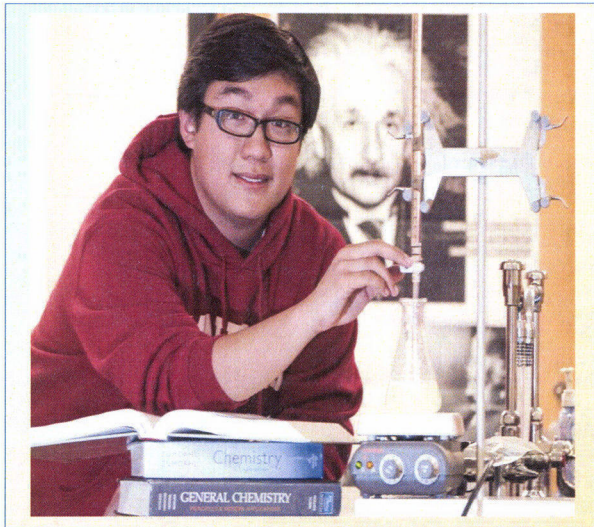


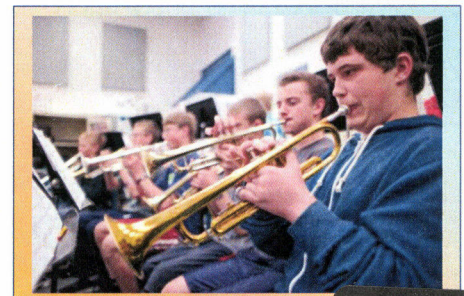
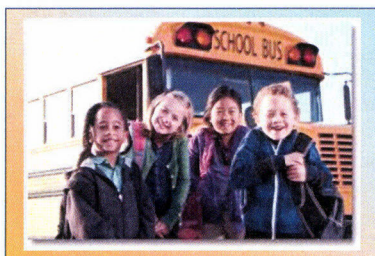
LITTLETON PUBLIC SCHOOLS

*To educate all students for the future by challenging every individual
to continuously learn, achieve and act with purpose and compassion*

Student Code of Conduct



2013-2014



Education Services Center • Learning Services
5776 S. Crocker St. • Littleton, CO 80120
303-347-4350

Exhibit No.: 1
Deponent: Meredith
Date/RPR: 6/30/15
Hunter + Geist, Inc. am

LPS 01058



Education Services Center
5776 South Crocker Street
Littleton, Colorado 80120-2094
303-347-3300
www.littletonpublicschools.net

Fall 2013

Dear Parents and Guardians:

Thank you for being part of the Littleton Public Schools learning community! We feel fortunate to have the opportunity to educate your child, and we look forward to another successful school year.

Our mission is "to educate all students for the future by challenging every individual to continuously learn, achieve, and act with purpose and compassion." Students grow intellectually, academically, physically, and emotionally a great deal during these years. We want to help students of all ages make good choices and develop a strong sense of character along the way. We also believe systems need to be in place that allow students to recover when poor choices are made. This is possible only if students, parents, teachers, and administration take a team approach and work together as a community.

Mutual respect, high behavior standards, and consistent enforcement of discipline are conducive to safe and productive learning environments. *The Littleton Public Schools Student Code of Conduct* outlines standards and expectations for behavior for all students. All of the policies referenced in the Code of Conduct are available in their entirety at <http://www.boarddocs.com/co/lpsco/Board.nsf/Public>. Every school will have additional expectations that define and support the unique culture and climate of that particular school.

If you have questions about these expectations, please contact your school's principal for additional information. We look forward to partnering with you to ensure that your student is fully prepared to be successful in the future!

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott D. Murphy', is written over a horizontal line.

Scott D. Murphy
Superintendent

Fax Numbers

Board/Superintendent 303-347-3439 • Learning Services 303-347-4394 • Finance 303-347-3460
Human Resources 303-347-3384 • Operations 303-347-3454
Communications 303-347-3476

Serving the majority of the city of Littleton, town of Columbine Valley, and portions of the municipalities of Bow Mar, Centennial, Greenwood Village, and Englewood

LPS 01059

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QUICK REFERENCE

STUDENT CODE OF CONDUCT

Behavior on or off school property that is detrimental to the welfare or safety of other students or of District employees, including behavior that creates a threat of physical harm to the child or to other children, may lead to suspension or expulsion.

Expulsion shall be mandatory for possessing a firearm, whether loaded or unloaded, as described in the Gun-Free Schools Act, §20 U.S.C. 7151 or C.R.S. 18-1-901 (3)(h). When a student has violated the weapons policy with a firearm, the principal shall initiate expulsion proceedings immediately.

The principal or District employee designated in writing by the principal may suspend or recommend expulsion of a student who engages in one or more of the following specific activities while in school buildings, on or off school property, in school vehicles, or during a school-sponsored activity, or when the conduct has a reasonable connection to school or any District curricular or non-curricular event.

1. Commission of an offense that would constitute a crime of violence as defined in state law if committed by an adult. Crimes of violence include use or possession of a deadly weapon, sale of a drug or controlled substance, robbery, and assault.
2. Commission of any act which if committed by an adult would be robbery or assault as defined by state law.
3. Carrying, bringing, using, or possessing a dangerous weapon without the authorization of appropriate District employees, unless the student has delivered the weapon to a teacher, administrator, or other authorized District employee as soon as possible upon discovering it, in accordance with state law.
4. Possessing knives of any length that do not meet the definition of a dangerous weapon, as defined by Board Policy JICI, is prohibited.
5. Violation of the District's alcohol use/drug abuse policy. Expulsion shall be mandatory for sale of drugs or controlled substances, in accordance with state law.
6. Declaration that the student is habitually disruptive.
7. Threatening behavior which is any expression, direct or indirect, made in writing, orally, or by gesture, of intent to inflict harm, injury, or damage to persons or property.
8. Misuse of computers, the internet, cell phones, digital audio/video players, personal digital devices or other technology, including, but not limited to, threats against persons or property, gaining unauthorized access to confidential information, the unauthorized reproduction of school or legal documents, copyright violations, publication and distribution in any print or non-print media that is unauthorized, attempts to harm or destroy data of another user, improper use of the internet or electronic mail, vandalism, solicitation, uploading, downloading, or creation of computer viruses, and tampering with operating systems or data.
9. Violation of District or school regulations, including but not limited to conduct, attendance, dress, bus, and motor vehicle use regulations.
10. Violation of the District's gang activity policy.
11. Violation of the District's smoking and use of tobacco policy.
12. Violation of the District's sexual harassment policy.
13. Violation of the District's student dress code policy.
14. Violation of the District's student expression rights policy.
15. Violation of the District's student distribution of noncurricular materials policy.
16. Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the school staff.
17. Repeated interference with the District's ability to provide educational opportunities to other students.

18. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.
 19. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
 20. Causing or attempting to cause physical injury to another person except in self-defense.
 21. Directing profanity, vulgar language, or obscene gestures toward other students, District employees, or visitors to school.
 22. Engaging in bullying behavior which is any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in C.R.S. 22-32-109(1)(11)(I). This definition is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United State Constitution or to prevent the expression of any religious, political, or philosophical views.
 23. Engaging in verbal abuse, i.e., name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that can precipitate disruption of the school program or incite violence.
 24. Engaging in verbal or physical harassment or intimidation of any staff member, another student, or any person.
 25. Committing extortion, coercion, or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
 26. Lying or willfully giving false information, either verbally or in writing, to a District employee.
 27. Scholastic dishonesty, which includes, but is not limited to, cheating on a test, plagiarism, and unauthorized collaboration with another person in preparing written work.
 28. Engaging in or planning any form of verbal or physical hazing or initiation of other students. Hazing includes, but is not limited to, forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior that recklessly endangers the health or safety of an individual or is likely or intended to cause personal degradation or disgrace for purposes of initiation into any student group.
 29. Stalking behavior, which is the persistent following, contacting, or watching of an individual, or any other threatening actions that would compromise the peace of mind or the personal safety of a reasonable individual.
 30. Terrorism, which is the threat to commit violence communicated with the intent to terrorize or with reckless disregard for the risk of creating such terror, or to cause serious public inconvenience, such as the evacuation of a building.
 31. Making a false accusation of criminal activity against a District employee to law enforcement or to the District.
- Each principal shall post a copy of these rules in a prominent place in each school and shall distribute a copy to each student. Copies shall also be available to any District patron upon request.

LITTLETON PUBLIC SCHOOLS

AUGUST 2013

BOARD OF EDUCATION

Bob Colwell President
Lucie Stanish Vice President
Mary Nichols Secretary
Sue Chandler Assistant Secretary
Renée Howell Treasurer

ADMINISTRATIVE STAFF

Scott Murphy Superintendent
Connie Bouwman Deputy Superintendent
Lori Kinney Assistant Superintendent of Human Resources
Diane Doney Chief of Operational Services
Dan Maas Chief Information Officer

NONDISCRIMINATION STATEMENT

Littleton Public Schools does not discriminate on the basis of race, color, sex (which includes marital status), sexual orientation, religion, national origin, ancestry, creed, age, disability, or need for special education services. The following individuals have been designated to handle inquiries regarding the nondiscrimination policies:

Lori Kinney, Assistant Superintendent of Human Resources
Littleton Public Schools
5776 S. Crocker Street
Littleton, CO 80120
303-347-3375

Melissa Cooper, Director of Special Education and Student Support Services
Littleton Public Schools
5776 S. Crocker Street
Littleton, CO 80120
303-347-3472

DISTRICT POLICIES AND PROCEDURES

Littleton Public Schools is required to inform you about certain policies, including those concerning discipline, records, and Title IX and Section 504 grievance procedures. This handbook provides you with that information. Letter references following section titles refer to the Board of Education policy from which the section is taken. Complete Board policies are available in each school and at the Education Services Center, as well as on the District's Web site, www.littletonpublicschools.net.

CONDUCT AND DISCIPLINE CODE

SEXUAL HARASSMENT OF STUDENTS (BOARD POLICY JBB)

The Board of Education recognizes that sexual harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sexual harassment in schools are essential to ensure a nondiscriminatory, safe environment in which students can learn.

Sexual harassment is recognized as a form of sex discrimination and, thus, a violation of the laws which prohibit sex discrimination.

A learning environment that is free from sexual harassment shall be maintained. It shall be a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature or to retaliate against anyone who reports sexual harassment or participates in a harassment investigation.

Unwelcome sexual advances, requests for sexual favors, or other verbal or nonverbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the student being harassed are the same gender and whether or not the student resists or submits to the harasser when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's participation in an educational program or activity.

- Submission to or rejection of such conduct by a student is used as the basis for educational decisions affecting the student.

- Such conduct is sufficiently severe, persistent, or pervasive that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member to a student is presumed to be unwelcome and shall constitute sexual harassment.

Acts of verbal aggression, intimidation, or hostility based on sex, but not involving conduct of a sexual nature, may also constitute sexual harassment.

Sexual harassment as defined above may include, but is not limited to:

- Sex-oriented verbal "kidding," abuse, or harassment.

- Pressure for sexual activity.

- Repeated remarks to a person with sexual implications.

- Unwelcome touching, such as patting, pinching, or constant brushing against another's body.

- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns.

Legitimate nonsexual touching or other nonsexual conduct is not sexual harassment.

Reporting, Investigation, and Sanctions

Sexual harassment cannot be investigated or corrected by the District until the District is made aware of such harassment. Therefore, students are encouraged to report all incidences of sexual harassment to a teacher, counselor, or principal at their school site. Students may file a formal grievance of sexual harassment through use of the accompanying grievance procedure. If the alleged harasser is the principal with whom a grievance routinely would be filed, the student may file the grievance with a District human resources administrator.

All matters involving sexual harassment complaints shall remain confidential to the extent possible as long as doing so does not preclude the District from responding effectively to the harassment or preventing future harassment.

Filing of a grievance or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred shall be investigated.

Any student found to have engaged in sexual harassment shall be subject to discipline, including, but not limited to, being placed on a remedial discipline plan, suspension or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with legal requirements.

Notice of this policy shall be circulated to all District schools and departments and incorporated in student handbooks.

All District employees shall receive periodic training related to recognizing and preventing sexual harassment. District employees shall receive additional periodic training related to handling reports of sexual harassment.

(REGULATION FOR BOARD POLICY JBB)

1. Students who believe that they have been subject to sexual harassment will report the incident. Whoever receives the report notifies the school principal, who will be referred to as the grievance officer.
2. The grievance officer will attempt to resolve the problem, if warranted, in an informal manner through the following process:
 - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of the basis of the complaint.
 - b. The grievance officer will then attempt to meet with the charged party in order to obtain a response to the complaint.
 - c. The grievance officer may hold as many meetings with the parties as is necessary to gather facts and obtain statements from witnesses if available.
3. On the basis of the grievance officer's perception of the situation, the grievance officer may:
 - a. Attempt to resolve the matter informally through conciliation.
 - b. Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
4. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather any more evidence necessary to decide the case and thereafter impose any sanctions deemed appropriate, including a recommendation to the Board of disciplinary action.

COMPULSORY ATTENDANCE (BOARD POLICY JEA)

Every child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen is required to attend public school with such exceptions as provided by law. It is the obligation of every parent, guardian, or legal custodian to ensure that every child under such parent's care and supervision receives adequate education and training.

Each school may notify in writing the parents, guardians, or legal custodians of all students at the beginning of each school year, or upon enrollment, of their obligation to ensure that all children of compulsory attendance age attend school. Parents, guardians, or legal custodians of students enrolled in the District may be required to acknowledge in writing awareness of their obligations and to furnish the school with a telephone number or other means of contacting them during the school day.

STUDENT ABSENCES (BOARD POLICY JH)

Students who desire to obtain the greatest benefit from public education recognize that regular attendance and participation in classes are essential. Regular contact of the students with one another in the classroom and their participation in well-planned instructional activities under the tutelage of competent teachers are vital. Frequent absence of students from regular classroom learning experiences disrupts the continuity of the instructional process. The benefits of regular classroom instruction are lost and cannot be entirely regained, even by extra after-school instruction. Consequently, many students who miss school frequently experience great difficulty in achieving the maximum benefits of schooling.

According to state law, it is the obligation of every parent to ensure that every child under his/her care and supervision receives adequate education and training and, if of compulsory attendance age, attends school. Parents must communicate their child's absences in the manner and within the period of time specified by the school.

Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. In most situations, the work missed cannot be made up adequately. Since the basic responsibility of the school is to support the requirements of the courses in which students are enrolled, excessive unexcused absences may result in a lower grade or failure even though written assignments, certain test results, and other schoolwork may appear to be satisfactory. Students and parents may petition the Board of Education for exceptions to this policy or any accompanying regulations, provided that no exception shall be sustained if the student fails to abide by all requirements imposed by the Board of Education as conditions for granting any such exception.

The Board of Education does not condone a "cut" system that allows students a specified number of absences without appropriate consequences.

Absences

The maximum number of hours of unexcused absences a student may incur before judicial proceedings to enforce compulsory attendance may be initiated is 24 accumulative clock hours during any calendar or school year.

