

# LITTLETON ACADEMY POLICY

CODE:	<b>JK</b>
NAME:	<b>Student Discipline</b>
DATE:	<b>December 5, 1996</b>
REVISED:	<b>June 2000</b>

Littleton Academy requires that students behave in an orderly, disciplined way because order and discipline are irreducible prerequisites to academic achievement. To promote the academic achievement of all Academy students, the Governing Board adopts the following code of student discipline.

## INTERROGATIONS AND SEARCHES:

For the purpose of this code, “reasonable suspicion” means a suspicion based on personal observation, interrogation or facts provided by a reliable informant that cause an Academy employee to believe, based on his or her personal experience, that the search of a particular person, place or thing will lead to the discovery of evidence of violation of state law, Littleton Public Schools policy or Academy policy, rules or regulations. “Reasonable suspicion” is more than a mere hunch.

For the purpose of this code, “contraband” means all substances, materials or things banned from Academy property or student use or possession by state law, Littleton Public Schools policy or Academy policy, rules or regulations.

Interrogations. An Academy employee may interrogate a student if the employee has a reasonable suspicion that the student knows of a violation of state law, Littleton Public Schools policy or Academy policy, rules or regulations that occurred on Academy property or at an Academy- or Littleton Public Schools-sponsored or -sanctioned activity or event. To the maximum extent practicable, interrogations shall be conducted in private, with as little disruption as possible to the Academy’s schedule.

If an officer of the law requests permission to interrogate a student on Academy property or at an Academy- or Littleton Public Schools-sponsored or -sanctioned activity or event about a crime that took place off Academy property and not at an Academy- or Littleton Public Schools-sponsored or -sanctioned activity or event, the Principal or designee shall endeavor to be present throughout the interrogation.

Concerning any crime except child abuse, if the student is under 18 years of age and is not emancipated, as defined by state law, the Principal or designee shall not permit the interrogation until the student’s parent, guardian or legal custodian is also present. However, any representative of the local social services department or law enforcement agency, upon proper identification, shall be permitted to interview on Academy premises, without court order or consent of a parent, guardian or legal custodian,

any Littleton Academy student who is the subject of a report of possible child abuse.

If an officer of the law requests permission to interrogate a student about a civil matter on Academy property or at an Academy- or Littleton Public Schools-sponsored or -sanctioned activity or event, the Principal or designee shall secure permission of the student's parent, guardian or legal custodian before allowing interrogation to take place.

Searches. A search may be conducted only if the Academy employee conducting the search has reasonable suspicion that it will lead to the discovery of evidence of violation of state law, Littleton Public Schools policy or Academy policy, rules or regulations.

Personal. The Principal or designee must authorize the search of any student's person. Such a search shall be restricted to the student's clothing and personal property such as purse or backpack. To the maximum extent possible, it shall be conducted in private. At least one and no more than three persons of the same sex as the student being searched, in addition to the searcher, shall witness but not participate in the search. The parent, guardian or legal custodian of any student searched shall be notified of the search by the Principal or designee as soon after the search is concluded as is reasonably possible.

Locker, Desk or Storage Area. Because lockers, desks and other storage areas at Littleton Academy are provided only for student convenience and remain the sole property of Littleton Public Schools, no student has a reasonable expectation of privacy as to such areas. No student shall lock or otherwise impede access to such areas, except with locks provided by the Academy. The Principal or designee may authorize inspection, access for maintenance and search, including "canine sniff search," of all or any part of such areas at any time, with or without reasonable suspicion of violation of state law, Littleton Public Schools policy or Academy policy, rules or regulations, and without prior notice to students. Canines shall not be used to search students, their personal property or classroom in which students are present.

Searches by Officers of the Law. The Principal or designee may request a search of all or any part of Academy premises by an officer of the law. All such searches shall be carried out under criminal law and procedure rather than this code. No Academy employee shall assist a law officer in conducting a search or otherwise participate in a search unless expressly directed to do so by the law officer. If an officer of the law seeks permission to search a student, his or her personal property or Academy premises to obtain evidence of criminal activity, the Principal or designee shall require the officer to produce a valid search warrant before allowing the search to proceed, unless: (1) there is un-coerced consent by the student, (2) there is probable cause to believe that taking the time to obtain a search warrant would frustrate the purpose of the search, or (3) the search is incidental to arrest and is limited to the person arrested and his or her immediate surroundings.

