



Suspension/Expulsion of Students

In accordance with applicable law and Colorado Early Colleges (CEC) Governing Board (the Board) policy concerning student suspensions, expulsions, and other disciplinary interventions, the Board delegates to the Heads of Schools, or to a person designated in writing by a Head of School, the ability to suspend or recommend an expulsion hearing for a student who engages in one or more of the restricted activities governed by Colorado Revised Statutes (C.R.S.) while in school buildings, on school grounds, in school vehicles, during a school-sponsored activity or sanctioned event, or off school property, when allowable by law.

A Head of School, or an appointed designee, has the power to suspend a student in the school for not more than five (5) school days on the grounds stated in C.R.S. 22-33-106(1)(a)-(c) or (1)(e), or not more than ten (10) school days on the grounds stated in C.R.S. 22-33-106 (1)(d)-(g), unless expulsion is mandatory under law. The total period of suspension shall not exceed twenty-five (25) school days.

CEC's Chief Executive Administrator (CEA) shall have all authority delegated to a Head of School through this policy, as well as the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional ten (10) school days, plus up to and including an additional ten (10) days, if necessary, in order to allow time to present the matter to the Board.

Additionally, the Board also delegates to the CEA the authority to expel for any period not exceeding one (1) year any student whom the CEA, in accordance with the limitations imposed by Title 22, Article 33, C.R.S., determines does not qualify for continued attendance at a CEC school.

Factors to Be Considered

CEC staff shall consider each of the following factors before suspending or expelling a student pursuant to C.R.S. 22-33-106: the age of the student; the disciplinary history of the student; whether the student has a disability; the seriousness of the violation committed by the student; whether the violation committed by the student threatened the safety of any student or staff member; and whether a lesser intervention would properly address the violation committed by the student.

No student will be expelled unless CEC considers whether alternative remedies are appropriate and whether excluding the student from the school is necessary to preserve the learning environment.

Other Disciplinary Interventions

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the Head of School, or designee, may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary, depending on the facts and circumstances of an individual case. Such interventions shall be at the CEA's, or designee's, sole discretion and include, but are not limited to, referral to detention, in-school suspension, restorative practices, restitution plans, peer mediation, juvenile assessment, or other approaches consistent with school safety and security.

Parent/Guardian Attendance as Alternative to Suspension

As an alternative to suspension, the CEA, or designee, may permit the student to remain in school with the consent of the student's teachers if the student's parent/guardian attends class with the student for a period of time specified by the CEA, or designee. In the interest and safety of all CEC students, the parent/guardian must complete and pass a background and safety check in order to attend class with the student. If the parent/guardian does not agree or fails to attend class with the student, the student shall be suspended in

accordance with CEC policies. This alternative to suspension shall not be used if expulsion proceedings have been or are about to be initiated, or if the CEA, or designee, determines that the student's parent/guardian's presence would be disruptive to the operations of the school or be detrimental to the learning environment.

Parent/guardians shall not be allowed to bring another person (whether adult or child) with them to class. The following situations may result in the parent/guardian attendance alternative being revoked:

- Failure of the parent/guardian to follow the direction of the classroom teacher or the school administration.
- Failure of the parent/guardian or student to follow all CEC rules.
- Any disruption of a class by either the parent/guardian or student.

If the parent/guardian attendance alternative is revoked, disciplinary action shall be taken against the student as the CEA, or designee, deems appropriate, so long as the discipline is not greater than the discipline initially proposed (unless a new disciplinary violation has occurred).

Expulsion Abeyance Contract

The CEA may offer to hold an expulsion in abeyance, that is, to not seek expulsion in certain situations for certain offenses, if (1) the administrator believes it is in the best interests of the student and the school community, (2) the student and parent/guardian agree to certain conditions, and (3) the student and parent/guardian sign an abeyance contract.

