
AURORA PUBLIC SCHOOLS
Adopted September 1996
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APS Code: JKD/JKE

SUSPENSION/EXPULSION OF STUDENTS

Since one significant goal of the public schools is to educate the young in citizenship and respect for the law, the Board of Education believes that the constitutional freedoms of the individual pupil deserve scrupulous protection. Therefore, the superintendent is directed to develop regulations that are calculated to be fair to the pupil involved and to lead to a determination of contested issues. Such regulations relating to suspension, transfer, expulsion, and denial of admissions will be followed in the Aurora Public Schools in conformance with Colorado law.

CROSS REF: JICI, Weapons
JK.1, Conduct and Discipline Code
GBGB, Staff Personal Safety and Security
JK.2, Communication of Disciplinary Information

LEGAL REF: 22-33-105 & 106
22-32-109

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I. Introduction

Since one significant goal of the public schools is to educate the young in citizenship and respect for the law, the board of education believes that the constitutional freedoms of the individual pupil deserve scrupulous protection. Therefore, the board has adopted policies, which are calculated to be fair to the pupil involved and to lead to a determination of contested issues. The following policies relating to suspension, transfer, expulsion, and denial of admissions will be followed in Aurora Public Schools in conformance with Colorado law.

A. Definitions

"**Board**" shall mean the Board of Education of the district.

"**District**" shall mean Joint District Number 28-J of the counties of Adams and Arapahoe, also known as the Aurora Public Schools.

"**Expulsion**" shall mean the exclusion of a pupil from district schools, and from participation in school activities for disciplinary reasons for some period of time greater than 25 consecutive school days and not greater than one calendar year.

"**He**", "**him**", or "**his**" shall be deemed to refer, where appropriate to "she", "her", or "hers".

"**Parent**" shall mean the mother and/or father of a child, or any person having legal custody or guardianship of a child.

"**Principal**" shall be deemed to include a person designated in writing by the principal.

"**Pupil**" or "**student**" shall mean a person properly enrolled and registered in an elementary, middle or secondary school of the district and shall include a person enrolled in a post-secondary program of the district.

"**School day**" shall mean a day on which pupils are scheduled to attend at least one class.

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"Superintendent" shall mean the superintendent of schools of the district or his designee.

"Suspension" shall mean the exclusion of a pupil from district schools for disciplinary reasons for a specified and limited period of time, not to exceed 25 consecutive school days.

B. Distribution

Copies of this policy shall be distributed once to each student in elementary, middle, and high school and once to each new student in the district.

C. Extraordinary Circumstances

In extraordinary circumstances, the superintendent may modify this policy and its accompanying time requirements as he deems necessary.

D. Students with Disabilities

In accordance with applicable law and board policies, a student with a disability may be suspended or expelled.

E. Service of Notices

1. **Personal Service:** Any notice provided for in this policy may be served by the sheriff of the county where service is made, or by his deputy or by any other person over the age of 18 years. If the person on whom service is to be made is over the age of 18 years, service shall be made by delivering a copy to him personally, or by leaving a copy thereof at his dwelling house or usual place of abode, with some responsible member of his family. If any person to be served refuses to accept a copy of the notice, service shall be sufficient if the person serving the same shall state the name of the document and offer to deliver a copy thereof.

2. **By Mail:** Any notice provided for in this policy may be served by United States mail, addressed to the address given in the pupil's records.

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F. Extracurricular Activities

Prior to substantially denying a student the opportunity to participate in an extra-curricular activity (e.g. inter-school sports, clubs, societies, organizations, etc. sanctioned by the district) for disciplinary reasons, the principal shall comply with Section II-C of this policy.

II. Suspension

A. Grounds for Suspension

The following shall be grounds for suspension of a student from a public school during a school year:

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; and/or
4. repeated interference with a school's ability to provide educational opportunities to other students.

B. Authority of Principals to Suspend a Pupil

The board hereby delegates to each school principal within the district, or a person designated in writing by the principal, the power and authority to suspend a pupil in his school for not more than five days on the grounds stated in Section II-A of this policy. In addition, the board also delegates to principals, and those designated in writing by the principal, the authority to suspend a pupil for not more than 10 days where the offense is one described in Section III-A, (1)(d) of this policy (which relates to serious offenses including drug, weapons, assault and robbery offenses).

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C. Procedure for Principals to Suspend a Pupil (JKD/JKE-4-E “Due Process Checklist”)

1. **Informal Hearing:** Prior to any suspension of a pupil, the principal shall comply with the following procedure.
 - a. The principal shall give to the pupil oral or written notice of the charges against him in enough detail to allow the pupil to understand the nature of the accusation. If the pupil appears not to understand the charges against him, written notice should be given (see "Notice of Charges" in JKD/JKE-1-E). If the student is unable to understand because of limited English proficiency, the school shall take such steps as are necessary to communicate effectively with the student, including arranging for a translator in appropriate circumstances.
 - b. If the pupil denies the charges, the principal shall give to the pupil an explanation of the evidence, which the principal has to support the charges. Whether or not the student denies the charges, the pupil shall be given an opportunity to present his side of the story.
 - c. In unusual situations, or if the principal believes it necessary in order to resolve disputes about facts and arguments about cause and effect, the principal, at his discretion and in addition to (a) and (b), may summon the accuser and witnesses, may permit confrontation and cross-examination of same, and may allow the pupil to present his own witnesses.
 - d. The principal may suspend a pupil only if, after the above procedure, he believes that the charges are supported by substantial evidence which is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."
 - e. A suspended pupil shall be required to leave the school building and the school grounds immediately, following a determination by the parent and the school of the best way to transfer custody of the pupil to the parent.

