



## **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 while in school buildings, on school grounds, in school vehicles, during a school-sponsored activity or event, or off school property when conduct has a connection to any school curricular or non-curricular event.

A Head of School, or appointed designee, has the power to suspend a student in their school for not more than five (5) school days on the grounds stated in C.R.S. 22-33-106(1)(a), (1)(b), (1)(c) or (1)(e), or not more than ten (10) school days on the grounds stated in C.R.S. 22-33-106 (1)(d), 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 deny admission to or 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, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at a CEC school.

### **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.

### **Parental 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 (parent) 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 must complete and pass a background and safety check in order to attend class with the student. If the parent 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's presence would be disruptive to the operations of the school or be detrimental to the learning environment.

Parents shall not be allowed to bring another person (whether adult or child) with them to class.

The following situations may result in the parental-attendance alternative being revoked:

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

If the parental-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 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 related 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 determine to 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 s/he deems necessary and will notify the Board of any changes within twenty-four (24) hours.

## **Procedure for Head of School to Suspend a Student**

### *Informal Hearing*

- Prior to any suspension of a student, the Head of School shall comply with the following procedure:
  - \* The Head of School shall give the student and parent 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 immediately notify the parent 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 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 and the school of the best way to transfer custody of the student to the parent.

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 will be given written notice to the last known address of the student or the student's parent, within three (3) days of 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 of the date, time, and place of the hearing, which will take place as soon as practicable and in accordance with law; 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 and an attorney; and a statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
- 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 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 or by an attorney licensed to practice in Colorado. The hearing shall not be open to the public.
- Expulsion hearings shall be conducted by the CEA, who shall act as the Hearing Officer.
- The Hearing Officer shall render a written decision within five (5) working days of the hearing. CEC will mail the student's parent the written decision, along with information about appeal rights, within five (5) working days of the hearing.

- 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 (if the Board has been delegated that authority in accordance with law) 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, the CEC school shall provide the parent with written notification containing information 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.

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. 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 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:
  - \* 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 the 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, have had frequent discipline referrals, or multiple suspensions.

The Head of School, working with the student's parent, 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.

**Additional Legal References:**

C.R.S. 16-22-102(9) (unlawful sexual behavior)  
C.R.S. 18-1.3-406 (crime of violence)  
C.R.S. 22-12-105 (false reports/grounds for expulsion or suspension)  
C.R.S. 22-32-109.1 (2)(a) (adoption and enforcement of discipline code)  
C.R.S. 22-32-109.1 (2)(a)(I)(E) (policy required as part of a safe schools plan)  
C.R.S. 22-32-109.1(3) (agreements with state agencies)  
C.R.S. 22-33-105 (suspension, expulsion and denial of admission)  
C.R.S. 22-33-106 (grounds for suspension, expulsion and denial of admission)  
C.R.S. 22-33-106.3 (use of student's written statements in expulsion hearings)  
C.R.S. 22-33-106.5 (information concerning offenses committed by students)  
C.R.S. 22-33-107 (compulsory attendance law)  
C.R.S. 22-33-107.5 (notice of failure to attend)  
C.R.S. 22-33-108 (juvenile judicial proceedings)  
C.R.S. 22-33-202 (identification of at-risk students)  
C.R.S. 22-33-203 (educational alternatives for expelled students)  
C.R.S. 25-4-903 (immunization)  
C.R.S. 25-4-907 (noncompliance)

**Policy Ref:**

JICD-O Student Conduct and Discipline  
JKD-R Suspension/Expulsion of Students (Regulation)  
Student Handbook