*)  
C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess controlled substance on or near school grounds or school vehicles*)  
C.R.S. 22-1-110 (*instruction related to alcohol and drugs*)  
C.R.S. 22-1-119.3 (3)(c), (d) (*no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event*)  
C.R.S. 22-32-109.1 (2)(a)(I)(G) (*policy required as part of safe schools plan*)  
C.R.S. 22-33-106 (1)(d) (*suspension or expulsion discretionary for the sale of a drug or controlled substance*)  
C.R.S. 25-1.5-106 (12)(b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)  
C.R.S. 25-14-103.5 (*boards of education must adopt policies prohibiting use of retail marijuana on school property*)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
JIH, Student Interviews, Interrogations, Searches and Arrests  
JK-2, Discipline of Students with Disabilities  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCD, Administering Medications to Students  
JLCDB, Administration of Medical Marijuana to Qualified Students

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

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

### **Use**

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

### **Possession, distribution and exchange**

Students who possess or are involved in any distribution or exchange of alcohol, drugs, other controlled substances or drug-containing or drug-related paraphernalia in violation of Board policy will be handled in the following manner:

1. A staff member who comes in contact with evidence and/or contraband shall notify the principal or designee as soon as possible.
2. A staff member who has reasonable cause to believe that a student possesses or is involved in any distribution or exchange of alcohol, any controlled substance or drug-containing or drug-related paraphernalia in violation of Board policy will request that the student accompany him or her to the principal or designee. If the student refuses, the staff member will notify the principal or designee as soon as possible.
3. The principal or designee will undertake investigation and search procedures in accordance with Board policy.
4. The principal or designee will place any evidence in an envelope or alternative container as necessary which will be sealed, dated and initialed by the individual who originally obtained the materials and by the principal or

designee. The evidence then will be placed in the school safe or other secure location.

5. The principal or designee shall refer the student to appropriate law enforcement officials in accordance with applicable law. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
6. If information warrants, the student's parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the parent or guardian general information and resources related to substance abuse.

### **Sanctions and interventions**

Students are subject to disciplinary action up to and including suspension and expulsion for any single violation of the accompanying policy. Offenses and consequences for violations of the accompanying policy shall be cumulative for three calendar years. Offenses confirmed from schools prior to the student's enrollment in the district may count toward the cumulative total.

### **Possession, use and/or being under the influence**

#### First offense

1. The student will be suspended from school for three days.
2. A parent conference will be held.
3. The principal or designee will attempt to develop with the student's parent/guardian and student a plan that will outline the responsibilities of the parent/guardian, the student and the school in an effort to prevent further offenses from occurring.
4. The principal or designee may recommend additional suspension and/or expulsion depending on the severity of the case.

#### Second offense

1. The student will be suspended from school for five days.
2. The principal or designee may recommend additional suspension and/or expulsion depending on the severity of the case.

#### Third offense

1. The student will be suspended for 10 days and recommended for expulsion.
2. Alternatively, the expulsion may be waived and a suspension of no less than five days shall be imposed if the student agrees to complete an approved education/counseling/treatment program mutually agreed to by the student's

parent/guardian and the principal or designee. The student and student's parent/guardian shall be responsible for the program's completion and its costs. Failure to provide documentation of completion of the program within the required time limits shall result in the imposition of the full expulsion period initially recommended.

3. The principal or designee may determine that the alternative to suspension is not appropriate.
4. Students who complete the approved education/counseling/treatment program shall be expelled for subsequent offenses of the Board's policy regarding student involvement with drugs and alcohol.

### **Purchase, sale, distribution and exchange**

#### First offense

1. The student will be suspended for 10 days and recommended for expulsion.
2. Alternatives to expulsion may be considered by the principal or designee.

#### Second offense

1. The student will be suspended for 10 days and recommended for expulsion upon the second offense and all subsequent offenses within any three-year period.

Approved: June 5, 2019



## **Weapons in School**

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

### **Dangerous weapons**

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

As used in this policy, “dangerous weapon” means:

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

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

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

### **Firearm facsimiles**

Carrying, using, actively displaying or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district-sponsored activity or event, and off school property when such conduct has a reasonable connection to school or any district curricular or non-curricular event without the authorization of the school or school district is prohibited. Students who violate this policy provision may be

subject to disciplinary action, including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

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

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

### **Local restrictions**

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, the using, possessing or threatening to use any knife, regardless of the length of the blade, on district property, when being transported in vehicles dispatched by the district or one of its schools, during a school-sponsored or district sponsored activity or event, and off school property when the conduct has a reasonable connection to school or any district curricular or non-curricular event without authorization of the school or school district is prohibited. Students who violate this policy provision shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

### **Recordkeeping**

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

### **Referral to law enforcement**

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

Adopted: October 10, 1994  
Revised: September 12, 1996  
Revised: October 26, 1998  
Revised: August 14, 2000  
Revised: April 23, 2001  
Revised: June 9, 2010

Revised: June 5, 2019

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

CROSS REFS.: JK-2, Discipline of Students with Disabilities  
JKD/JKE, Suspension/Expulsion of Students (and other Disciplinary Interventions)  
KFA, Public Conduct on District Property

**Gun-Free Schools Act**  
(Definition of "Firearm")

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

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

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

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

Issued: June 5, 2019

## **Student Use of Cell Phones and Other Personal Technology Devices**

The Board of Education believes personal technology devices may be useful tools for students in the educational environment and can play a vital communication role during emergency situations. However, use of personal technology devices in school situations must be regulated to assure that the use of such devices does not disrupt or interfere with the educational process or school operations. Therefore, students may only use PTDs on district property, on a district vehicle or at a district or school-sponsored activity or event in accordance with this policy.

For purposes of this policy, “personal technology device” (PTD) includes any privately-owned portable technology device, including but not limited to cell phones, pagers, tablets, laptops, cameras, audio and/or video recorders and players, and all other hand-held electronic communication and data storage devices.

Students may use PTDs as a designated tool for learning if authorized by the student’s teacher. It is the student’s responsibility to ensure that the PTD is turned off or placed in silent mode during unauthorized times.

Student use of PTDs 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.

Students shall not use PTDs to engage in, promote or facilitate any other conduct that violates the student code of conduct, other Board policies or regulations, or state or federal law.

Violation of this policy or any other district, school or classroom rule or regulation on student use of PTDs may result in disciplinary measures and/or temporary confiscation of the PTD. Confiscated devices shall be returned to the student according to the school building’s student handbook. However, this may require a conference with the parent/guardian, student and school personnel. If the building principal or designee believes a student’s possession or use of a PTD may involve a violation of the law, the building principal or designee may also refer the matter to law enforcement.

The district shall not be responsible for loss, theft or destruction of PTDs brought onto school or district property or while the student is attending district or school-sponsored activities or events.

Adopted: June 5, 2019

LEGAL REF.: C.R.S. 18-7-109 (*posting, possession or exchange of a private image by a juvenile*)

CROSS REFS.: JIC and subcodes, Student Conduct  
JIH, Student Interviews, Interrogations, Searches and Arrests  
JK and subcodes, Student Discipline  
JS, Student Use of the Internet and Electronic Communications

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

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

### **Interviews by school administrators**

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

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

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

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

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. A student's failure to cooperate with school officials conducting a search shall be considered grounds for disciplinary action.

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

### **Search of school property**

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

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school, as well as for any loss or damage relating to the contents of such desks and lockers.

### **Search of the student's person or personal effects**

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

- a. Evidence of a violation of Board and/or district policies, school rules, or federal, state, or local laws.
- b. Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

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

The extent of the search of a student's person or personal effects, as well as the means to conduct the search, must be reasonably related to the objectives of the search and the nature of the suspected violation.

Additionally, school officials conducting the search shall be respectful of privacy considerations, in light of the sex and age of the student.

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

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

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

### **Seizure of items**

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

1. Seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
2. Returned to the student or the parent/guardian.
3. Turned over to a law enforcement officer in accordance with this policy.

## **Law enforcement officers' involvement**

### **Interrogations and interviews**

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

It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards. Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall make an effort to notify the student's parent/guardian, except in cases involving investigation of reported child abuse where the suspected perpetrator is a member of the student's family, when law enforcement has a court order directing that the student's parent/guardian not be notified, or when an emergency or other exigent circumstances exist. However, whether or not to postpone the interview or interrogation until the parent/guardian arrives is the law enforcement officer's decision.

### **Search and seizure**

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

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

### **Custody and/or arrest**

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

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

Adopted: November 11, 1988

Reviewed: October 26, 1998

Revised: August 14, 2000

Revised: August 5, 2020

LEGAL REFS.: C.R.S. 22-32-109.1 (2)(a)(~~VIII~~)(I) (*policy required as part of safe schools plan*)



CROSS REFS.: JIHB, Parking Lot Searches  
JK, Student Discipline, and subcodes

## **Parking Lot Searches**

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

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

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

Adopted: November 11, 1988

Reviewed: October 26, 1998

Revised: June 5, 2019

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(I)

CROSS REF.: JIH, Student Interviews, Interrogations, Searches and Arrests

## **Use of Metal Detectors**

When the administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at school or when violence involving weapons has occurred at the school or at school sponsored events, the administration shall be authorized to use stationary or mobile metal detectors in accordance with procedures approved by the Board. Any search of a student's person as a result of the activation of the detector shall be conducted in private in accordance with the policy on personal searches.

Adopted: June 5, 2019

LEGAL REFS.: C.R.S. 18-12-214 (4) (*person with valid concealed handgun permit may not carry the gun beyond any security screening*)  
C.R.S. 22-32-109.1 (2)(a)(I)(I)

CROSS REF.: KLG, Relations with State Agencies

## **Student Concerns, Complaints and Grievances**

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

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

Adopted: October 10, 1994

Reviewed: October 26, 1998

Revised: June 5, 2019

Revised: November 18, 2020

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)  
AC-R-2, Sex-Based Discrimination and Sexual Harassment Investigation Procedures  
IHCDA, Concurrent Enrollment  
JB, Equal Educational Opportunities  
JBB, Sexual Harassment  
JICEA, School-Related Student Publications  
JICEC, Student Distribution of Noncurricular Materials

## **Student Concerns, Complaints and Grievances**

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

1. Conduct of an individual
2. Departmental procedures
3. Building procedures
4. Board policies and regulations
5. Curricular programs
6. Unlawful discrimination
7. All others

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

1. Conduct of an individual: immediate supervisor of the individual.
2. Departmental procedures: Building principal.
3. Building procedures: Building principal.
4. Board policies and regulations: Superintendent
5. Curricular programs: Building principal
6. Unlawful discrimination: see policies AC, JB and JBB.
7. All others: Building principal

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

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

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

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

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. A written response from the Board will be given to the complainant within 10 school days following the conference.

Approved: January 24, 1994  
Reviewed: October 26, 1998  
Revised: June 5, 2019

## **Student Organizations**

Schools in the district may encourage students to broaden their knowledge and citizenship by permitting the formation of clubs or other groups that relate to subject matter covered by the curriculum. Such organizations shall operate within the framework of state statutes, Board policy, administrative rules and the parameters of the learning program.

Each building principal shall develop general guidelines for the establishment and operation of student organizations within the particular school. Among other provisions, such guidelines shall require the approval of the principal prior to the formation of any club or organization in a school and the assignment of at least one faculty adviser to each approved student organization.

All student organizations are required to open membership to all interested and/or eligible students. Fraternities, sororities and/or secret societies shall not receive recognition in any manner under this policy.

All forms of hazing shall be prohibited in a student organization. No initiation shall be held for a student organization which will be degrading to the student.

The faculty adviser must attend every meeting of the student organization whether conducted on school premises or at another location.

The principal is responsible for determining whether the purpose of a student organization is related to the curriculum.

Student organizations shall be considered directly related to the curriculum if one or more of the following applies:

1. The subject matter of the group actually is taught in a regularly-offered course.
2. The subject matter of the group concerns the body of courses as a whole.
3. Participation in the group is required for a particular course.
4. Academic credit or extra credit is given for participation in the group.

When the principal denies the request of a student organization desiring to meet or form in a particular school, the principal shall inform the group of the reasons for the denial. The students and/or group may submit a written request to the superintendent within 10 days of the denial for a review of the principal's decision.

In the event the principal denies a group of middle and/or high school students the right to organize and conduct meetings as a curriculum-related student organization, students may seek permission to meet as a noncurricular student organization in accordance with Board policy JJA-2.

Adopted: November 8, 2004  
Revised: June 5, 2019

LEGAL REFS.: 20 U.S.C. 4071 *et seq.* (*Equal Access Act*)  
C.R.S. 22-1-117 (*secret fraternities forbidden*)  
C.R.S. 22-1-118 (*board has power to enforce prohibition on secret fraternities*)

CROSS REF.: JJA-2, Student Organizations - Open Forum



## **Student Organizations – Open Forum**

In addition to clubs and groups related to the curriculum, students in middle and high schools in this district shall be permitted to organize and conduct meetings of noncurriculum-related student clubs or other groups to pursue specialized activities outside the classroom. Such groups shall not be considered school-sponsored student organizations nor be given all the privileges afforded to school-sponsored organizations.

Students may conduct meetings under this policy on school premises only during noninstructional time so that meetings do not interfere with the orderly conduct of the educational activities of the school. Meetings of noncurricular student groups must be scheduled, organized and conducted within the guidelines established by this policy and accompanying regulations.

For purposes of this policy, "noninstructional time" means time set aside by each school before actual classroom instruction begins or after actual classroom instruction ends. Lunch period is considered "noninstructional time."

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

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

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

A member of the professional staff must be invited to attend every meeting or activity scheduled on school premises as a monitor for purposes of general supervision.

Students shall be responsible for ensuring the presence of a faculty monitor prior to every meeting.

Under no circumstances shall the school compel a faculty member or school employee to monitor or attend a meeting of a noncurricular student group if the content of the speech at the meeting is contrary to the beliefs of the school employee.

School employees may be present at religious meetings of a noncurricular group only in a non-participatory capacity.

All forms of hazing shall be prohibited in any group meeting on school premises. No initiation shall be held for any noncurricular student group which will be degrading to the student.

The school district, through the building principal, retains the authority to prohibit meetings which otherwise would be unlawful. Further, nothing in this policy shall be construed to limit the authority of the school to maintain discipline on school premises, to protect the well-being of students and faculty and to ensure that attendance at meetings is voluntary. Neither shall anything in this policy be used to imply that the school is sponsoring a noncurricular student group. No public funding or support shall be extended to noncurricular student groups other than an opportunity to meet on school premises.

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

Noncurricular student groups shall not be denied equal access to school facilities solely on the basis of the religious, political, philosophical or other content of any speech at such meetings.

Adopted: January 24, 1994  
Reviewed: October 26, 1998  
Revised and recoded: June 5, 2019

LEGAL REFS.: 20 U.S.C. 4071 *et seq.* (*Equal Access Act*)  
C.R.S. 22-1-117 (*secret fraternities forbidden*)  
C.R.S. 22-1-118 (*board has power to enforce prohibition on secret fraternities*)

## **Student Organizations - Open Forum (Secondary Schools)**

1. The principal or designee shall review the weekly school calendar and indicate when time and space are available for meetings of student organizations so that the meetings will not interfere with the regular educational activities of the school.
2. General information about time periods available for student meetings shall be made available to students upon request.
3. Students seeking permission to meet on school premises during non-instructional time must complete a form available in the principal's office indicating the name of the organization (if any), the nature of the organization, the purpose of the meeting, and the time and place of the meeting.
4. Upon reviewing this information, the principal or designee shall schedule the meeting if time and space available. Requests shall be denied only in accordance with the Board policy on meetings of noncurricular student organizations.
5. The principal or designee shall verify that the students requesting permission for a meeting have made arrangements for a faculty monitor and obtain whatever assurances are deemed necessary to see that the meeting is appropriately supervised.
6. Notices of meetings of noncurricular student organizations may be posted only on a designated bulletin board used by all nonschool-sponsored organizations. No announcements shall be made over the public address system or in any school-sponsored publications.
7. The principal or designee shall provide a fair opportunity to any students requesting permission to meet on school premises so long as time and space are available.
8. If a meeting request is denied by the principal or designee, the principal or designee shall inform the students of the reason for the denial. The students shall be given an opportunity to request a review of the principal or designee's decision by the superintendent by requesting a review in writing within ten (10) days of the denial of the request.

Approved: January 24, 1994  
Reviewed: October 26, 1998  
Revised and recoded: June 5, 2019

## **School Displays**

Schools may host temporary or permanent displays of student work for legitimate educational purposes including, but not limited to, cultural, legal or historical purposes.

The district reserves the right to place restrictions on the content of the displays. The restrictions shall be based on legitimate pedagogical reasons, such as preventing disruption in the school.