Custody of Evidence. Anything seized in a search may be admitted in evidence in any suspension or expulsion proceeding. If the item seized is not available at such proceeding because of having been consumed in testing or turned over to law enforcement authorities, written identification of

the seized item may be introduced into evidence at such proceeding, provided that the hearing officer finds such written identification accurate and complete. Law enforcement authorities will be requested to retain anything seized in a search under this code for a period of three years. If a student or his or her parent, guardian or legal custodian request return of a seized item, it shall be returned after the end of the current school year and after a conference with the parent, guardian or legal custodian, so long as it is not in the custody of law enforcement authorities.

## PHYSICAL INTERVENTION AND RESTRAINT

Academy employees may use reasonable and appropriate physical force to: restrain a student from an act of wrong-doing, quell a disturbance threatening physical injury to others, take possession of a weapon or other dangerous object within the possession or control of a student, defend themselves (*i.e.*, the employees), protect persons or property or preserve order.

## SUSPENSIONS

Alternative. Except when a student has been recommended for expulsion, a student may remain in the Academy if his or her parent, guardian or legal custodian (“parent” or “parents”) agrees to attend class with the student for the period of time specified by the Principal or designee, so long as the Principal or designee and the student’s teacher(s) agrees to that alternative. The purpose of the parental presence is to supervise the student, not to participate in the class. To exercise this alternative, a parent and student must sign a consent form containing the following conditions:

Only one parent, and no other person, may attend class

Parent and student must obey all Academy policies, rules and regulations

Parent and student must follow all directions of Academy employees

Parent and student must attend every class for the entire scheduled class time

Parent and student must not disrupt any class or activity

The parent must supervise the student at all times in class, on Academy grounds and at Academy- or Littleton Public Schools-sponsored or -sanctioned events or activities

If the parent or student does not agree or fails to fully comply with the foregoing conditions, the alternative may be revoked, at the sole discretion of the Principal or designee. Upon revocation, the student shall be suspended for the balance of the original suspension period not served by this alternative. Upon successful completion of the alternative, the student’s disciplinary record will show no suspension.

Procedure. The Principal or designee may suspend students who are not under a legal disability for no

more than twenty school days, depending on the nature of the offense, in accordance with the penalties provisions of the Student Conduct Code (Academy Policy JI) by use of the following procedure.

Notice. The Principal or designee shall give the student, parent, guardian or legal custodian oral or written notice of intent to suspend at or before the time of suspension hearing. Oral notice shall be given in person, and written notice shall be given by mailing notice to the student's last known address. The notice shall contain at least the date, time and place of the proposed suspension hearing, the specific statute, Littleton Public Schools policy or Littleton Academy policy, rule or regulation upon the violation of which the suspension is to be based, a statement of the factual basis for the suspension and a statement of any surrounding facts and circumstances which may bear upon the decision to suspend or not to suspend.

Hearing. A suspension hearing shall not be open to the public; however, a parent, guardian or legal custodian may be present. The parent, guardian or legal custodian's participation in the hearing shall be at the Principal or designee's sole discretion. The Principal or designee shall give the accused student an opportunity to admit or deny the allegations contained in the notice, describe his or her version of the pertinent facts, present witnesses and other evidence in his or her defense, cross examine witnesses and argue why suspension should not be imposed. The Principal or designee may also call witnesses. At the conclusion of the hearing, the Principal or designee shall announce his or her decision and the factual basis therefor. A hearing shall be held before any student is suspended from school. The Principal or designee's decision is final and not subject to appeal.

Exception. Notice need not be given and hearing need not be held before physical removal from Academy premises if an accused student's presence poses a continuing danger to persons, property or the academic process. However, in such circumstance a hearing as provided above shall be held as soon as practicable after the student's removal.