Each school shall establish a system of monitoring individual absences and procedures for notifying parents regularly of student absences.

An excused absence is one that the parent, guardian, or legal custodian excuses and the appropriate administrator accepts in accordance with this policy.

An unexcused absence is one that the parent, guardian, or legal custodian excuses and the appropriate administrator does not accept, in accordance with this policy.

A truancy is an absence from school without the permission either of the student's parent, guardian, or legal custodian, or of the teacher or administrator in charge.

Excused —The following absences shall be considered excused:

A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance before the absence. Administrators shall give prior approval only for appointments or circumstances of a serious nature which cannot be taken care of outside of school hours. Requests for prior approval must be made at least three school days prior to the absence.

A student who is absent for an extended period due to physical, mental, or emotional disability.

A student who is pursuing a work-study program under the supervision of the school.

A student who is attending any school-sponsored activity or activities of an educational nature with advance approval of the administration.

A student who is suspended or expelled.

The District may require suitable proof regarding the above exceptions, including written statements from medical sources.

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

In all other cases not covered by one of the foregoing exceptions, the principal or designee shall decide whether absences are excused or unexcused. Absences not properly reported by the parent are unexcused, unless later excused by the principal or designee where circumstances warrant.

Tardiness

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

Tardiness shall be excused when the parent or a school staff member communicates with the teacher and/or attendance office about the tardiness within the period of time specified by the school.

In an unavoidable situation, a student detained by another teacher or administrator shall not be considered tardy provided that the teacher or administrator gives the student a pass to enter the next class. Teachers shall honor passes presented in accordance with this policy. The provisions of this policy shall be applicable to all students in the District, including those above and below the age for compulsory attendance as required by law.

Make-up Work

Make-up work shall be provided for any class in which the student has an excused absence unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school. Each school shall establish procedures for completing make-up work, in accordance with this policy, and shall communicate those procedures to students and their parents. It is the responsibility of the student to initiate requests for make-up work, and teachers are required to provide such work upon request.

Excused or unexcused absence — Credit for work missed during excused or unexcused absences shall be given when the required work has been satisfactorily completed. Make-up work following an unexcused absence shall be allowed with the goal of providing the student with an opportunity to keep up with the class and an incentive to attend school. However, the teacher, in their discretion, may give only partial credit, as a consequence for an unexcused absence.

If students have extended excused absences, they will be given adequate time to complete work in order to be successful.

A suspended student shall be provided an opportunity to make up schoolwork during the suspension, so the student is able to reintegrate into the educational program of the District following the period of suspension. The District shall take into consideration the suspension when determining the amount of credit the student will receive for this make-up work.

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

Attendance Officer

The Board of Education hereby designates the Superintendent or designee, and the school principals or their designees to act as attendance officers, who shall enforce the provisions of the compulsory attendance law, counsel with students and parents, investigate the causes of nonattendance, and report their findings to the Board of Education.

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

TRUANCY (BOARD POLICY JHB)

A student shall be considered truant when the student is absent from school without the permission either of the student's parent, guardian, or legal custodian, or of the teacher or administrator in charge. A "habitual truant" shall be defined as a student of compulsory attendance age who has four unexcused absences from school in any one month or ten unexcused absences during any school year. For purposes of this policy, absences due to suspension or expulsion shall not be counted in the total of unexcused absences for purposes of defining a student as an "habitual truant."

For purposes of this policy, an "absence" is the accumulation of any and all class/period absences on any school day.

In order to reduce the incidents of truancy, parents, guardians, or legal custodians of all students shall be notified in writing at the beginning of each school year of their obligation to ensure that all children of compulsory attendance age attend school. Parents, guardians, or legal custodians shall be required to acknowledge in writing awareness of their obligations and to furnish the school with a telephone number or other means of contacting them during the school day.

The school shall establish a system of monitoring individual unexcused absences. When a student fails to report on a regularly scheduled school day, and school personnel have received no indication that the parent/guardian is aware of the absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify the parent/guardian, including, but not limited to, by telephone or email.

When a student is declared habitually truant, the appropriate school employees must develop a plan intended to assist the student to remain in school. When practicable, the student's parent, guardian, or legal custodian shall participate in the development of the plan. Appropriate school employees shall make all reasonable efforts to meet with the parent, guardian, or legal custodian to review and evaluate the reasons for the student being habitually truant.

In accordance with law, the District may impose appropriate penalties that relate directly to classes missed while truant and may develop regulations to implement appropriate penalties for truancy.

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE (BOARD POLICY JHD)

Exclusions From Attendance

The Board of Education or the Superintendent may deny a student admission to District schools on grounds established in state law.

Students denied admission and their parents, guardians, or legal custodians shall be provided due process using the District's procedures for suspension and expulsion.

Exemptions From Attendance

School-age children may be exempt from attendance at District schools as allowed by law.

(REGULATION FOR BOARD POLICY JHD)

A student may be denied admission based on any of the following conditions:

1. Physical or mental disability which prevents the student from reasonably benefiting from the available programs.
2. Physical or mental disability or disease which causes the student's attendance to be detrimental to the welfare of students.
3. Graduation from twelfth grade of any school or receipt of any equivalent document as evidence of completion of the equivalent of a secondary curriculum.
4. Expulsion from any school district within the previous twelve months.
5. Failure to meet the age requirement of age six by October 1 for beginning kindergarten or first grade.

6. Failure to comply with the Colorado School Entry Immunization Law.

7. Failure to provide proof of residency.

A principal deeming it necessary to recommend denial of admission to a student requesting enrollment must immediately make such a recommendation to the Superintendent or designee. A copy of the statement will be given the parent.

The Superintendent or designee will hold a conference with the parent and student at the earliest possible time.

Within one week of the conclusion of the conference, the Superintendent or designee will provide a written statement of findings and a ruling to the parents. If the denial of admission is upheld, the parents will be informed of their right to request a review of the decision before the Board.

No student will be denied admission for any period beyond the current academic year. Parents will be advised that they must reapply for admission for the ensuing academic year.

Admission may be reconsidered during the same academic year upon submission of evidence that corrective actions to relieve the cause of denial of admission have been taken. The final decision will be made by the Superintendent or designee.

STUDENT CONDUCT (BOARD POLICY JIC)

The Board intends that District schools help students grow toward self-discipline, accept responsibility, and learn to appreciate the rights of others. To that end, the Board shall adopt a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code also shall emphasize that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall be enforced uniformly, fairly, and consistently for all students.

All Board-adopted policies and Board-approved regulations containing the letters "JIC" in the policy code shall be considered as constituting the conduct section of the legally-required code.

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

The code shall not infringe upon constitutionally protected rights, shall be clearly and specifically described, shall be printed in a handbook or some other publication made available to students and parents, and shall have an effective date following the dissemination of the published handbook.

In all instances, students shall be expected to conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all District employees, the educational purpose underlying all school activities, the widely shared use of school property, and the rights and welfare of other students. All District employees shall be expected to share the responsibility of supervising the behavior of students and for seeing that they abide by the established rules of conduct. Where student conduct is not covered by policy, employees shall be expected to exercise reasonable, professional judgment.

School administrators shall distribute the conduct and discipline code once to each student in elementary, middle, and high school, and once to each new student in the district. Copies shall be posted or kept on file in each District school. In addition, any significant change in the code shall be distributed to each student and posted in each school.

STUDENT DRESS CODE (BOARD POLICY JICA)

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

Student grooming and apparel must adhere to LPS standards of decency, must not pose a threat to public or personal safety or health, and must not be disruptive of or distracting to classroom activity or student behavior. These standards apply in school District buildings, on school grounds, in school vehicles, on school District property, and at school-sponsored activities.

General standards of appropriate dress include, but are not limited to, the following:

Students are expected to exhibit reasonable cleanliness in their grooming and dress.

Unacceptable dress includes clothing that is transparent or revealing, or inappropriate for the particular activity.

Also considered unacceptable is clothing:

advertising or referring to alcoholic beverages, tobacco, drugs, or weapons, displaying gang symbols or denoting membership in gangs that advocate drug use, violence or disruptive behavior by virtue of color, arrangement, trademark, or other attribute,

using defamatory or vulgar, offensive or obscene language, design, or message, threatening the safety or welfare of any person, or

promoting any activity prohibited by the student code of conduct.

Students may not sag their pants.

Hazardous apparel or jewelry, such as spiked belts, spiked wrist bands, chains, or other items likely to injure the wearer or someone else is not permitted.

Appropriate footwear is required at all times.

Clothing must be worn as intended by the manufacturer.

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

School administrators may establish additional specific standards for their individual schools within LPS guidelines.

Teachers may establish additional specific standards for their individual classrooms within LPS dress guidelines.

Disciplinary action for violation of dress standards may include requiring the student to remove or change the grooming/apparel, referral to counselor or administration, parental conference, and suspension and/or expulsion.

STUDENT CONDUCT ON SCHOOL BUSES (BOARD POLICY JICC)

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

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

After due warning has been given to the student and to the parent, guardian, or legal custodian, the principal may withhold from the student the privilege of riding the school bus. The student also may be suspended or expelled, in accordance with established policies, including discipline of habitually disruptive students, for flagrant violation of school bus rider conduct regulations, or conduct detrimental to the safe operation of the bus.

STUDENT CODE OF CONDUCT (BOARD POLICY JICDA)

Behavior on or off school property that is detrimental to the welfare or safety of other students or of District employees, including behavior that creates a threat of physical harm to the child or to other children, may lead to suspension or expulsion.

Expulsion shall be mandatory for possessing a firearm, whether loaded or unloaded, as described in the Gun-Free Schools Act, §20 U.S.C. 7151 or C.R.S. 18-1-901 (3)(h). When a student has violated the weapons policy with a firearm, the principal shall initiate expulsion proceedings immediately.

The principal or District employee designated in writing by the principal may suspend or recommend expulsion of a student who engages in one or more of the following specific activities while in school buildings, on or off school property, in school vehicles, or during a school-sponsored activity, or when the conduct has a reasonable connection to school or any District curricular or non-curricular event.

Commission of an offense that would constitute a crime of violence as defined in state law if committed by an adult. Crimes of violence include use or possession of a deadly weapon, sale of a drug or controlled substance, robbery, and assault.

Commission of any act which if committed by an adult would be robbery or assault as defined by state law.

Carrying, bringing, using, or possessing a dangerous weapon without the authorization of appropriate District employees, unless the student has delivered the weapon to a teacher, administrator, or other authorized District employee as soon as possible upon discovering it, in accordance with state law.

Possessing knives of any length that do not meet the definition of a dangerous weapon, as defined by Board Policy JICI, is prohibited.

Violation of the District's alcohol use/drug abuse policy. Expulsion shall be mandatory for sale of drugs or controlled substances, in accordance with state law.

Declaration that the student is habitually disruptive.

Threatening behavior which is any expression, direct or indirect, made in writing, orally, or by gesture, of intent to inflict harm, injury, or damage to persons or property.

Misuse of computers, the internet, cell phones, digital audio/video players, personal digital devices or other technology, including, but not limited to, threats against persons or property, gaining unauthorized access to confidential information, the unauthorized reproduction of school or legal documents, copyright violations, publication and distribution in any print or non-print media that is unauthorized, attempts to harm or destroy data of another user, improper use of the internet or electronic mail, vandalism, solicitation, uploading, downloading, or creation of computer viruses, and tampering with operating systems or data.

Violation of District or school regulations, including but not limited to conduct, attendance, dress, bus, and motor vehicle use regulations.

Violation of the District's gang activity policy.

Violation of the District's smoking and use of tobacco policy.

Violation of the District's sexual harassment policy.

Violation of the District's student dress code policy.

Violation of the District's student expression rights policy.

Violation of the District's student distribution of noncurricular materials policy.

Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the school staff.

Repeated interference with the District's ability to provide educational opportunities to other students.

Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.

Causing or attempting to cause damage to private property or stealing or attempting to steal private property.

Causing or attempting to cause physical injury to another person except in self-defense.

Directing profanity, vulgar language, or obscene gestures toward other students, District employees, or visitors to school.

Engaging in bullying behavior which is any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in C.R.S. 22-32-109(1)(11)(I). This definition is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United State Constitution or to prevent the expression of any religious, political, or philosophical views.

Engaging in verbal abuse, i.e., name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that can precipitate disruption of the school program or incite violence.

Engaging in verbal or physical harassment or intimidation of any staff member, another student, or any person.

Committing extortion, coercion, or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.

Lying or willfully giving false information, either verbally or in writing, to a District employee.

Scholastic dishonesty, which includes, but is not limited to, cheating on a test, plagiarism, and unauthorized collaboration with another person in preparing written work.

Engaging in or planning any form of verbal or physical hazing or initiation of other students. Hazing includes, but is not limited to, forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior that recklessly endangers the health or safety of an individual or is likely or intended to cause personal degradation or disgrace for purposes of initiation into any student group.

Stalking behavior, which is the persistent following, contacting, or watching of an individual, or any other threatening actions that would compromise the peace of mind or the personal safety of a reasonable individual.

Terrorism, which is the threat to commit violence communicated with the intent to terrorize or with reckless disregard for the risk of creating such terror, or to cause serious public inconvenience, such as the evacuation of a building.

Making a false accusation of criminal activity against a District employee to law enforcement or to the District.

Each principal shall post a copy of these rules in a prominent place in each school and shall distribute a copy to each student. Copies shall also be available to any District patron upon request.

(REGULATION FOR BOARD POLICY JICDA)

A. Off-Campus Conduct

In determining whether to impose discipline for off-campus conduct, administrators will be guided by the following criteria:

1. The extent that other students or staff were involved in an off-campus incident.
2. The seriousness of the offense.
3. When and where the conduct occurred.
4. The effect, and the extent of that effect, of the conduct on the school operation and/or environment.

B. Self-Defense

For purposes of this code, "self-defense" means the use of physical force on another person in order to defend oneself or a third person from what one reasonably believes to be an actual or imminent

threat of harmful contact. For the use of physical force to be considered self-defense, three elements must be present:

1. The person must not use more force than a reasonable person would have under the same circumstances;
2. The person must not have provoked the incident; and
3. There was no reasonable means of avoiding the contact.

SCHOOL-RELATED STUDENT PUBLICATIONS (BOARD POLICY JICEA)

School-Sponsored Publications

School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing, and understanding responsible journalism.

The Board of Education recognizes creative student expression as an educational benefit of the school experience; therefore, it encourages freedom of comment, both oral and written, in a school setting in which proper learning can take place.

The Board of Education encourages students to express their views in school-sponsored publications. In expressing their view, students should follow the rules and regulations for responsible journalism which means expression which is false or obscene, libelous, slanderous or defamatory under state law; which presents a clear and present danger of the commission of unlawful acts, violation of school rules or material, and substantial disruption of the orderly operation of the school; or which violates the privacy rights of others; or threatens violence to property or persons shall not be permitted.