All displays shall be initiated, endorsed, organized, and supervised by school personnel, with approval of the principal or the principal's designee.

The principal or designee will develop, communicate, and enforce guidelines regarding permissible subjects for displays, consistent with state and federal law. Prior to set-up of the displays, the principal or designee will screen individual components for compliance with the guidelines.

Adopted: June 5, 2019

LEGAL REF.: Fleming v. Jefferson County School District R-1, 298 F.3d 918  
(10th Cir. 2002)

CROSS REFS.: ADD, Safe Schools  
IMB, Teaching About Controversial Issues and Use of Controversial  
Materials  
IMDB, Flag Displays

## **Student Activities Funds**

Student activity funds may be raised and spent to promote the general welfare, education and morale of all students and shall finance authorized activities of student organizations and the school district.

Student activity funds are considered a part of the total fiscal operation of the school district and, therefore, are subject to the policies and regulations established by the Board of Education and the office of the superintendent. The funds shall be managed in accordance with sound business practices—including sound budgetary and accounting procedures as well as audits—in the same manner as regular district funds. Principals shall participate in the preparation, modification and interpretation of policies and procedures that affect student activity funds.

Student activity funds are to be used to finance a program of authorized school activities which may augment but not replace the activities financed by the district. Funds derived from the student body as a whole shall be so expended as to benefit the student body as a whole, and the student body shall be represented in the democratic management of those funds raised by students and expended for their benefit. Funds derived from authorized clubs and organizations shall be expended to benefit the specific club or organization and, insofar as possible, to benefit those students currently in school who have contributed to the accumulation of these funds.

Activity fundraising shall be conducted in such a manner as to offer minimum competition to commercial concerns while still benefiting the student body as a whole.

Authorized clubs and organizations within the schools may use district facilities and equipment for fundraising if such use does not create an additional cost to the district. If additional cost is incurred, the club/organization shall pay such cost.

Adopted: January 10, 1995  
Reviewed: October 26, 1998  
Revised: June 5, 2019

LEGAL REFS.: C.R.S. 29-2-105 (1)(d)(l)(K) (*authority for school sales tax exemption*)  
C.R.S. 39-26-718 (1)(c) (*sales tax exemption for sales by parent teacher organizations or associations*)  
C.R.S. 39-26-725 (*state sales tax exemption for sales that benefit a school*)

CROSS REFS.: DB, Annual Budget, and subcodes  
DG, Banking Services (And Deposit of Funds)  
DI, Fiscal Accounting, and subcodes

## **Student Travel**

Specific guidelines and appropriate administrative procedures shall be developed to screen, approve and evaluate student activity trips and to ensure that all reasonable steps are taken for the safety of the participants.

These guidelines and procedures shall ensure that all student activity trips have the approval of the superintendent and the principal and that all overnight and out of state trips have the prior approval of the Board of Education.

Adopted: April 10, 1995

Reviewed: October 26, 1998

Revised: June 5, 2019

LEGAL REFS.: C.R.S. 13-22-107 (*parental liability waivers*)  
C.R.S. 40-10.1-301 (4) (*definition of children's activity bus*)  
C.R.S. 40-10.1-302 (1)(a) (*permits required for operation of children's activity bus*)

CROSS REFS.: EEAG, Student Transportation in Private Vehicles  
IJOA, Field Trips

## **Extracurricular Activity Eligibility**

### **Definitions**

For purposes of this policy, the following definitions apply:

1. “Activity” means any extracurricular or interscholastic activity, including but not limited to any academic, artistic, athletic, recreational or other related activity offered by a public school.
2. “School of attendance” means the school in which a student is enrolled and attends classes.
3. District of residence” means the school district in which a student resides.
4. “District of attendance” means the school district in which a student is enrolled and attends classes if the student does not attend school in his or her district of residence. For a homeschooled student, the district of attendance shall be determined in accordance with C.R.S. 22-33-104.5 (6).
5. “School of participation” means a school in which the student participates in an activity but is not the student’s school of attendance.

### **Participation in activities**

Students meeting eligibility requirements may participate in activities at their school of attendance. Subject to the same eligibility requirements and in accordance with this policy and applicable law, the district shall allow students enrolled in any school (including charter schools, online education programs, nonpublic schools and nonpublic home-based educational programs) to participate on an equal basis in any activity offered by the district that is not offered at a student’s school of attendance.

If an activity is not available at a student’s school of attendance, the student may participate at another public school in the district of attendance or district of residence.

If an activity is not offered at any public school in the district of attendance or the district of residence, the student may seek to participate in a contiguous school district or at the nearest public school that offers the activity even if the school is not in a contiguous school district.

Regardless of whether the student seeks to participate in an activity at a public school in the district of attendance, district of residence, contiguous district or other district, the district in which the student seeks to participate shall choose the school of participation.

In choosing a school of participation, the district shall seek to maximize all students’ opportunities to participate in activities and shall consider certain factors, including but not limited to:

1. which public school of the district offers the most activities in which the student wishes to participate;
2. which public school or schools are nearest to the student's residence;
3. the preferences of the student's parents/guardians; and
4. such issues as may be presented for the district's consideration by a statewide high school activities association.

A student may participate in activities at more than one school of participation during the same school year only if the original school of participation does not offer an activity in which the student wishes to participate. This limitation applies regardless of whether the student participates in activities at a public or nonpublic school. Any additional school(s) of participation shall be chosen by the district in accordance with this policy.

With regard to athletic teams, the school of participation may reserve slots for up to twice the number of starting positions on the team at each level of competition for students enrolled in the district. With regard to individual athletic activities, the school of participation may reserve slots for up to half the total number of team members at each level of competition for students enrolled in the district.

### **Eligibility requirements**

Eligibility requirements in the bylaws of the Colorado High School Activities Association (CHSAA) shall be observed by students at the high school level. Additional eligibility requirements may be imposed by the district for both high school and middle school students.

Such eligibility requirements may include but not be limited to, good citizenship, acceptable academic standing, parental permission and good health (sports only).

To participate in activities at a school of attendance, a student shall meet all of the requirements imposed by the school of attendance.

To participate in activities at a school of participation students must comply with:

1. All eligibility requirements imposed by the school of participation.
2. The same responsibilities and standards of behavior, including related classroom and practice requirements that apply to enrolled students.

Student participation in an activity through any amateur association or league that is not a member of CHSAA shall not prevent the student from participating or affect eligibility to participate in the same activity at any school as long as the student has the express written permission of the principal at the school of participation, the student's class attendance is not compromised and the student is in good academic standing.

If a student has not met all of the eligibility requirements or if the student would have become ineligible to participate at a school, the student cannot gain or regain eligibility by applying to participate in activities at another school. Any



penalties assessed to the student must first be paid at the school of attendance or participation before regaining eligibility to participate at another school.

### **Transfer students**

If a student transfers enrollment to another school without an accompanying change of domicile by the student's parent/guardian, the student's eligibility to participate is determined by the district's eligibility requirements, CHSAA bylaws and applicable law.

### **Participation fee**

Except as otherwise prohibited by state law, nonenrolled students participating in district activities shall pay the same fee charged enrolled students for participation in the activity.

### **Appeal**

Any student who is sanctioned or is found by the school, school district or CHSAA to be ineligible to participate in any extracurricular activity may appeal the sanction or finding. Students may not appeal sanctions for unsportsmanlike conduct or ejection from the activity.

Adopted: **November 9, 1998**  
Revised: **September 10, 2001**  
Revised: **August 5, 2020**

LEGAL REFS.: C.R.S. 22-30.7-108 (*online students' participation in extracurricular or interscholastic activities*)  
C.R.S. 22-32-116.5 (*participation in extracurricular and interscholastic activities*)  
C.R.S. 22-32-138 (7) (*waiver of extracurricular fees for students in out- of-home placements*)  
C.R.S. 22-33-104.5 (6) (*homeschooled students' participation in extracurricular and interscholastic activities*)

CROSS REFS.: IHBG, Home Schooling  
JFABE\*, Students in Foster Care

## **Student Discipline**

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

### **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.

Adopted: July 12, 1993  
Revised: November 11, 1996  
Reviewed: December 14, 1998  
Revised: July 9, 2001  
Revised: June 5, 2019

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

CROSS REFS.: JIC, Student Conduct, and subcodes  
JK subcodes (all relate to student discipline)

## **Discipline of Students with Disabilities**

Students with disabilities are neither immune from the school district's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with their Individualized Education Programs (IEPs), any behavioral intervention plan and this policy.

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

### **Suspensions, expulsions and provision of services**

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

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

Upon the 11th school day of suspension or removal when such suspension or removal does not result in a disciplinary change of placement, educational services shall be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. School personnel, in consultation with at least one of the student's teachers, shall determine the educational services to be provided to the student during this period of suspension or removal.

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

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

### **Manifestation determination**

Within 10 school days from the date of the decision to take disciplinary action that will result in a disciplinary change of placement, relevant members of the student's IEP team, including the student's parents, shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any

relevant information provided by the parents, to determine whether the student's behavior was a manifestation of the student's disability.

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

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

If the team determines that the student's behavior was not a manifestation of the student's disability, disciplinary procedures shall be applied to the student in the same manner as applied to nondisabled students. As stated above, the student shall receive educational services during the period of expulsion or other disciplinary change of placement.

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

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

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

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

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

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

1. the student carried a weapon to school or a school function;
2. the student possessed a weapon at school or a school function;

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

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

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

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

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

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

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

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

Adopted: March 27, 2000  
Reviewed: July 24, 2000  
Revised: September 26, 2005  
Revised: June 5, 2019

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

CROSS REFS.: IHBA, Special Education Programs for Students with Disabilities  
JIC, Student Conduct, and subcodes  
JK, Student Discipline, and subcodes  
JRA/JRC, Student Records/Release of Information on Students

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

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

### **Physical intervention**

Corporal punishment shall not be administered to any student by any district employee.

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

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

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

### **Restraint**

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 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); and
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. 18-1-901 (3)(e).

Adopted: August 13, 2001

Revised: June 5, 2019

LEGAL REFS.: C.R.S. 18-1-703 (*use of physical force by those supervising minors*)  
C.R.S. 18-1-901 (3)(e) (*definition of a deadly weapon*)  
C.R.S. 18-6-401 (1) (*definition of child abuse*)  
C.R.S. 19-1-103 (1) (*definition of abuse and neglect*)  
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)  
C.R.S. 22-32-109.1 (2)(a)(I)(D) (*policy required as part of safe schools plan*)  
C.R.S. 22-32-109.1 (2)(a)(I)(L) (*policies for use of restraint and seclusion on students and information on the process for filing a complaint regarding the use of restraint or seclusion shall be included in student conduct and discipline code*)  
C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)  
C.R.S. 22-32-147 (*use of restraints on students*)  
C.R.S. 26-20-101 et seq. (*Protection of Persons from rRestraint Act*)  
1 CCR 301-45 (*State Board of Education rules for the Administration of the Protection of Persons from Restraint Act*)



**RESTRAINT INCIDENT REPORT**

**Student Information**

**Student Name:** Enter student name here  
**Student ID:** Enter student ID number here  
**Date of Birth:** Enter date of birth here  
**Grade:** Enter current grade level here  
**School:** Enter school of attendance here  
**Student Currently has an:**  IEP  504 Plan  BIP

**Incident Description**

**Date and Time Incident Began:** Enter date and time here  
**Date and Time Incident Ended:** Enter date and time here  
**Location of Incident:** Enter location of incident here  
**Emergency that Led to the Restraint:** Enter description of emergency that led to restraint here  
**If Other Explain:** Enter other explanatory information here  
**Identify Staff Administering Restraint:** Enter staff names here  
**Other Staff Present:** Enter staff names here  
**Restraint Used:** Enter name of restraint here  
**Description of Restraint Used:** Enter description of restraint used here

**Description of the serious, probable and imminent threat of pain or bodily injury that necessitated the use of restraint, including the antecedent to the student's behavior, if known.**

**Enter description of the threat here**

**Efforts made to de-escalate and alternatives that were attempted prior to the use of restraint (check all that apply).**

- Alternative choices were provided for the student to make prior to aggression.**
- The student was encouraged to “stop and think” before acting.**
- Attempts were made to distract the student with verbal exchange (e.g. humor, conversation, etc.).**
- Attempts were made to guide the student to use calming strategies (e.g. deep breathing, counting, etc.)**
- The stimuli that triggered the behavior was removed.**
- The student was redirected with another task.**
- The student was provided with time away from class/activity.**
- Other (specify):**Enter other information here

**Description of how student was monitored during restraint/seclusion** (including staff responsible for monitoring of student’s physical safety):Enter description of how student was monitored here

**Description of any injury to student and/or staff** (if injury occurred complete an incident report in addition to this form):Enter description of injury, if any, here

**Description of how restraint/seclusion ended and any efforts made to safely cease the use of restraint:** Enter description of how restraint ended here



**PARENT NOTIFICATION**

(Parent must be verbally notified same day as incident)

- Name of parent(s) contacted:** Enter parent(s) name(s) here
- Phone Numbers:** Enter parent(s) phone number here
- Date and Time of Contact:** Enter date and time here
- Name/Position of Staff Member who Verbally Notified Parents:** Enter staff name and position here
- Date Incident Report was Sent Home:** Enter date here
- (Must be within five calendar days of the incident)*

Within 5 calendar days of the incident, file reports as follows:

**Original:** Student Confidential/Cumulative File @ School

- Copy:** Principal  
Parent  
Superintendent  
Director of Special Education



**RESTRAINT INCIDENT DEBRIEFING NOTES**

Within two (2) school days of the use of restraint, a debriefing meeting attended by appropriate staff, including staff involved in the incident, must occur. The purpose of the meeting is to review the incident, ascertain whether appropriate procedures were followed, and minimize the future use of restraint. Those attending shall review the applicable Restraint Incident Report.

- Date of Debriefing:** Enter date here
- Student Involved:** Enter student name here
- Date of Incident:** Enter date here
- Type of Restraint:** Enter restraint type here

**Debriefing Notes** (address whether appropriate procedures were followed and alternate strategies were used): Enter notes from debriefing here

**Recommendations for adjustment of procedures, if appropriate:** Enter recommendations here

**Names/Positions of those attending the debriefing meeting:**

<b>Name</b>	<b>Title/Position</b>
Enter name here	Enter title/position here
Enter name here	Enter title/position here
Enter name here	Enter title/position here
Enter name here	Enter title/position here
Enter name here	Enter title/position here

**This report has been prepared by (name/position):** Enter name/title here

**Within 5 calendar days of the incident, file reports as follows:**

- Original:** Student Confidential/Cumulative File @ School
- Copy:**
  - Principal
  - Parent
  - Superintendent
  - Director of Special Education

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

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

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

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

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

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

- 2.07(4) Complaints involving children with disabilities

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

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

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

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

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

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

- 2.07(6)(b) Notify, by certified or overnight mail, the public education agency of each and every allegation contained in the Complaint together with a complete copy of the Complaint; and
- 2.07(6)(c) Initiate an investigation concerning the allegations contained in the Complaint.

2.07(7) Complaint Timelines:

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

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

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

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

- 2.07(7)(c) Timeline Extensions: If the RCO finds that exceptional circumstances exist with respect to a particular Complaint, the RCO may, in his or her sole discretion, extend for a reasonable period of time, any of the timelines set forth in these Complaint procedures. Any request and extension of a timeline must occur prior to expiration of the timeline and shall be documented in a written order issued by the RCO



prior to the expiration of the timeline and mailed to the parties. The RCO does not have authority to extend the regulatory statute of limitations of one (1) year described in Section 2.07(2)(f) above.

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

2.07(8) Complaint Investigations:

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

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

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

2.07(9) Complaint Resolution:

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

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

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

## Use of Physical Intervention and Restraint

### A. Definitions

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

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, 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 Individualized Education Program (IEP) or Section 504 plan;
  - b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan;
  - c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan; or
  - d. positioning or securing devices used to allow treatment of a student's medical needs.
4. "Chemical restraint" means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical restraint" does not include:
  - a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood

- disorders or ADHD, Glucagon); or
  - b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
5. “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. “State Board Rules” mean the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.
  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 relating to the use of restraint – general requirements**

When restraints are used, the district shall ensure that:

1. no restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
2. no restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
3. restraints are only administered by district staff who have received training in accordance with the State Board rules;
4. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
5. when it is determined by trained district staff that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed; and
6. the student is reasonably monitored to ensure the student's physical safety.

Additionally, in the case of seclusion, staff shall reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student.

**D. Proper administration of specific restraints**

1. Chemical restraints shall not be used.
2. Mechanical 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.

- c. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.
4. Seclusion
    - a. Relief periods from seclusion shall be provided for reasonable access to toilet facilities.
    - b. Any space in which a student is secluded shall have adequate lighting, ventilation and size.
    - c. To the extent possible under the specific circumstances, the space should be free of injurious items.