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2. **Hearing not Required:** Prior notice and/or hearing are not required in situations where a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. Where the district receives a report that a student is the subject of a report under C.R.S. 22-33-105(5)(a) (relating to students who are charged with crimes of violence or unlawful sexual behavior), danger to persons shall be presumed and the student may be suspended immediately upon the district's receipt of the report and, if suspended, shall remain on suspension pending further action by the board or the board's designee. However, the student shall be informed of the charges in the report and given an opportunity to assert that there has been a case of mistaken identity (in that he is not in fact the person named in the report) as soon after the suspension as is practicable. In other cases where a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the pupil may be immediately suspended and removed from school, with the informal hearing procedure to follow as soon as practicable (see SECTION II-C-1).
3. **Suspension at End of Semester:** Should the suspension not be one pending expulsion and should it occur at the end of a semester, a result of which would be that the pupil will lose credit for the entire semester or would not graduate as a result thereof, the principal shall make all reasonable efforts to allow the student the opportunity to complete make up work while on suspension in a timely manner and thus receive credit and/or graduate.
4. **Notice to Parent:** As soon as practicable, the principal shall notify the parent, in writing, and on the form provided (see "Notice to Parent/Guardian of Suspension", JKD/JKE-2-E or JKD/JKE-3-E) outlining the basis for suspension and listing the duration of the suspension; the requirement for parent conferences to be held; the time and place for the conference, if any; and the time and date the pupil is to be readmitted to the educational program of the district. Unless SECTION II-C-2 applies, a pupil may not be sent home before the end of the school day unless a parent has received prior notification.
5. **Parental Attendance as Alternative to Suspension:** As an alternative to suspension under this policy, (except suspension where a recommendation for expulsion has been made or is under consideration), a student may be

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allowed to remain in school if the student's parent agrees to attend all classes with the student for a period not greater than the number of days for which the suspension was to be imposed. (For example, at the principal's option, a parent might attend class for one or two days in connection with what would have otherwise been a three-day suspension.) If, after agreeing to attend class, the parent does not attend all classes agreed to, the student shall be suspended for the time period originally proposed. However, in such cases, the student shall be given credit for the time that class was attended by the parent, if any. Prior to proposing this alternative, each of the student's teachers shall be asked whether they consent to such an arrangement.

Parents shall not be allowed to bring another person (whether adult or child) with them to class without the consent of the principal. Either (1) failure of the parent to follow the direction of the classroom teacher or the school administration; (2) failure of the parent or student to follow all school and district rules; or (3) any disruption of a class by either the student or parent, will result in the parental attendance alternative being revoked. If the parental attendance alternative is revoked disciplinary action shall be taken against the student as the principal deems appropriate, so long as the discipline is not greater than the discipline initially proposed (unless a new disciplinary violation has occurred).

- a. If it is the student's first suspension during the school year, and if the student has more than one teacher, the parent shall be allowed to attend all classes taught by teachers who have consented to their presence. As to any class in which the teacher has not given consent to parental attendance, the principal shall have the option of imposing either in-school or out-of-school suspension on the student during such classes.
- b. If it is the student's second and/or subsequent suspension during the school year, and if any one of the teachers does not consent, then the alternative shall not be offered.

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6. **Notice to Superintendent:** The principal shall notify the superintendent through the department of organizational support of the suspension by sending a copy of the completed "Due Process Checklist" (see JKD/JKE-4-E) and "Notice to Parent/Guardian of Suspension" (see JKD/JKE-2-E or JKD/JKE-3-E). The principal may recommend further suspension or expulsion of the pupil by submitting to the superintendent through the department of organizational support the "Recommendation to the Superintendent for Extended Suspension or Expulsion" (see JKD/JKE-5-E).
7. **Readmission of Pupil:** At the termination of suspension, the principal shall readmit the pupil to the educational program of the district unless instructed by the superintendent that further suspension has been ordered by the superintendent. Except in cases of suspension pending expulsion, the school should make every reasonable effort to meet with the parent while the student is on suspension. At the meeting with the parent, the participants should address the issue of whether a remedial discipline plan should be developed in an effort to prevent further disciplinary action against the student. A period of suspension must not be extended because of the parent's failure to meet with the school. The school shall provide the student who has been suspended with an opportunity to make up schoolwork during the period of suspension so that the student is, to the extent practicable, able to re-integrate into the educational program. The student shall be given credit for make-up work that is completed in a timely manner.
8. **Appeal from Suspension:** No appeal may be taken from any order of suspension of 10 days or less made by the principal. (Appeal procedures where suspension is greater than 10 days are described elsewhere in this policy.) In the event of suspension, a parent of the pupil suspended may bring the matter of the suspension to the attention of the superintendent.

D. Authority of Superintendent to Suspend a Pupil

The board hereby delegates to the superintendent the power and authority to suspend, on the grounds stated in Section II-A of this policy, a pupil from school for not more than 10 school days in addition to the number of school days imposed by the principal. The superintendent is also authorized to extend a suspension an additional

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five school days if necessary, in order to present the matter at the next regular meeting of the board.