Notification after Suspension. Immediately after a suspension, the Principal or designee shall notify the student in writing of the fact of the suspension, the grounds therefor, the period of the suspension and the time and place at which the student can meet the Principal or designee to review the suspension. A copy of the notification shall be sent to the Governing Board and may be sent to the student's teachers.

Removal from Academy Grounds. A suspended student shall be removed from the Academy building and grounds immediately after a hearing that results in suspension and after the Principal or designee and parent, guardian or legal custodian determine the best way to transfer custody of the student to the parent, guardian or legal custodian.

Extension of Suspension. If the Principal or designee exercises his or her discretion to extend a suspension for a period of no more than ten school days in addition to the original suspension period, he or she shall notify the student in writing before the end of the original suspension period and send a copy of the notice of extension to the Governing Board.

Re-admittance. The Principal or designee, at his or her sole discretion, may readmit a suspended student before the term of the suspension has ended. The chief criterion for re-admittance shall be

evidence presented to the Principal or designee at a meeting with the student and his or her parent, guardian or legal custodian demonstrating that the reason for the suspension has been removed.

Make-up Work. A suspended student shall be provided an opportunity to make up schoolwork during the period of suspension so that he or she is able to reintegrate into the Academy's educational program after the suspension is complete.

## REMEDIAL DISCIPLINE PLANS

For the purposes of this section, the Principal or designee will be described as the "disciplinary officer." Employees shall provide a written report to the disciplinary officer whenever a student initiates material and substantial disruptive behavior in the classroom, on Academy grounds, or at an Academy- or Littleton Public Schools-sponsored or -sanctioned activity or event which is overt and which requires the attention of the employee reporting the incident. The disciplinary officer shall confer with the employee reporting an incident, and if determined necessary, the disciplinary officer will contact the student's parent, guardian, or legal custodian to discuss the incident. If the disciplinary officer determines that the student has caused a material and substantial disruption, the officer shall prepare a brief written summary of the incident, the result of his or her conferences with parent, guardian or legal custodian, other investigations and his or her conclusions about the incident. The parent, guardian, or legal custodian will be given a copy of the summary, which also will be placed in the student's discipline or cumulative file. The student and/or parent, guardian, or legal custodian may submit a written response to the incident report, which will then be attached to the written summary.

The disciplinary officer shall develop a remedial discipline plan for a student who has been suspended for causing a material and substantial disruption and review and modify the plan after any second suspension. To develop the plan, the disciplinary officer will arrange for a meeting with the student, the student's parent, guardian, or legal custodian, and any Academy employees that the officer determines should attend. The purpose of the meeting is to address the reasons for the student's disruptive behavior and to cooperatively establish goals, objectives, and timelines to modify such behavior. The meeting participants shall prepare a written plan that establishes behavior goals and objectives, consequences for violation of the plan, and any other necessary information. A student's refusal to initiate a plan shall be grounds for expulsion. The plan shall be written in the form of a contract that the student and his or her parent, guardian, or legal custodian shall sign and date. The parent, guardian, or legal custodian will be provided a copy of the remedial discipline plan, and the plan will be placed in the student's cumulative file, which file will go with the student when the student moves on to another school.

Disruptive behavior by special education students shall be dealt with in accordance with the student's Individual Education Plan (IEP). These procedures for disruptive student behavior apply to special education students only to the extent that Academy employee must file incident reports on disruptive behavior by any and all students. It will be the responsibility of the disciplinary officer and other appropriate Littleton Public Schools personnel to coordinate these procedures with a special education student's IEP.

Students who engage in disruptive behavior three times during the school year and violate their remedial discipline plans will be declared "habitually disruptive." The Principal shall inform the Governing Board in writing when a student is declared habitually disruptive. The disciplinary officer shall communicate to the disciplinary officer at the next school a disruptive student attends that a remedial plan was in place during the previous year. The disciplinary officer shall communicate to the student and the parent, guardian or legal custodian in writing of each suspension counted toward declaring the student habitually disruptive. Habitually disruptive students shall be denied readmission for the next school year and/or expelled in accordance with Academy procedures for readmission and expulsion.