#### **E. Notification requirements**

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

#### **F. Documentation requirements**

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

- g. the staff present and staff involved in administering the restraint.
- 4. A copy of the written report on the use of restraint shall be placed in the student's confidential file.

**G. Review of specific incidents of restraint**

- 1. The district shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint.
- 2. The review shall include, but is not limited to:
  - a. staff review of the incident;
  - b. follow up communication with the student and the student's family;
  - c. review of the documentation to ensure use of alternative strategies; and
  - d. recommendations for adjustment of procedures, if appropriate.
- 3. If requested by the district or the student's parents, the district shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

**H. General review process**

- 1. The district shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.
- 2. The review shall include, but is not limited to:
  - a. analysis of incident reports, including all reports prepared pursuant to paragraphs F.1 and F.3 above and including, but not limited to, procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
  - b. training needs of staff;
  - c. staff to student ratio; and
  - d. environmental conditions, including physical space, student seating arrangements and noise levels.

**I. Staff Training**

- 1. The district shall ensure that staff utilizing restraint in schools are trained in accordance with the State Board rules.
- 2. Training shall include:

- a. a continuum of prevention techniques;
  - b. environmental management;
  - c. a continuum of de-escalation techniques;
  - d. nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
  - e. methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
  - f. appropriate documentation and notification procedures.
3. Retraining shall occur at a frequency of at least every two years.

Adopted: August 13, 2001  
Revised: June 5, 2019

## **Disciplinary Removal from Classroom**

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

Students shall be expected to abide by the code of conduct adopted by the Board and any other appropriate classroom rules of behavior established by the building principal and/or classroom teacher for the purpose of maintaining order and a favorable academic atmosphere. Any student who violates the code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action. Upon the third formal removal from class, a teacher may remove the student from the teacher's class in accordance with this policy, its accompanying regulation and applicable law.

Student removal from class is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when they are communicated as clearly as possible to students. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every circumstance that would justify removal from class under this policy. Teachers are expected to exercise their best professional judgment in deciding whether it is appropriate to remove a student from class in any particular circumstance. All instances of formal removal from class shall be documented.

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

1. violates the code of conduct adopted by the Board;
2. is dangerous, unruly, or disruptive; or
3. seriously interferes with the ability of the teacher to teach the class or other students to learn.

A student with a disability may be removed from class and placed in an alternative educational setting only to the extent authorized by state and federal laws and regulations.

Removal from class under this policy does not prohibit the district from pursuing or implementing additional disciplinary measures, including but not limited to detentions, suspensions, or expulsions for the conduct or behavior for which the student was removed, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

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

Adopted: August 13, 2001  
Revised: June 5, 2019



LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(B) (*policy required as part of  
conduct and discipline code*)

CROSS REFS.: JIC, Student Conduct subcodes (*all pertain to student conduct*)  
JK, Student Discipline, and subcodes

## **Disciplinary Removal from Classroom**

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

For purposes of this policy and procedure, a “class” includes regular classes, special classes, resource room sessions, labs, study halls, library time, school assemblies and other such learning opportunities taught or supervised by a teacher. “Teacher” means a person holding a teaching license or authorization issued by the state who is employed to instruct, direct or supervise the instructional program.

### **Informal removal to the principal’s office**

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

### **Formal removal from class**

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

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

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

### **Procedures for formally removing a student from class**

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

1. Instruct the student to go to the main office. Unless prevented by the immediate circumstances, the teacher shall send a note with the student stating the reason for the student's removal and call the building principal's office.
2. Obtain coverage for the class and escort the student to the main school office. The teacher shall inform the building principal or designee of the reason for the student's removal from class.
3. Seek assistance from the main school office or other available staff. When assistance arrives, the teacher or the other staff member should accompany the student to the main office. The principal or designee shall be informed of the reason for the student's removal.

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

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

As soon as practicable, the building principal or designee shall notify the student's parent/guardian, in writing, that the student was removed from class. The written notice shall specify the class from which the student was removed, the duration of

the removal, and the basis for the removal as stated by the teacher. The notice shall provide an opportunity for the parent/guardian to attend a student-teacher conference regarding the removal. If the student's removal from class is also subject to disciplinary action (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

### **Placement procedures**

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

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

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

Students placed in the short-term removal area shall be supervised. During their time of placement, students are expected to do work of an academic nature. If possible, such work shall be related to the work in the class from which the student was removed or may be related to the student's misconduct. In no event shall a student's time in the short-term removal area be recreation or other free time.

In most cases, a student shall remain in the short-term removal area for the duration of the class from which he or she was removed. Prior to allowing the student to resume his or her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building principal or designee may consider a different placement option.

### **Behavior plan**

The principal or designee and teacher shall consider whether a behavior plan should be developed for the student upon the student's first removal from class. The behavior plan will be similar, if not the same, as a remedial discipline plan developed for disruptive students in accordance with the Board's policy on student discipline. A behavior plan shall be developed and implemented after the teacher formally removes a student from class for the second time and must be developed and implemented before a student may be removed from class for the remainder of the term of the class.

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

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

responsible for determining the appropriate educational placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. The principal's decision regarding placement is final.

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

### **Review by principal**

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

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

Adopted: August 13, 2001

Revised: June 5, 2019

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

The Board of Education shall provide due process of law to students through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. (See JKD/JKE-R.) In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

Proportionate disciplinary interventions and consequences shall be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff.

The Board and its designee(s) shall consider the following factors in determining whether to suspend or expel a student:

1. the student's age;
2. the student's disciplinary history;
3. the student's eligibility as a student with a disability;
4. the seriousness of the violation committed by the student;
5. the threat posed to any student or staff; and
6. the likelihood that a lesser intervention would properly address the violation.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

### **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: any prevention, intervention, restorative justice, peer mediation, counseling, or other approach to address the misconduct, which approach is designed to minimize to the extent possible student exposure to the criminal and juvenile justice system.

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

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

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

### **Delegation of authority**

1. Students in third grade and higher levels: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1)(a), (1)(b), (1)(c) or (1)(e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1)(d) unless expulsion is mandatory under law (see exhibit coded JKD/JKE-E).

Students in preschool through second grade: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in C.R.S. 22-33-106.1 (2), unless the principal or designee determines that a longer period of suspension is necessary to resolve the safety threat or expulsion is mandatory under law (see JKD/JKE-E).

2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105 and 22-33-106.1 (3), for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board, but the total period of suspension shall not exceed 25 school days.
3. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the public schools of the district. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the superintendent at the conclusion of the hearing. The superintendent shall render a written opinion in the expulsion matter within five days after the hearing whether the hearing is conducted by the hearing officer or the superintendent.

The superintendent shall report on each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the superintendent shall be subject to appeal to the Board. The appeal shall consist of a review of the facts that were presented, arguments relating to the decision and questions of clarification from the Board.

## **Expulsion for unlawful sexual behavior or crime of violence**

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the Board of Education to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with this policy.

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

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Revised: November 11, 1996  
Revised: December 14, 1998  
Revised: July 9, 2001  
Revised: June 28, 2004  
Revised: August 28, 2013  
Revised: August 5, 2020  
Revised: November 18, 2020

LEGAL REFS.: C.R.S. 16-22-102 (9) (*unlawful sexual behavior*)  
C.R.S. 18-1.3-406 (*crime of violence*)  
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)  
C.R.S. 22-32-109.1 (2)(a)(I)(E) (*policy required as part of conduct and discipline code*)  
C.R.S. 22-32-109.1 (3) (*agreements with state agencies*)  
C.R.S. 22-32-144 (*restorative justice practices*)  
C.R.S. 22-33-105 (*suspension, expulsion and denial of admission*)  
C.R.S. 22-33-106 (*grounds for suspension, expulsion and denial of admission*)  
C.R.S. 22-33-106.1 (*suspension and expulsion for students in preschool through second grade*)  
C.R.S. 22-33-106.3 (*use of student's written statements in expulsion hearings*)  
C.R.S. 22-33-106.5 (*information concerning offenses committed by students*)  
C.R.S. 22-33-107 (*compulsory attendance law*)  
C.R.S. 22-33-107.5 (*notice of failure to attend*)  
C.R.S. 22-33-108 (*juvenile judicial proceedings*)

CROSS REFS.: GBGB, Staff Personal Security and Safety  
JEA, Compulsory Attendance Ages



JF, Admission and Denial of Admission  
JIC, Student Conduct, and subcodes  
JK\*-2, Discipline of Students with Disabilities  
JKF\*, Educational Alternatives for Expelled Students  
JKG\*, Expulsion Prevention  
JLDBG, Peer Mediation

## Grounds for Suspension/Expulsion

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

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

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

- a. A firearm.
- b. Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- c. A fixed blade knife with a blade that exceeds three inches in length or a spring loaded knife or a pocket knife with a blade exceeding three and one-

half inches in length.

- d. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.
8. Repeated interference with a school's ability to provide educational opportunities to other students.
9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property without the authorization of the school or school district.
10. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

According to C.R.S. 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Education Act and applicable federal law (see policy JK\*-2, *Discipline of Students with Disabilities*), the following may be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

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

Issued: prior to 2018

Revised: June 5, 2019

Revised: November 18, 2020

## Grounds for Suspension/Expulsion

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

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

For purposes of this paragraph, “dangerous weapon” means:

- a. A firearm.
- b. Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- c. A fixed blade knife.
- d. Any object, device, instrument, material, or substance, whether animate or

inanimate, that is used or intended to be used to inflict death or serious bodily injury.

8. Repeated interference with a school's ability to provide educational opportunities to other students.
9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property without the authorization of the school or school district.
10. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

According to C.R.S. 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Education Act and applicable federal law (see policy JK-2, Discipline of Students with Disabilities), the following may be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

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

Issued: prior to 2018  
Revised: June 5, 2019

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

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

Through written policy the Board of Education has delegated to any school principal the power to suspend a student for not more than three, five, or 10 days, depending upon the grade of the student and type of infraction. Pursuant to policy JKD/JKE, the superintendent has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed 25 school days. As a general rule, a suspension will be three school days or less for students in preschool through second grade, and 10 days or less for students in third grade and higher grade levels.

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

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

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

3. **Informal hearing.** In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a decision on the contemplated action.
4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the informal hearing.

5. **If the student's presence in school presents a danger.** Notice and an informal hearing need not be given prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, an informal hearing will follow as soon after the student's removal as practicable.
6. **Notification following suspension.** If a student is suspended the administrator delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the administrator to review the suspension.
7. **Removal from school grounds.** A suspended student must leave the school building and the school grounds immediately after the parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.
8. **Readmittance.** No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
9. **Make-up work.** Suspended students will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive 50% credit for makeup work which is completed satisfactorily.

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

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

1. **Notice.** Not less than three days prior to the date of the contemplated action, the Board of Education or an appropriate administrative officer of the district will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be by United States mail addressed to the last known address of the student or the student's parent/guardian.
2. **Emergency notice.** In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened provided that the student or the student's parent/guardian have

actual notice of the hearing prior to the time it is held.

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

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

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

The superintendent will prepare specific factual findings and issue a written decision within five days after the hearing.
5. **Appeal.** Within 10 days after the decision of the superintendent, the student may appeal the decision to the Board. Failure to request an appeal within 10 days will result in a waiver of the right to appeal and the superintendent's decision will become final.



If an appeal is properly requested, the Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the challenged action, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the superintendent, the superintendent's written decision, and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the district and the parents may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Board may ask questions for purposes of clarification of the record.

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

6. **Information to parents.** Upon expelling a student, district personnel shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right to request that the district provide services during the expulsion. If the parent/guardian chooses to provide a home-based education program for the student, district personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent/guardian.

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

7. **Readmittance.** A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:
  - a. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
  - b. there is an identifiable victim of the expelled student's offense; and
  - c. the offense for which the student was expelled does not constitute a crime against property.

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

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

**C. Procedure for crimes of violence or unlawful sexual behavior**

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

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

Adopted: March 27, 2000  
Revised: September 13, 2004  
Revised: June 5, 2019  
Revised: November 18, 2020

## **Educational Alternatives for Expelled Students**

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

Educational services include tutoring, alternative educational programs, including online programs authorized by state law, or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies. In addition to educational services, the student or parent/guardian may request any of the services provided by the district through agreements with state agencies and community organizations for at-risk students.

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

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

The educational services may be provided directly by the district or through agreements with state agencies and community organizations entered into pursuant to state law. The services need not be provided on school district property.

Students who are expelled for conduct or behavior involving a threat of harm to district students or personnel shall be served through a home-study course or in an alternative school setting designed to address such conduct or behavior, at the discretion of the district.

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

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

Adopted: January 11, 1999  
Revised: August 27, 2001  
Revised: June 5, 2019

LEGAL REFS.: C.R.S. 22-33-201.5 (*definition of educational services*)  
C.R.S. 22-33-203 (*educational alternatives for expelled students*)

C.R.S. 22-33-204 (*services for at-risk students*)  
C.R.S. 22-33-205 (*expelled students grant programs*)

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

## **Educational Alternatives for Expelled Students**

Parents/guardians shall be notified in writing at the time of any expulsion of their right to request services from the district if their child is expelled.

All requests for services for expelled students must be made in writing to the principal or to the principal's designee by the student or the student's parent/guardian.

Within 10 school days of receiving the request, the principal will notify the student and the parent/guardian of the goal in providing educational services, the services to be provided by the district and the amount of credit the student will receive.

If an expelled student is not receiving educational services through the school district under the accompanying policy, the parents/guardians shall be contacted at least once every 60 days until the student is eligible to re-enroll to determine the educational services the student is receiving, unless the student is enrolled in another school district or independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

Approved: January 11, 1999

Revised: June 5, 2019

## Expulsion Prevention

It is the belief of the Board that available interventions and prevention services should be explored to help students who are at risk of expulsion before expulsion becomes a necessary consequence. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive.

The district, working with the student's parent/guardian, shall provide students who are identified as at risk of suspension or expulsion with a plan to provide necessary support services to help them avoid expulsion. Services may include:

1. educational services (tutoring, alternative educational programs or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies)
2. counseling services
3. drug or alcohol addiction treatment programs, and/or
4. family preservation services.

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations and institutions of higher education.

The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures including but not limited to suspension and/or expulsion.

Adopted: January 11, 1999

Revised: July 9, 2001

Revised: June 5, 2019

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

CROSS REF.: JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)

## **Student Discipline**

### **Remedial discipline plans**

1. The principal may develop a plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in 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 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.

Approved: July 12, 1993  
Revised: November 11, 1996  
Reviewed: December 14, 1998  
Revised: July 9, 2001  
Revised: June 5, 2019



## **Student Insurance Programs**

A student accident insurance program providing broad coverage at nominal cost to parents/guardians shall be made available to all students. Such protection, when purchased by the parent/guardian, shall cover the student while at school, on the way to and from school and when engaged in school-sponsored activities either on school grounds or elsewhere. Through this plan, additional insurance coverage may be purchased which will cover students participating in interscholastic athletics.

Before any student will be permitted to participate in any school sports activities, this insurance must be purchased or a waiver must be presented that absolves the school district of any liability for accidents.

Adopted: April 10, 1995

Reviewed: December 14, 1998

Reviewed: June 5, 2019

## **Student Health Services and Records**

The purpose of the school health program shall be to supplement the efforts and guidance of parents/guardians to raise student awareness of the benefits of regular health care.

The objectives of the school health program are:

1. To promote good health habits among students.
2. To stimulate a sanitary, safe and healthful environment in school.
3. To assist in the identification and referral to appropriate health care providers for medical, psychological and physical needs.

### **Health records**

Health records shall be maintained by the nursing staff and kept in a separate and secure health file accessible in the school health office.

Access to the health files shall be limited to only those school personnel who have a specific and legitimate educational interest in the information for use in furthering a student's academic achievement or maintaining a safe and orderly teaching environment.

The nursing staff shall maintain a log showing who has been given access, when access occurred and to which specific records.

### **Annual screening programs**

The sight and hearing of all students in kindergarten, first, second, third, fifth, seventh and ninth grades or students in comparable age groups referred for testing shall be tested during the school year by the school nurse, teacher, principal or other qualified person authorized by the school district, as required by law. These screenings shall not be required of any student whose parent/guardian objects on religious or personal grounds.

The parent/guardian shall be informed when a deficiency is found.

### **Dental health**

The school district shall participate in programs to encourage good dental health including instruction, dental examination clinics when available and referral to agencies which can provide aid for those in need.