E. Procedure for Superintendent to Suspend a Pupil for up to a Total of ~~Ten~~ (10) School Days

1. If Section II-C-1 of this policy ("Informal Hearing") was followed by the principal, the superintendent may suspend a pupil for up to a total of 25 school days on his own initiative or upon the recommendation of the principal and upon review of that recommendation by the superintendent.
2. If Section II-C-1 of this policy ("Informal Hearing") has not been complied with by the principal, the superintendent shall, prior to any suspension of a pupil by the superintendent, assure compliance with that section.
3. In the event of an extension of the principal's suspension the superintendent shall, as soon as practicable, give written notice of the same to the parent on the form provided (see "Notice to Parent/Guardian of Extended Suspension by the Superintendent" JKD/JKE-7-E).

F. Procedure for Superintendent to Suspend a Pupil for More than a Total of 10 School Days where Expulsion is Not Being Recommended

In cases where expulsion is not being recommended, prior to suspension of a pupil or an extension of a suspension for a period that is longer than a total of 10 school days (including any suspension by a principal), the superintendent shall review the facts of the case and conduct such investigation, as he deems appropriate, if any.

No appeal may be taken to the board from any order of suspension made by the superintendent. Any student suspended for more than 10 school days shall be given the opportunity to request a review of the suspension before an appropriate administrator.

G. Maximum Period of Suspension: The number of school days a student is suspended, from the time of initial suspension at school through periods of suspension imposed by the superintendent, shall not exceed 25. Days during which the student is held out of school subsequent to the superintendent's decision to expel

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are not considered days of suspension for purposes of calculating the 25-day limit, even if the student's appeal to the board of education is successful.

H. Suspensions Pending Expulsion: Suspensions pending recommendation for expulsion are covered under Section III, not under paragraph II-F.

I. Petition for Readmission: Students who have been suspended from the district schools for periods over 10 days (and who are not under a suspension pending expulsion) shall have the opportunity to make written application at any time for readmittance prior to termination of the imposed sanction. The application shall be made to the principal who recommended the initial sanction.

The written request shall include, but not be limited to, appropriate identifying information, reason(s) for requesting reinstatement, time request for reinstatement and personal changes which have occurred which will prevent the behavior which prompted the original sanction from recurring.

A conference may be scheduled between appropriate school personnel and the student and his parent within 10 days of receipt of the letter.

Following completion of a conference, or when a decision has been made, the principal will communicate verbally, to be followed in writing, the support or denial of the request for readmittance prior to termination of the imposed sanction.

III. Expulsion/Denial of Admissions

A. Grounds for Expulsion/Denial of Admission

1. The following shall be grounds for expulsion of a child from a public school during a school year:

- a. continued willful disobedience or open and persistent defiance of proper authority;
- b. willful destruction or defacing of school property;

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- c. behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel; and
- d. serious violations in a school building or in or on school property, including, but not limited to, the carrying, bringing, using or possessing a dangerous weapon as defined in Section 22-33-106(1)(D), C.R.S. or bringing a firearm (as that term is defined in 18 United States Code Section 921 (a)(3) to school, without the authorization of the school or district; the sale of a "drug" or "controlled substance" as defined in Section 12-22-303, C.R.S.; or the commission by a student at least 10 years of age of an act which if committed by an adult would be robbery pursuant to Part 3 of Article 4 of Title 18, C.R.S., or assault pursuant to Part 2 of Article 3 of Title 18, C.R.S. (other than third degree assault).

Expulsion for offenses described in this subparagraph 1(d) shall be mandatory. Principals shall have the authority to recommend expulsion for a period up to a full calendar year in the case of such mandatory expulsion offenses. However, when a student brings a firearm to school, the principal shall recommend expulsion for a full calendar year. Except in such firearm cases, principals have the discretion to recommend expulsion for a shorter period of time, so long as the penalty is at least as severe as outlined in the following schedule of minimum penalties:

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SCHEDULE OF MINIMUM PENALTIES FOR MANDATORY EXPULSION OFFENS

KEY:

26-DAY EXPULSION: Expulsion for at least 26 school days or until the end of the current semester, whichever is less.

SCHOOL-YEAR EXPULSION: Expulsion until at least the end of the current school year.

| | Dangerous Weapons** | Drug Sales/Purchase | Assault* | Robbery* |
|-------------------|-----------------------|-----------------------|------------------|-----------------------|
| Elementary School | SCHOOL YEAR EXPULSION | 26 DAY EXPULSION | 26 DAY EXPULSION | 26 DAY EXPULSION |
| Middle School | SCHOOL YEAR EXPULSION | SCHOOL YEAR EXPULSION | 26 DAY EXPULSION | SCHOOL YEAR EXPULSION |
| High School | SCHOOL YEAR EXPULSION | SCHOOL YEAR EXPULSION | 26 DAY EXPULSION | SCHOOL YEAR EXPULSION |

* **NOTE:** As to assault and robbery offenses, a student must be at least 10 years of age for the offense to be a mandatory expulsion offense. Also, 3rd degree assault by a student is not a mandatory expulsion offense. If the student is under 10 years of age, or the case involves 3rd degree assault by a student, the discipline to be imposed is up to the discretion of the principal.