## DENIAL OF ADMISSION

Notice. No more than five days after a student has reached 45 gross points, the principal shall cause written notice to be delivered by regular mail to the student and his or her parent(s), legal guardian or legal custodian (collectively, "the student") at the student's last known address, denying admission to Littleton Academy for the next school year. The notice shall contain at least the specific rules or regulations upon which the denial of admission is based. If the appellant student is receiving special education services, the Board shall consult with the Littleton Public Schools director of special education and the Academy's legal counsel prior to mailing of the written notice.

Appeal. The student may submit a written appeal to the Principal before the last six regularly scheduled student school days. The Principal shall hold an appeal conference with the Vice Principal, student and parents (or legal guardian), as soon as practicable after the request therefore. Notice of the date, time and place of the conference shall be given to the student by regular mail addressed to his or her last known address. The Principal shall have the final decision in the readmission of the student.

Grievance Process. The student and his or her parent(s), legal guardian or legal custodian (collectively, "the student") may submit a written appeal to the Governing Board within five school days after the decision is rendered by the Principal. The Governing Board shall hold any grievance hearing as soon as practicable after the request therefore. Notice of the date, time and place of the hearing shall be given to the student by regular mail addressed to his or her last known address. The hearing shall be held in executive session. The Principal shall present his or her findings of fact and all evidence considered in arriving at his or her decision. The student may present witnesses and evidence. Both sides may cross-examine. Members of the Governing Board may question any person who presents evidence. The standard of proof shall be "A preponderance of the evidence," that is, whether the student is more likely than no to have shown sufficient changes to warrant readmission. Both sides may present closing statements. A written record (not necessarily *verbatim*) of the hearing shall be made. The Governing Board may deliberate in private, but its decision must be made publicly and announced at the Grievance hearing. The Governing Board reserves the right to obtain legal representation at any time during the Grievance Process.

Written Confirmation. Immediately after the admission denial appeal conference, the Principal shall confirm to a student in writing the result of the hearing. A copy of the notification shall be sent to the Governing Board in any case. A copy of the notification and all other related documents shall also

be maintained in the student's file.

Re-admittance. The Principal, at his or her sole discretion, may admit a student who has been denied admission. The chief criterion for admittance shall be evidence presented to the Principal at the appeal conference with the student and his or her parent(s), legal guardian or legal custodian, demonstrating admittance is warranted, and is subject to the Littleton Academy enrollment policy.

Education Services. Except in the case of a student with disabilities, denial of admission to a student means that Littleton Academy's obligation to provide education services to that student ends with the last day of school of the current school year.

## EXPULSIONS

Legal counsel and the special education director shall be consulted prior to consideration of expulsion of a student with disabilities for behavior not related to the student's disability.

(See *Suspension/Expulsion of Students with Disabilities*)

Notice. No less than five days before any hearing date on the question of expulsion, the Principal or designee shall cause written notice of the hearing to be delivered by regular mail to the student and his or her parent, legal guardian or legal custodian at the student's last known address. If the Governing Board believes that reason exists to shorten the notice period, it may direct the Principal or designee to do so, so long as the student receives actual notice of the hearing before it is held. The notice shall contain at least the specific statute, Littleton Public Schools policy or Littleton Academy policy, rule or regulation upon the violation of which the expulsion is to be based, a statement of the factual basis for the expulsion, a statement of any surrounding facts and circumstances which may bear upon the decision to expel or not to expel, a statement that a hearing on the proposed action will be held if requested by the student at a specified time and place at least five days after the date of the notice, a statement that the student may be present at the hearing and hear all information presented against him or her, a statement that the student may present such information and witnesses as may be relevant to the issue and be represented by his or her parent, guardian or legal custodian and an attorney, and a statement that failure to participate in such a hearing will constitute waiver of all further rights regarding expulsion.