### **Communicable diseases**

Students showing symptoms of a communicable disease, an infectious condition, or illness or disability of a serious nature shall be referred to the school nurse. The school nurse shall report the suspicion of or if the school nurse is aware of the diagnosis of, a communicable disease, if action is necessary to protect the health of other students and

staff.

Adopted: August 27, 2001

Revised: August 5, 2020

LEGAL REFS.: 20 U.S.C. 7906 (*prohibition against the use of Title I funds to operate a program of contraception distribution in the schools*)  
C.R.S. 13-22-102, 103 (*minors may consent to medical treatment*)  
C.R.S. 22-1-116 (*vision and hearing tests*)  
C.R.S. 25-4-402 (*parental consent not required to treat minor for sexually transmitted infection*)  
C.R.S. 25-4-901 *et seq.* (*school entry immunization*)  
C.R.S. 25-6-102 (*dissemination of contraceptive information*)  
6 CCR 1010-6, Rule 6.13 (*requirements for health services in schools*)

CROSS REFS.: GBEB, Staff Conduct (And Responsibilities)  
JF, Admission and Denial of Admission  
JLCB, Immunization of Students  
JLCC, Communicable/Infectious Diseases  
JLCD, Administering Medications to Students  
JLCEA\*, Students with Special Health Needs  
JLDAC, Screening/Testing of Students (and Treatment of Mental Disorders)

## **Physical Examinations of Students**

Parents/guardians shall be encouraged to have their children physically examined prior to entering school and again prior to the fourth, seventh and tenth grades. A dental examination shall also be encouraged.

Students may be excused from physical education activities and from curricular requirements relating to physical education activities upon the statement from a physician or other licensed health care professional that such participation would be injurious to their health. A release to return to full physical activity will be requested if the statement does not have a date defined. This must be issued by the same physician or their office.

Teachers shall be alert to the general well-being of students and shall refer any questionable situations to the school principal.

Adopted: November 11, 1988

Reviewed: December 14, 1998

Revised: June 5, 2019

LEGAL REF.: C.R.S. 13-22-103 (*minors may consent for medical, dental care under certain circumstances*)

CROSS REFS.: IMBB, Exemptions from Required Instruction  
JLC, Student Health Services and Records  
JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)

## **Immunization of Students**

The Board directs the superintendent or designee(s) to annually provide parents/guardians of each student enrolled in the district a copy of the standardized immunization document developed by the Colorado Department of Public Health and Environment. The standardized immunization document includes a list of required and recommended immunizations and the age at which each immunization should be given, the school's specific immunization and exemption rates for the measles, mumps, and rubella vaccine for the school's enrolled student population for the previous school year compared to the vaccinated children standard, and a statement that the school is required to collect and report the information, but the school does not control the school's specific immunization rates or establish the vaccinated children standard.

No student is permitted to attend or continue to attend any school in this district without meeting the legal requirements of immunization against disease unless the student has presented one of the following, as provided by law:

- a written authorization signed by a parent/guardian requesting local public health officials administer the immunizations;
- a certificate of medical exemption;
- a certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment; or
- a certificate of nonmedical exemption.

Students who do not submit an up-to-date certificate of immunization, a written authorization signed by one parent/guardian requesting local public health officials to administer the immunizations, or a valid certificate of medical or nonmedical exemption will be suspended and/or expelled from school according to this policy's accompanying regulation.

All information distributed to parents/guardians by the district will inform them of their rights to seek an exemption from immunization requirements.

Adopted: April 10, 1995

Revised: December 14, 1998

Revised: June 5, 2019

Revised: August 18, 2021

LEGAL REFS.: C.R.S. 22-32-140 (*annual distribution of standardized immunization document required*)

C.R.S. 22-33-106 (*grounds for suspension, expulsion and denial of admission*)

C.R.S. 25-4-901 *et seq.* (*school entry immunizations*)

6 CCR 1009-2 (*school immunization requirements*)

CROSS REFS.: JF, Admission and Denial of Admission

JFABE, Students in Foster Care

JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)

JRA/JRC, Student Records/Release of Information on Students

## **Immunization of Students**

1. No student may attend school in the district unless the student has presented to the school an up-to-date certificate of immunization, a written authorization signed by a parent/guardian requesting local public health officials administer the immunizations or a valid certificate of medical or nonmedical exemption form.
2. A student will be exempted from required immunizations only upon submission of:
  - a. a completed certificate of medical exemption from a licensed physician, qualified physician assistant, or advanced practice nurse 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 completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment; or
  - c. a completed certificate of nonmedical exemption signed by a parent/guardian or an emancipated student and a physician, qualified physician assistant, or advanced practice nurse.

In the event of an outbreak of any communicable disease for 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 a nonmedical exemption must submit either a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment or a completed certificate of nonmedical exemption that is signed by a parent/guardian or emancipated student and a physician, qualified physician assistant, or advanced practice nurse on an annual basis. Such submission will 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 must submit the required medical exemption form to the school one time. The medical exemption form must be maintained on file at each new school the student attends.
5. Each school in the district annually provides the school's specific immunization and exemption rates for the measles, mumps, and rubella vaccine for the school's enrolled student population for the previous school year compared to the vaccinated children standard.
6. The district will provide upon request an immunization reporting form. The school nurse or principal is responsible for seeing that required information is included on the form and transferred to an official certificate of immunization as required.

7. If there is a failure to comply with the immunization requirements, the appropriate school official will personally notify the parent/guardian or emancipated student. Such notification will be accomplished by telephone, e-mail, or in person. If this is not possible, contact will be by physical 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 14 days of notification, the parent/guardian must submit one of the following: an authorization for administration of the immunization by public health officials; ~~or~~ a completed certificate of medical or nonmedical exemption; a completed certificate of completion of the online education module administered by the Colorado Department of Public Health and Environment; 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 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.
8. 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.
  9. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
  10. Any suspension or expulsion under this policy will terminate automatically upon compliance.
  11. 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 applies to students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(h).

Unless the district or school is otherwise authorized to deny enrollment to a student in out-of-home placement, the district or school must enroll the student regardless of whether the district or school has received the student's immunization records. Upon enrolling the student, the school must 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 14 days after the student enrolls, the school will suspend the student until such time as the school receives the certificate of immunization or authorization.

Approved: August 27, 2001

Revised: August 5, 2020

Revised: August 18, 2021



## **Communicable/Infectious Diseases**

The Board of Education recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. This school district will rely on the advice of the medical community in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff. The risk of transmitting HIV/AIDS is extremely low in school settings when current guidelines and preventative measures are followed.

Management of common communicable diseases will be in accordance with Colorado Department of Public Health and Environment or local public health department guidelines. A student who exhibits symptoms of a readily-transmissible communicable disease may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse and may be sent home as soon as the parent/guardian or person designated on the student's emergency medical authorization form has been notified.

The district reserves the right to require a physician's statement authorizing the student's return to school.

In all proceedings related to this policy, the district will respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious, readily-transmissible disease, the staff member or volunteer will promptly notify the school nurse or principal to determine appropriate measures to protect student and staff health and safety. The principal, after consultation with the student and parent/guardian, shall determine which additional staff members, if any, have need to know of the affected student's condition and whether the Colorado Department of Public Health and Environment or the local public health department must be notified. Only those staff members with direct responsibility for the care of the student will be informed of the specific nature of the condition if it is determined there is a need for such individuals to know this information.

The superintendent will initiate procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality will be subject to appropriate disciplinary measures.

Adopted: August 8, 1988

Reviewed: December 14, 1998

Revised: June 5, 2019

Revised: September 2, 2020

LEGAL REFS.: C.R.S. 22-33-104 (2)(a) (*compulsory attendance law not applicable to a student who is temporarily ill and such absence is approved*)  
C.R.S. 22-33-106 (2) (*grounds for suspension, expulsion and denial of admission*)

CROSS REFS.: EBBA, Prevention of Disease/Infection Transmission (Handling  
Body Fluids)  
IC/ICA, School Year, School Calendar, Instruction Time  
JLCA, Physical Examinations of Students  
JLCE, First Aid and Emergency Medical Care  
JRA/JRC, Student Records/Release of Information on Students

## **ADMINISTERING MEDICINES TO STUDENTS**

### Medication Administration to Students by School Personnel

School personnel may 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 and nonprescription medication, but does not include homeopathic/herbal medications, vitamins, nutritional supplements, medical marijuana, CBD oil/products and essential oils. Medication may be administered to students by the school nurse or other school designee only when the following requirements are met:

1. Medication should 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 licensed health care practitioner shall be printed on the container.
2. The school must have received written permission to administer the medication from the student's licensed health care practitioner with prescriptive authority under Colorado law.
3. The school must have received written permission from the student's parent/guardian to administer the medication to the student. When such a request is made by a parent/guardian, a full release from the responsibilities pertaining to side effects or other medical consequences of such medications also must be presented.
4. The parent/guardian will be responsible for providing all medication to be administered to the student.

Student possession, use, distribution, sale or being under the influence of a medication inconsistent with this policy will 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.

The administration of medical marijuana must be in accordance with the Board's policy on the administration of medical marijuana to qualified students.

### Student Medication Possession and Self-administration

Students may possess and self-administer medications during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. The parent/legal guardian shall notify the school administration of the student's medical needs and/or of the fact that the student may be in possession of his or her medication.

This notification, when appropriate, should include a written treatment plan from the licensed health care practitioner.

Permission to possess and self-administer medications may be restricted if school administration determines that a student's possession or self-administration of the medication poses a risk of harm to the student or other students. Controlled substances prescribed to students cannot be possessed or self-administered and must follow the above section of this policy, Medication Administration to Students by School Personnel. Students may only possess a sufficient dosage of a medication to treat their medical condition for a single day. Insulin pumps or other medical devices that deliver medication doses over a period of time are allowed.

Any student, regardless of age level, may possess and self-administer an emergency medication prescribed for them by a licensed health care practitioner to treat anaphylaxis, hypoglycemia, or respiratory distress. Self-administration of such medication may occur during school hours, at school –sponsored activities, or while in transit to and from school or school- sponsored activities. Student possession and self-administration of such medication must meet the following:

1. Written authorization signed by a the student's health care practitioner must be on file with the school which must include the student's name; the name, purpose, prescribed dosage, frequency, and length of time between dosages of the medication(s) to be self- administered; and confirmation that the student has been instructed and is capable of self-administration of the medication.
2. The school nurse or school administrator, in consultation with the school nurse, the student's health care practitioner, and the student's parent/guardian collaborate to make an assessment of the student's knowledge of their condition and ability to self- administer medication.
3. A written statement signed by the student's parent/guardian must be on file with the school which must include permission for the student to self-administer their medication and release from liability for any injury arising from the student's self-administration of such medication.

4. A written contract between the school nurse, school administrator, the student, and the student's parent/guardian must be on file with the school, assigning levels of responsibility to the student's parent/guardian, student, and school employees.

A treatment plan authorizing a student to possess and self-administer medication for asthma or anaphylaxis is effective only for the school year in which it is approved. A student must report to the school nurse or designee or to some adult at the school immediately after the student uses an epinephrine auto-injector during school hours. Upon receiving such report from a student, the school nurse, designee, or other adult will provide appropriate follow-up care to the student which must include making a 911 emergency call.

#### Use of Stock Epinephrine Auto-injectors in Emergency Situations

The district will have a stock supply of epinephrine auto-injectors for use in emergency anaphylaxis events that occur on school grounds. Any administration of a stock epinephrine auto-injector to a student by a district employee must 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.

#### Use of Opiate Antagonists in Emergency Situations

To the extent state funding and supplies are available, the district shall have a stock supply of opiate antagonists to assist a student who is at risk of experiencing an opiate-related drug overdose event. For purposes of this policy, an opiate antagonist means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose. The stock supply of opiate antagonists may also be used to assist a district employee or any other person who is at risk of experiencing an opiate-related drug overdose event. Administration of an opiate antagonist by a district employee to a student or any other person shall be in accordance with applicable state law.

#### 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.

#### Preventative Measures

Preventive measures (such as sunscreen, insect repellent, diaper ointment, and cough drops) may be administered by school personnel with written parental permission only. These items must be supplied by the parent.

Revised: August 1987  
November 1991  
September 1997  
September 2004  
February 2005  
February 2006  
May 2014  
August 2016  
December 2016  
March 2019  
September 2021  
May 2022  
November 2022  
January 2024

Legal Refs: C.R.S. 12-38-132  
C.R.S. 12-38-132.3  
C.R.S. 22-1-119  
C.R.S. 22-1-119.1  
C.R.S. 22-1-119.3 (c) (d)  
C.R.S. 22-1-119.5 C.R.S. 22-2-135  
C.R.S. 24-10-101  
CCR 301-68  
CCR 1010-6, Rule 9-105

CROSS REF.: JICH, Student Involvement with Drugs and Alcohol  
JKE/JKD Suspension/Expulsion of Students  
JLCE Medical Emergencies and First Aid  
JLCDB Administration of Medical Marijuana to Qualified Students

## **Students with Food Allergies**

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 among 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 student's Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

### **Reasonable accommodations**

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

### **Access to emergency medications**

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

### **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 training shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize symptoms of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

Adopted: May 12, 2010

Revised: June 5, 2019

LEGAL REFS.: 20 U.S.C. 1400 *et seq.* (*Individuals with Disabilities Education Improvement Act of 2007*)  
29 U.S.C. 701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)  
42 U.S.C. 12101 *et seq.* (*Americans with Disabilities Act*)  
C.R.S. 22-2-135 (*Colorado School Children's Food Allergy and Anaphylaxis Management Act*)  
C.R.S. 22-32-139 (*policy required regarding management of food allergies and anaphylaxis among students*)  
C.R.S. 25-1.5-109 (*Colorado Department of Public Health and Environment shall develop, maintain and make available a standard form for school districts to gather information concerning students' food allergies*)  
1 CCR 301-68 (*State Board of Education rules regarding Administration of Colorado School Children's Asthma and Anaphylaxis Act and Colorado School Children's Food Allergy and Anaphylaxis Management Act*)

CROSS REF.: JLCD, Administering Medications to Students



## **Administration of Medical Marijuana to Qualified Students**

The Board strives to honor families' private medical decisions while ensuring a learning environment free from disruption. To accomplish these goals, the district restricts the administration of medications, including medical marijuana, during school hours unless administration cannot reasonably be accomplished outside of school hours.

Administration of medical marijuana to qualified students must be in accordance with this policy. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and the Board's policy concerning the administration of medications to students.

### **Definitions**

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

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.
2. "Medical marijuana" means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.
3. "Permissible form of medical marijuana" means nonsmokeable products such as oils, tinctures, edible products, or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the superintendent, who may authorize such a request after consultation with appropriate medical personnel chosen by the district.
4. "Primary caregiver" means the qualified student's parent, guardian, or other responsible adult over eighteen years of age who is identified by the student's parent/guardian as the qualified student's primary caregiver. In no event shall another student or a staff member be recognized as a primary caregiver, unless the staff member is the student's parent/guardian. Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.
5. "Qualified student" means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

**Permissible administration of medical marijuana to a qualified student by a primary caregiver**

A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all of the following parameters are met:

1. The qualified student's parent/guardian has provided the school with a copy of the student's valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student's parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. Either the district determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency, or, after administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver may remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

**Permissible administration of medical marijuana to a qualified student by school personnel**

School personnel may volunteer to store, administer, or assist in the administration of medical marijuana to a qualified student in a designated location if the following parameters are met:

1. The qualified student's parent/guardian has provided the school with a copy of the student's valid recommendation for medical marijuana from a licensed

physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana;

2. The qualified student's parent/guardian signs a written acknowledgment granting permission for the school personnel who volunteer to store, administer, or assist in the administration of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. The district determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the school personnel who volunteer to store, administer, or assist in the administration of the medical marijuana, the qualified student (if capable), and the qualified student's parent/guardian.

### **Additional parameters**

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy does not apply to school grounds, school buses or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

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

If the federal government indicates that the district's federal funds are jeopardized by this policy, the Board declares that this policy must be suspended immediately and that the administration of any form of medical marijuana to qualified students on school property, on a school bus, or at a school-sponsored event must not be permitted. The district must post notice of such policy suspension and prohibition in a conspicuous place on its website.

Adopted: July 18, 2018

Revised: November 18, 2020

Revised: August 18, 2021

LEGAL REFS.: Colo. Const. Art. XVIII, Section 14 (establishing qualifications for use of medical marijuana)  
C.R.S. 22-1-119.3 (3)(a) (Board must adopt and implement a policy including processes for the storage, possession, and administration of medical marijuana)  
C.R.S. 22-1-119.3 (3)(c), (d) (no student possession or self administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)  
C.R.S. 22-1-119.3 (3)(d)(I) (school personnel may volunteer to possess, administer, or assist in the administration of medical marijuana)  
C.R.S. 22-1-119.3 (3)(d)(II) (Board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event)

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCD, Administering Medications to Students  
JLCE, First Aid and Emergency Medical Care

### **Medically Necessary Treatment in School Setting**

The provision of medically necessary treatment to students by private health-care specialists must be done in accordance with this policy. If medically necessary treatment requires administration of prescription and/or nonprescription medications to students, such administration must be in accordance with applicable law and the Board's policy concerning the administration of medications to students.