** **NOTE:** Where the offense is bringing a firearm to school, expulsion shall in all cases be for a full calendar year. However, the board delegates to the superintendent the authority to decrease the penalty to expulsion for a school year where he believes it to be appropriate.

e. repeated interference with a school's ability to provide educational opportunities to other students; and

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- f. declaration as a habitually disruptive student under the district's conduct and discipline code.
2. The following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternative program:
 - a. physical or mental disability such that the student cannot reasonably benefit from the programs available; and
 - b. physical, mental disability or disease causing the attendance of the student suffering there from to be detrimental to the welfare of other pupils.
3. The following shall constitute additional grounds for denial of admission to a public school:
 - a. failure to meet the requirements of age, by a child who has reached the age of six years at a time after the beginning of the school year, as fixed by the board, as provided in Section 22-1-115 of the Colorado Revised Statutes;
 - b. having been expelled from any school district during the preceding 12 months;
 - c. not being a resident of the district, unless otherwise entitled to attend under the provisions of Title 22, Article 23 or 32 of the Colorado Revised Statutes;
 - d. failure to comply with immunization requirements as set forth in Title 25, Article 4, Part 9 of the Colorado School Laws 1978;
 - e. 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; and
 - f. graduation from the 12th grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum.

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B. Authority for Superintendent to Expel or Deny Admission to Pupil

The board hereby delegates to the superintendent the power and authority to deny admission to, or expel for any period up to a full calendar year, on the grounds stated above, any student or person whom the superintendent determines does not qualify for admission to, or continued attendance at, the public schools of the district.

C. Procedure for Superintendent to Expel or Deny Admission to Pupil

Prior to the expulsion or denial of admission to a pupil and where an appeal is filed by the parent, the superintendent shall comply with the hearing procedures outlined below:

D. Statement of Procedure for Expulsion

1. The student and parent will be given written notice of the charges against the student that must be one of the grounds set forth as grounds for suspension or expulsion.
2. If the student and parent wish to request a hearing regarding the expulsion, they must do so within the timeframe noted in the notice of hearing. Failure to request a hearing within the specified timeframe will result in a waiver of the right to a hearing.
3. A student may be suspended pending an expulsion hearing, provided the board's regulations for suspension are followed.
4. The hearing officer appointed by the superintendent shall:
 - a. preside over each session of the hearing to which he has been detailed;
 - b. take appropriate action in order that the proceedings may be conducted in a dignified, fair and orderly manner;

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- c. rule on all requests or motions and shall recess or adjourn the hearing as he deems appropriate. He may change his rulings at any time during a hearing;
 - d. hear the evidence and arguments;
 - e. authenticate the record of the hearing, if any; and
 - f. summarize issues and evidence, and make proposed findings of fact, conclusions and recommendations in his written report to the superintendent.
5. The Hearing Officer may, among other actions, properly intervene in the presentation of a case to prevent unnecessary waste of time or to clear up some obscurity. He may ask questions of witnesses or others. He should bear in mind, however, that undue interference or participation in the examination of witnesses, or a severe attitude on his part toward witnesses or others, may tend to prevent the proper presentation of the case or hinder the ascertainment of the truth.
6. Procedure
- a. The hearing officer shall call the hearing to order and introduce all persons present.
 - b. The hearing officer shall read aloud the "Notice of Charges."
 - c. The school principal or his designee shall inform the hearing officer of the background of the recommended suspension or expulsion.
 - d. Those presenting the case for suspension or expulsion may present witnesses or other evidence as desired.
 - e. The defense may then proceed to present witnesses or other evidence as desired.

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- f. The hearing officer may recall witnesses or request additional witnesses.
 - g. Both sides shall then have an opportunity to summarize their cases.
 - h. The hearing officer shall take the matters presented during the hearing under advisement.
 - i. The hearing officer shall adjourn the hearing.
7. Miscellaneous
- a. The pupil may be represented by a parent and by an attorney-at-law licensed to practice in Colorado.
 - b. Confrontation and cross-examination of witnesses is within the discretion of the hearing officer.
 - c. The hearing shall not be open to the public.
 - d. A tape recording shall be made of the proceedings.
 - e. A shorthand reporter may be present at the request of either party; however, the cost of the reporter's stenographic record, if any is made, and all transcripts thereof, shall be prorated equally among all parties ordering copies thereof unless they shall agree otherwise, and shall be paid for by such parties directly to the reporting agency.
 - f. Within 72 hours of the hearing's end or such other times as the superintendent may allow after the adjournment of the hearing, the hearing officer shall prepare and submit to the superintendent a written report containing a summary of the evidence presented to support the charges, a summary of the defense, and recommend findings of fact and appropriate action to be taken.

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- g. The superintendent shall consider the recommendation of the hearing officer and may either accept, reject or partially accept the recommendation. In addition, the superintendent may order a new hearing or may order that the hearing previously held be reconvened.
7. At the board's next meeting, the superintendent shall report on each case acted upon, briefly describing circumstances and the reason for action.

E. Appeal to Board of Expulsion or Denial of Admission

- 1. Within seven calendar days of the date of the superintendent's notice to pupil and parent of his decision to expel or deny admission to a pupil, the pupil and parent may appeal the superintendent's decision to the board by submitting, in writing, to the superintendent a "Notice of Appeal" (see JKD/JKE-15-E). Failure to request an appeal within seven days of receipt of the superintendent's notice will result in a waiver of the right to an appeal and the superintendent's decision shall become final.
- 2. If a timely "Notice of Appeal" is received by the superintendent, he shall give written notice on the form provided (see "Notice of Appeal Hearing" JKD/JKE-16-E) to the pupil and his parents at least 72 hours prior to the appeal hearing. The notice shall include the following:
 - a. the time, date, and place of the hearing;
 - b. a statement of the procedure to be followed at the appeal hearing (see "Statement of Procedure for Appeal Hearing" Section III-I of this policy); and
 - c. a copy of the documents, "Notice to Parent/Guardian of Suspension" (see JKD/JKE-2-E or JKD/JKE-3-E) "Notice of Superintendent's Action" (see JKD/JKE-14-E) and "Hearing Officer's Report to the Superintendent of Hearing Conducted" (see JKD/JKE-12-E) pertinent to the hearing.