Hearing. An expulsion hearing shall not be open to the public and shall be held as soon as practicable after the question arises. The Principal or designee shall be the hearing officer. He or she shall make available to the student at the hearing all documents, witnesses and other evidence to be considered. Procedure for conduct of the hearing shall be determined by the Principal or designee and shall include the right to admit or deny the allegations contained in the notice, describe his or her version of the pertinent facts, present witnesses and other evidence in his or her defense, cross examine witnesses and argue why expulsion should not be imposed. The standard of proof shall be "a preponderance of the evidence," that is, whether the student is more likely than not to have committed the offense charged. Record of the hearing need not be made. Within five days after the hearing, the Principal or designee shall send the student by ordinary mail delivered to the student's last known address the Principal's or designee's written decision regarding expulsion, including findings of fact and recommendation to the

Governing Board.

Appeal. The student may submit a written appeal to the Governing Board within five days after the Principal or designee renders the decision. The Governing Board shall hold any appeal hearing as soon as practicable after the request therefor. Notice of the date, time and place of the hearing shall be given to the student by regular mail addressed to his or her last known address. The hearing shall be held in executive session. The Principal or designee shall present his or her findings of fact and all evidence considered in arriving at his or her decision. The student may present witnesses and evidence. Both sides may cross-examine. Members of the Governing Board may question any person who presents evidence. The standard of proof shall be “a preponderance of the evidence,” that is, whether the student is more likely than not to have committed the offense charged. Both sides may present closing statements. A written record (not necessarily *verbatim*) of the hearing shall be made. The Governing Board may deliberate in private, but its decision must be made publicly and announced at the hearing. The Board’s attorney may be present and advise the Board at the deliberation, so long as he or she has not represented the Academy at the hearing. If the appellant student is receiving special education services, the Board shall consult with the Littleton Public Schools director of special education and the Academy’s legal counsel prior to either expelling the student or placing him or her in an alternate education program.

Written Confirmation. Immediately after an expulsion appeal hearing, the Principal or designee shall confirm to a student in writing the result of the hearing, the grounds therefor and the period of any expulsion. A copy of the notification shall be sent to the Governing Board in any case, and if expulsion is upheld, a copy shall be sent to the Superintendent as well. A copy of the notification and all other expulsion documents shall also be maintained in the student’s file.

Information to Parents. Upon expelling a student, the Principal or designee shall provide information to the parent, guardian or legal custodian of the expelled student concerning the educational alternatives available to the student during the period of expulsion. If the parent, guardian or legal custodian chooses to provide a home-based education program for the student and if requested by the parent, guardian or legal custodian, the Principal or designee shall assist the parent, guardian or legal custodian in obtaining appropriate curricula for the student.

If a student is expelled for the remainder of the school year, the Principal or designee shall contact the expelled student’s parent, guardian or legal custodian at least once every 60 days until the beginning of the next school year to determine whether the child is receiving education services. The Principal or designee is not responsible for contacting the parent, guardian or legal custodian if the student enrolls in another public or private school or if the student is committed to the State Department of Human Services or sentenced to a detention facility.

Re-admittance. The Principal or designee, at his or her sole discretion, may readmit an expelled student before the term of the expulsion has ended. The chief criterion for re-admittance shall be evidence presented to the Principal or designee at a meeting with the student and his or her parent, guardian or legal custodian demonstrating that the reason for the expulsion has been removed.

Habitually Disruptive Students. No student shall be declared “habitually disruptive” until the Academy disciplinary officer develops a remedial discipline plan with the student, the student's parent, guardian, or legal custodian, and any Academy employees that the officer determines should participate. The plan shall establish behavior goals and objectives, consequences for violation of the plan, and any other necessary information. The plan shall be written in the form of a contract that the student and his or her parent, guardian, or legal custodian shall sign and date. A student’s refusal to initiate a plan shall be grounds for expulsion. The plan shall be developed after the student’s first suspension for causing material and substantial disruptions and shall be reviewed and modified after a second suspension for such behavior. The Academy shall solicit the student’s and parent, guardian or legal custodian’s full participation in development of the plan.

Crimes of Violence. Only the Governing Board may determine whether to expel a student for being charged with the commission of a crime of violence. The Board shall use the following procedures when considering such an expulsion.