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

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

All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board of Education policy. The District and employees are provided immunity from civil or criminal penalties for any expression made or published by students parenthetically (C.R.S. 24-10-102).

School Publications Code

The official school publications code is as follows:

Purpose

As stated in Board of Education policy, school-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing, and understanding responsible journalism. Content of school publications should reflect all areas of student interest, including topics about which there may be dissent or controversy.

Responsibilities of Student Journalists

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

Rewrite material, as required by the faculty advisors, to improve sentence structure, grammar, spelling, and punctuation.

Check and verify all facts and verify the accuracy of all quotations.

In the case of editorials or letters to the editor concerning controversial issues, provide space for rebuttal comments and opinions.

If advertising is allowed in the publication, the student editor will determine the content of any advertisement using the standards as defined in the section "Prohibited Materials" of this document.

Responsibilities of Publication Advisors

In addition to the responsibilities set forth in the accompanying Board of Education policy, the publication advisor will exercise general supervision over all activities to create a proper learning environment. The advisor shall teach and encourage free and responsible expression and professional standards for English and journalism.

Prohibited Materials

Students may not publish or distribute material in any print or non-print media which is obscene.

"Obscene" means:

The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.

The publication depicts or describes in a patently offensive way sexual conduct, such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of genitals.

The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Students may not publish expression in any print or non-print media which is libelous, slanderous, or defamatory under state law. "Libelous" is defined as a false and unprivileged statement about a person which injures the individual's reputation in the community.

Expression in any print or non-print media which is false as to any person who is not a public figure or involved in a matter of public concern is prohibited.

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

Under the "fair comment rule," a student is free to express an opinion on matters of public interest, including school-related issues.

Expression in any print or non-print media which presents a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school, or which violates the rights of others to privacy is prohibited.

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

Time, Place, and Manner Restrictions

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

Procedures for Resolving Differences

Student editors will work first with the publications advisor to resolve any differences. If the problem cannot be resolved at this level, the student editors and/or the publications advisor may work with the principal to resolve any problems. If the problem is not resolved at the principal level, the student editors and/or the publications advisor may work with the Superintendent or designee to resolve the problem. If the problem is not resolved at that level, the student editors and/or publications advisor

may work with the Board of Education to resolve the problem. If the problem is not resolved at the Board of Education level, the student editors and/or publications advisor may seek relief through the judicial system.

Legal Advice

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

Policy JICEA, including the Publications Code, shall be distributed to all publications, students, and teachers at the beginning of each school year.

Nonschool-Sponsored Publications

Students of Littleton Public Schools shall have the right to exercise freedom of speech and of the press, and no expression contained in a nonschool-sponsored publication in any print or non-print media shall be subject to prior restraint except for:

Expression which is obscene;

Expression which is libelous, slanderous, or defamatory under state law;

Expression which is false as to any person who is not a public figure or involved in a matter of public concern; or

Expression which creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, the material and substantial disruption of the orderly operation of the school, or which violate the rights of others to privacy.

STUDENT DISTRIBUTION OF NONCURRICULAR MATERIALS (BOARD POLICY JICEC)

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

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

Students shall be allowed to distribute noncurricular written materials on school property subject to restrictions on time, place, and manner of distribution set out in the accompanying regulation and the prohibitions set out below and in state law.

Any material in any media containing expression that is obscene, libelous, slanderous, or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board or District policy and/or regulations, violates another person’s right to privacy, causes a material and substantial disruption of the orderly operation of the school, or threatens violence to property or persons.

Students who distribute or publish materials in any media, including online, in violation of this policy and/or materials in the school setting that cause a material and substantial disruption, damage to a person or property, or threaten violence to property or persons in the judgment of school officials, shall be subject to appropriate disciplinary action.

School equipment and supplies shall not be used for publication of such material unless authorized as a school-sponsored activity.

This policy and the accompanying regulation shall be made available to all students and teachers at the beginning of each school year and included in all student handbooks.

(REGULATION FOR BOARD POLICY JICEC)

Students who wish to distribute noncurricular printed materials on school property or in conjunction with a school activity must notify the principal a minimum of two school days in advance so that details may be worked out regarding the time, place, and manner of distribution.

Students have to produce an advance copy of the materials that will be distributed for the principal's review. Materials which are distributed on school grounds containing information prohibited by Board policy and/or materials that create a significant or substantial disruption, damage to persons or property, or threaten or create the ability to threaten violence to property or persons in the judgment of school officials, may subject the responsible students to disciplinary action following distribution.

The following restrictions will apply to all requests for distribution of noncurricular materials by students:

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

Time—Distribution may be made one-half hour before school and/or during regularly scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.

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

Manner—No student may in any way be compelled or coerced to accept any noncurricular materials. In the alternative, no school official or student may interfere with the distribution of materials which do not conflict with Board policies or regulations.

Violation of any of these regulations will be sufficient cause for denial of the privilege to distribute materials at future dates and for disciplinary action.

STUDENT EXPRESSION RIGHTS (BOARD POLICY JICED)

While students do not shed their constitutional rights when they enter the school or engage in school-related activities, it is the Board of Education's responsibility to adopt rules reasonably necessary to maintain proper discipline among students and create an effective and safe learning environment.

For purposes of this policy, student expression includes expression in any print or non-print media, including, but not limited to, written, oral, visual, audio, and electronic media in all classrooms and other school-related activities, assignments, and projects.

Students have the right to display the flag of the United States on their person or personal property, and/or property under their temporary control, such as a desk or locker, provided that such display is reasonable and does not disrupt the educational process or cause a safety concern.

Students shall not turn in, present, publish, or distribute any expression, in any print or non-print media, that is obscene, profane, vulgar, libelous, slanderous, defamatory, or otherwise unlawful under state law. In addition, students shall not use any expression that:

Falsifies information as to any person who is not a public figure or involved in matter of public concern

Creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school

Violates the rights of others to privacy

Threatens violence to property or persons

Attacks any person because of race, color, sex, age, religion, sexual orientation, national background, or disability

Tends to create hostility or otherwise disrupt the orderly operation of the educational process

Advocates illegal acts of any kind, including the use of illegal drugs, tobacco, or alcohol

GANG ACTIVITY/SECRET SOCIETIES (BOARD POLICY JICF)

The goal of the Board of Education is to keep District schools and students free from the threats or harmful influence of any gang. For purposes of this policy, “gang” is defined as any group, secret society, organization or association that advocates drug use, violence, ethnic intimidation, or disruptive or illegal behavior. The principal or designee shall maintain supervision of school premises to deter intimidation of students and confrontations between members of different gangs.

The Superintendent shall establish open lines of communication with local law enforcement agencies so as to share information and provide mutual support in this effort within appropriate legal guidelines.

The Superintendent or designee shall provide in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources which may help students.

Symbols

The Board of Education finds that gang symbols are inherently disruptive to the educational process, and therefore prohibits the presence of any insignia, apparel, jewelry, accessory, notebook or other school supply, or manner of grooming which by virtue of its color, arrangement, trademark, or any other attribute denotes membership in gangs. The Board of Education further prohibits any demonstration of gang membership through the use of hand gestures, graffiti, or printed or non-print media. This policy shall be applied by the principal or designee as the need for it arises at individual school sites. A student may be suspended or expelled for failure to comply with the provisions of this policy.

Prevention

The Board of Education realizes that students may become involved in gangs without understanding the consequences of such membership. Early intervention is a key component of efforts to break the cycle of such memberships. Therefore, gang violence prevention information shall be made available in District schools as appropriate.

STUDENT USE OF TOBACCO (BOARD POLICY JICG)

In order to promote the general health, welfare, and well-being of staff and students, the Board of Education is committed to establishing the Littleton Public Schools as a tobacco-free District. Smoking, chewing, or other use of tobacco products by staff, students, and members of the public shall be banned from all District premises. In addition, tobacco use by students is banned at all school-sponsored events, even though this use does not take place on school grounds. Furthermore, elementary and middle school students may not possess tobacco products or paraphernalia on school premises or at school-sponsored events.

Consequences

The following consequences are for offenses occurring in one school year. Infractions shall not carry over from one school year to the next. Each student shall receive a fresh start with each new school year.

First offense—will result in detention, work detail, smoking cessation class, or other measures as deemed appropriate by the building administrator. Implementation of these consequences will be based on specific circumstances and individual students in compliance with each school’s established procedures.

Second offense—will result in a one-day suspension.

Third offense—will result in a three-day suspension or a one-day suspension with completion of a designated smoking cessation program.

Fourth offense—will result in a five-day suspension or a two-day suspension with completion of a designated smoking cessation program.

Fifth offense—will result in a recommendation for expulsion for continued willful disobedience under C.R.S. 22-33-106.

DRUG AND ALCOHOL USE BY STUDENTS (BOARD POLICY JICH)

Littleton Public Schools shall promote a healthy and safe environment for students by providing education, support, and decision-making skills in regard to alcohol, drugs, and other controlled substances and their abuse. The schools, parents, and the community and its agencies must work cooperatively to accomplish this goal.

Policy Description

It shall be a violation of Board policy and considered to be behavior that is detrimental to the welfare and safety of other students or school personnel for any student to possess, use, sell, distribute or procure alcohol, drugs, other controlled substances, or drug paraphernalia or to be under the influence of alcohol, drugs, or other controlled substances (see “When and Where Policy Applies” section). The unlawful possession (either “actual” or “constructive”) or use of alcohol or controlled substances is wrong and harmful to students. Students violating this policy shall be subject to disciplinary action.

The Board of Education, in recognition that drug and alcohol abuse is a community problem, shall cooperate actively with law enforcement, social services, or other agencies and organizations, parents, and any other recognized community resources committed to reducing the incidence of illegal use of drugs and alcohol by school-aged youth. The District will take disciplinary action that may include suspension or expulsion from school and may include referral to law enforcement for criminal prosecution.

Definitions

“To possess” or “to be in possession” means either:

1. Actual Possession: To have actual possession or control of alcohol, drugs, other controlled substances and/or drug paraphernalia on one’s person, or in one’s personal property, automobile, or other vehicle while on or near school property, in attendance at school, in a school vehicle, or taking part in or attending any school-sponsored or school-sanctioned activity, or in one’s locker, desk or other school-provided storage area or off campus where sufficient nexus exists as described below in “When and Where Policy Applies” section (“actual possession”); or,
2. Constructive Possession: Even though not in actual possession, when the student knowingly associates with other person(s) while they are unlawfully or illegally using or possessing alcohol, drugs, or other controlled substances, or in possession of paraphernalia, while on school property, in attendance at school, in a school vehicle, or taking part in or attending any school-sponsored or school-sanctioned activity, and continues to remain with the person(s) after having a sufficient time to leave (“constructive possession”).

“Being under the influence” means when a student’s comportment, behavior, condition, speech, or appearance is affected by or evinces prior use of alcohol, drugs, or other controlled substances.

“Controlled substances” include, but are not limited to, narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medicine, vitamin, or other chemical substances not taken in accordance with Board policy and regulations on administering medicines to students. This definition also includes substances that are represented by or to the student to be any such controlled substance or what the student believes to be any such substance.

“Distribution” means to sell, buy, procure, distribute, give, exchange, or receive alcohol, drugs, or other controlled substances, or drug paraphernalia.

“Drug paraphernalia” shall mean any machine, instrument, tool, equipment, or device which is primarily designed and intended for one or more of the following:

to introduce into the human body any controlled substance under circumstances in violation of the laws of this state,

to enhance the effect on the human body of any controlled substance under circumstances in violation of the laws of this state,

to conceal any quantity of any controlled substance under circumstances in violation of the laws of this state,

to test the strength, effectiveness, or purity of any controlled substance under circumstances in violation of the laws of this state.

An “offense” is a violation of this policy.

“Use” means to eat, drink, swallow, consume, ingest, smoke, inhale, inject, or otherwise partake of alcohol, drugs, or other controlled substances.

When and Where Policy Applies

This policy shall apply to any student who is on school property, in attendance at school, in a school vehicle or being transported in a vehicle dispatched by the District or one of its schools, or taking part in or attending any school-sponsored or school-sanctioned activity. Disciplinary action may be taken in other cases involving student use, distribution, or actual possession of alcohol, drugs, or controlled substances off campus when such conduct has a sufficient nexus with any school or school-sponsored or school-sanctioned activity or event. An example can include the student using, distributing, or actually possessing alcohol, drugs, or controlled substances and then shortly thereafter coming onto school property and/or taking part in or attending any school-sponsored or school-sanctioned activity.

Penalties for Possession, Use, or Under the Influence

Students who use or possess alcohol, drugs, other controlled substances or drug paraphernalia or are under the influence of alcohol, drugs, or other controlled substances in violation of Policy JICH will be disciplined in the following manner:

First Offense—The student will be suspended for five school days, with a request by the principal to the Superintendent or designee to extend the suspension an additional five days. In situations involving particularly pernicious, harmful, or addictive illegal drugs such as cocaine, heroin, or ecstasy, the principal may recommend expulsion

Alternatives—The suspension period may be reduced to three school days provided the student agrees to complete an appropriate alcohol and drug education/treatment/counseling program, mutually agreed to by the parent, guardian, or legal custodian and the school administrator. The responsibility for initiating and completing the program rests with the student and his/her parent, guardian, or legal custodian. Any costs associated with such program shall be borne by the student/parent, guardian, or legal custodian. Failure to provide documentation of completion of the program within the prescribed time limits will result in the imposition of the additional seven (7) days of suspension.

Readmittance Conference—At the readmittance conference, the appropriate school administrator will provide the student and parent, guardian, or legal custodian with information concerning voluntary alcohol and drug treatment/counseling programs and will outline, with the assistance of the student and parent, guardian, or legal custodian, the responsibilities of the student, the parent, guardian, or legal custodian, and the school to prevent further offenses.

Second Offense—The appropriate school administrator will recommend to the Superintendent expulsion of the student for up to one calendar year for a second offense and all subsequent offenses within any three-year period.

Penalties for Distribution

Students who sell, buy, procure, distribute, give, exchange, or receive alcohol, drugs, other controlled substances, or drug paraphernalia in violation of Policy JICH will be expelled; provided that the purchase or exchange of over-the-counter drugs may be limited to a suspension in appropriate circumstances at the discretion of the principal.

Due Process

District employees applying this policy shall comply with due process and state law by following the procedures for suspension or expulsion in Policy JKD/JKE and regulation JKD/JKE-R. A student may be charged with only one offense at a time, based on whichever rule results in the most severe penalties.

Abuse Counseling and/or Information

Cases in which students seek counseling or information from a professional District employee for the purpose of overcoming substance abuse shall be handled individually, depending on the nature and particulars of the case. When appropriate, parents, guardians, or legal custodians shall be involved, and every effort made to direct the student to sources of assistance.

Whenever possible in dealing with student problems associated with drug and alcohol abuse, school personnel shall provide parents, guardians, or legal custodians and students with information concerning available education and rehabilitation programs. Information provided to students and/or parents, guardians, or legal custodians about community programs and resources shall be accompanied by a disclaimer to clarify that the District assumes no financial responsibility for the expense of drug or alcohol assessment or treatment provided by other agencies or groups, unless otherwise required.