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3. Prior to making a decision, the board shall have available to it the record concerning the expulsion or denial of admission. The superintendent or the superintendent's designee may address matters raised in the request for appeal for inclusion in the record to be considered by the board.
4. In the event the board overrules the order of the superintendent to expel or deny admission, the pupil shall be readmitted to the educational program of the district consistent with the board's order. If the board approves the order of expulsion or denial of admission, the pupil shall not be readmitted to the educational program of the district.
5. In the event the pupil is expelled or denied admission, the superintendent shall, within five school days, notify the pupil and his parents, in writing, of the reasons for the action of the board, on the form provided (see "Notice of Board's Action" JKD/JKE-18-E).

F. STATEMENT OF PROCEDURE FOR APPEAL HEARING

1. President of the board of education calls the meeting to order.
2. Roll call.
3. Secretary reads notice of meeting, if a special meeting.
4. If an appeal has been properly requested, the board will review the facts that were presented and that were determined at the hearing and such other portions of the hearing record as it deems appropriate, if any. The hearing record includes the transcript or tape recording of the testimony, if any, the hearing exhibits, the findings and recommendations of the hearing officer, the superintendent's decision, and other documents **designated by the superintendent or the hearing officer** concerning the expulsion or denial of admission. Copies of the hearing record shall be made available to the board and to both parties prior to the board of education appeal hearing.
5. The parties may be represented by counsel at the appeal.

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6. Representatives of the district and the parents may make brief arguments (usually not more than 15 minutes) to the board relating to the decision of the superintendent. The party appealing shall go first. No new evidence will be presented unless such evidence was not reasonably discoverable at the time of the hearing. If such evidence is presented, whether to allow examination and cross examination of witnesses relating to the new evidence will be within the board's discretion.
7. The board may ask questions relating to the matter presented.
8. A tape recording of the proceeding shall be made.
9. Ordinarily, the appeal hearing will be held in executive session. In the event that the pupil and parent request in writing that the hearing not be held in executive session, the board shall decide this question at the opening of the special meeting. In order to be considered, the request must be in writing, stating the reasons therefore, and must be filed with the superintendent at least 48 hours prior to the hearing.
10. The board decides the appeal or takes the matter under advisement. It may also decide to send the matter back to the hearing officer for further findings of fact.
11. President adjourns meeting.

G. District Obligations Relating to Expelled Students

1. Upon expelling a student, the school shall provide information to the student's parent concerning the educational alternatives available to the student during the period of expulsion. If the parent chooses to provide a home-based educational program for the student, the school shall assist the parent in obtaining appropriate curricula for the student if requested by the parent.
2. If requested by the student or the student's parent, the school or district shall provide such educational services as it deems appropriate for any expelled student. These services shall be designed to enable the student to return to

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school following the expulsion or to successfully complete the Graduate Equivalency Diploma. The school or district shall determine the amount of credit the student shall receive toward graduation for the educational services provided.

3. A student who has previously been expelled and is receiving educational services may be suspended or expelled for violations of the rules of conduct of the school or school district. Any such students shall not be entitled to further educational services while under the later suspension or expulsion, unless services are required to be provided under federal law, such as for some students with disabilities.
4. If a student is expelled for the remainder of the school year and is not receiving educational services through the school district, the school shall contact the expelled student's parent to see if the student is receiving educational services from some other source. This contact must be made at least once every 60 days until the earlier of: (a) the beginning of the next school year; (b) the time the student is enrolled in another school; (C) is committed to the Department of Human Services; or (D) is sentenced pursuant to the juvenile delinquency laws.

H. Petition for Readmission

Students who have been expelled from the district schools shall have the opportunity to make written request at any time for readmission prior to termination of the imposed sanction. The request shall be made to the principal who recommended the initial sanction.

The written request shall include, but not be limited to, appropriate identifying information, reason(s) for requesting reinstatement, date proposed for reinstatement and personal changes which have occurred which will prevent the behavior which prompted the original sanction from recurring.

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A conference will be scheduled between appropriate school personnel and the student and his parent within 10 days of receipt of the letter. Time and location of this conference will be conveyed to the student, in writing, at least five days prior to the scheduled conference.

Following completion of the conference, the principal will communicate verbally, to be followed in writing, the support or denial of the request for readmittance prior to termination of the imposed sanction.

I. Expulsion Prevention

The principal shall work with the school staff to identify students who are at risk of suspension or expulsion from school. Among those students who may be at risk are those who have been or are likely to be declared habitually truant or habitually disruptive.

Support services will be provided to students who have been identified as being at risk of suspension or expulsion to help them avoid expulsion. The parent will be included when determining an appropriate support service for the student. In some cases, a remedial discipline plan may be the means by which various intervention and prevention support services are identified and made available to a student.

Support services to assist a student in avoiding an expulsion may also be available through local and state governmental agencies, community-based organizations, and institutions of higher learning.

The failure of the school to identify a student as being at risk of suspension or expulsion, the failure of a student who is so identified to receive support services, or the failure of such support services to remediate behavior, shall not be grounds to prevent the school from proceeding with appropriate disciplinary action.