#### **Definitions**

For purposes of this policy, the following definitions apply:

1. "Medically necessary treatment" means treatment recommended or ordered by a Colorado licensed health-care provider acting within the scope of the health-care provider's license.
2. "Private health-care specialist" means a health-care provider who is licensed, certified, or otherwise authorized to provide health-care services in Colorado, including pediatric behavioral health treatment providers pursuant to the state medical assistance program, C.R.S. 25.5, articles 4, 5, and 6, and autism services providers who provide treatment pursuant to C.R.S. 10-16-104 (1.4). In no event may a school district or administrative unit staff member be recognized as a private health-care specialist for the purposes of this policy.

#### **Notification of Rights**

Parents and/or legal guardians of a student with disabilities will be notified that section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and Title II of the federal "Americans with Disabilities Act of 1990" provide rights and protections to students to access medically necessary treatment required by the student to have meaningful access to the benefits of a public education, or to attend school without risks to the student's health or safety due to the student's disabling medical condition.

#### **Determination Whether Medically Necessary Treatment Must be Provided on School Premises**

1. It will be the responsibility of a student's IEP team or 504 team to determine whether any medically necessary treatment must be provided to the student within the school setting in order for the student to access their education, pursuant to section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and Title II of the federal "Americans with Disabilities Act of 1990."
2. When making the determination whether medically necessary treatment must be provided within the school setting, the student's IEP team or 504 team will invite the private health-care specialist who ordered or recommended the

medically necessary treatment to attend the student's IEP meeting or 504 meeting at which the issue will be discussed. The invitation will include the option for the private health-care specialist to submit information in writing that can be reviewed at such IEP meeting or 504 meeting. The invitation will be given not less than ten (10) calendar days in advance of the IEP or 504 meeting.

3. Nothing in this policy will be construed to prevent the district from using its own staff, if qualified, or contracting with a qualified provider of its choice to provide medically necessary treatment that a student's IEP team or 504 team has determined must be provided in the school setting pursuant to section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and/or Title II of the federal "Americans with Disabilities Act of 1990."
4. Nothing in this policy will be construed to require the district to permit a third party to determine or provide special education or related services in the school setting in a way that interferes with the districts' obligations and authority under federal law.

### **Access to School Setting by Private Health-Care Specialists**

1. *Access to provide medically necessary treatment.* A private health-care specialist may be granted access to school or district property to provide medically necessary treatment in accordance with the determination of the student's IEP team or 504 team, and subject to the Board's policy and/or procedures concerning visitors to schools and all other applicable policies, and subject to the provisions of regulation JLCDC-R.
2. *Access to solely observe student or collaborate with school personnel.* A private health-care specialist may be granted access to school or district property to observe the student in the school setting or collaborate with school personnel regarding the student, without providing direct treatment to the student, in accordance with the determination of the student's IEP team or 504 team, and subject to the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.

Permission to provide medically necessary treatment on school premises may be limited or revoked if the private health-care specialist violates this policy or JLCDC\*-R or demonstrates an inability to responsibly follow the requirements of the school district or administrative unit.

### **Appeal**

If the IEP team or the 504 team determines that any medically necessary treatment is not required to be provided in the school setting pursuant to section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and/or Title II of the federal "Americans with Disabilities Act of 1990," the IEP team or 504 team will provide notice to the student's parents or legal guardian that the student has a right to appeal such determination. Such appeal must meet, at a minimum, the following

requirements:

(a) The district will hold an appeal hearing within a reasonable time after it has received the request for an appeal from the parent or student.

(b) The district will give the parent and student notice of the date, time, and place, reasonably in advance of the appeal hearing.

(c) The appeal hearing may be conducted by any individual, including an official of the district, who does not have a direct interest in the outcome of the hearing.

(d) The district will give the parent and student a full and fair opportunity to present evidence relevant to the issue whether the medically necessary treatment as ordered or recommended by a private health-care specialist is required to be provided in the school setting pursuant to section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and/or Title II of the federal "Americans with Disabilities Act of 1990." The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

(e) The district will make its decision in writing within a reasonable period of time after the appeal hearing.

(f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

## **Reporting**

Each school shall designate a particular staff member to report the following to the superintendent or designee on a regular basis: the name of the requesting student, the student's request, and the outcome of the request, whether accepted or denied.

Adoption date: May 17, 2023

LEGAL REFS.: 42 U.S.C. sec. 1396 and 1396d(r)(5) (*stating that Colorado's Medicaid program is required to cover all medically necessary treatment, including treatment in school settings.*)

C.R.S. § 22-20-121

CROSS REFS.: JLCD, Administering Medications to Students

JLCDB\*, Administration of Medical Marijuana to Qualified Students

JLCE, First Aid and Emergency Medical Care

JLCDC\*-R, Authorizing Private Health-Care Specialists to Provide Medically Necessary Treatment in School Setting

KI, Visitors in Schools

**Authorizing Private Health-Care Specialists to Provide Medically Necessary Treatment in School Setting**

A private health-care specialist may be permitted to come onto the premises of any district school for the purpose of providing medically necessary treatment to a student if it has been determined by the student's IEP team or 504 team that such medically necessary treatment must be provided to the student within the school setting pursuant to section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended, and Title II of the federal "Americans with Disabilities Act of 1990."

Such treatment will not occur on school premises unless the following minimum requirements are met:

1. The district prepares, with the input of the private health-care specialist and the student's parent/guardian, a written plan that identifies the form, designated location(s), treatment plan for administration from the private health-care specialist, and any additional protocol regarding administration of medically necessary treatment to the student, which may include implementing a background check for the private health-care specialist, requirements that the private health-care specialist be appropriately supervised by the employing agency, or other protocol(s) if deemed necessary by the District. The written plan must be signed by the school administrator, the student (if capable), the private health-care specialist, and the student's parent/guardian.
2. The district provides a representative who has the authority and responsibility to work with the parents and private health-care specialist to schedule and/or cancel the private health-care specialist's visits to the school to provide medically necessary treatment.
3. The student's parent signs a parental consent form to any medically necessary treatment in the school setting.
4. The private health-care specialist signs a Confidentiality Affidavit certifying that they will comply with the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), and shall not read any documents or file materials pertaining to any student other than the qualifying student.
5. The private health-care specialist provides a certificate of insurance of General Liability, Auto Liability, and Professional Liability insurance. The General Liability and Auto Liability policies must name the district as an additional insured party.



6. The private health-care specialist provides proof of Colorado licensure.
7. The private health-care specialist signs an Assumption of Risk form waiving any and all claims and demands for relief concerning any physical or emotional harm, injury, or damage to the private health-care specialist caused by the student and/or any other student.

After the medically necessary treatment begins, the treatment is subject to the following conditions:

1. At all times, through implementation of this regulation and associated policy, all parties shall strive to avoid disruption to the learning environment of all students, avoid disruption to the student's access to special education services, and maintain the integrity of all students' instructional programs.
2. The private health-care specialist must give at least two weeks' advance notice of any additional visits to the school to work with the student that were not mentioned in the written plan.
3. The district has sole discretion to deny an additional visit, or reschedule or modify any planned visit, if the visit to the school would interfere with the school's necessary activities, schedule of school staff, or scheduling priorities. Except in an emergency, the private health-care specialist and the student's parent/guardian will be given two weeks' advance notice of any rescheduling or modification of an existing visit.
4. The student's parent/guardian will be solely responsible for compensating the private health-care specialist for medically necessary treatment, and the district will have no financial obligation to the private health-care specialist for fees, expenses, or any other associated cost. If the private health-care specialist offers suggestions, professional observations, opinions, advice, or consultation to and for district staff, the district will not be obligated to pay any associated fee or charge.
5. The private health-care specialist must follow all applicable provisions of state and federal law and district policies during any time the private health-care specialist is on district premises.
6. The district will not exercise supervisory control over the content or nature of private health-care specialist's medically necessary treatment of the student. However, if requested, the district is entitled to advance discussion and review of the content and nature of such services in order to coordinate the medically necessary treatment with other classroom and school activities.

7. Permission for the private health-care specialist to administer medically necessary treatment to a student, and to remain on district property, may be limited or revoked if the private health-care specialist violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Adoption date: May 17, 2023

**Permission for Medication**  
(Weld County School District RE-5J)

Name of Student \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

Teacher \_\_\_\_\_

Medication \_\_\_\_\_ Dosage \_\_\_\_\_

Time of day medication is to be given \_\_\_\_\_

If asthma inhaler\*\* is used, may student carry and use independently? Yes \_\_\_\_\_ No \_\_\_\_\_

Purpose of medication \_\_\_\_\_

Possible side effects \_\_\_\_\_

Number of days medication will need to be given at school \_\_\_\_\_

Date \_\_\_\_\_ Signature of health care practitioner \_\_\_\_\_

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It is understood that the medication is administered solely at the request of and as an accommodation to the undersigned parent or guardian. In consideration of the acceptance of the request to perform this service by the school nurse or designee employed by the Weld County School District RE-5J, the undersigned parent or guardian hereby agrees to release the Weld County School District RE-5J and its personnel from any legal claim which they now have or may hereafter have arising out of the administration of or failure to administer the medication to the student or side effects or other medical consequences of the medication.

I hereby give my permission for \_\_\_\_\_ (*Student*) to take the above prescription at school as ordered. I understand that it is my responsibility to furnish this medication in the original container appropriately labeled by the pharmacy or health care practitioner, stating the name of the medication, dosage and the time(s) to be administered.

\*\*Students using asthma inhalers may carry and use them independently with parent or guardian consent.

A new Permission for Medication form must be completed for each medication change and each school year.

Date \_\_\_\_\_

\_\_\_\_\_  
*Signature of Parent or Guardian*

Issued: June 5, 2019  
Revised: August 18, 2021

## **Administering Medications to Students**

If under exceptional circumstances a student is required to take medication during school hours, only the school nurse or the nurse's designee may administer the medication to the student in compliance with the following regulation. In the alternative, the parent/guardian may come to school to administer the medication.

1. All directives of the accompanying policy must be followed.
2. Written orders from the student's health care practitioner with prescriptive authority under Colorado law must be on file in the school stating:
  - a. Student's name
  - b. Name of medication
  - c. Dosage
  - d. Purpose of the medication
  - e. Time of day medication is to be given
  - f. Anticipated number of days it needs to be given at school
  - g. Possible side effects
3. The medication must be brought to school in a container appropriately labeled by the pharmacy or health care practitioner.
4. An individual record must be kept of medications administered by school personnel.
5. Medication must be stored in a clean, locked cabinet or container. Emergency medications (such as epinephrine) must be inaccessible to students, but immediately available to trained school personnel and not in a locked cabinet.

Unless these requirements are met, medication will not be administered to students at school.

## **Students with Special Health Needs**

Health and safety of all students is a primary concern of the district. Except in rare circumstances as indicated below, in emergency situations involving accident or illness, district employees are expected to render first-aid and life-sustaining care to the extent of their knowledge and training, utilize emergency medical resources available in the community and seek assistance of school medical personnel or other staff members.

### **Individualized Health Plans**

When a student with special health needs is enrolled in a district school, an Individualized Health Plan ("IHP") shall be prepared and reviewed at least annually (and whenever there is a change in personnel or a change in the student's medical status) by the school nurse, the parent/guardian and the student's physician.

The IHP shall set forth the special health needs of the student and the plan for dealing with those needs in the school setting. In planning for the student's special health needs, the school nurse shall consult with and access applicable community resources when appropriate. If the student has an Individualized Education Program (IEP) or 504 plan, the IEP team or 504 team will determine whether the IHP, and any emergency protocol, should be attached to the student's IEP or 504 plan.

### **DNR Orders and CPR Directives**

The greater inclusion of students with disabilities and advancements in medical technology have led to an increase in the number of students with significant medical needs in schools. Although rare, it is now possible for a student to be attending school in an advanced terminal condition.

A "Do Not Resuscitate" (DNR) order is a physician's order stating that certain life sustaining procedures shall not be performed on a patient. Parents/guardians of a minor child who is subject to a DNR order may execute a "Cardiopulmonary Resuscitation" (CPR) directive. A CPR directive is a written instruction by the student's parent/guardian and physician that cardiopulmonary resuscitation is not to be performed for the child.

### **Requesting implementation of CPR directive**

Any parent/guardian wishing to have a CPR directive implemented in the school setting as part of the student's IHP shall present the signed, original directive on the official form issued by the Colorado Department of Public Health and Environment to the school principal for consideration.

If the parents of the student are divorced, appropriate court documents designating decision-making authority of the parents shall be required. Evidence of court appointment as legal guardian must be similarly provided when applicable. All parents/guardians having authority to make medical decisions must sign the CPR directive.

### **Convening CPR directive team**

Within a reasonable time from receipt of the signed CPR directive, the school principal or designee shall convene a multidisciplinary school-based team (the CPR directive team) to determine whether the CPR directive can be implemented in the school setting and if so, shall design a protocol for handling the student's health-related emergency events, including the comfort care to be provided to the student. The team shall be comprised of the student's parent/guardian, and to the extent possible and necessary, the student's physician, the student's hospice nurse, the school nurse, local emergency medical personnel, the school counselor, school district legal counsel, a physician designated by the school district, the student's teacher(s), and if the student is a special education student, appropriate members of the IEP team. The CPR directive team may also include an ethicist or other person with expertise in medical decision-making issues.

### **Determining whether implementation of a CPR directive is feasible**

In determining whether it is feasible for the CPR directive to be implemented in the school, the CPR directive team shall consider the factors set forth in the regulation accompanying this policy.

### **Designing an emergency protocol**

In designing a protocol for handling health-related emergency events, the CPR directive team shall follow procedures set forth in the regulation accompanying this policy.

### **Revoking CPR directive**

Parents/guardians wishing to revoke a CPR directive may do so at any time by providing a signed, written revocation request to the school principal or designee.

Adopted: June 5, 2019

LEGAL REFS.: 29 U.S.C. 794 *et seq.* (Section 504 of the Rehabilitation Act)  
42 U.S.C. 12101 *et seq.* (Americans with Disabilities Act)  
28 C.F.R. 35.130 (b)(6) (regulations pertaining to the American with Disabilities Act)  
34 C.F.R. 104.4 (regulations pertaining to Section 504 of the Rehabilitation Act)  
C.R.S. 15-18-101 *et seq.* (Colorado Medical Treatment Decision Act)  
C.R.S. 15-18.6-104 (Colorado statute regarding duty to comply with CPR directives, immunity)  
6 CCR 1015-2 (rules pertaining to implementation and application of advance medical directives for CPR by emergency medical service personnel)

CROSS REFS.: JLC, Student Health Services and Records  
JLCE, First Aid and Emergency Medical Care

## **Students with Special Health Needs** (Implementation and Protocol for CPR Directives)

### **Determining whether implementation of a CPR directive is feasible**

In determining whether it is feasible for the CPR directive to be implemented in the school, the CPR directive team shall:

- Consider the impacts on the school, including the mental, emotional and physical health of all students and personnel in the school. If the team determines that the impact of the ill student's participation is too disruptive, the team shall initiate a request for homebound educational services, subject to laws pertaining to the education of students with disabilities.
- Consider obtaining an independent medical opinion, which may include an evaluation by hospice personnel.
- Involve legal counsel in review of the CPR directive to determine whether it is valid under state law, including whether the persons signing the form have legal authority to make medical decisions on behalf of the student.
- Consult with the emergency response personnel responsible for responding to an emergency call at the school to determine whether school personnel who have contact with the student have the proper training and expertise to implement a proposed protocol for health-related emergency events involving the student, including the ability to assess whether the circumstances specifically described in the protocol are present and to provide or withhold the specific assistance or care.
- Determine whether school personnel who have contact with the student have any moral or ethical issues related to complying with the protocol. If so, and only with parent/guardian permission, arrangements shall be made to transfer the student to a different classroom or school. If the parent/guardian does not agree to the transfer, the CPR directive will not be implemented. The school district reserves the right to designate specific classrooms or schools to which students subject to a CPR directive will be assigned.
- Provide counseling resources, which may include hospice, for students and school district personnel on issues of death and dying prior to and during the student's attendance at the school.
- Obtain a written statement from the parents/guardians stating that any time the school nurse, principal or designee feels the student is too ill to be in class, the parents/guardians or designee will be immediately available to pick up the student from school and if they are not, that they consent to transportation of the student according to the instructions contained in the statement. The statement shall state the place to which the student shall be transported, who will provide transportation and who shall be responsible for any transportation charges.