Notice to Students and Parents, Guardians, or Legal Custodians

The District shall annually provide all students and parents, guardians, or legal custodians with a copy of this policy. In addition to providing the Student Code of Conduct on an annual basis, schools will provide further notice and information in a manner that the school determines is appropriate to assist students and parents, guardians, or legal custodians in understanding this policy and consequences.

Drug Prevention Program Review

The Board of Education shall conduct a biennial review of its drug prevention program to determine its effectiveness, to implement any required changes, and to ensure that the disciplinary actions required are consistently enforced.

Records

The administration of each school building will maintain records of alcohol/drug offenses, noting date, type of offense, and disciplinary action taken. Such records shall be forwarded to the appropriate administrator at the next school the student attends in the District.

WEAPONS IN SCHOOL (BOARD POLICY JCI)

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

Expulsion shall be mandatory for possessing a firearm, whether loaded or unloaded, as described in the Gun-Free Schools Act, §20 U.S.C. 7151 or C.R.S. 18-1-901 (3)(h). When a student has violated the weapons policy with a firearm, the principal shall initiate expulsion proceedings immediately.

Carrying, bringing, using, or possessing a dangerous weapon in any school building, on school grounds, in any school vehicle, or at any school-sponsored or District-sponsored activity, or off school property when the conduct has a reasonable connection to school or any District curricular or noncurricular event without the approval of authorized school personnel is prohibited.

Dangerous weapons are defined as:

Any pellet, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air,

A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches, or

Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury, including, but not limited to explosives, slingshot, bludgeon, brass knuckles, or artificial knuckles of any kind.

When a student has violated the weapons policy, the principal may initiate expulsion proceedings immediately.

In accordance with the Gun-Free Schools Act, §20 U.S.C. 7151, expulsion shall be for no less than one full calendar year for a student who is determined to have brought a firearm to school in violation of this policy. The Superintendent or designee may modify, in writing, the length of this federal requirement for expulsion in individual cases. Except for firearms, expulsion shall not be mandatory if a student discovers that he or she has carried, brought, or is in possession of a dangerous weapon, and the student notifies a teacher, administrator, or other authorized District employee and delivers the weapon to that person as soon as possible. The student's surrender of the weapon shall be considered when determining appropriate disciplinary action, if any.

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

The Superintendent, or designee, may make exceptions to this policy for students participating in an authorized extracurricular activity or team involving the use of firearms or other weapons.

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

Firearm Facsimile

Carrying, using, actively displaying or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm on District property, when being transported in vehicles dispatched by the District or one of its schools, during a school-sponsored or District-sponsored activity or event, and off school property when such conduct has a reasonable connection to school or any District curricular or noncurricular event without the prior authorization of the school administration or District administration is prohibited. Students who violate this policy provision may be subject to disciplinary action, including, but not limited to suspension and/or expulsion.

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

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

STUDENT INTERROGATIONS AND SEARCHES (BOARD POLICY JIH)

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

Definitions

"Reasonable suspicion" is the standard for a search on school property or at school activities carried out by school authorities. Reasonable suspicion should be based on facts provided by a reliable informant or personal observation which cause the school official to believe, based on his/her own experience, that search of a particular person, place, or thing would lead to the discovery of evidence of a violation of Board of Education policy or state laws. Reasonable suspicion requires more than a mere hunch.

"Contraband" consists of all substances or materials prohibited by Board of Education policy, state law, or school rules including, but not limited to drugs, alcoholic beverages, guns, knives, other weapons, and incendiary devices.

Interviews by School Administrators

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

Interrogations by School Administrators

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interrogate the suspected student if the school official has a reasonable suspicion that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. The student will have the opportunity to present his or her side of the story, orally or in writing. Parental consent is unnecessary unless the suspected violation is one that requires mandatory expulsion under C.R.S. 22-33-106 (1)(d) (for example, dangerous weapons, sale of drug or controlled substance, robbery or serious assaults) in which case the statement also must be in writing and signed by the student.

Searches

Except as provided below, searches within the school or on school grounds will be authorized when there is reasonable suspicion that the search of a particular person, place, or thing would lead to the discovery of contraband or other evidence of prohibited activity; e.g., firearms, knives, drugs, alcohol, explosives, etc.

Any search conducted by a school official shall respect the privacy of the student and not be any more intrusive than necessary. Whenever possible, the student shall be informed of the reason(s) for conducting the search. A student's failure to cooperate with school officials conducting the search shall be considered grounds for disciplinary action.

An administrative report shall be prepared by the school official conducting a search explaining the reasons for the search, the results, and the names of any witnesses. If the search produces evidence to be used as the basis for disciplinary action, the information shall be entered into the disciplinary record for that student.

Locker/Desk/Storage Area Searches

All lockers, desks, and other storage areas provided for student use on school premises remain the property of the District and are provided for the use of the students subject to inspection, access for maintenance, and searches, including "canine sniff searches," with or without reasonable suspicion, pursuant to this policy. Therefore, no student has a reasonable expectation of privacy in and to the lockers, desks, and other storage areas made available to the students. No student shall lock or otherwise impede access to any locker, desk, or storage area except with a lock provided by or approved by the principal of the school in which the locker, desk, or storage area is located. Unapproved locks shall be removed and destroyed.

A principal, or designee, may authorize a general search at any time of all, a portion of, or selected lockers, desks, or other storage areas as a matter of course, with or without reasonable suspicion that the search will result in the discovery of prohibited items and without notice to the student or students. The principal, or designee, may utilize canines in locker, desk, or storage area searches, with or without reasonable suspicion. Canines will not be utilized for searches of individual students, their personal items, or in classrooms where there are students in a class.

Personal Searches

The principal, or another member of the administrative staff, may authorize the search of the person of a student if there is reasonable suspicion for search of that student. The parent, guardian, or legal custodian of any student searched under this provision shall be notified of the search as soon as reasonably possible. Searches of the person of a student shall be limited to searches of the clothing of the student.

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

Objects in the Student's Possession

The principal, or another member of the administrative staff, may authorize the search of any object in a student's possession if there is a reasonable suspicion for search of the object. Objects include, but are not limited to, backpacks, briefcases, purses, personal computers, cell phones, messaging devices, digital storage devices, personal digital assistants (PDA), and cameras. At least one additional person shall witness but not participate in the search. If the search results in evidence of a violation of Board policy or state laws, the object may be confiscated and kept in a safe place at the school until disposition of any charges against the student or as otherwise required by law.

Motor Vehicle Searches

Students, by virtue of having the privilege of parking a motor vehicle on school property, are deemed to have given prior consent for search of a motor vehicle that has been brought by the student onto the school premises. The principal, or member of the administrative staff, may authorize a search of a motor vehicle on school premises, if there is reasonable suspicion that the search will result in the discovery of contraband. The principal, or designee, may utilize canines to sniff student motor vehicles on school premises, with or without reasonable suspicion that the search will result in the discovery of prohibited items. A positive alert by a canine shall be deemed reasonable suspicion to search the motor vehicle in question.

Law Enforcement Officers' Involvement

The principal or his/her designee may request a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.

When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from school authorities to search a student, his/her property, or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted unless:

There is uncoerced consent by the student, or

There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search, or

The search is incidental to an arrest and is limited to the person and his/her immediate surroundings.

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or his/her designee shall be present unless a court order provides otherwise. Students are entitled to the guidance, assistance, and protection of their parent, guardian, or legal custodian when they are under suspicion of having committed misdemeanors or crimes at times or places outside the jurisdiction of the school's authority. Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall notify the student's parent, guardian, or legal custodian, except in cases involving investigation of reported child abuse where the suspected perpetrator is a member of the student's family, when law enforcement has a court order directing that the student's parent, guardian, or legal custodian not be notified, or when an emergency or other urgent circumstances exist. If the student is under 18, his/her parent, guardian, or legal custodian also shall be present unless the juvenile is emancipated as that term is defined in state law, the student's parent, guardian, or legal custodian has not been notified pursuant to this policy or the student's parent, guardian, or legal custodian agrees to the interrogation or interview without being present.

Every effort shall be made not to draw any attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

When custody and/or arrest by the police is involved, the principal may request that all procedural safeguards as prescribed by law be observed by the law enforcement officers. This includes all due process procedures, including, but not limited to, obtaining proper arrest warrants when required. When a student is removed from school by the law enforcement officer for any reason, school officials will make

reasonable efforts to notify the student's parent, guardian, or legal custodian, except in cases involving reported child abuse where the suspected perpetrator is a member of the student's family, when law enforcement has a court order directing that the student's parent, guardian, or legal custodian not be notified, or when an emergency or other urgent circumstances exist.

School Relations With Investigators in Civil Matters

When an investigator in a civil case wishes to interrogate a student at the school, the principal or principal's designee shall contact the parent, guardian, or legal custodian of the student to secure permission prior to any questioning being allowed.

Custody of Evidence

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

Seized, tested, and/or admitted as evidence in any suspension or expulsion proceeding. If testing of a substance by a District administrator, or designee, has shown it to be alcohol, marijuana, or other controlled substances, or if the substance has been turned over to a law enforcement agency, written documentation of the identification of the substance will be maintained. This documentation will be introduced, as may be necessary, in any suspension or expulsion proceeding. In addition, the law enforcement agency will be requested to retain the evidence for three years.

Returned, upon request, to the parent, guardian, or legal custodian of the student from whom it was seized. Such shall take place only after a conference with the parent, guardian, or legal custodian and after the end of the current school year if the evidence is not in the custody of a law enforcement agency.

Appeals

Within ten school days after a search, the student may appeal the search decision to the Superintendent or designee who shall investigate the reason(s) and circumstances of the search. The Superintendent or designee shall issue written findings within five school days after receiving the appeal.

STUDENT DISCIPLINE (BOARD POLICY JK)

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

All policies and procedures for handling general and major discipline problems for all students shall be designed to achieve these broad objectives. Disorderly students also shall be dealt with in a manner that allows other students to learn in an atmosphere that is safe, conducive to the learning process, and free from unnecessary disruptions.

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

All Board-adopted policies and Board-approved regulations containing the letters "JK" in the policy code constitute the discipline section of the legally required code.

Immunity for Enforcement of Discipline Code

The conduct and discipline code may permit acts by District employees of reasonable and appropriate physical intervention or force in dealing with disruptive students, which acts shall not be considered child abuse if performed in good faith and in compliance with Board policy and procedures.

A District employee or any other person acting in good faith and in compliance with the conduct and discipline code shall be immune from civil liability unless the person is acting willfully or wantonly.

It is an affirmative defense in any criminal action that a person is acting in good faith and in compliance with the conduct and discipline code.

Remedial Discipline Plans

The principal or designee may develop a remedial discipline plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events. The goal of the remedial plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.

Discipline of Habitually Disruptive Students

Students who have been suspended for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events three times during the school year shall be declared habitually disruptive students. Declaration as an habitually disruptive student may result in the student's expulsion. Any student enrolled in the District's schools may be subject to being declared an habitually disruptive student.

Discipline of Special Education Students

Appropriate discipline for special education students shall be in accordance with the student's Individual Education Plan (IEP) and any behavior intervention plan for the student. The director of special education shall be contacted prior to the use of any disciplinary measure which is not authorized by the student's IEP or behavior intervention plan as additional procedural considerations are required in accordance with the District's responsibilities under state and federal law.

Disciplinary Information to School Personnel

In accordance with state law, the principal or designee is required to communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. The purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.

For purposes of this policy, "disciplinary information" means confidential records maintained by or in possession of the principal or designee on an individual student that indicate that student has committed an overt and willful act that constitutes a violation of the District's Student Code of Conduct and/or there is reasonable cause to believe, through information provided to the principal from another credible source, that the student could pose a threat to the health and safety of other students and school personnel based on prior misbehavior.

"Disciplinary information" is intended to include only that information of a serious nature that is not otherwise available to teachers and counselors as part of the education records maintained on students or other reports of disciplinary actions. It is appropriate for instructional employees to request disciplinary information from the principal or designee on students in their classrooms if there is concern that the student poses a threat to the safety of other students or school personnel.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent, guardian, or legal custodian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent, guardian, or legal custodian may challenge the accuracy of disciplinary information through the regulations accompanying this policy.

Distribution of Conduct and Discipline Code

The Superintendent or designee shall arrange to have the conduct and discipline code distributed once to each student in elementary, middle, and high school and once to each new student in the District. Copies shall be posted or kept on file in each school of the District. In addition, any significant change in the code shall be distributed to each student and posted in each school.

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

(REGULATION FOR BOARD POLICY JK)

Disciplinary Information

Open communication between principals and the professional staff is essential to accomplish the educational mission of the District. It is recognized that principals have access to information about individual students that may not be otherwise available to others because this information is not recorded as part of the student's education record. To assure that information is shared with the professional staff that may be important to understanding the particular needs of individual students and any potential risk that a student might pose to the safety or welfare of others, state law requires that the principal take steps to communicate this information to teachers and counselors who have direct contact with the student.

In addition, to make sure that the information communicated is accurate, state law gives students and parents, guardians, or legal custodians the right to challenge disciplinary information.

Whenever the principal or designee determines that disciplinary information, as defined in Board policy, must be communicated to a teacher or counselor, he/she will take the following steps:

1. The principal or designee will prepare a brief written statement which sets forth the information to be communicated to a teacher or counselor pertaining to an individual student. If disciplinary information regarding a disabled student is transmitted, the current IEP must also be included. The statement will indicate it is a confidential document. The source of the information will be noted, if applicable.
2. The principal or designee will communicate the information in the statement to the teacher or counselor by providing a copy of the statement. Alternatively, the principal or designee may wait until the student or parent, guardian, or legal custodian has had a chance to challenge the content of the statement before communicating the statement to any teachers or counselors. The teacher/counselor and principal may discuss the information in the statement. The principal or designee will record the names of all individuals who are given a copy of the statement.
3. The principal or designee will provide a copy of the written statement to the student and the student's parent, guardian, or legal custodian (hereinafter referred to as "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, guardian, or legal custodian to receive them. Such student 18 years or older will be known as the eligible student.
4. The written statement will indicate that the student and/or parent, guardian, or legal custodian may challenge the accuracy of 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, guardian, or legal custodian has already been afforded a due process hearing prior to imposition of school discipline. In that case, the challenge procedures do not apply.

Challenges to Disciplinary Information

Step 1

The student or parent, guardian, or legal custodian must request a Step 1 review in writing within seven days after receipt of the written statement. If the deadline is not met, the statement will stand as written and there will be no further opportunity to challenge that particular statement. If the student or parent, guardian, or legal custodian challenges any part of the statement, the principal or designee shall review the part of the statement being challenged and may, by mutual agreement with the person making the challenge, destroy, delete, or add to the information in question.