Upon receipt of a report that a student has been so charged, the Principal or designee shall take all necessary action to protect the safety and welfare of other Academy students and Academy employees. The Principal or designee may immediately suspend the student, pending Board action, after determining that the person named in the report is actually the Academy student in question. In so acting, the Principal or designee shall comply with Academy suspension procedures.

As soon as is practicable, the Board shall meet in executive session to determine whether the student should continue to be educated at the Academy. In arriving at that decision, the Board shall decide whether the student has exhibited behavior that is detrimental to the safety and welfare of other students or of school personnel, and whether educating the student at the Academy may disrupt its learning environment, provide a negative example for other students or create a dangerous and unsafe environment for students or school personnel. The standard of proof the Board uses in its decision shall be “a preponderance of the evidence,” that is, whether the foregoing facts are more likely than not to occur or to have occurred.

If the Board determines that the student should not be educated at the Academy, the Board shall either proceed to expel the student, following Academy expulsion procedures, or await resolution of any juvenile court proceedings to consider expulsion, in which case the Academy shall provide the student with an appropriate alternate education program or home-based education program, pending the outcome of the juvenile matter.

If the Board awaits conclusion of juvenile court proceedings, it may make one of two determinations following those proceedings. If the student pleads guilty, is found guilty or is adjudicated a delinquent juvenile, the Board shall expel the student, following Academy procedures. If the student does not receive adjudication, is found not guilty or pleads guilty to a lesser charge, the Board shall hold an expulsion hearing, following Academy procedures, at which hearing it may or may not expel the student. If the student is receiving special education services, the Board shall consult with the Littleton Public

Schools director of special education and the Academy's legal counsel prior to either expelling the student or placing him or her in an alternate education program. Information used by the Board for the purposes of this code shall remain confidential unless such information is otherwise available to the public by law.

## SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

Students with disabilities are neither immune from the school's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students.

A student with disabilities may be temporarily suspended from school if exclusion is warranted because of the student's disruptive activities and/or actions, which present a physical danger to him/herself, other students, school employees, or school property.

A student with disabilities whose behavior is determined to be a manifestation of his/her disability may not be expelled, but shall have his/her Individual Educational program (IEP) reviewed by the appropriate IEP team. The team shall review the IEP for appropriateness of services and the need for a more restrictive or alternate placement. A student with disabilities whose behavior creates a threat of physical harm to him/herself or other students may not be expelled if the actions creating the threat are a manifestation of his/her disability, but shall be removed from the classroom to an appropriate alternative setting within Littleton Academy for a length of time consistent with federal law. Within ten days, appropriate employees at the school in which the student is enrolled shall arrange for a reexamination of his/her IEP to amend the plan as necessary to ensure that his/her needs are addressed in a more appropriate manner or setting that is less disruptive to other students.

Legal counsel and the special education director shall be consulted prior to consideration of expulsion of a student with disabilities for behavior not related to the student's disability.

### Policy Regulation:

1. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others may be suspended from the school by the Principal following Board policies for all students.
2. Following each suspension, the Principal shall forward a copy of the letter of suspension to the Littleton Public Schools director of special education or designee, who shall monitor the frequency and nature of behavior causing the suspension.
3. Such suspensions must be for a definite period of time, not longer than five days, with no more than ten additional days. Such suspensions shall not be considered a change of placement.
4. The director of special education or designee shall call for a review of the student's Individual Educational Plan (IEP) when the pattern of behavior causing the suspension, or frequency of suspensions, suggests the need for a more restricted or alternate placement. Repeated suspension may not be used as a device to change a student's placement without the procedural safeguards provided in federal law or to deny a student access to a free appropriate public education.
5. In cases in which Littleton Academy and the parents disagree about the placement of a disruptive student with disabilities, the Governing Board may seek a court injunction allowing Littleton

Academy, in conjunction with the Littleton Public Schools, to place the student over the parents' objection.

6. None of the above procedures shall prohibit an Individual Educational Program (IEP) team from establishing consequences for disruptive or unacceptable behavior as part of a student's Individual Educational Program (IEP). The plan shall be subject to all procedural safeguards established by the Individual Educational Program (IEP) process.