- Address confidentiality issues.

### **Designing an emergency protocol**

In designing a protocol for handling health-related emergency events, the CPR directive team shall:

- Describe the specific assistance or care, including comfort care, to be provided to the student, by whom and under which specifically described circumstances. This shall include a description of care to be provided when a treatable or curable intervening disease, medical condition or injury occurs.
- Describe the specific assistance or care that is not to be provided to the student, by whom and under which specially described circumstances.
- Specify the potential signs and symptoms of health deterioration. Every effort shall be made to transport the student from school at the first signs of deteriorating condition.
- Upon the onset of signs or symptoms of health deterioration and while waiting for transportation by parents/guardians or emergency medical personnel, provide for removal of the student from the classroom to a private setting. If the affected student's removal is not possible, provide for removal of other students in the room.
- Address how other students in the room at the time of the health-related emergency event will be cared for.
- Describe how and by whom notification of emergency medical personnel and the county coroner will occur.
- Describe how and by whom notification of the student's parents/guardians will occur.
- Describe how and by whom communication with parents/guardians of other students in the school will occur.
- Address transportation needs in the event the student dies while at school, including the mortuary to which the student is to be transported and by whom.
- Provide for professional counseling to students and personnel in the school following a health-related emergency event.
- At the discretion of the school principal or designee, involve legal counsel in review of the protocol.

All parents/guardians having authority to make medical decisions must sign the protocol developed by the CPR directive team before the protocol can be implemented.



A current photograph of the student shall be submitted with the CPR directive and shall be kept with all copies of the CPR directive. A copy of the CPR directive with the student's photograph shall be kept in a confidential location where it can be easily located at all times. The original CPR directive shall be kept in the nurse's office.

Approved: June 5, 2019

## **Medicaid Reimbursement**

In all cases in which a student is enrolled in the Colorado Medicaid program, the district may seek reimbursement for health-related services rendered by qualified district staff. District staff shall make a reasonable effort to coordinate care with the student's health care provider to avoid duplication of services.

As a Medicaid provider, the district shall access Medicaid eligibility information for students from Health Care Policy and Financing ("HCPF"). HCPF is the designated Medicaid agency for the state of Colorado.

The district shall obtain written consent annually from a parent/guardian before release of any non-directory information required for billing. To accomplish this, the district shall include a consent form with the "start of school" information each fall.

All ongoing health and related services shall be rendered by qualified district staff pursuant to an individual health services plan signed by a professional qualified to provide the types of services described in the plan. The plan may be an Individualized Education Program (IEP), Individual Family Service Plan (IFSP), Section 504 Accommodation Plan or any individual health services plan.

A dated record of all transactions shall be kept on file at the school office.

Adopted: June 5, 2019

LEGAL REF.: C.R.S. 25.5-1-116 (*confidentiality of HCPF records*)

CROSS REF.: JRA/JRC, Student Records/Release of Information on Students

## **Screening/Testing of Students** (And Treatment of Mental Disorders)

Parents/guardians and eligible students have the right to review any survey, assessment, analysis or evaluation administered or distributed by a school to students whether created by the district or a third party. For purposes of this policy, "eligible student" means a student 18 years of age or older or an emancipated minor. Any survey, assessment, analysis or evaluation administered or distributed by a school to students shall be subject to applicable state and federal laws protecting the confidentiality of student records.

### **Survey, assessment, analysis or evaluation for which consent is required**

Except as otherwise permitted by law, students shall not be required to submit to a survey, assessment, analysis, or evaluation that is intended to reveal information, whether the information is personally identifiable or not, without prior written consent of the parent/guardian or eligible student, if that survey, assessment, analysis, or evaluation reveals information in the following areas ("protected information"):

1. political affiliations or beliefs of the student or the student's family
2. mental or psychological conditions of the student or the student's family
3. sexual behavior or attitudes
4. illegal, anti-social, self-incriminating or demeaning behavior
5. critical appraisals of other individuals with whom the student has a close family relationship
6. legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers
7. religious practices, affiliations or beliefs of the student or the student's parent/guardian
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
9. social security number

School personnel responsible for administering any such survey, assessment, analysis or evaluation shall give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and shall make a copy of the document available for viewing at convenient times and locations. The notice shall

offer to provide the following written information upon request:

1. records or information that may be examined and required in the survey, assessment, analysis or evaluation
2. the means by which the records or information shall be examined, reviewed, or disseminated
3. the means by which the information is to be obtained
4. the purposes for which the records or information are needed
5. the entities or persons, regardless of affiliation, who will have access to the information; and
6. a method by which a parent/guardian can grant or deny permission to access or examine the records or information

These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

### **Exceptions to policy**

Nothing in this section of the policy shall:

1. prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, assessment, analysis or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law
2. be construed to prevent a district employee from reporting known or suspected child abuse or neglect as required by state law
3. be construed to limit the ability of a health professional that is acting as an agent of the school district to evaluate an individual child
4. be construed to require parental notice or consent for a survey, assessment, analysis or evaluation related to educational products or services for or to students or educational institutions. These products and services include, but are not limited to, the following:
  - college or other postsecondary education recruitment or military recruitment activities
  - book clubs, magazines and programs providing access to low-cost literary products
  - curriculum and instructional materials used by district schools
  - tests and assessments used by district schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students

- the sale by students of products or services to raise funds for school-related or education-related activities
  - student recognition programs
5. be construed to require parental notice or consent for assessments used to collect evidence of what a student knows and is able to do and to measure a student's academic progress toward attaining the district's academic standards
  6. limit the ability of the district to administer a suicide assessment or threat assessment

### **Surveys, assessment, analysis or evaluation for marketing purposes**

Parents/guardians and eligible students shall receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

### **Annual notice**

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

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

### **Psychiatric/psychological/behavior testing methods or procedures**

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used. Prior to conducting any such testing, school personnel shall obtain written permission from

the parent/guardian or eligible student in accordance with applicable law.

School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian, and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns that school personnel may have. Only those persons appropriately certified or licensed may expose students to any psychiatric or psychological method or procedure for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent/guardian.

Licensed school personnel are encouraged to be knowledgeable about psychiatric or psychological methods and procedures but shall not be involved in any diagnosis, assessment or treatment of any type of mental disorder or disability unless appropriately certified. In accordance with state law, school personnel including certified school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teach about psychological or psychiatric methods or procedures shall be permissible and considered outside the scope of this policy. It is understood that there is a significant difference between practicing therapy and providing activities that may be therapeutic in nature. Any teacher who questions whether a planned activity is one involving psychiatric or psychological methods or procedures for which the teacher may not be properly certified or licensed shall consult with the school principal.

### **Special education evaluation**

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

Adopted: September 25, 2000

Revised: August 27, 2001

Revised: August 24, 2011

Revised: June 5, 2019

Revised: November 18, 2020

LEGAL REFS.: 20 U.S.C. 1232g (*Family Education Rights and Privacy Act*)  
20 U.S.C. 1232h (*rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation*)  
C.R.S. 12-43-202.5 (*minor who is 12 years of age or older may consent to psychotherapy without parent/guardian consent, subject to specific requirements*)  
C.R.S. 13-22-101 (*18 is age of competence for certain purposes*)  
C.R.S. 22-1-123 (*district shall comply with federal law on*)

*protection of pupil rights; Colorado provisions regarding survey, assessment, analysis and evaluation of students)*

*C.R.S. 22-32-109 (1)(ee) (duty to adopt policy prohibiting personnel from ordering behavior tests without parent permission)*

*C.R.S. 22-32-109.2 (screening and treatment of emotional/mental disorders or disabilities)*

*C.R.S. 27-65-103 (voluntary applications for mental health services)*

CROSS REFS.: GBEB, Staff Conduct (And Responsibilities)  
GCS, Professional Research and Publishing  
IKA, Grading/Assessment Systems  
JLCA, Physical Examinations of Students  
JRA/JRC, Student Records/Release of Information on Students  
LC, Relations with Education Research Agencies

## **Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents/guardians certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”), if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  - a. Political affiliations or beliefs of the student or student’s parent/guardian.
  - b. Mental or psychological problems of the student or student’s family.
  - c. Sex behavior or attitudes.
  - d. Illegal, anti-social, self-incriminating, or demeaning behavior.
  - e. Critical appraisals of others with whom respondents have close family relationships.
  - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers.
  - g. Religious practices, affiliations, or beliefs of the student or parents/guardians.
  - h. Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
  - a. Any other protected information survey, regardless of funding.
  - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student.
  - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use:
  - a. Protected information surveys of students.
  - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes.
  - c. Instructional material used as part of the educational curriculum.



These rights transfer from the parents/guardians to a student who is 18 years old or an emancipated minor (“eligible student”) under state law.

The district will develop and adopt policies, in consultation with parents/guardians, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The district will directly notify parents/guardians of these policies at least annually at the start of each school year and after any substantive changes. The district will also directly notify, such as through U.S. Mail or electronic mail, parents/guardians of students who are scheduled to participate in the specific activities or surveys noted above and will provide an opportunity for the parent/guardian to opt his or her child out of participation in the specific activity or survey. The district will make this notification to parents/guardians at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time.

For surveys and activities scheduled after the school year starts, parents/guardians will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents/guardians will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents/guardians and eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

Issued: June 5, 2019

## **Reporting Child Abuse/Child Protection**

It is the policy of the Board of Education that this school district comply with the Child Protection Act.

To that end, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately upon receiving such information report or cause a report to be made to the appropriate county department of social services or local law enforcement agency. Failure to report promptly may result in civil and/or criminal liability. A person who reports child abuse or neglect in good faith is immune from civil or criminal liability.

Reports of child abuse or neglect, the name and address of the child, family or informant or any other identifying information in the report shall be confidential and shall not be public information.

The Board shall provide periodic inservice programs for all teachers in order to provide them with information about the Child Protection Act, to assist them in recognizing and reporting instances of child abuse and to instruct them on how to assist victims and their families.

School employees and officials shall not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school official or employee to prove that the child has been abused or neglected.

The superintendent shall submit such procedures as are necessary to the Board for approval to accomplish the intent of this policy.

Adopted: September 10, 1990  
Reviewed: December 14, 1998  
Revised: July 24, 2000  
Revised: June 5, 2019

LEGAL REFS.: C.R.S. 19-1-103 (1) (*definition of child abuse or neglect*)  
C.R.S. 19-3-102 & 103 (*definition of neglected or dependent child*)  
C.R.S. 19-3-304 (*persons required to report abuse*)  
C.R.S. 19-3-307 (*reporting procedures*)  
C.R.S. 19-3-309 (*immunity from liability for persons reporting*)  
C.R.S. 22-32-109 (1)(z) (*providing inservice for teachers*)

CROSS REFS.: GBEB, Staff Conduct (And Responsibilities)  
GBGB, Staff Personal Security and Safety

## **Sex Offender Information**

At the beginning of each school year, the district shall provide written information to parents and eligible students identifying where and how members of the community may obtain information collected by law enforcement agencies related to registered sex offenders. This information will also be posted on the district's website.

Adopted: June 5, 2019

LEGAL REF.: C.R.S. 22-1-124 (*sex offender information to parents*)

## Reporting Child Abuse/Child Protection

### 1. Definition of abuse or neglect

Child abuse or neglect is defined in law as “an act or omission which seriously threatens the health or welfare of a child.” Specifically, this refers to:

- a. Evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and such condition or death which is not justifiably explained or where the history given concerning such condition or death is at variance with the condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
- b. Any case in which a child is subject to unlawful sexual behavior as defined in state law.
- c. Any case in which a child is in need of services because the child's parents, legal guardians or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.
- d. Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk or impairment of the child's intellectual or psychological functioning or development.
- e. Any act or omission described as neglect in state law as follows:
  - i. A parent, guardian or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
  - ii. The child lacks proper parental care through the actions or omissions of the parent, guardian or legal custodian.
  - iii. The child's environment is injurious to his or her welfare.
  - iv. A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for his or her health, guidance or well-being.
  - v. The child is homeless, without proper care or not domiciled with his or her parent, guardian or legal custodian through no fault of such parent, guardian or legal custodian.
  - vi. The child has run away from home or is otherwise beyond the control of his or her parent, guardian or legal custodian.

- vii. A parent, guardian or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse and the parent, guardian or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or has determined that such parent's, guardian's or legal custodian's abuse or neglect caused the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

## **2. Reporting requirements**

Any school employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact to the Weld County Department of Social Services, Johnstown or Milliken Police Department or through the statewide child abuse reporting hotline system. The employee must follow any oral report with a written report sent to the appropriate agency.

In cases where the suspected or known perpetrator is a school employee, the report should be made to the law enforcement agency. (Reports made to social services will be referred to law enforcement.)

If a child is in immediate danger, the employee should call 911. "Immediate" refers to abuse that occurs in the employee's presence or has just occurred.

The employee reporting suspected abuse/neglect to social services or law enforcement officials must inform the school principal as soon as possible orally or with a written memo. The ultimate responsibility for seeing that the oral and written reports are made to social services or law enforcement agencies lies with the school official or employee who had the original concern.

## **3. Contents of the report**

The following information should be included to the extent possible in the initial report:

- a. Name, age, address, sex and race of the child.
- b. Name and address of the child's parents/guardians and/or persons with whom the student lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or neglect.
- d. The nature and extent of the child's injury or condition as well as any

evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings – all with dates as appropriate.

- e. The family composition, if known.
- f. Any action taken by the person making the report.
- g. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the school official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. School personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. School personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A school employee's reasonable cause to suspect that the child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry or from an explanation which does not fit the injury.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

#### **4. After filing reports**

After the report is made to the agency, district and school staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The school will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the school will provide supportive aid and counseling services for the child.

Once a report of child abuse is given to the agency, the responsibility for investigation and follow-up lies with the agency. It is not the responsibility of the school staff to investigate the case. Therefore, the school staff will not engage in the following activities:

- a. Make home visits for investigative purposes.
- b. Take the child for medical treatment. (This does not preclude taking action in an emergency situation.)

- c. Convey messages between the agency and the parents/guardian.

Authorized school and district personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

**5. Guidelines for consideration**

- a. If any school employee has questions about reasonable cause of child abuse and the need for making a report, the employee may consult with the building principal. If the building principal is not available, a direct call to the county department of social services about concerns is advisable.

Note that consultation with another school official or employee will not absolve the school official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise a court order must be obtained to legally withhold a child from his or her parent or guardian.

Approved: April 10, 1995  
Reviewed: December 14, 1998  
Revised: July 24, 2000  
Revised: June 5, 2019

LEGAL REF.: C.R.S. 18-3-412.5 (1)(b) (*definition of unlawful sexual behavior*)

## **Student Dismissal Precautions**

The school district shall take reasonable steps to ensure the health and safety of its students during the school day. Therefore, each school shall set up procedures to validate requests for early dismissal so that students are released only for proper reasons and into proper hands.

Under no circumstances shall staff dismiss a student from school prior to the end of the school day or into any person's custody without the direct prior approval and knowledge of the building principal or designee.

The principal or designee shall not excuse a student under the age of 18 before the end of a school day without a request from the student's parents/guardians. In keeping with this policy:

1. A student shall not be released from school early on the basis of an invalidated telephone call.
2. Students of divorced or legally separated parents may be released to a noncustodial parent only upon the approval of the custodial parent.

An elementary student shall be sent home only with a parent/guardian or, if the parent/guardian is not available, with another authorized adult.

Additional precautions shall be taken by the principals as needs arise.

Adopted: November 11, 1988  
Reviewed: December 14, 1998  
Revised: June 5, 2019

CROSS REF.: KBBA, Custodial and Noncustodial Parent Rights and Responsibilities



## **Student Dismissal Precautions**

1. The enrollment records of the district will include information regarding the marital status of a student's parents. Such status will be reviewed each year.
2. If a student's parents are divorced, legally separated or have other special custody arrangements, district personnel shall request a copy of any and all legal documents pertaining to child custody, including restraining orders. If the custody decree is from a state other than Colorado, the decree must indicate that it has been filed with the clerk of any district court of Colorado.
3. The school shall flag the files of students whose parents are divorced or legally separated or have other special custody arrangements. The school shall maintain a card or electronic file of these students that is easily accessible to the principal or designee.
4. If a person whom the principal or designee does not recognize appears at school requesting the early dismissal of a student, the principal or designee shall ask for identification such as a driver's license.
5. The district shall take reasonable measures to protect the custody rights of the various parties involved. It shall be the responsibility of the parent/guardian to keep the school apprised of the student's custody status.