Step 2

If the principal or designee does not agree to change the written statement as requested during the Step 1 review, the student or parent, guardian, or legal custodian may request an informal hearing with the Superintendent or designee within 10 days after the principal's or designee's decision not to change the written statement. This request must be in writing and will state the reasons for the request. The principal may file a written response to the parent's, guardian's, or legal custodian's request for a Step 2 review to be considered by the Superintendent or designee. The Superintendent or designee will make a decision within ten school days after receiving the request for Step 2 review.

The Superintendent or designee may decide that the statement should be revised in accordance with the student or parent, guardian, or legal custodian position or may decide to uphold the principal's or designee's statement as accurate. The Superintendent's or designee's decision is final. The District shall maintain a record of each challenge.

Once an appeal has been held on the disciplinary information contained in a statement, that statement may be communicated to teachers/counselors during the school year without any further challenge. If the statement has been communicated prior to the conclusion of the challenge, and changes have been made to the statement, the principal or designee will provide a copy of the revised statement to all those who received the original statement.

Any teacher or counselor who receives a statement containing disciplinary information will maintain the confidentiality of the information and will not communicate the information to any other person. Any violation of this provision will result in appropriate disciplinary action.

Remedial Discipline Plans

District employees must refer incidents of disruptive behavior to the principal or designee.

1. The principal or designee shall develop a plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events. The goal of the remedial plan shall be to address the student's disruptive behavior and educational needs while keeping the child in school.
2. To develop the plan, the principal or designee will arrange for a meeting with the student, the student's parent, guardian, or legal custodian and any members of the staff whom the principal or designee believes should attend.
3. The purpose of the meeting will be to address the reasons for the student's disruptive behavior and cooperatively to establish goals, objectives, and timelines to modify such behavior. A written plan will be prepared which addresses the student's disruptive behavior, educational needs, and what steps are necessary to keep the child in school. The plan will include incentives for good behavior and consequences if the student is disruptive in violation of the plan.
4. The plan may be written in the form of a contract, which the student and the parent, guardian, or legal custodian will sign and date.
5. The parent, guardian, or legal custodian will be provided a copy of the remedial discipline plan and it will be placed in the student's cumulative file.

Habitually Disruptive Students

A student will be declared "habitually disruptive" if suspended three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, or at school activities or events because of student behavior that was initiated, willful, and overt.

1. The principal will inform the Superintendent or designee if a student is suspended for a second time for causing a material and substantial disruption.
2. The student and the parent, guardian, or legal custodian will be notified in writing of each suspension, which counts toward declaring the student habitually disruptive. The student and parent, guardian, or legal custodian will also be notified in writing and by telephone or other oral communication of the definition of "habitually disruptive student" and the potential expulsion of such students.
3. District procedures for expulsion may be initiated when the student is suspended for the third time. The period of suspension will be extended, if necessary, to conduct an expulsion proceeding.

CORPORAL PUNISHMENT, USE OF PHYSICAL INTERVENTION, AND PHYSICAL RESTRAINT (BOARD POLICY JKA)

Use of Physical Intervention and Restraint

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

Corporal Punishment

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

Physical Intervention

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

To quell a disturbance threatening physical injury to students or others.

To obtain possession of weapons or other dangerous objects upon or within the control of the student.

For the purpose of self-defense.

For the protection of persons against physical injury or to prevent the destruction of property which could lead to physical injury to the student or others.

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

Restraint

Restraint is defined by state law and this policy as any method or device used to involuntarily limit a student's freedom of movement, including, but not limited to, physical force, mechanical devices, chemicals, and seclusion. Restraint shall not include the holding of a student for less than five minutes by a District employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

District employees shall not use restraint as a punitive form of discipline or a threat to control or gain compliance of a student's behavior. District employees are also prohibited from restraining a student by use of mechanical restraint or chemical restraint, as those terms are defined by applicable State Board of Education rules and this policy's accompanying regulation.

Restraint shall only be administered by District employees trained in accordance with applicable state rules.

Exceptions

The restraint provisions in this policy and accompanying regulation shall not apply to:

Peace officers as defined by C.R.S. 16-2.5-101 et seq. who are acting within the scope of their employment or in accordance with C.R.S. 16-3-109; and

When the District is engaged in transporting a student from one facility or location to another facility or location when it is within the scope of the District's powers and authority to effect such transportation.

DISCIPLINARY REMOVAL FROM CLASSROOM (BOARD POLICY JKBA)

It is the policy of the Board to maintain classrooms in which student behavior does not interfere with the ability of the teacher to teach effectively or the ability of other students to participate in classroom learning activities. Staff, including administrators and teachers, must use their training, experience, and authority to create schools and classes where effective learning is possible.

Students shall be expected to abide by the code of conduct adopted by the Board and any other appropriate classroom rules of behavior established by the building principal and/or classroom teacher for the purpose of maintaining order and a favorable learning atmosphere. Any student who violates the code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action.

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

professional judgment in deciding whether it is appropriate to remove a student from class in any particular circumstance. All instances of formal removal from class shall be documented.

A teacher is authorized to immediately remove a student from his or her classroom if the student's behavior violates the code of conduct adopted by the Board of Education, is dangerous, unruly or disruptive, or seriously interferes with the ability of the teacher to teach the class or other students to learn. Students with disabilities may be removed from class only to the extent authorized by state and federal laws and regulations.

Removal from class under this policy does not prohibit the District from pursuing or implementing additional disciplinary measures, including, but not limited to, detentions, suspensions, or expulsions for the conduct or behavior for which the student was removed.

The Superintendent or designee is directed to establish procedures to implement this policy so that removals from a classroom occur in a consistent manner throughout the District. The student's parent, guardian, or legal custodian shall be notified of the student's removal from class in accordance with established procedures.

(REGULATION FOR BOARD POLICY JKBA)

Staff, including administrators and teachers, must use their training, experience, and authority to create schools and classes where effective learning is possible. Students should be able to attend school and classes as free as reasonably possible from unnecessary and unwarranted distraction and disruption. Such behavior interferes with the classroom environment and will not be tolerated.

A student may be removed from a classroom by a teacher only in accordance with the requirements of this policy. For purposes of this policy, a "class" includes regular classes, special classes, resource room sessions, labs, study halls, library time, school assemblies, and other such learning opportunities taught or supervised by a teacher. "Teacher" means a person holding a license issued by the state who is employed to instruct, direct, or supervise the instructional program. Substitute teachers may informally remove a student under circumstances described in this policy.

Informal Removal From Class

A teacher may informally remove a student from class if the student breaks one or more classroom rules in a class period or during the school day. The teacher may informally remove a student by using appropriate discipline management techniques such as having the student stand in the hall outside the door or some other safe alternative setting either in or out of the classroom. The procedures set forth in the section below regarding formal removal do not apply to an informal removal from class.

Formal Removal From Class

A teacher may formally remove a student from class if the student's behavior causes a disruption to the learning environment. Disruption may include willful and continued disobedience, open and persistent defiance, behavior that is distracting or disruptive to the learning or safety of others, threats, physical or emotional abuse against peers, teachers, or other individuals in the classroom or similar behaviors detrimental to others or that distract from appropriate classroom relationships and activities.

Unless the behavior is extreme, the teacher first shall warn the student that continued misbehavior will lead to removal from class. When the teacher determines that removal is appropriate, he or she must ensure that the student is removed to a place where adequate supervision is available. When the student arrives at the designated location, the principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal or designee disagrees with the removal after appropriate principal or designee follow-up with the classroom teacher, the student shall be allowed to return to the class, at the discretion of the principal or designee.

Within 24 hours of the student's removal from class, the teacher shall submit a discipline referral to the principal or designee. The teacher shall promptly attempt to contact the student's parent, guardian, or legal custodian to inform him or her that the student was removed from class and to request his or her presence at a student-teacher conference with the principal or designee.

The first formal removal from class may only last for the remainder of the class period or up to one hour unless extenuating circumstances exist. The second removal may only last until a student-teacher conference can be held. The third formal removal from a specific class shall last for the remainder of the grading term. The principal or designee shall be responsible for determining appropriate alternative educational services, if any, and credit for the student as appropriate. In the event of a third removal, the student may appeal the removal to the Superintendent or designee within five school days of the removal who then shall hold a hearing to review the removal. The decision of the Superintendent or designee shall be final.

The teacher may write a behavior plan after the first removal and shall write or revise a plan after the second removal from class. A behavior plan is not the same as a remedial discipline plan developed for habitually disruptive students. The principal or designee will review the appropriateness of the classroom removal and determine if further student discipline is warranted.

The principal or designee shall collect data pertaining to the number of students who are removed from class during the year. This information will be reported to the public in the safety section of the school report card. All teacher actions under this policy shall be subject to evaluation and supervision by the teacher's supervisor, as provided in Board policy, including the evaluation policy.

SUSPENSION/EXPULSION OF STUDENTS (BOARD POLICY JKD/JKE)

The Board of Education shall provide due process of law to students, parents, guardians, or legal custodians, and District employees through written procedures consistent with law for the suspension, expulsion, or denial of admission of students.

Alternative to Suspension

As an alternative to suspension, except where a suspended student has been recommended for expulsion, a student may remain in school if the student's parent, guardian, or legal custodian agrees to attend class with the student for a period of time specified by the principal or designee. The student's teacher or teachers must consent to such alternative. If the parent, guardian, or legal custodian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the accompanying regulations.

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

Delegation of Authority

The Board delegates to the principals or to a person designated in writing by the principal the power to suspend a student enrolled in his/her school. Suspension on the grounds in Policy JKD/JKE-R-2, 1g, shall be for at least three days, on the grounds in Policy JKD/JKE-R-2, 1a, b, c, or f, for not more than five school days, and on the grounds in Policy JKD/JKE-R-2, 1e, for not more than ten school days.

The Board delegates to the Superintendent or designee the authority to suspend a student for an additional ten school days, plus up to and including an additional ten days if necessary in order to present the matter to the Board, but the total period of suspension shall not exceed 25 school days.

The Board delegates to the Superintendent, or to the designee who shall serve as a hearing officer, the authority to deny admission to, or expel for any period not extending beyond one year, any student the Superintendent or designee, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, determines does not qualify for admission to, or for continued attendance at, District schools. Such denial of admission or expulsion shall be subject to appeal to the Board.

Parental Responsibility After Expulsion

The parent, guardian, or legal custodian of a student of compulsory attendance age who has been expelled is responsible for complying with the compulsory attendance provisions of state law.

Expulsion for Unlawful Sexual Behavior or Crimes of Violence

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

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

The Board may wait until the conclusion of court proceedings to consider expulsion, in which case it shall be the responsibility of the District to provide an alternative educational program for the student until the Board makes its findings regarding expulsion.

Information provided by the court is confidential, except as necessary for the Board to carry out its policies.

Annual Reports

The Board shall annually report to the State Board of Education the number of students expelled from District schools for disciplinary reasons or for failure to submit certificates of immunization. Expelled students shall not be included in calculating the dropout rate for the school of the District.

Information to Parents, Guardians, or Legal Custodians

Upon expelling a student, District personnel shall provide information to the student's parent, guardian, or legal custodian concerning the education alternative available to the student during the period of expulsion, including the right of the parent, guardian, or legal custodian to request that the District provide services during the expulsion. If the parent, guardian, or legal custodian chooses to provide a home-based education program for the student, District personnel shall assist the parent, guardian or legal custodian in obtaining appropriate curricula for the student if requested by the parent, guardian, or legal custodian.

If a student is expelled for the remainder of the school year and is not receiving educational services through the District pursuant to Policy JKF, the District 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 educational services from some other source.

(REGULATION 1 FOR BOARD POLICY JKD/JKE)

A. Suspension of Ten Days or Less

The designated administrator shall apply the following procedures to suspensions of ten days or less. For purposes of notice, the term "student or parent" shall mean a student 18 years of age or older who is not under any legal disability; otherwise it shall mean the student's parent, guardian, or legal custodian. The term "parent" shall mean parent, guardian, or legal custodian.

1. **Notice.** The administrator shall give the student or parent notice of the intent to suspend. Such notice may be oral or in writing. If oral, such notice shall be given in person. If written, delivery may be by United States mail addressed to the last known address of the student or parent.
2. **Contents of Notice.** The notice shall contain at least the following information:
 - a. A statement of the charges against the student.
 - b. A statement of what the student is accused of doing.
 - c. A description of the incident on which the accusation is based. Specific names may be withheld if necessary to shield a witness.

This information need not be set out formally but should sufficiently inform the student or parent of the basis for the intent to suspend.

3. Informal Hearing. The student shall be given an opportunity to admit or deny the accusation and to give his/her version of the events. The administrator may go further in allowing the student to present witnesses or may call the accuser and hold a more extensive hearing in order to gather relevant information prior to making a decision on the intent to suspend.
4. Timing. The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the hearing.
5. Danger Caused By Student's Presence. Notice and an informal hearing need not be given prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. The student shall be provided an informal hearing as soon as practicable after the student's removal.
6. Notification Following Suspension. Once a student is suspended, the administrator shall immediately notify the parent that the student has been suspended, the grounds for such suspension, and the period of such suspension. The notification shall include the time and place for the parent to meet with appropriate District employees to review the suspension. The administrator will mail written notification to the parent as soon as possible, and will forward a copy of the notification to the assistant superintendent. The administrator may also notify the student's teachers and counselor in writing.
7. Removal From School Grounds. A suspended student must leave the school building and grounds immediately following the informal hearing, and after the parent and administrator have determined the best way to transfer custody of the student to the parent.
8. Extension of Suspension.
 - a. When an offense is such that the school is seeking to expel the student, the principal will request in writing that the Superintendent or designee extend the suspension for not more than ten school days, and will forward copies of the request to the assistant superintendent. The request must be submitted before the last two days of the suspension period.
 - b. The Superintendent or designee will notify the parent in writing before the end of the suspension period of the extension, and will forward copies of the notification to the Board of Education, the assistant superintendent, and the principal.
 - c. The Superintendent or designee may extend the suspension for an additional ten school days plus up to and including an additional ten days in order for the Superintendent or designee to consider expelling the student. The total number of days of suspension may not exceed 25 school days, unless the parent, guardian, or legal custodian agrees otherwise. The Superintendent or designee will notify the parent in writing of such extension, and will forward copies of the notification to the Board of Education, the assistant superintendent, and the principal.
 - d. The principal and the Superintendent or designee may agree to terminate the suspension at any time it is deemed warranted.
9. Readmittance. No student will be readmitted to school until the parent has met with appropriate District employees or until, in the opinion of the administrator, the parent has substantially agreed to review the suspension with the administrator. If the administrator cannot contact the parent, or if the parent repeatedly fails to appear for scheduled meetings, the administrator may readmit the student. The meeting shall address, among other things, whether the student needs a remedial discipline plan to prevent further disciplinary action.
10. Make-up Work. A suspended student shall be provided an opportunity to make up schoolwork during the period of suspension so that the student is able to reintegrate into the educational program of the District following the period of suspension. The District should take into consideration the suspension when determining the amount of credit the student will receive for this make-up work.

11. Alternatives to Suspension.

a. Parent attendance at school with the student.