Abeyance Contract

- An abeyance contract sets forth the conditions under which the school agrees to not immediately recommend a student for expulsion. If the student violates the agreement, the expulsion will automatically be imposed at that time without further process. Abeyance contracts may not exceed one (1) year.
- In some instances, the contract will set forth conditions that the student will automatically be expelled at the completion of the contract. In these limited circumstances, when the contract term ends, regardless of whether the student violated the agreement, expulsion will be imposed. These circumstances will be limited and permitted only when there are no administrative concerns for the safety of the student, other students, or staff. (For example, the CEA determines it is in the student's best interest to allow the student to finish the semester.)

Student Eligibility Requirements:

- The student and parent/guardian must acknowledge the student violated Colorado State law and the CEC student code of conduct;
- The student and parent/guardian must agree to waive the student's right to an expulsion hearing and any subsequent appeals;
- The student's current violation did not occur while another expulsion was being held in abeyance through another abeyance contract;
- The student and parent/guardian must agree to the terms of the abeyance contract; and
- The student and parent/guardian must sign the student's abeyance contract.

Administrative Considerations:

The CEA must weigh the severity of the offense, the student's prior disciplinary record, the parent/guardian/community support in place for the student, the impact of the offense on the school community, and Colorado State law when determining whether to offer an abeyance contract to the student.

Expulsion for Unlawful Sexual Behavior or a Crime of Violence

When CEC receives a report that a student is the subject of a report under C.R.S. 22-33-105(5)(a), which relates 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 CEC's receipt of the report and, if suspended, shall remain on suspension pending further action by the CEA. 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 s/he is not, in fact, the person named in the report) as soon after the suspension as is reasonably practicable.

The CEA may, but is not required, wait until the conclusion of court proceedings to consider expulsion, in which case it shall be the responsibility of CEC to provide an alternative educational program for the student as specified in state law.

Annual Reports

CEC submits an annual report to the State Board of Education stating the number of students expelled from CEC schools for disciplinary reasons or for failure to submit certificates of immunization and/or an Immunization Exemption. Expelled students shall not be included in calculating the dropout rate for the school.

Extraordinary Circumstances

In extraordinary circumstances, the CEA, or designee, may modify this policy and its accompanying time requirements as deemed necessary and will notify the Board of any changes within forty-eight (48) hours.

Procedure for Head of School to Suspend a Student

Informal Hearing

- Prior to any suspension of a student, the Head of School, or designee, shall comply with the following procedure:
 - * The Head of School shall give the student and parent/guardian oral or written notice of the charges against her/him in enough detail to allow the student to understand the nature of the accusation.
 - * If the student appears not to understand the charges against her/him, written notice should be given.
 - * If the student is unable to understand because of limited English proficiency, CEC shall take the necessary steps to communicate effectively with the student, including arranging for an interpreter/translator in appropriate circumstances.
- If the student denies the charges, the Head of School shall give the student an explanation of the evidence. Whether or not the student denies the charges, the student shall be given an opportunity to present his/her side of the story.
- The Head of School may suspend a student only if, after following the above procedure, s/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.

If a student is suspended, the Head of School will as soon as practical notify the parent/guardian that the student has been suspended, the grounds for the suspension, and the period of the suspension. The notification will include the time and place for the parent/guardian to meet with the Head of School, or designee, to review the suspension.

A suspended student (unless assigned an in-school suspension) shall be required to leave the school building and school grounds as soon as practicable, following a determination by the parent/guardian and the school of the best way to transfer custody of the student to the parent/guardian.

Prior notice and/or a hearing are not required prior to suspension in situations where a student's presence poses a danger to persons or property or an ongoing threat of disrupting the academic process.

In situations where a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student may be immediately suspended and removed from school.

Any student suspended for more than ten (10) days shall be given the opportunity to request a review of the suspension before the CEA, or designee.