## DISCIPLINARY INFORMATION

Communication. Whenever the Principal or designee determines that disciplinary information must be communicated to a teacher, he or she shall prepare a brief written statement which sets forth the information to be communicated, provide a copy to the teacher and record the names of everyone who is given a copy. The statement shall indicate it is a confidential document, and the source of the information shall be noted, if applicable. The teacher and Principal or designee may discuss the information in the statement.

The Principal or designee shall provide a copy of the written statement to the student and the student's parent, guardian, or legal custodian (hereinafter referred to as "the parent"). However, if a student is 18 years old or older, the student may inspect his or her own records, and his or her written permission will be necessary in order for the parent to receive them. The written statement shall indicate that the student and/or parent may challenge the disciplinary information on the basis that it is inaccurate, false or misleading, unless the statement is solely a summary of an incident for which the student and parent have already been afforded a due process hearing prior to imposition of discipline. If such hearing has been held, the following challenge procedures do not apply.

Challenge. The student or parent may request in writing within seven days after receipt of the written statement from the Principal or designee a review of that statement. If the deadline is not met, the statement will stand as written, and there will be no further opportunity to challenge that statement. If the student or parent challenges any part of the statement, the Principal shall review the part of the statement being challenged and may, by mutual agreement with the person making the challenge, add or delete information or change the challenged contents.

If the Principal does not agree to change the written statement as requested, the student or parent may request an informal hearing with the Governing Board within 10 days after the Principal's decision not to change the statement. This request must be in writing and must state the reasons for the request. The Principal may file a written response to the student or parent's request. The Governing Board shall hold an informal hearing and make a decision within 10 days after receiving the request. The Board's decision shall be final and not subject to appeal. The Board shall maintain a written record (not necessarily *verbatim*) of each such hearing. The hearing shall not be open to the public.

Once a hearing has been held on a disciplinary statement, that statement may be communicated to teachers. If the statement has been communicated prior to the conclusion of the hearing and

changes have been made to the statement, the Principal or designee shall provide a copy of the revised statement to all those who received the original statement. Any teacher who receives a statement containing disciplinary information shall maintain the confidentiality of the information and shall not communicate the information to any other person. Any violation of this provision will result in disciplinary action.

## IMMUNITY FROM LIABILITY

Development, Adoption and Enforcement of Code. The Governing Board and all persons who act in good faith in developing, adopting and enforcing this code shall be immune from all civil and criminal liability for so doing unless they act willfully or wantonly in so doing.

Acting in Compliance with Code. Administrators, teachers, other Academy employees and all other persons who act in good faith and in compliance with this code shall be immune from civil liability for so doing unless they act willfully or wantonly in so doing. Acting in good faith, in compliance with this code and not in a willful or wanton manner shall be an affirmative defense to any criminal action brought against any administrators, teachers, other Academy employee or other person.

Child Abuse. The act of an administrator, teacher, other Academy employee or other Littleton Public Schools employee shall not be considered child abuse, as defined in C.R.S. 18-6-401(1) and 19-3-303(1), if the act was performed in good faith and in compliance with this code or was an appropriate expression of affection or emotional support.

To the extent any subject within this code is addressed by a Littleton Public Schools policy which contains additional elements to those set forth herein, which additional elements do not conflict with the terms of this code, those additional elements shall remain in full force and effect.

Legal References:       C.R.S. 22-32-109(1)(w)(x) Authority to develop, adopt and enforce a discipline code and to protect teachers  
                              C.R.S. 22-32-110(2), (3), (4) Development and adoption of a discipline code and protection for actions taken under the code  
                              C.R.S. 22-33-106 Grounds for suspension, expulsion and denial of admission  
                              C.R.S. 19-1-119(5) Juvenile Court proceedings concerning crimes of violence, Academy use of information  
                              C.R.S. 22-20-101, *et seq.* Special education  
                              C.R.S. 22-33-106(1)(c) Suspension and expulsion of special education students