1. The written consent of the student's teacher(s) and principal or designee is required before this alternative may be implemented. If any teacher(s) or the principal/designee does not consent, the alternative will not be available to the student and parent. A teacher's consent is considered also to be on behalf of any substitutes who may replace the teacher during the parent's attendance.
2. This alternative will only be offered to students who have been suspended for more than two days, and only to students who are not being recommended for expulsion. In such cases, the student will be suspended for the first two days, and the parent may attend for the remainder of the suspension period.
3. The purpose of parent presence is to supervise the student, not to participate in the class. The parent and student will be required to sign a consent form prior to implementation of this alternative. While attending with the student, the parent must comply with all conditions of attendance spelled out in the consent form. In general, those conditions are:
 - Only one parent, and no other person, may attend.
 - Parent and student must follow school rules.
 - Parent and student must comply with all directives of school personnel.
 - Parent and student must attend every class period for the entire scheduled class time.
 - Parent and student may not disrupt any class.
 - During this period, parent will supervise student at all times when in class, on school grounds, on school transportation, and at school activities or events.
4. This alternative may be revoked for failure of the parent and/or student to follow any of the conditions set out in the consent form. If at any time the parent does not agree or fails to attend with the student, or the administrator revokes the alternative, the student will serve that portion of the suspension period that was previously suspended for implementation of this alternative.
5. Upon successful completion of this alternative, the student's disciplinary records will be written so as to reflect only the two-day suspension.

b. Other alternatives.

At their discretion, administrators may offer any or all of the following alternatives, which if agreed to by the student, parent, teacher(s), and administrator, would reduce the length of suspension: Saturday school, Saturday Success, alternative educational placement.

12. Appeal of Suspension. A student and his or her parent(s) may appeal a suspension for more than ten school days to the assistant superintendent or designee. The assistant superintendent or designee will review the appeal and discuss the matter with the principal who imposed the sanction and with the parent(s) and student. The assistant superintendent or designee will inform the parent(s) of his/her decision, which will be the final determination of the matter. There shall be no right to appeal suspensions of ten school days or less. Suspensions which have been extended beyond ten school days solely for purposes of an expulsion hearing, also shall not be subject to direct appeal, but will be governed solely by the expulsion procedures. Any appeal or request for review of a suspension must be filed with the assistant superintendent before such suspension lapses.

B. Expulsion or Denial of Admission

1. Notice. Not less than five days prior to the date of the proposed expulsion/denial of admission, the Board of Education or designee shall cause written notice of such proposed action to be delivered to the student or parent. Such delivery may be by United States mail addressed to the last known address of the student or parent.

2. Emergency Notice. In the event the Board of Education, Superintendent, or designee determines that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened to the extent the Board of Education directs, provided that the student or parent has actual notice of the hearing prior to the time it is held.
3. Contents of Notice.
 - a. A statement of the reasons for the proposed action.
 - b. A statement that a hearing on the action will be held if requested by the student or parent within five days after the date of the notice.
 - c. A statement of the date, time, and place of the hearing in the event one is requested.
 - d. A statement that the student may be present at the hearing and hear all information against him/her, that he/she will have an opportunity to present such information as is relevant, and that he/she may be accompanied and represented by his/her parent and an attorney.
 - e. A statement that the student or his/her parents must notify the District at least 48 hours before the hearing that the student will be represented by an attorney, or failure to do so could result in a continuance of the hearing and a corresponding extension of the period of suspension to allow the District to obtain legal counsel.
 - f. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
4. Expulsion Hearing.
 - a. The hearing will be held as soon as practicable. The hearing officer may be the Superintendent or designee. The hearing officer will make available at the hearing all documents relevant to the offense for which the student is being expelled. The hearing officer shall forward findings of fact and recommendations to the Superintendent or designee at the conclusion of the hearing.
 - b. Within five school days of the hearing, the Superintendent or designee will send to the student or parent a written opinion, including findings and recommendations. The student or parent may appeal the decision to the Board of Education within five days after the decision of the Superintendent or designee. Such appeal must be submitted in writing.
 - c. The Board of Education will hold any appeal hearings in executive session. The appeal will consist of a review of the facts that were presented and that were determined at the hearing, arguments relating to the decision, and questions of clarification from the Board of Education. The student or parent and the principal, or their representatives, may present a closing statement. A written record of the proceedings will be made. The Board of Education may request that persons present leave the executive session in order for the Board of Education to deliberate. The Board of Education may include its own attorney in its deliberations, providing that attorney did not represent the administration position in the hearing. Final action must be taken in open session.
5. Information to Parents.

Upon expelling a student, District employees shall provide information to the parent concerning the educational alternatives available to the student during the period of expulsion. If the parent chooses to provide a home-based education program for the student, District employees shall assist the parent in obtaining appropriate curricula for the student if requested by the parent.

If a student is expelled for the remainder of the school year and is not receiving educational services through the District, the District shall contact the expelled student's parent at least once every 60 days until the beginning of the next school year to determine whether the child is receiving educational services from some other source. District employees are not responsible for contacting the parent if the student enrolls in another public school district or in an independent or parochial school, or if the student is committed to the State Department of Human Services or sentenced to a detention facility.

6. Readmittance. A student who has been expelled shall be prohibited from enrolling or reenrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:
 - a. The expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
 - b. There is an identifiable victim of the expelled student's offense; and
 - c. The offense for which the student was expelled does not constitute a crime against property.

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

No student will be readmitted to school until after a meeting between the principal or designee and the parent, guardian, or legal custodian has taken place except that if the administrator cannot contact the parent, guardian, or legal custodian or if the parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

7. Readmittance Before End of Expulsion. The principal may consider readmitting an expelled student before the end of the expulsion period if the parent presents evidence of completion of actions to correct the cause of the expulsion to the principal. The principal may hold a conference with the parent and student to consider such evidence. The Superintendent or designee will make the final decision concerning readmittance, based on the principal's written recommendation.
8. Record Keeping. A record of each expulsion will be kept in the Office of the Superintendent or designee and in the individual student's file.

C. Expulsion for Unlawful Sexual Behavior or Crime of Violence

The Board of Education or its designee may determine whether to expel a student for being charged with unlawful sexual behavior or the commission of a crime of violence. The Board of Education will use the following procedures when considering such an expulsion:

1. After the District has been notified that a petition has been filed in juvenile court or that charges have been filed in district court that allege a student between the ages of 12 and 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence, the Superintendent or designee will immediately inform the principal of the school the student attends. If necessary, to protect the safety and welfare of other students in the school, the principal may immediately suspend the student, pending Board of Education action. In so acting, the principals and other building administrators will comply with District suspension procedures, except that the Superintendent or designee will send written notice of the suspension to the student or parent, and administrators will determine whether the student is in fact the person named in the report.
2. As soon as is practicable, the Board of Education/designee will make a preliminary determination whether the student should continue to be educated in a District school.
3. The Board of Education/designee will use the following criteria in its determination:
 - a. Whether the student has exhibited behavior that is detrimental to the safety and welfare of other students or of school personnel.
 - b. Whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students or school personnel.
4. If the Board of Education/designee determines that the student should not be educated in the school, the Board of Education will either proceed to expel the student, following District

expulsion procedures, or wait for the resolution of the juvenile proceedings to consider expulsion, in which case the District shall provide the student with an appropriate alternate education program, including, but not limited to, an on-line program authorized by state law, or home-based education program, pending the outcome of the juvenile matter.

5. If the Board of Education/designee decides to wait for the conclusion of the juvenile proceedings, it may make one of two determinations at that time:
 - a. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the Board of Education or designee may proceed to suspend or expel the student.
 - b. If the student does not receive an adjudication, is found not guilty, or pleads to a lesser charge, the Board of Education will hold an expulsion hearing, following District procedures, at which hearing it may or may not expel the student.
6. If the student is receiving special education services, the Board of Education should consult with the director of special education and legal counsel prior to a determination to either expel the student or place the student in an alternate education program.
7. Information regarding the details of the alleged crime of violence will be used by the Board of Education or its designee for the purposes set forth in this policy, but will remain confidential unless the information is otherwise available to the public by law.

D. Standard of Proof

The standard of proof in determining whether student conduct constitutes a violation of the District Conduct and Discipline Code will be a preponderance of the evidence (i.e., whether the question to be proved is more likely true than not).

E. Delegation of Authority

Principals will notify the Superintendent or designee in writing of those building employees who have the authority to suspend students and will forward copies of the notification to the assistant superintendent.

(REGULATION 2 FOR BOARD POLICY JKD/JKE)

Grounds for Suspension, Expulsion, or Denial of Admission

1. The following may be grounds for suspension or expulsion from a public school:
 - 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 students or of school personnel, including behavior which creates a threat of physical harm to the student or other students, except that if the student who creates such a threat is a student with a disability pursuant to state law, such student may not be expelled if the actions creating such threat are a manifestation of such student's handicapping condition (see Board Policy JICDA for student code of conduct).
 - d. Declaration as an habitually disruptive student.
 1. For purposes of this paragraph, "habitually disruptive student" means a child who has been suspended pursuant to paragraph (a), (b), (c), or (e) of this regulation three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events because of behavior that was initiated, willful, and overt on the part of the child.
 2. The student and the parent, guardian, or legal custodian shall have been notified in writing of each suspension counted toward declaring the student as habitually disruptive and the student and parent, guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent, guardian, or legal custodian of the definition of "habitually disruptive student."

3. The principal or designee shall develop a remedial discipline plan for any student who causes a material and substantial disruption in the classroom, on school grounds, in school vehicles, or at school activities or events. The goal of the remedial plan shall be to address the student's disruptive behavior and education needs while keeping the child in school.
- e. Serious violations in a school building or in or on school property, which suspension or expulsion may be recommended:
 1. Carrying, bringing, using, or possessing a dangerous weapon as defined in C.R.S. 22-33-106 (1)(d) (II) without the authorization of the appropriate District employees, unless the student had delivered the weapon to a teacher, administrator, or other authorized District employee as soon as possible upon discovering it, in accordance with state law;
 2. The sale of a drug or controlled substance as defined in C.R.S. 12-22-303;
 3. The commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. 18-3-204, if committed by an adult.
- f. Repeated interference with a school's ability to provide educational opportunities to other students.
- g. Making a false allegation of criminal activity against any District employee to law enforcement or to the District.
- h. Any behavior prohibited by Board Policy JICDA.
2. Expulsion shall be mandatory for the following violations:

Possessing a firearm, whether loaded or unloaded, as described in the Gun-Free Schools Act, §20 U.S.C. 7151 or C.R.S. 18-1-901 (3)(h). When a student has violated the weapons policy with a firearm, the principal shall initiate expulsion proceedings immediately.
3. Subject to the District's responsibilities under the Exceptional Children's Education Act, the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:
 - a. Physical or mental disability such that the child cannot reasonably benefit from the program available.
 - b. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be detrimental to the welfare of other students.
4. The following may constitute additional grounds for denial of admission to a public school:
 - a. Graduating from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
 - b. Failure to meet age requirements.
 - c. Having been expelled from any school district during the preceding 12 months.
 - d. Not being a resident of the District unless otherwise entitled to attend under C.R.S. Title 22, Articles 23, 32, or 36.
 - e. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel.
 - f. Having been expelled pursuant to paragraph (c) or (e) of subsection (1) above, having completed the expulsion period, and attempting to enroll or reenroll in the school in which the victim of the offense or member of the victim's immediate family is enrolled or employed after the expelled student is convicted of a crime, adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementing this provision, the District shall contact the appropriate court to determine if the provisions of this subsection apply to an expelled student. If the District has no actual knowledge of the name of the victim, the expelled student shall be denied admission only upon request of the victim or a member of the victim's immediate family. The expelled student shall not be denied admission if the offense for which the student was expelled constitutes a crime against property.

5. The following shall be grounds for suspension or expulsion from, or denial of admission to, a public school:

Failure to comply with the immunization requirements of state law (C.R.S. 25- 4-901 *et seq.*). Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization records with an appropriate explanation.

SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES (BOARD POLICY JKD/JKE-2)

Students with disabilities are neither immune from the District's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others or otherwise fail to comply with the District's Code of Conduct will be disciplined in accordance with and subject to their Individual Education Plan (IEP), any behavior intervention plan, and this policy, in accordance with state and federal requirements.

The specific guidelines related to discipline of students with disabilities are set forth in the corresponding regulation JKD/JKE-2-R.

Legal counsel and the assistant superintendent of student support services shall be consulted prior to consideration of expulsion of a student with disabilities for behavior not related to the student's disability.

(REGULATION FOR BOARD POLICY JKD/JKE-2)

Manifestation Determination

When a disciplinary change in placement is being considered related to a disabled student's behavior, the Individual Education Plan (IEP) team and other qualified District personnel shall review the relationship between the student's disability and the behavior. Such a review must take place immediately, if possible, but no later than ten school days from the date of the decision to take disciplinary action.

The team will determine whether the student's behavior is a manifestation of the disability by making a specific finding whether the conduct in question was caused by, or had a direct and substantial relationship to the child's disability or if the conduct in question was the direct result of the school's failure to implement the child's IEP.

Disciplinary Action for Behavior That Is Not a Manifestation

Once the IEP team determines that the behavior was not a manifestation of the disability, disciplinary procedures shall be applied to the student in the same manner as applied to nondisabled students, subject to state and federal requirements.

Disciplinary Action and/or Alternative Placement for Behavior That Is a Manifestation

A student with disabilities whose behavior is determined to be a manifestation of his or her disability may not be expelled, but will be disciplined in accordance with his or her IEP, any behavioral intervention plan, and this policy, in accordance with state and federal requirements.

To the extent that they also take such action for students without disabilities, school personnel may, for not more than ten school days, remove a student with a disability who violates the code of conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the child's Individual Education Plan (IEP) team), another setting, or suspension. Following each such suspension, the principal or designee shall forward a copy of the letter of suspension to the assistant superintendent of student support services or designee, who shall monitor the frequency and nature of behavior causing the suspension.

Students with disabilities may be removed to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's

disability in cases where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. The definitions of a weapon, illegal drug, controlled substance, and serious bodily injury are as specified in federal law and contained in the Procedural Safeguards Notice Under the Provisions of the Individuals with Disabilities Education Act (IDEA) and Colorado Rules for the Administration of the Exceptional Children's Education Act (ECEA). The interim alternative educational setting shall be determined by the student's IEP team. No later than the date on which the decision to take disciplinary action is made, the District shall notify the parents of that decision and of their procedural safeguards.

A hearing officer may order removal to an alternative setting for 45 days where the District demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.

Either before or within ten days after any change in placement related to a disciplinary problem, the IEP team must meet to determine an appropriate alternative setting, to develop a behavioral assessment plan or to review and modify an existing intervention plan, and review and modify the IEP where necessary.

Nothing in this regulation shall prohibit the IEP team from establishing consequences for disruptive or unacceptable behavior as part of the student's IEP. The plan shall be subject to all procedural safeguards established by the IEP process.