Approved: April 10, 1995

Reviewed: December 14, 1998

Revised: June 5, 2019

## **Physical Activity**

The Board believes students who engage in physical activity as part of the learning environment are healthier and more likely to be engaged learners.

All district students shall be provided opportunities to engage in daily physical activity. The district shall include not less than the minimum required amount of physical activity in the schedules of students attending elementary schools, as such minimums are set forth in state law. Middle school and high school students shall be afforded opportunities for physical activity that are age-appropriate. Students with medical or physical limitations that may affect the student's ability to participate in a scheduled physical activity shall be provided appropriate alternative activities, consistent with federal and state law.

For purposes of this policy, "physical activity" may include but is not limited to:

1. exercise programs
2. fitness breaks
3. recess
4. field trips that include physical activity
5. classroom activities that include physical activity
6. physical education classes

A school shall not substitute non-instructional physical activity for standards-based physical education instruction.

Exceptions to required amounts of physical activity may be allowed for school closures, in accordance with law.

Adopted: August 24, 2011

Revised: June 5, 2019

LEGAL REFS.: C.R.S. 22-32-136 (*policies to improve children's nutrition and wellness*)  
C.R.S. 22-32-136.5 (3)(a) (*physical activity policy required*)

CROSS REFS.: ADF, School Wellness  
JLCA, Physical Examinations of Students

## **Community Service**

The Board recognizes that community service can teach students the importance of being good citizens and taking an active role in their community. Service-learning experiences motivate students by letting them apply what they are studying to local needs and problems and by showing them that they can make a contribution to their community.

A voluntary community service and service-learning program may be coordinated in each high school. To encourage students to actively participate in these experiences, the district may recognize students with a certificate of community service. The certificates will be awarded annually by each high school in a manner deemed appropriate by school administration. The receipt of such certificate will be noted on the student's official transcript.

Community service recognition will not be available for any activity for which a student receives compensation, or for those performed within the school in which the student is enrolled or those required by court order.

The Board supports the integration of community service activities within the curriculum so as to enhance learning in all subject areas. The Board encourages staff to collaborate with local public and nonprofit agencies in order to develop service-learning activities that meet educational objectives and also relate to community efforts to meet human, educational, environmental or public safety needs.

Adopted: June 5, 2019

LEGAL REF.: C.R.S. 22-32-137 (*local boards encouraged to adopt a policy to encourage students to engage in community service or service-learning and to recognize their contributions to their communities*)

## **Student Fees, Fines and Charges**

Students shall not be charged an instructional fee as a condition of enrollment in school or as a condition of attendance in any class that is considered part of the academic portion of the district's educational program except tuition when allowed by law. However, the district may require students to pay textbook fees, fees for expendable materials and other miscellaneous fees as more fully set forth in this policy.

All student fees and charges shall be adopted by the Board. The fees shall remain in place until modified or removed by Board resolution. All student fees adopted by the Board shall be used for the purposes set forth in the motion and shall not be spent for any other purpose.

When publicizing any information concerning any fee authorized to be collected by this policy, the school shall specify whether the fee is voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid.

Among the fees which the Board may authorize are the following:

### **Textbooks, library resources and other school property**

Textbooks shall be provided on a loan basis;. Students may be asked to pay a nonrefundable rental fee reasonably related to the actual cost of some or all of the textbooks provided for the student. The rental fee and corresponding depreciation schedule shall be adopted by the Board prior to the textbook's introduction into the classroom. No rental fee will be assessed for textbooks and workbooks used in the classroom for reference.

It is expected that students shall return textbooks, library resources and other school property to the school in good condition except for ordinary wear. 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, 20 percent of the original cost of a book, library resource or other school property will be deducted for each year it has been used.

If the school district has made a reasonable effort to obtain payment for lost or damaged textbooks, library resources or other school property and the student is graduating, the district may deny the privilege of participation in the graduation ceremony if the student fails to return or replace a textbook, library resource or other school property by the date of the ceremony. Alternative payment methods, such as installment plans or school service, shall apply to students who are unable to pay.

A student shall not be refused use of textbooks based on failure to pay the required fees.

### **Fees for expendable supplies and materials**

Teachers shall determine a basic course for each class which can be completed with materials furnished by the school. However, students may be

charged a fee for expendable supplies and materials used in the course. Fees for expendable supplies and materials shall relate directly to the actual cost of providing these materials to the student. 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.

### **Miscellaneous fees**

Students may be asked to pay miscellaneous fees and expenses on a voluntary basis as a condition of attending, participating in, or obtaining materials/clothing/equipment used in a school-sponsored activity or program not within the academic portion of the educational program.

Rental 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 activity trips. However, it is incumbent upon the teacher and principal to make every effort to be sure no student is denied the right to participate in trips or other enrichment activities because of lack of funds.

The district may impose and collect a fee for the payment of excess transportation costs in accordance with state law. Only those students who use the district's transportation services shall be required to pay any transportation fee.

### **Waiver of fees**

All fees, fines and charges for textbooks and expendable supplies and materials required for classes within the academic portion of the educational program and any transportation fee shall be waived for indigent students. For purposes of determining if a student is able to pay, an indigent student is defined as any child who is eligible for a free- or reduced- price lunch under the federal poverty income guidelines.

All fees for textbooks, expendable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(e).

### **Fee schedule**

The district shall prepare and make available upon request a complete list of student fees, describing how the amount of each fee was derived and the purpose of each fee.

Parents shall be informed on the fee schedule or otherwise regarding how to apply for a waiver of fees, whether fees are voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid. Students qualifying for a fee waiver will receive it without unnecessary

embarrassment or public exposure of their need.

Adopted: April 10, 1995

Revised: June 5, 2019

LEGAL REFS.: C.R.S. 22-32-109 (1)(u) (*free textbooks to indigent students w/o loss/damage deposit*)  
C.R.S. 22-32-110 (1)(o) (*textbooks for free or reasonable rental fee*)  
C.R.S. 22-32-110 (1)(jj) (*board power to assess fines or fees for the return or replacement of textbooks, library resources or other school property*)  
C.R.S. 22-32-113 (5) (*transportation of pupils and imposition of fee for excess transportation costs*)  
C.R.S. 22-32-117 (*fees*)  
C.R.S. 22-32-118 (*summer school fees*)  
C.R.S. 22-32-138 (7) (*waiver of fees for students in out-of-home placements*)  
C.R.S. 22-45-104 (*disposition of moneys collected from fines and fees*)

CROSS REFS.: EEA, Student Transportation  
EFC, Free and Reduced-Price Food Services  
JFABE, Students in Foster Care  
JJJ, Extracurricular Activity Eligibility

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

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent/guardian or the eligible student, except as set forth in law and this policy.

The superintendent or designee shall provide for the proper administration of student records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

### **Content and custody of student education records**

The principal is the official custodian of records in his or her building.

Student education records in all formats and media, including photographic and electronic, are those records that relate directly to a student. Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Education Program (IEP).

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.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

In accordance with applicable law, requests for inspection and review of student education records, requests for copies of such records, and disclosure of personally identifiable information therein shall be maintained as a part of each student's education record.

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.

### **Access to student education records by parents and eligible students**

A parent/guardian ("parent") has the right to inspect and review his or her child's education records, if the student is under 18 years of age. If a student is 18

years old or older (“eligible student”), the student may inspect or review his or her own education records and provide written consent for disclosure of such records and personally identifiable information therein. However, the parent is also entitled to access his/her child’s education records, despite the lack of written consent from the eligible student, if the eligible student is a dependent for federal income tax purposes, or the disclosure is in connection with a health or safety emergency. Access to student education records by parents or eligible students shall be in accordance with the regulation accompanying this policy.

### **Request to amend student education records**

A parent or eligible student may ask the district to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record shall be in accordance with the regulation accompanying this policy.

### **Disclosure with written consent**

Whenever the district is required by law or policy to seek written consent prior to disclosing personally identifiable information from a student’s education record, the notice provided to the parent or eligible student shall contain the following:

- a. The specific records to be disclosed;
- b. The specific reasons for such disclosure;
- c. The specific identity of any person, agency or organization requesting such information and the intended uses of the information;
- d. The method or manner by which the records will be disclosed; and
- e. The right to review or receive a copy of the records to be disclosed.

The parent’s or eligible student’s consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program or in any other school program shall not constitute the specific written consent required by this policy.

All signed consent forms shall be retained by the school district.

### **Disclosure without written consent**

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

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. 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.

- a. For purposes of this policy, a “school official” is a person employed by the district as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, consultant or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.
  - b. A school official has a “legitimate educational interest” if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by 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 to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll, or has enrolled. Any records sent during the student’s application or transfer period may be supplemented, updated or corrected as necessary.
  3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or state and local educational authorities.
  4. The disclosure is in connection with a student’s application for, or receipt of, financial aid.
  5. The disclosure is to state and local officials and concerns the juvenile justice system’s ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children’s Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
  6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
  7. The disclosure is to accrediting organizations for accrediting functions.

8. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.
9. The disclosure is in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.
10. The disclosure is to comply with a judicial order or lawful subpoena. The district shall make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena unless:
  - a. The court order or subpoena prohibits such notification; or
  - b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.
11. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.
12. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.
13. The disclosure is of "directory information" as defined by this policy.

**Disclosure of directory information**

Directory information may be disclosed without written consent of the parent or eligible student. "Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information which may be released includes but is not limited to the student's name, email address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent previous education agency or institution attended by the student, and other similar information.

Directory information also includes a 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 identifier 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.

Student telephone numbers and addresses shall not be disclosed pursuant to this section.

The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7 or the following Monday if September 7 falls on a Saturday or Sunday.

### **Disclosure of disciplinary information to school personnel**

In accordance with state law, the principal or designee shall communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person.

State law requires the principal or designee to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the shared disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in this policy and accompanying regulation.

### **Disclosure to military recruiting officers**

Names, addresses and home telephone numbers, as well as directory information, of secondary school students shall be released to military recruiting officers within 90 days of the request, unless a parent or eligible student submits a written request that such information not be released.

Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

### **Disclosure to Medicaid**

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the district shall:

- include a consent form with the "start of school" information each fall.
- include a consent form with IEP packet materials.
- include a consent provision on the *Medical Emergency form*.

### **Disclosure to the Colorado Commission on Higher Education (CCHE)**

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

## Annual notification of rights

The district shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. For notice to a parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act, and this policy and accompanying regulation and exhibit may be obtained from the office of the superintendent during normal business hours.

## Governing law

The district shall comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The district shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

Adopted: September 8, 1997

Reviewed: May 3, 1999

Revised: July 26, 1999

Revised: March 27, 2000

Revised: July 24, 2000

Revised: July 9, 2001

Revised: August 5, 2020

LEGAL REFS.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act*)  
20 U.S.C. 7908 (*military recruiter access to student records*)  
34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)  
34 C.F.R. 300.610 *et seq.* (*IDEIA regulations concerning confidentiality of student education records*)  
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)  
C.R.S. 22-1-123 (*district shall comply with FERPA*)  
C.R.S. 22-32-109 (1)(ff) (*duty to establish policy on disclosing eighth grade students names and mailing addresses to the Colorado Commission on Higher Education*)  
C.R.S. 22-32-109.1 (6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe*)  
C.R.S. 22-32-109.3 (2) (*duty to share disciplinary and attendance information with criminal justice agencies*)  
C.R.S. 22-33-106.5 (*court to notify of conviction of crime of violence and unlawful sexual behavior*)  
C.R.S. 22-33-107.5 (*school district to notify of failure to attend school*)  
C.R.S. 24-72-204 (2)(e) (*denial of inspection of materials received, made or kept by Safe2Tell Program*)

*C.R.S. 24-72-204 (3)(a)(VI) (schools cannot disclose address and phone number without consent)*

*C.R.S. 24-72-204 (3)(d) (information to military recruiters)*

*C.R.S. 24-72-204 (3)(e)(I) (certain FERPA provisions enacted into Colorado Law)*

*C.R.S. 24-72-204 (3)(e)(II) (disclosure by staff of information gained through personal knowledge or observation)*

*C.R.S. 24-72-205 (5) (fee for copying public record)*

*C.R.S. 25.5-1-116 (confidentiality of HCPF records)*

CROSS REFS.: JK, Student Discipline  
JLC, Student Health Services and Records  
JRCA\*, Sharing of Student Records/Information between School District and State Agencies  
KLMA, Relations with Military Recruiters, Postsecondary Institutions and Prospective Employers

**Student Records/Release of Information on Students**  
(Notification to Parents and Students of Rights Concerning  
Student Education Records)

The Family Educational Rights and Privacy Act (FERPA) and Colorado law afford parents/guardians (parents) and students over 18 years of age (eligible students) certain rights with respect to the student's education records, as follows:

1. The right to inspect and review the student's education records within a reasonable time period after the request for access is made (not to exceed 45 days). See JRA/JRC-R.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading or otherwise in violation of the student's privacy rights. See JRA/JRC-R.
3. The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA and state law authorize disclosure without consent. See JRA/JRC.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:  
  
Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-8520.
5. The right to refuse to permit the designation of any or all of the categories of directory information. See JRA/JRC.
6. The right to request that information not be provided to military recruiting officers. See JRA/JRC and JRA/JRC-E-2.

Issued: September 8, 1997  
Revised: May 3, 1999  
Revised: July 26, 1999  
Revised: March 27, 2000  
Revised: July 9, 2001  
Revised and recoded: August 5, 2020

**Opt-Out Form for Disclosure of Information to Military Recruiters**

- [ ] As a parent, I request that my child's name, address, telephone number and any other directory information not be released to any United States military recruiter.

Signature of parent/guardian\_\_\_\_\_

Student's name\_\_\_\_\_

Date\_\_\_\_\_

- [ ] As a student who is 18 years of age or older, I request that my name, address, telephone number and any other directory information not be released to any United States military recruiter.

Signature of student\_\_\_\_\_

Student's name\_\_\_\_\_

Date\_\_\_\_\_

Issued: August 5, 2020

## Opt-Out Form for Student Image Publishing

Classroom activities and school events are sometimes photographed or videotaped by the school or media groups (newspaper, television, university, district public relations, etc.). In addition, the district or school may want to post articles, video or photography on district or school websites.

This form applies to classroom activities and school events that are not open to the public. Public events such as sporting events, theatre productions, etc. are open to the public and are not covered by this form. Recordings of virtual learning used for educational purposes, or on our educational platforms, are not covered by this form.

If you DO NOT want your child's photograph, video and/or electronic image to be published for news media or school publicity purposes, please complete this form and return it to your child's school no later than September 7 or the following Monday if September 7 falls on a Saturday or Sunday.

I do not wish to have my child photographed or videotaped for purposes of news coverage or school district publicity.

Signature of parent/guardian\_\_\_\_\_

Student's name\_\_\_\_\_

School\_\_\_\_\_

Student's current grade level\_\_\_\_\_

Date\_\_\_\_\_

This form applies for the current school year.

Issued: August 5, 2020



## **Student Records/Release of Information on Students (Review, Amendment and Hearing Procedures)**

In accordance with policy JRA/JRC, this regulation contains the procedures to follow when a parent or eligible student seeks to review or challenge the content of student education records.

### **Request to review student education records**

1. The parent or eligible student shall submit a written request to the principal of the school attended by the student, asking to review the student's education records.
2. Upon receipt of the written request, the principal or designee shall set a date and time for inspection and review of the records (usually within three working days after the request has been made).
3. The parent or eligible student shall examine the student's education records in the presence of the principal and/or other person(s) designated by the principal. The record itself shall not be taken from the school building.
4. During inspection and review of student education records by a parent or eligible student and when requested by them, the principal will provide personnel necessary to give explanations and interpretations of the records.
5. Upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student at a cost of \$0.25 per page.

### **Request to amend student education records**

1. The parent or eligible student shall submit a written request to the principal, clearly identifying the part of the record to be amended and specifying why the record is inaccurate, misleading or otherwise violates the student's privacy.
2. The request to amend the student's education records must be made in writing within 10 school days of the date the records were first examined by the parent or eligible student, unless additional time is granted by the district for good cause shown.
3. If the principal or school official denies the request to amend the student education record, the principal/school official shall notify the parent or eligible student of the decision and advise him or her of the right to a hearing to appeal the denial.

### **Request for a formal hearing**

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The district's response to the request shall be

mailed within 10 school days.

The hearing shall be held in accordance with the following:

1. The hearing will be held within 25 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent/~~guardian~~ or eligible student by certified mail.
2. The hearing will be conducted by a principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not be the principal who made the initial decision, nor shall it be anyone with a direct interest in the outcome of the hearing.
3. Parents 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.
4. The official designated above shall make his/her decision in writing within 20 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
5. 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.
6. The decision shall include a statement informing the parents or eligible student of the right to place in the student education records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the school district. If the student education record is disclosed by the district to any other party, the explanation also shall be disclosed to that party.