J. Procedure upon Receipt of Report of Student who has Engaged in a Crime of Violence or Unlawful Sexual Behavior

Upon receiving a report under C.R.S. 22-33-105 (5)(a) that one of its students who is at least 12 years of age but less than 18 has been charged with an offense that would constitute a crime of violence or unlawful sexual behavior if committed by an adult, the board of education, or its designee, shall determine whether: (1) the student has

SUSPENSION/EXPULSION OF STUDENTS

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exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of personnel in the school; and (2) whether educating the student in the school may, (a) disrupt the learning environment, (b) provide a negative example for other students, or (c) create a dangerous and unsafe environment for students, teachers and other school personnel.

If the board, or its designee, using the standards set forth in the preceding paragraph, determines that the student should not be educated in the school, it may either: (a) proceed to suspend or expel the student; or (b) wait for the resolution of the juvenile court or district court proceedings to consider the suspension or expulsion matter, in which case, the district shall provide the student with an appropriate alternative education program or home based education program, but in no event shall the student be allowed to return to the education program in the school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the district shall proceed to expel in accordance with this policy. The time the student spends in an alternative or home-based educational program shall not be considered a period of suspension or expulsion.

If the board has determined to wait until the conclusion of the criminal proceedings to consider the expulsion matter, and the student does not receive adjudication, is found not guilty, or pleads to a lesser charge, the district can then proceed to hear the expulsion matter. In such cases, the fact that the student did not receive adjudication, was found not guilty, or was otherwise not convicted of the crime of violence or unlawful sexual behavior (or corresponding offense) shall not prevent the student from being expelled.

Where a student has been identified as a student with a disability, or has been referred for an evaluation of the need for special education services, it is recommended that either the Department of Exceptional Student Services or Legal Counsel be consulted concerning any determination to expel a student or place the student in an alternative educational setting. Such expulsion or placement in an alternative educational setting shall then be made in accordance with applicable law.

SUSPENSION/EXPULSION OF STUDENTS

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If necessary, for the health, safety, and welfare of the school, a student who is the subject of a report under C.R.S. 22-33-105 (5)(A) may, pending board action, be suspended immediately upon the district's receipt of the report. However, the student shall be informed of the charges contained in the report and given an opportunity to assert that there has been a case of mistaken identity (in that he is not in fact the person named in the report) as soon after the suspension as is practicable.

IV. Involuntary Transfer

A. Involuntary Transfer for Disciplinary Reasons:

1. The superintendent has the power and authority to involuntarily transfer a student between schools in the district for the following reasons:
 - a. continued willful disobedience or open and persistent defiance of proper authority;
 - b. willful destruction or defacing of school property;
 - c. behavior on or off school property which is detrimental to the welfare or safety of other pupils; and/or
 - d. repeated interference with a school's ability to provide educational opportunities to other students.
2. Prior to such transfer, the superintendent shall comply with the procedures set forth in policy JKD/JKE II-F, unless the pupil's parent waives these procedures.

CROSS REF: JICI, Weapons
JK.1, Conduct and Discipline Code
GBGB, Staff Personal Safety and Security
JK.2, Communication of Disciplinary Information

LEGAL REF: 22-33-105 & 106
22-32-109

AURORA PUBLIC SCHOOLS
Form 1 – Issued October 1993
Effective April 21, 2005

APS Code: JKD/JKE-1-E

NOTICE OF CHARGES
(Optional form - to be used if student
appears not to understand the charges)

Date:

To:

From: _____
Principal/designee of _____ SCHOOL

You are hereby notified that you are charged with having done the following act(s) which (is) (are) ground(s) for suspension or expulsion from the Aurora Public Schools:

1. On _____ at about _____ (a.m.) (p.m.), you

Principal/Designee

Delivered to pupil on _____, 20____, at _____ (a.m.) (p.m.)

NOTICE TO PARENT/GUARDIAN OF SUSPENSION
(To be used when student admits guilt)

Page 1 of 3

Date:

Dear Mr. and Mrs. Doe:

We are informing you that _____ was suspended from attendance at _____ beginning on _____ 20 ____, for _____ school days, for the following act(s) of misconduct:

Prior to the student's suspension, I conducted an informal hearing with the student at which, after informing the student of the above charge(s), the student admitted doing the act(s) charged.

This conduct constitutes behavior which is:

- _____ Continued willful disobedience or open and persistent defiance of proper authority.
- _____ Willful destruction or defacing of school property.
- _____ Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel.
- _____ Serious violations in a school building or in or on school property, including, but not limited to, the possession of a dangerous weapon as defined in Section 22-33-106(1)(d), C.R.S., or bringing a firearm (as that term is defined in 18 United States Code Section 921 [a][3]) to school, the sale of a drug or controlled substance as defined in Section 12-22-303, C.R.S., or the commission of an act which if committed by an adult would be robbery pursuant to Part 3 of Article 4 of Title 18, C.R.S., or assault pursuant to Part 2 of Article 3 of Title 18, C.R.S., other than third degree assault for which suspension or expulsion shall be mandatory.
- _____ Repeated interference with a school's ability to provide educational opportunities to other students.

APPOINTMENT OF HEARING OFFICER

Date:

To:

In the matter of _____, a _____ School student
(Name of student) (Name of school)

You are hereby appointed to serve as hearing officer in the matter of (Name of student) who is being considered for (suspension) (expulsion) from the Aurora Public Schools. If, for any reason, you do not believe that you can serve in an impartial manner, you should contact my office immediately.

The parent/guardian of the student has been notified of the right to a hearing and has been instructed to contact you within 48 hours of the receipt of the "Notice to Parent/Guardian" if a hearing is desired. If a hearing is requested in a timely manner, you should schedule the hearing at the earliest possible time considering all circumstances.