Expedited Hearings

An expedited hearing is available when:

1. The parent/guardian disagrees with the IEP team's determination regarding manifestation or with any decision regarding placement.
2. The parent/guardian disagrees with the proposed new placement following an interim alternative placement.
3. The District believes it is substantially likely to result in injury to the student or others if the student remains in the current placement or for the student to be returned to the previous placement.

During any challenge to placement, the student will stay in the alternative placement (unless the parent and District agree otherwise).

Students Not Identified as Disabled

Students who have not been identified as disabled may be subjected to the same disciplinary measures applied to children without disabilities if the District did not have "knowledge" of the disability.

The District has knowledge of the disability when:

1. The parent/guardian has expressed concern in writing to administrative personnel or to the teacher of the student that the student needs special education and related services.
2. The parent/guardian has requested an evaluation in accordance with applicable regulations; or, the student's teacher or other District personnel have expressed concern about the student's behavior or performance to the assistant superintendent of student support services or other District personnel.

The District shall not be deemed to have knowledge of the disability if the parent of the child has not allowed an evaluation of the child, or has refused special education services, or if the child was evaluated and not found to have a disability.

If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited.

EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS (BOARD POLICY JKF)

Upon request of a student or the student's parent, guardian, or legal custodian, the District shall provide educational services deemed appropriate by the District for any student expelled from the District. The educational services will be designed to enable the student to return to the school in which the student was enrolled prior to expulsion, to successfully complete the GED, or to enroll in a non-public, non-parochial school or in an alternative school.

Educational services include tutoring, alternative educational programs, including on-line programs authorized by state law, or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science, and social studies. In addition to educational services, the student or parent, guardian, or legal custodian may request any of the services provided by the District through agreements with state agencies and community organizations for at-risk students.

The District shall determine the amount of credit the student shall receive toward graduation for the educational services provided.

Educational services provided by the District shall be designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the discipline code of the District. Except as required by federal law for special education students, any student who is suspended or expelled while receiving educational services pursuant to this policy shall not receive further services until the period of suspension or expulsion is completed.

The educational services may be provided directly by the District or through agreements with state agencies and community organizations entered into pursuant to state law. The services need not be provided on District property.

Students who are expelled for conduct or behavior involving a threat of harm to District students or personnel shall be served through a home-study course or in an alternative school setting designed to address such conduct or behavior, at the discretion of the District.

The Superintendent or designee is directed to apply for moneys through the expelled student services grant program established by Colorado law to assist in providing such services.

All expelled students receiving services will be included in the District's pupil enrollment, including those expelled prior to the October count date.

(REGULATION FOR BOARD POLICY JKF)

Parents, guardians, or legal custodians of expelled students shall be notified of their right to request services from the District. All requests for services for expelled students must be made in writing to the principal or designee by the student or the student's parent, guardian, or legal custodian within ten school days of the expulsion.

Within ten school days of receiving the request, the District will notify the student and the parent, guardian, or legal custodian of the goal in providing educational services, the services to be provided by the District and the amount of credit the student will receive.

EXPULSION PREVENTION (BOARD POLICY JKG)

The District shall enforce provisions of the Code of Conduct so that students demonstrating unacceptable behavior and their parents, guardians, or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code. However, all practicable alternatives shall be explored to help students who are at risk of expulsion before expulsion becomes a necessary step. Expulsion shall be regarded as a punishment of last resort unless a student's behavior would cause imminent harm to others in the school or when state law or the District's conduct and discipline codes require expulsion.

The District shall provide students who are identified as at risk of suspension or expulsion with the necessary educational support services to help them avoid expulsion. In doing so, District employees shall work with the student's parent, guardian, or legal custodian. Educational services means any of the following types of services to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies: tutoring services, alternative educational programs, vocational education programs. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations, and institutions of higher education.

The failure of the District to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures including, but not limited to, suspension and/or expulsion.

GENERAL INFORMATION

NONDISCRIMINATION/EQUAL OPPORTUNITY (BOARD POLICY AC)

The Board is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the District are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, age, color, sex (which includes marital status), sexual orientation, national origin, religion, ancestry or need for special education services. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any District program or activity on the basis of race, color, national origin, ancestry, creed, age, religion, sex (which includes marital status), sexual orientation, disability or need for special education services. Discrimination against employees and applicants for employment based on age is also prohibited in accordance with state and federal law.

In keeping with these statements, the following shall be objectives of this District:

- To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.

- To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial and ethnic groups.

- To consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.

- To utilize educational experiences to build each individual's pride in the community in which he or she lives.

- To initiate a process of reviewing all policies and practices of this District in order to achieve the objectives of this policy to the greatest extent possible.

- To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or discrimination in violation of District policy.

Annual Notice

The District shall issue a written notice prior to the beginning of each school year that advises students, parents, employees, and the general public that the educational programs, activities, and employment opportunities offered by the District are offered without regard to race, color, sex (which includes marital status), sexual orientation, religion, national origin, ancestry, creed, age, disability or need for special education services. The announcement shall also include the name/title, address, and telephone number of the person designated to coordinate Title IX and Section 504 and ADA compliance activities.

The notice shall appear on a continuing basis in District media containing general information for students, parents, and employees.

Harassment is Prohibited

Harassment based on a person's race, color, national origin, ancestry, creed, age, religion, sex (which includes marital status), sexual orientation, disability or need for special education services is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work and members of the public can access and receive the benefit of District facilities and programs. All such harassment, by District employees, students and third parties, is strictly prohibited.

All District employees and students share the responsibility to ensure that harassment does not occur at any District school, on any District property, at any District or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any District curricular or non-curricular activity or event.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, national origin, ancestry, creed, age, religion, sex, sexual orientation, disability or need for special education services that: (1) results in physical, emotional or mental harm, or damage to property; (2) is so severe, persistent, or pervasive that it creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBCCA for employees and JBB for students) will apply to complaints alleging sexual harassment.

Reporting Harassment

Any student who believes he or she has been a victim of unlawful discrimination or harassment as defined in this policy shall immediately report it to an administrator, counselor, teacher, or compliance officer and file a formal complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment or member of the public who believes he or she has been a victim of unlawful discrimination or harassment shall file a complaint with the compliance officer.

All students who witness such harassment shall immediately report it to an administrator or teacher. All employees who have such harassment reported to them shall promptly forward the report to an immediate supervisor or to the compliance officer.

All District employees who witness such harassment shall take prompt and effective action to stop it, as prescribed by the District. Under certain circumstances, harassment may constitute child abuse that must be reported to proper authorities.

Interim District Action

When appropriate, the District shall take interim measures during the investigation of a harassment report to protect the alleged subject of the harassment from further harassment or retaliation.

In cases involving potential criminal conduct, the compliance officer shall determine whether appropriate law enforcement officials should be notified.

District Action Following Investigation

The District shall take appropriate action to end the unlawful harassment, to prevent its recurrence, to prevent retaliation against the individual making the report and anyone participating in the investigation and to restore lost educational opportunities to the harassed student or employment opportunities to staff. In addition, any student or employee who engages in harassment of another student or employee shall be disciplined according to applicable District policies. Steps shall also be taken to ensure that victims of, and witnesses to, harassment are protected from retaliation. Further, students or employees who knowingly file false harassment complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment.

No student, employee, or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy. To the extent possible, all reports of harassment will be kept confidential. Upon determining that incidents of harassment are occurring in particular District settings or activities, the District shall implement measures designed to remedy the problem in those areas or activities.

Notice and Training

To reduce harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all District schools and departments.

Students and District employees shall receive periodic training related to recognizing and preventing unlawful harassment.

(REGULATION FOR BOARD POLICY AC)

The District shall respond to complaints of discrimination and/or harassment reported; take action in response when discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in discrimination and/or harassment complaints to the extent practical and appropriate under the circumstances. These actions shall apply to the

extent permitted by law or where personal safety is not an issue. Under certain circumstances, the complaint may be referred to law enforcement for investigation.

The District has adopted the following procedures to promptly and fairly address concerns and complaints about discrimination and/or harassment. Complaints may be submitted informally or formally.

Definitions

The term “compliance officer” means an employee designated to act as such by the Board of Education. That individual shall be identified by name, address, and telephone number. If the designated individual is not qualified or is unable to act as such, the Superintendent or designee shall designate an administrator who shall serve until a successor is appointed by the Board of Education.

The term “aggrieved individual” shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, a student over the age of 18, an employee of the District, or member of the public who is directly affected by an alleged violation of District policies prohibiting discrimination or harassment.

Compliance Officer’s Duties

The compliance officer shall be responsible for conducting a confidential investigation and coordinating all complaint procedures and processes, whether the violation is alleged under Title II (discrimination based on disability), Title VI (discrimination based on race, color or national origin), Title IX (discrimination based on sex or marital status), Section 504 (discrimination based on disability) or under District policies prohibiting discrimination or harassment. The compliance officer’s duties shall include providing notice to students, parents/guardians of students, employees and the general public concerning the compliance process available, dissemination upon request of information concerning the forms and procedures for the filing of complaints, investigation of all complaints and coordination of the hearing procedures.

Complaint Procedure

An aggrieved individual who believes he or she has been subject to harassment or discrimination in violation of law and District policy is encouraged to report the incident as provided in Board policy. All reports received by teachers, counselors, principals or other District employees shall be forwarded to the compliance officer.

Any aggrieved individual may file, with the compliance officer, a complaint charging the District, another student or any school employee with a violation of Title II, Title VI, Title IX, or Section 504 or with a violation of District policies prohibiting discrimination or harassment. The complaint shall be in writing and shall describe with reasonable specificity the nature of the complaint.

Upon receiving a complaint, the compliance officer shall confer with the aggrieved individual as soon as is reasonably possible in order to obtain a clear understanding of the basis of the complaint and to discuss what action the aggrieved individual is seeking.

At the initial meeting, the compliance officer shall explain the avenues for informal and formal action and provide a description of the complaint process. The compliance officer shall also explain that whether or not the individual files a formal complaint or otherwise requests action, the District is required by law to take steps to correct the harassment and to prevent recurring harassment or retaliation against anyone who makes a harassment report or participates in an investigation. The compliance officer shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the District from responding effectively to the harassment and preventing future harassment.

Following the initial meeting with the aggrieved individual, the compliance officer shall attempt to meet with the alleged harasser and his or her parents/guardians, if the alleged harasser is a student, in order to obtain a response to the reported harassment. Such person(s) shall be informed only of those facts which, in the compliance officer’s judgment, are necessary to achieve a full and accurate disclosure of material facts or to obtain an informal resolution.

The compliance officer may consider the following types of information in determining whether unlawful harassment occurred.

- a. Statements by any witness to the alleged incident.
- b. Evidence about the relative credibility of the parties involved.

- c. Evidence relative to whether the alleged harasser has been found to have harassed others.
- d. Evidence of the aggrieved individual's reaction or change in behavior following the alleged harassment.
- e. Evidence about whether the individual claiming harassment took action to protest the conduct.
- f. Evidence and witness statements or testimony presented by the parties involved.
- g. Other contemporaneous evidence.
- h. Any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is sufficiently severe, persistent or pervasive to be a violation of law or policy, all relevant circumstances shall be considered by the compliance officer, including:

- a. The degree to which the conduct affected one or more students' education or one or more employees' work environment.
- b. The type, frequency, and duration of the conduct.
- c. The identity of and relationship between the alleged harasser and the aggrieved individual.
- d. The number of individuals involved as alleged harassers and as subjects of the harassment.
- e. The age of the alleged harasser and the aggrieved individual.
- f. The size of the school, location of the incident, and context in which it occurred.
- g. Other incidents at the school.

The compliance officer shall determine whether the matter should proceed formally or informally. At any time, the aggrieved individual may request an end to an informal process and begin the formal compliance process.

On the basis of the compliance officer's investigation and if the aggrieved individual requests that the matter be resolved in an informal manner and the compliance officer agrees that the matter is suitable for such resolution, the compliance officer may attempt to resolve the matter informally.

The compliance officer shall prepare a written report containing findings and recommendations, as appropriate, to the Superintendent or designee. The compliance officer's report shall be advisory and shall not bind the Superintendent or designee or the District to any particular course of action or remedial measure. However, the report may be used by the Superintendent or designee or other District administration officials as a basis for disciplinary or other appropriate action.

Formal Complaint Process

If the aggrieved individual requests a formal complaint process, the compliance officer shall transfer the record within five school days to the Superintendent or designee for formal resolution and so notify the parties by certified mail.

After reviewing the record made by the compliance officer, the Superintendent or designee may gather additional evidence necessary to decide the case and/or determine that a hearing is necessary. At such time the matter should be referred to an administrative hearing officer for further fact-finding. The hearing officer will be an administrative employee of the District designated by the Superintendent or designee.

The hearing shall be informal. The hearing officer shall provide the affected person a written statement of charges, evidence and reasons supporting the proposed adverse action. A student shall be entitled to be represented by his/her parent or by an attorney. An employee shall be entitled to be represented by an attorney or other representative of his/her choice. The complainant shall appear at the hearing and shall be entitled to present testimony and other evidence. Formal rules of evidence shall not apply. The compliance officer or designee may represent the District at the hearing and shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public. The hearing officer shall make recommendation to the Superintendent or designee based upon evidence presented at the administrative hearing.

Within 10 school days of receiving the record from the hearing, the Superintendent or designee shall determine any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.

District Action

Whether or not a formal complaint is filed, the District shall take appropriate action to end the harassment, to make the victim whole by restoring lost educational or employment opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports harassment or participates in a harassment investigation.

All parties, including the parents/guardians of all students involved, shall be notified by the Superintendent of the final outcome of the investigation and all steps taken by the District. If disciplinary action is recommended for a student or employee, that action shall proceed in accordance with applicable District policy. Remedial and/or disciplinary actions shall include measures designed to stop the harassment, correct its negative impact on the affected individual, and ensure that the harassment does not recur.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a Board policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. This process shall apply, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

NONDISCRIMINATION ON THE BASIS OF DISABILITY (BOARD POLICY ACE)

The Board of Education is committed to a policy of nondiscrimination on the basis of disability under all applicable laws, including but not limited to Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA"). Section 504 and the ADA provide that no otherwise qualified person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activities.

The Board of Education shall designate an individual as the responsible employee to coordinate District compliance with Section 504 of the Rehabilitation Act and with the Americans with Disabilities Act (ADA). See ACE-E-1.

The District's Section 504 and ADA compliance officer ("compliance officer") shall be responsible for continuing surveillance of District programs and activities with regard to compliance with Section 504 and the ADA and all pertinent regulations, including the development of all necessary procedures and regulations.

The compliance officer shall notify students, employees, and members of the public regarding the District's policy and grievance procedures and of his/her name or title, office, address, and telephone number. Notification shall be by posting and/or other means sufficient to reasonably provide such notice.

Complaint Procedure

Any student or employee shall have a ready means of resolving any claim of discrimination on the basis of disability in the educational programs or activities of the District. Persons may file a complaint of discrimination on the basis of disability in accordance with this procedure or may file a complaint in accordance with the District's nondiscrimination/equal opportunity complaint process. See AC-R.