Procedure to Expel a Student

In the event a student commits a potentially expellable offense as defined in Colorado statute, the following procedures will be followed:

- The student and parent/guardian will be given written notice to the last known address of the student or the student's parent/guardian, within a reasonable time after the offense or the decision by the applicable Head of School, or CEA, to recommend the student for expulsion. Such notice shall contain: the charges against the student as grounds for expulsion; a statement explaining the student's right to a hearing; a statement that the student may be present at the hearing and hear all information against him or her; that the student will have an opportunity to present such information as is relevant; that the student may be accompanied and represented by a parent/guardian, advocate, and an attorney; and a statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
- If the student elects to have a hearing, the hearing should take place as soon as practical and in accordance with law.
- Once the expulsion hearing is requested, CEC will provide all records that CEC intends to use as supporting evidence for the expulsion to the student or the student's parent/guardian at least two (2) business days which CEC is in session prior to the expulsion hearing. If CEC discovers a record not previously provided, CEC will immediately provide the newly discovered record to the student or the parent/guardian/guardian.
- Emergency notice. In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened, provided that the student or the student's parent/guardian have actual notice of the hearing prior to the time it is held.
- A student may be suspended pending an expulsion hearing, provided that the Board's policy for suspension is followed. A student being expelled may not enroll or attend any other CEC school, pending the outcome of a hearing.
- At all student expulsion hearings, the student may be represented by a parent/guardian or by an attorney licensed to practice in Colorado. The hearing shall not be open to the public. The student has the opportunity to ask for the meeting to be recorded, however CEC makes no guarantees that the hearing will otherwise be recorded.
- Expulsion hearings shall be conducted by the CEA, who shall act as the Hearing Officer unless prohibited under C.R.S. 22-33-105 2.4 (a) and (b) If the CEA is prohibited from serving as a Hearing Officer, they shall appoint a qualified designee.
- CEC will have the burden to prove by a preponderance of evidence that the student violated Colorado statute and CEC policy.
- The Hearing Officer shall render a written decision within five (5) business days of the hearing. CEC will mail the student's parent/guardian the written decision, including specific findings regarding factors set for in C.R.S. 22-33-106 (1.2), along with information about appeal rights. An expelled student shall have ten (10) days after being mailed the Hearing Officer's decision to appeal the decision to the Board.
- If the family appeals, a hearing shall be held by the Board at the next regularly scheduled Board meeting that is at least seven (7) days after an appeal is requested, or at a sooner date, if so chosen by the Board. The appeal hearing shall be conducted in accordance with law.

Obligations Relating to Expelled Students

Upon expelling a student, CEC shall provide the parent/guardian with written notification containing information concerning the educational alternatives available to the student during the period of expulsion. If the parent/guardian chooses to provide a home-based educational program for the student, the school shall assist the parent/guardian in obtaining appropriate curricula for the student, if requested by the parent/guardian.

All requests for services for expelled students must be made in writing to the Head of School by the student or the student's parent/guardian. Thereafter, CEC 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 school following the expulsion or to successfully complete the Graduate Equivalency Diploma (GED).

- CEC shall determine the amount of credit the student shall receive toward graduation for the educational services provided.
- A student who has previously been expelled and is receiving educational services may be suspended or expelled for violations of CEC's Student Conduct and Discipline Code policy. Any such student shall not be entitled to further educational services while under the latter suspension or expulsion unless services are required to be provided under federal law, such as for some students with disabilities.
- If a student is expelled and is not receiving educational services through CEC, CEC shall contact the expelled student's parent/guardian to see if the student is receiving educational services from some other source. This contact must be made at least once every sixty (60) days until the earlier of:
 - * the beginning of the next school year;
 - * the date the student is enrolled in another school;
 - * the date the student is committed to the Department of Human Services; or
 - * the date the student is sentenced pursuant to juvenile delinquency laws.

Students with Disabilities

Discipline for students with disabilities shall be in accordance with the student's Individualized Education Program (IEP), any approved behavior-intervention plan, Section 504 Plan, and applicable state and federal laws and regulations providing procedural safeguards to students with disabilities.

Expulsion Prevention

The Head of School shall work with 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 or have had frequent discipline referrals or multiple suspensions.

The Head of School, working with the student's parent/guardian, shall provide students who are identified as at risk of suspension or expulsion with a plan to provide necessary support services to help the student avoid expulsion.

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 interventions, or the failure of such interventions to remediate behavior shall not be grounds to prevent the school from proceeding with appropriate disciplinary action.