You are required to submit to me a report in the attached form within 72 hours of the adjournment of the hearing.

Superintendent/Designee

Attachments:

Notice to Parent/Guardian
Statement of Charges
Statement of Procedure for Hearing
Hearing Officer's Report to Superintendent

**HEARING OFFICER'S REPORT TO THE SUPERINTENDENT
OF HEARING CONDUCTED**

Page 1 of 2

Date:

To: Superintendent

In the matter of _____, a _____ School student
(Name of student) (Name of school)

Pursuant to your direction, a hearing was held from _____(a.m.)(p.m.)
to _____(a.m.)(p.m.) on _____, 20 _____ at
_____.

The following persons were present:

Hearing Officer _____

The charges were as detailed in the "Notice of Charges" with the following modifications:

Summary of the evidence supporting the charges:

Summary of the defense:

**HEARING OFFICER'S REPORT TO THE SUPERINTENDENT
OF HEARING CONDUCTED**

Page 2 of 2

Other significant matters occurring at the hearing:

Findings of Fact (Please make specific findings of fact on each issue which was important to your recommendation:)

I have considered all of the evidence presented and am of the opinion that the following facts were supported by substantial evidence.

I (am) (am not) of the opinion that the charges are supported by substantial evidence.

Based on the evidence, I recommend as follows:

My reasons for the above recommendations are as follows:

Hearing Officer

**HEARING OFFICER'S REPORT
TO SUPERINTENDENT
IF HEARING NOT CONDUCTED**

To:

Date:

In the Matter of _____,
Name of Student School

Dear Superintendent:

Pursuant to your direction of _____ (Date) _____, I have been available to
serve as Hearing Officer in the _____ (Name of Student) _____
case.

I have not been contacted by _____ (Student's Parent/Guardian) _____. Therefore, pursuant to
policy JKD/JKE, they have waived the right to a hearing.

I have reviewed the report dated _____ from _____ (Principal) _____,
and the procedures followed by the school as outlined in the due process checklist. I am of the
opinion the charges are (valid) (not valid) based on the report submitted.

I (concur) (do not concur) with the recommendation submitted that _____
_____ (Name of Student) _____ be expelled (until the end of the quarter) (until the end of the
semester) (until the end of the school year) (for twelve (12) months) and be allowed to return to
school on _____.

Sincerely,

Hearing Officer

NOTICE OF SUPERINTENDENT'S ACTIONS

To:

Date:

In the Matter of _____, _____
(Name of Student) (School)

_____ No further disciplinary action will be taken at this time. The student may re-enter school on _____, 19____.

OR

_____ I have received and reviewed the Hearing Officer's report, a copy of which is attached.

_____ I find it necessary to suspend the student until _____, 19____.
The student should re-enter school at the start of the school day on _____, 19____.

OR

_____ I find it necessary to expel the student for (the remainder of the quarter) (the remainder of the semester) (the remainder of the school year) (twelve (12) months). The student may re-enter school on _____, 19____.

You have the right to appeal my decision to the Board of Education by filing with my office a "Notice of Appeal" within five (5) days of your receipt of this letter. **IF YOUR APPEAL IS NOT ON FILE WITH MY OFFICE BY THAT TIME, YOUR RIGHT TO APPEAL WILL BE WAIVED.**

Superintendent of Schools

Attachments:

Hearing Officer Report
Notice of Appeal

NOTICE OF APPEAL

Page 1 of 2

To: Superintendent of Schools

Date:

In the Matter of _____(Name of Student)_____, _____(School)_____

We hereby request a hearing before the Board of Education to review your decision in the above matter. The reasons why we are seeking to appeal your decision are as follows:

We admit that our child has engaged in the alleged behavior but contest the penalty.

Please circle: Yes OR No

We will be represented by an attorney.

Please circle: Yes OR No

Father

Mother

Guardian

NOTICE OF APPEAL

Page 2 of 2

NOTE: Board policy JKD/JKE states that copies of the hearing record (which includes the tape recording of the testimony, the hearing exhibits, the findings and recommendations of the Hearing Officer and the Superintendent's decision) shall be made available to the Board of Education and to both parties prior to the Board of Education appeal hearing.

If you do not already have these items and wish to access them, you can make arrangements by calling Student Services at (303) 344-8060, extension 28051. Since this does involve some processing time, please contact Student Services without delay.

NOTICE OF APPEAL HEARING

To:

Date:

In the Matter of _____(Name of Student)_____, _____(School)_____

You have filed within the appropriate time limit, a "Notice of Appeal" to request that the Board of Education review my decision to (expel) (deny admission to)

_____.

The hearing will begin at _____(am) (pm) on _____,
19_____. at _____.

If you have any questions, please feel free to contact my office.