Approved: September 8, 1997

Reviewed: May 3, 1999

Revised: July 26, 1999

Revised: March 27, 2000

Revised: July 24, 2000

Revised: July 9, 2001

Revised: August 5, 2020

## **Sharing of Student Records/Information between School District and State Agencies**

It is the Board of Education's intention to utilize all avenues under state law to facilitate the sharing of relevant student records and information when necessary to protect the safety and welfare of school district staff, visitors, students, and the public and to protect property.

The superintendent is directed to develop procedures and a training program for staff consistent with this policy. The procedures shall direct school district personnel to provide and obtain student records and information to/from state agencies, including law enforcement and judicial department agencies, to the extent required or allowed by state and federal law.

### **Sharing of information by the school district**

Disciplinary and attendance information shall only be shared with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to adjudication. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.

School personnel who share disciplinary and attendance information concerning a student pursuant to this policy are immune from civil and criminal liability if they act in good faith compliance with state law.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from student's education records.

### **Information obtained from state agencies**

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including to protect public safety and safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

School district personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained. School personnel who knowingly violate this provision are subject to disciplinary action pursuant to Board policy and to a civil penalty of up to \$1,000.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Educational Rights and Privacy Act ("FERPA").

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the Board of Education to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

Adopted: August 13, 2001  
Revised: June 5, 2019

LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)  
(*FERPA*)  
34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)  
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)  
C.R.S. 19-1-304 (5.5) (*duty of prosecuting attorney to provide juvenile delinquency records*)  
C.R.S. 19-2-921 (7.5) (*department of human services shall notify school district if student's parole conditions require school attendance*)  
C.R.S. 22-1-123 (*district shall comply with FERPA*)  
C.R.S. 22-2-139 (7) (*within confidentiality limits of state and federal law, information shall be shared to determine appropriate educational placement when a student is transferred to public school from day treatment facility, facility school or hospital*)  
C.R.S. 22-32-109.1 (6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safer*)  
C.R.S. 22-32-109.3 (2) (*duty to share disciplinary and attendance information with criminal justice agencies*)  
C.R.S. 22-33-106.5 (*court to notify of conviction of crime of violence and unlawful sexual behavior*)  
C.R.S. 22-33-107.5 (*school district to notify of failure to attend school*)  
C.R.S. 24-72-204 (2)(e) (*denial of inspection of materials received, made or kept by the Safe2Tell Program*)  
C.R.S. 24-72-204 (3)(e)(I) (*certain FERPA provisions enacted into Colorado law*)  
C.R.S. 24-72-204 (3)(e)(II) (*disclosure by staff of information gained through personal knowledge or observation*)

CROSS REFS.: JKD/JKE, Suspension/Expulsion of Students (and Other  
Disciplinary Interventions)  
JRA/JRC, Student Records/Release of Information on Students

## **Privacy and Protection of Confidential Student Information**

The Board is committed to protecting the confidentiality of student information obtained, created and/or maintained by the district. Student privacy and the district's use of confidential student information are protected by federal and state law, including the Family Educational Rights and Privacy Act (FERPA) and the Student Data Transparency and Security Act (the Act). The Board directs district staff to manage its student data privacy, protection and security obligations in accordance with this policy and applicable law.

### **Definitions**

"Student education records" are those records that relate directly to a student. Student education records may contain, but not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any Individualized Education Program (IEP).

"Student personally identifiable information" or "student PII" means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by the district, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

"Security breach" means the unauthorized disclosure of student education records or student PII by a third party.

The following terms used in this policy shall be as defined by the Act: "school service," "school service contract provider" and "school service on-demand provider."

### **Access, collection and sharing within the district**

The district shall follow applicable law and Board policy in the district's access to, collection and sharing of student education records.

District employees shall ensure that confidential information in student education records is disclosed within the district only to officials who have a legitimate educational interest, in accordance with applicable law and Board policy.

### **Outsourcing and disclosure to third parties**

District employees shall ensure that student education records are disclosed to persons and organizations outside the district only as authorized by applicable law and Board policy. The term "organizations outside the district" includes school service on-demand providers and school service contract providers.

Any contract between the district and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, the district shall post the following on its website:

- a list of the school service contract providers that it contracts with and a copy of each contract; and
- to the extent practicable, a list of the school service on-demand providers that the district uses.

### **Privacy and security standards**

The security of student education records maintained by the district is a high priority. The district shall maintain an authentication and authorization process to track and periodically audit the security and safeguarding of student education records.

### **Security breach or other unauthorized disclosure**

Employees who disclose student education records in a manner inconsistent with applicable law and Board policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and Board policy.

Employee concerns about a possible security breach shall be reported immediately to the assistant superintendent. If the assistant superintendent is the person alleged to be responsible for the security breach, the staff member shall report the concern to the superintendent.

When the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student PII, the district shall follow this policy's accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict the district from terminating its contract with the school service contract provider, as deemed appropriate by the district and in accordance with the contract and the Act.

### **Data retention and destruction**

The district shall retain and destroy student education records in accordance with applicable law and Board policy.

### **Staff training**

The district shall provide periodic in-service trainings to appropriate district employees to inform them of their obligations under applicable law and Board

policy concerning the confidentiality of student education records.

### **Parent/guardian complaints**

In accordance with this policy's accompanying regulation, a parent/guardian of a district student may file a written complaint with the district if the parent/guardian believes the district has failed to comply with the Act.

Parent/guardian requests to amend student education records

Parent/guardian requests to amend his or her child's education records shall be in accordance with the district's procedures governing access to and amendment of student education records under FERPA, applicable state law and Board policy.

### **Oversight, audits and review**

The assistant superintendent shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The district's practices with respect to student data privacy and the implementation of this policy shall be periodically audited by the assistant superintendent or designee.

A privacy and security audit shall be performed by the district on an annual basis. Such audit shall include a review of existing user access to and the security of student education records and student PII.

The assistant superintendent or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The assistant superintendent shall recommend revisions to this policy and/or accompanying regulation as deemed appropriate or necessary.

### **Compliance with governing law and Board policy**

The district shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student education records. The district shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

Adopted: November 15, 2017

Revised: June 5, 2019

LEGAL REFS.: 15 U.S.C. 6501 *et seq.* (*Children's Online Privacy Protection Act*)  
20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)



20 U.S.C. 1232h (*Protection of Pupil Rights Amendment*)  
20 U.S.C. 1415 (*IDEIA procedural safeguards, including parent right to access student records*)  
20 U.S.C. 8025 (*access to student information by military recruiters*)  
34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)  
34 C.F.R. 300.610 *et seq.* (*IDEIA regulations concerning confidentiality of student education records*)  
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)  
C.R.S. 22-1-123 (*district shall comply with FERPA and federal law on protection of pupil rights*)  
C.R.S. 22-16-101 *et seq.* (*Student Data Transparency and Security Act*)  
C.R.S. 22-16-107 (2)(a) (*policy required regarding public hearing to discuss a material breach of contract by school service contract provider*)  
C.R.S. 22-16-107 (4) (*policy required regarding student information privacy and protection*)  
C.R.S. 22-16-112 (2)(a) (*policy required concerning parent complaints and opportunity for hearing*)  
C.R.S. 24-72-204 (3)(a)(VI) (*schools cannot disclose student address and phone number without consent*)  
C.R.S. 24-72-204 (3)(d) (*information to military recruiters*)  
C.R.S. 24-72-204 (3)(e)(I) (*certain FERPA provisions enacted into Colorado Law*)  
C.R.S. 24-72-204 (3)(e)(II) (*disclosure by staff of information gained through personal knowledge or observation*)  
C.R.S. 24-80-101 *et seq.* (*State Archives and Public Records Act*)  
C.R.S. 25.5-1-116 (*confidentiality of HCPF records*)

CROSS REFS.: BEDH, Public Participation at School Board Meetings  
EHB, Records Retention  
GBEB, Staff Conduct (And Responsibilities)  
GBEE, Staff Use of the Internet and Electronic Communications  
JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)  
JRA/JRC, Student Records/Release of Information on Students  
JRCA, Sharing of Student Records/Information between School District and State Agencies  
JS, Student Use of the Internet and Electronic Communications  
KLMA, Relations with Military Recruiters, Postsecondary Institutions and Prospective Employers

## **Privacy and Protection of Confidential Student Information** (Hearing and Complaint Procedures)

### **Contract breach by school service contract provider**

Within a reasonable amount of time after the district determines that a school service contract provider has committed a material breach of its contract with the district, and that such material breach involves the misuse or unauthorized release of student PII, the Board shall make a decision regarding whether to terminate the district's contract with the school service contract provider in accordance with the following procedure.

1. The district shall notify the school service contract provider of the basis for its determination that the school service contract provider has committed a material breach of the contract and shall inform the school service contract provider of the meeting date that the Board plans to discuss the material breach.
2. Prior to the Board meeting, the school service contract provider may submit a written response to the district regarding the material breach.
3. The Board shall discuss the nature of the material breach at a regular or special meeting.
4. At the Board meeting, a district representative shall first be entitled to present testimony or other evidence regarding the district's findings of a material breach. The school service contract provider shall then have an opportunity to respond by presenting testimony or other evidence. If the school service contract provider is unable to attend the meeting, the Board shall consider any written response that the school service contract provider submitted to the district.
5. If members of the public wish to speak to the Board regarding the material breach, they shall be allowed to do so, in accordance with the Board's policy on public participation at Board meetings.
6. The Board shall decide whether to terminate the contract with the school service contract provider within 30 days of the Board meeting and shall notify the school service contract provider of its decision. The Board's decision shall be final.

### **Parent/guardian complaints**

In accordance with the accompanying policy, the parent/guardian of a district student may file a written complaint with the assistant superintendent if the parent/guardian believes the district has failed to comply with the Student Data Transparency and Security Act (the Act).

1. The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the district has violated and its impact on his or her child.

2. The assistant superintendent or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.
3. Within 10 calendar days of receipt of the district's response, the parent/guardian may appeal to the Board. Such appeal must be in writing and submitted to the assistant superintendent.
4. The Board shall review the parent's complaint and the district's response at a regular or special meeting. A district representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.
5. The Board shall make a determination regarding the parent/guardian's complaint that the district failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final.
6. This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the district shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and Board policy.

#### **Governing law and Board policy**

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

Adopted: November 15, 2017  
Revised: June 5, 2019

## **Student Use of the Internet and Electronic Communications**

The Internet and electronic communications (email, chat rooms and other forms of electronic communication) have vast potential to support curriculum and student learning. The Board of Education believes they should be used in schools as a learning resource to educate and to inform.

Use of the Internet and electronic communications requires students to think critically, analyze information, write clearly, use problem-solving skills and hone computer and research skills that employers demand. Use of these tools also encourages an attitude of lifelong learning and offers an opportunity for students to participate in distance learning activities, ask questions of and consult with experts, communicate with other students and individuals and locate material to meet educational and personal information needs.

The Internet and electronic communications are fluid environments in which students may access materials and information from many sources, including some that may be harmful to students. While it is impossible to predict with certainty what information students might locate or come into contact with, the district shall take reasonable steps to protect students from accessing material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Board. Students shall take responsibility for their own use of district technology devices to avoid contact with material or information that may be harmful to minors. For purposes of this policy, "district technology device" means any district-owned computer, hardware, software, or other technology that is used for learning purposes and has access to the Internet.

### **Blocking or filtering obscene, pornographic and harmful information**

Technology that blocks or filters material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Board, shall be installed on all district computers having Internet or electronic communications access. Students shall report access to material and information that is inappropriate, offensive or otherwise in violation of this policy to the supervising staff member. If a student becomes aware of other students accessing such material or information, he or she shall report it to the supervising staff member.

### **No expectation of privacy**

District technology devices are owned by the district and are intended for educational purposes at all times. Students shall have no expectation of privacy when using district technology devices. The district reserves the right to monitor, inspect, copy, review and store (at any time and without prior notice) all usage of district technology devices, including all Internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed/received through district technology devices shall remain the property of the school district.

### **Unauthorized and unacceptable uses**

Students shall use district technology devices in a responsible, efficient, ethical and legal manner.

Because technology and ways of using technology are constantly evolving, every unacceptable use of district technology devices cannot be specifically described in policy. Therefore, examples of unacceptable uses include, but are not limited to, the following.

No student shall access, create, transmit, retransmit or forward material or information:

- that promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturing or purchasing of destructive devices or weapons
- that is not related to district education objectives
- that contains pornographic, obscene or other sexually oriented materials, either as pictures or writings, that are intended to stimulate erotic feelings or appeal to prurient interests in nudity, sex or excretion
- that harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons in violation of the district's nondiscrimination policies
- for personal profit, financial gain, advertising, commercial transaction or political purposes
- that plagiarizes the work of another
- that uses inappropriate or profane language likely to be offensive to others in the school community
- that is knowingly false or could be construed as intending to purposely damage another person's reputation
- in violation of any federal or state law or district policy, including but not limited to copyrighted material and material protected by trade secret
- that contains personal information about themselves or others, including information protected by confidentiality laws
- using another individual's Internet or electronic communications account without written permission from that individual
- that impersonates another or transmits through an anonymous remailer
- that accesses fee services without specific permission from the system administrator

## **Security**

Security on district technology devices is a high priority. Students who identify a security problem while using district technology devices must immediately notify a system administrator. Students should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Students shall not:

- use another person's password or any other identifier
- gain or attempt to gain unauthorized access to district technology devices
- read, alter, delete or copy, or attempt to do so, electronic communications of other system users

Any user identified as a security risk, or as having a history of problems with technology, may be denied access to the Internet, electronic communications and/or district technology devices.

### **Safety**

In the interest of student safety and security, the district shall educate students about appropriate online behavior, including cyberbullying awareness and response; and interacting on social networking sites, in chat rooms, and other forms of direct electronic communications.

Students shall not reveal personal information, such as home address or phone number, while using the Internet or electronic communications. Without first obtaining permission of the supervising staff member, students shall not use their last name or any other information that might allow another person to locate him or her. Students shall not arrange face-to-face meetings with persons met on the Internet or through electronic communications.

### **Vandalism**

Vandalism will result in cancellation of privileges and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. Vandalism is defined as any malicious or intentional attempt to harm, destroy, modify, abuse or disrupt operation of any network within the school district or any network connected to the Internet, operation of any form of electronic communications, the data contained on any network or electronic communications, the data of another user, usage by another user, or district technology device. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

### **Unauthorized content**

Students are prohibited from using or possessing any software applications, mobile apps or other content that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees.

### **Assigning student projects and monitoring student use**

The district will make reasonable efforts to see that the Internet and electronic communications are used responsibly by students. Administrators, teachers and staff have a professional responsibility to work together to monitor students' use of the Internet and electronic communications, help students develop the intellectual skills needed to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to evaluate and use information to meet

their educational goals. Students shall have specifically defined objectives and search strategies prior to accessing material and information on the Internet and through electronic communications.

Opportunities shall be made available on a regular basis for parents to observe student use of the Internet and electronic communications in schools.

All students shall be supervised by staff while using the Internet or electronic communications when feasible. Staff members assigned to supervise student use shall have received training in Internet and electronic communications safety and monitoring student use.

### **Student use is a privilege**

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Student use of the Internet, electronic communications and district technology devices is a privilege, not a right. Failure to follow the use procedures contained in this policy shall result in the loss of the privilege to use these tools and restitution for costs associated with damages, and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. The school district may deny, revoke or suspend access to district technology or close accounts at any time.

### **School district makes no warranties**

The school district makes no warranties of any kind, whether express or implied, related to the use of district technology devices, including access to the Internet and electronic communications services. Providing access to these services does not imply endorsement by the district of the content, nor does the district make any guarantee as to the accuracy or quality of information received. The district shall not be responsible for any damages, losses or costs a student suffers in using the Internet and electronic communications. This includes loss of data and service interruptions. Use of any information obtained via the Internet and electronic communications is at the student's own risk.

Adopted: August 5, 2020

LEGAL REFS.: 20 U.S.C. 6751*et seq.* (*Enhancing Education Through Technology Act of 2001*)  
47 U.S.C. 254(h) (*Children's Internet Protection Act of 2000*)  
47 C.F.R. Part 54, Subpart F (*Universal Support for Schools and Libraries*)  
C.R.S. 22-87-101 *et seq.* (*Children's Internet Protection Act*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
EGAEA, Electronic Communication  
JB, Equal Educational Opportunities

JKD/JKE, Suspension/Expulsion of Students (and Other  
Disciplinary Interventions)