Superintendent of Schools

Attachments:

Statement of Procedure for Appeal Hearing

STATEMENT OF PROCEDURE FOR APPEAL HEARING

1. President of the Board of Education calls the meeting to order.
2. Roll call.
3. Secretary reads Notice of Meeting, if a special meeting.
4. If an appeal has been properly requested, the board will (either at the hearing or another time) review the facts that were presented and that were determined at the hearing and such other portions of the hearing record as it deems appropriate, if any. The hearing record includes the transcript or tape recording of the testimony, if any, the hearing exhibits, the findings and recommendations of the hearing officer and the Superintendent's decision. Copies of the hearing record shall be made available to the Board of Education and to both parties prior to the Board of Education appeal hearing.
5. Ordinarily, the appeal hearing will be held in executive session. In the event that the pupil and parent request in writing that the hearing not be held in executive session, the board shall decide this question at the opening of the special meeting. In order to be considered, the request must be in writing, stating the reasons therefore, and must be filed with the Superintendent at least forty-eight (48) hours prior to the hearing.
6. The parties may be represented by counsel at the appeal.
7. Representatives of the District and the parent may make brief arguments (usually not more than fifteen (15) minutes, and greater than fifteen (15) minutes only with the Board's permission) to the Board relating to the decision of the Superintendent. The party appealing shall go first.
8. No new evidence will be presented unless the Board is convinced that such evidence was not reasonably discoverable at the time of the hearing. If such evidence is presented, whether to allow examination and cross examination of witnesses relating to the new evidence will be within the Board's discretion.
9. The Board may ask questions relating to the matter presented.
10. A tape recording of the proceeding shall be made.
11. Board decides the appeal or takes matter under advisement.
12. President adjourns meeting.

NOTICE OF BOARD'S ACTION

To:

Date:

In the Matter of _____(Name of Student)_____, _____(School)_____

Based on the Appeal Hearing held on _____, 19____ and upon review and consideration of all relevant matters, the Board of Education has decided and orders as follows:

(The decision of the Superintendent to [expel] [deny admission to] _____
_____ is hereby reversed and _____
_____ may re-enter school immediately.)

(The decision of the Superintendent to [expel] [deny admission to] _____
_____ is hereby affirmed and approved for the following reasons:

_____)

If you desire a court review of this order, you must, within five (5) days after receiving this notice, so notify the Superintendent.

Superintendent

**PRINCIPAL'S LETTER TO PARENT/GUARDIAN IN
CRIMES OF VIOLENCE SITUATIONS
(To be sent by the school)**

TO BE SENT RETURN RECEIPT REQUESTED

Dear Mr. & Mrs. Doe:

We have received information from law enforcement authorities that (Name of Student), (School), who is at least twelve (12) but under eighteen (18) years of age, has been charged with a "crime of violence" under C.R.S. 16-11-309, that a petition has been filed in juvenile court alleging that the student has committed an act which, if committed by an adult, would be a "crime of violence" under C.R.S. 16-11-309.

Consequently, the student has been suspended from school and we have forwarded to the Superintendent of Schools a request that a hearing be held. We are required by law to hold such a hearing whenever such a charge has been made.

The Superintendent will be in contact with you to schedule a hearing before the Board of Education and to give you further information about that hearing.

If you believe that we are in error in believing that the student named above has been charged with such an offense or that such a petition has been filed, please contact us immediately so that we may clear up any misunderstanding.

Sincerely,

School Principal

c: Student Records Office

**SUPERINTENDENT'S LETTER TO PARENT/GUARDIAN
IN CRIMES OF VIOLENCE SITUATIONS
(To be sent by the Superintendent of Schools)**

TO BE SENT RETURN RECEIPT REQUESTED

Dear Mr. & Mrs. Doe:

We have received confirmation from law enforcement authorities that (Name of Student), (School), who is at least twelve (12) but under eighteen (18) years of age, has been charged with a "crime of violence" under C.R.S. 16-11-309, or that a petition has been filed in juvenile court alleging that the student has committed an act which, if committed by an adult, would be a "crime of violence" under C.R.S. 16-11-309.

Upon receiving such a report, the Board of Education is required under 22-33-105 C.R.S. to hold a hearing to determine whether the student should be expelled. This is to inform you that such a hearing will be held at (Date and Time) at (Place). If this time is inconvenient for you, please call us and we may be able to arrange a mutually convenient time if it is not too far in the future.

The issues considered at this hearing will be whether: (1) the student has exhibited behavior that is detrimental to the safety, welfare and morals of the other students or of school personnel in the school; and (2) whether educating the student in the school may: (a) disrupt the learning environment in the school, (b) provide a negative example for other students, or (c) create a dangerous and unsafe environment for students, teachers and other school personnel.

If you believe that we are in error in believing that the student named above has been charged with such an offense or that such a petition has been filed, please contact us immediately so that we may clear up any misunderstanding.

Sincerely,

Superintendent of Schools

c: Student Records Office
School Principal

NOTICE OF BOARD'S ACTION
(Optional)

Date:

To:

Name of Student:

School:

Based on the hearing held on _____, 19_____, and upon review and consideration of all relevant matters, the Board of Education has decided and orders as follows:
(Check the appropriate blank)

_____ The student should be expelled from school for the following reasons:

_____ Continued willful disobedience or open and persistent defiance of proper authority.

_____ Willful destruction or defacing of school property.

_____ Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel.

_____ Serious violations in a school building or in or on school property, including, but not limited to, the possession of a dangerous weapon as defined in Section 22-33-106(1)(d), C.R.S., or bringing a firearm (as that term is defined in 18 United States Code Section 921[a][3]), to school, the sale of a drug or controlled substance as defined in Section 12-22-303, C.R.S., or the commission of an act which, if committed by an adult would be robbery pursuant to Part 3 of Article 4 of Title 18, C.R.S., or assault pursuant to Part 2 of Article 3 of Title 18, C.R.S., (other than third degree assault) for which suspension or expulsion shall be mandatory.

_____ The Board has decided to wait for the resolution of the criminal proceedings to consider the expulsion matter, and the student shall be provided an appropriate alternative education program or home based education program. In no event shall the student be allowed to return to the education program in the school until there has been a disposition of the charge. This period will not be considered an expulsion.

Secretary, Board of Education