In the event a student believes that there has been a violation of Section 504 or ADA, he/she shall mail or deliver to the employee designated as Section 504 and ADA compliance officer a written statement setting out the alleged violations in specific terms, describing the incident or activity, the individuals involved, and the dates, times, and locations involved.

The compliance officer shall conduct an investigation as necessary to determine the facts involved and shall offer the individual filing the written statement an opportunity to discuss the matter personally, if requested, and shall notify the individual of his/her right to obtain copies of the individual's school records.

The compliance officer shall report to the Superintendent his/her findings and recommendations regarding resolution of the matter. Within 10 school days of receiving the findings and recommendations

from the compliance officer, the Superintendent or designee shall determine any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.

If the student, employee or member of the public submitting the written statement of an alleged violation is not satisfied with the handling of the matter by the Superintendent, he/she may appear before the Board of Education and present the matter directly to the Board. Any action taken by the Board shall be final.

Dissemination of Policy

The Superintendent shall notify applicants for admission, students, parents/guardians, sources of referral of applicants for admission, employees and applicants for employment and members of the public that it does not discriminate on the basis of disability in the programs or activities which it operates and that is required by Section 504 and ADA not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation.

STUDENTS WITH FOOD ALLERGIES (BOARD POLICY JLCDA)

The Board of Education recognizes that many students are being diagnosed with potentially life-threatening food allergies. To address this issue and meet state law requirements concerning the management of food allergies and anaphylaxis among students, the Board of Education sets forth the following requirements.

Development of Health Care Plan

The school nurse, or a school administrator in consultation with the school nurse, shall develop and implement a health care plan (plan) for each student with a diagnosis of a potential life-threatening food allergy. The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders. The plan shall also include reasonable accommodations to reduce the student's exposure to agents that may cause anaphylaxis within the school environment.

If a student qualifies as a student with a disability in accordance with federal law, the student's Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this policy requirement.

Access to Emergency Medications

Emergency medications for treatment of the student's food allergies or anaphylaxis shall be kept in a secure location accessible to designated school staff.

Whenever possible and in a timely fashion, the student's parent or legal guardian shall supply the school with the medication needed for treatment of the student's food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with Board policy JLCD, Administering Medications to Students.

Staff Training

The principal or equivalent school administrator, in consultation with the school nurse, shall determine the appropriate recipients of emergency anaphylaxis treatment training, which shall include staff directly involved with a student who has a known food allergy during the school day. At a minimum, the training shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize symptoms of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

Annual Notice

Prior to the beginning of each school year, the District shall provide notice of this policy to the parent or legal guardian of each student enrolled in a District school. The notice shall include the standard allergy and anaphylaxis form developed by the Colorado Department of Public Health and Environment.

STUDENT FEES, FINES, AND CHARGES (BOARD POLICY JQ)

The District may require students to pay fees, fines, or charges in accordance with this policy. Students shall not be charged an instructional fee as a condition of enrollment in school or as a condition of attendance in any class that is considered part of the academic portion of the District's educational program, except tuition when allowed by law.

A school may exact a fee, fine, or charge only upon Board approval. All student fees, fines, and charges collected in accordance with this policy shall be used for designated purposes and shall not be spent for any other purpose. The District may establish alternative payment methods, such as payment plans or school service, for students who are unable to pay.

Fees, Fines, and Charges That May Be Authorized by the Board

Fines for Book(s), Materials, and Equipment—Students shall be assessed fines for lost, damaged, or defaced book(s), materials, or equipment.

Fees for Expendable Materials—Students may be charged a fee for the cost of expendable materials used in coursework and for the cost of materials used in projects that will become the property of the student.

Miscellaneous Fees—Students may be charged a fee as a condition of participating in or attending a school-sponsored activity or program not within the academic portion of the educational program. Such fees will reflect the actual cost of the activity and may include, but not be limited to, locker fees, parking fees, admission fees, food costs, and transportation costs.

Sanctions for Failure to Pay Fees, Fines, or Charges

Fines for Books, Materials, and Equipment

If the District has made a reasonable effort to obtain payment of such fines to no avail, the District may then withhold the diploma, transcript, or grades of any student who fails to return or replace such book(s), materials, or equipment at the end of the semester or school year. If the student has completed graduation or continuation requirements, the District may deny the privilege of participation in the graduation or continuation ceremony if the student fails to return or replace the book(s), materials, or equipment by the date of the ceremony.

Fees for Expendable Materials

If the District has made a reasonable effort to obtain payment of such fees to no avail, the District may recover and deny the student further use of the expendable materials, and may withhold the completed project until the fee is paid.

Miscellaneous Fees

If the District has made a reasonable effort to obtain payment of such fees to no avail, the District may refuse to permit the student to participate in the activity until the fee is paid.

Waiver of Fees, Fines, or Charges

Students who are in financial need are exempt from paying miscellaneous fees and fees for expendable materials. Students in financial need, however, are not exempt from fines for book(s), materials, and equipment. For purposes of this policy, a student in financial need is defined as any child who is eligible for a free or reduced price lunch under the federal poverty income guidelines.

Fee Schedule

All fees, fines, and charges will be listed and described annually in each school's student handbook or in some other written form and distributed to each student. The notice will advise students which fees are optional and which are required, that fees are to be paid, and what penalties are assessed for failure to pay.

STUDENT RECORDS/RELEASE OF INFORMATION ON STUDENTS (BOARD POLICY JRA/JRC)

In recognition of the confidential nature of student education records, no person or agency may access student education records without prior written consent from the student's parent, guardian, or legal custodian or the eligible student, except as set forth in law and this policy.

Definitions

"Attendance" in the District includes attendance in person and/or by correspondence and the period during which a person is working under a work/study program.

“Custodian of education records” means the principal of the school the student attends or from which the student receives services. When the student’s education records are transferred to the District records center, “custodian of education records” means the Superintendent or designee. The custodian of education records shall be responsible for the observance of law, policy, regulation, and directives in the collection of information for student records, their maintenance and protection, the proper dissemination of information contained therein, and the forwarding of records for official purposes to those authorized by law or policy. The custodian shall make available copies of this policy to parents, guardians, or legal custodians or eligible students upon request.

“Directory information” includes the student’s name, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors and awards received, the most recent previous education agency or institution attended by the student, and other similar information. It does not include student telephone numbers, addresses, or other personal identifiers, such as social security number.

“Disclosure” means permitting access to or the release, transfer, or other communication of education records or the personally identifying data contained therein by any means to any person or entity.

“Education records” means permanent or temporary records, in all formats and media, including photographic and electronic, that are directly related to a student and are maintained by the District in the care and control of a custodian of education records. Education records may contain, but will not necessarily be limited to, personally identifying data, grades, courses taken, standardized achievement test scores, attendance data, scores on standardized intelligence, aptitude and psychological tests, Individual Education Plans (IEPs) and related documents, interest inventory results, health data and medical information, family background information, teacher or counselor ratings and observations, and reports of serious or recurrent behavior problems. The term “education records” does not include:

Records created by staff members that are seen or used only by the author of the record, and/or a substitute worker for the author.

Records relating to an employee of the District. This definition shall not apply to records relating to a student who is employed by the District.

Records relating to an eligible student that are created, maintained, or used by a physician, psychiatrist, or psychologist: 1) only in connection with provision of treatment to the student. For purposes of this definition, “treatment” excludes remedial educational activities or activities that are part of the instructional program of the District, and 2) are not disclosed to anyone other than individuals providing the treatment, or to a physician or other appropriate professional of the student’s choice.

Records maintained by a law enforcement unit of the school or District that are created by that unit for the purpose of law enforcement.

“Eligible student” means a student 18 years of age or older or a student who has been graduated from high school and is attending an institution of post-secondary education and who is not otherwise under a legal disability. Rights normally accorded to and the consent normally required of a parent shall transfer to the student when he/she becomes an eligible student. However, if an eligible student is a dependent for federal income tax purposes, parents, guardians, or legal custodians are entitled along with the student to access student educational records.

“Parent” includes a parent, noncustodial parent, guardian, legal custodian, or individual acting as a parent of the student in the absence of a parent or guardian. The District may presume the parent has the authority to exercise the rights inherent in this policy unless the custodian of the student’s education records has been provided a copy of a court order to the contrary. For purposes of this policy, accompanying regulation and exhibit, the use of the word “parent” will represent the meaning of “parent” as detailed in this paragraph.

“Permanent records” shall consist of personally identifying data, birth date, school enrollment and withdrawal or graduation dates, academic work completed, and level of achievement, including grades and standardized test scores. A student’s permanent records shall be maintained at the school or schools

the student attends. When a student graduates or leaves the District for any reason, his/her permanent records shall be sent to the District central records.

“Personally identifying data” includes the name of the student, the name of the student’s parent, guardian, or legal custodian or other family members, the address and telephone number of the student, a personal identifier such as the student number, or a list of personal characteristics, or other information that would make the student’s identity easily traceable.

“Record” means any information or data recorded and retained in any medium, including handwriting, print, computer media, video, or audiotape, film, microfilm, microfiche, and computerized files.

“Student” shall include any individual who is or has been enrolled in the District.

“Temporary records” shall consist of information not listed in the definition of permanent records but which is of importance to the education process. These materials shall be maintained at the school or schools the student attends or attended and shall not be transferred to the District central records. These materials shall be reviewed periodically and destroyed when they are no longer useful. All such temporary records shall be destroyed within one year plus the current year after the student leaves, transfers, or is graduated from school.

Access to Records

A parent, guardian, or legal custodian (“parent”) or eligible student shall be able to inspect and review the student’s education records unless the custodian of education records has received a copy of a court order to the contrary. The parent or eligible student shall submit a written request to the custodian of records asking to review the student’s education records. In all cases where access to student records is requested, except as provided in the policy, a written request to see the files must be made by the parent or eligible student. The parent is also entitled to access his/her child’s education records, despite the lack of written consent from the eligible student, if the eligible student is a dependent for federal income tax purposes or the disclosure is in connection with a health or safety emergency. The custodian of records shall provide access to inspect and review the records and set a date and time for such inspection and review within a reasonable time after the request. This is usually within three working days after the request has been made, but not to exceed 45 calendar days.

The parent or eligible student shall examine the education records in the presence of the custodian of educational records and/or other person(s) designated by him/her. Only certificated personnel, such as the assistant principal or counselor, may be so designated. The custodian of the records shall provide other personnel as is necessary to give explanations and interpretations of the student records when requested by parents or the eligible student.

The record itself shall not be taken from the District building site where the record is filed. However, upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student. The parent or eligible student shall pay a fee per page not to exceed the state-approved rate. The custodian may not charge a fee to search for or retrieve a record.

If any material or document in a student’s education records includes information on other students, the parent or eligible student shall have the right to inspect and review only such part of such material or document as relates to the student or to be informed of the specific information contained in such part of the records.

No part of a student’s education records, whether permanent or temporary, shall be destroyed if there is an outstanding request to inspect and review the records.

The District shall inform parents of students with disabilities when personally identifying data collected, maintained, or used under this policy is no longer needed to provide education services to the student. The information shall be destroyed at the request of the parent or eligible student. However, a permanent record of the student’s name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limit.

Amendment of Education Records

A parent or eligible student shall have the right to challenge the contents of a student's education records if the parent or eligible student feels that any information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. The custodian of education records shall process a request to amend education records in accordance with the regulations accompanying this policy.

Disclosure Without Written Consent

The District will disclose personally identifying data from education records without written consent of the parent or eligible student only to those persons or entities allowed under federal or state law to receive such information. This includes:

District officials including teachers with a legitimate need to review an education record in order for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement, used within the context of official District business and not for purposes extraneous to the official's areas of responsibility, relevant to the accomplishment of some task or to a determination about the student, consistent with the purposes for which the data are maintained, including the disclosure of disciplinary information regarding conduct that poses a significant risk to the safety or well-being of the student or others. A District official is a person employed by the District as an administrator, supervisor, teacher, or support staff member (including health or medical staff and law enforcement unit personnel), a person serving on the Board of Education, a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, or medical consultants) or a designee of the Superintendent for the purpose of creating an alumni directory for sale and/or distribution to alumni, school district administrators, and employees.

Officials of another school or school system or postsecondary institution who have requested the records and in which the student seeks or intends to enroll, or has enrolled, including the disclosure of disciplinary information regarding conduct that poses a significant risk to the safety or well-being of the student or others. Any records sent during the student's application or transfer period may be supplemented, updated, or corrected as necessary.

Pursuant to federal law, the above paragraph shall serve as notice to parents and eligible students that the District shall forward the types of information referred to above in reply to written requests of officials of a school or school district in which the student seeks to enroll without further notice of the transfer to the parent or eligible student. The District will provide a copy of the record to the eligible student or student's parent if so requested.

The District shall provide to parents and eligible students annual notification that the District forwards such information. Nothing contained in the above paragraph shall authorize the disclosure to other districts of letters of reference contained in a student's education records or personnel file without written consent of the parent or eligible student prior to disclosure.

Authorities named in the Family Educational Rights and Privacy Act and accompanying federal regulations. These include comptroller general of the United States, The Attorney General of the United States, the Secretary of the U.S. Department of Education, and state educational authorities.

Authorities investigating or providing emergency service involving the health and safety of students or others.

Any Colorado law enforcement agency or other state or federal law enforcement agency when the student is under investigation by the agency and the agency establishes that such information is necessary for the investigation.

Disclosure to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written clarification by the officials that the

records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.

Disclosure in connection with a student's application for, or receipt of, financial aid.

Accrediting institutions, to the extent necessary for them to carry out their accrediting functions.

Testing and research organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, to administer student aid programs or to improve instruction.

Parents of students over 18 years of age who are dependent for federal income tax purposes.

Anyone if required by a court order or subpoena, provided that a reasonable effort is made to notify the parent or eligible student prior to complying with the subpoena or court order. The District will not notify the parent or eligible student of the request where the court or issuing agency has ordered that the existence or contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

The court if the District initiates legal action against a parent or student where the education records are relevant, and after the District has made reasonable efforts to notify the parent or eligible student prior to the disclosure, or when initiated by a parent or eligible student where the records are relevant for the District's defense.

The District may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.

Disclosure With Written Consent

Whenever the District is required by law or policy to seek written consent prior to disclosing personally identifiable information regarding a student, the notice provided to the parent, guardian, or legal custodian or eligible student shall contain the following:

The specific records to be released.

The specific reasons for such release.

The specific identity of any person, agency, or organization requesting such information and the intended uses of the information.

The method or manner by which the records will be released.

The right to review or receive a copy of the records to be released.

Parental consent shall only be valid for the specific instance for which it was given. Consent for a student to participate in any course, school activity, special education program, or in any other school program shall not constitute the specific written consent required.

All signed consent forms shall be retained by the School District.

Requesting and Receiving Information and Records From State Agencies

Within the bounds of state law, District personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and the safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

District personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained. District personnel who knowingly violate this provision are subject to disciplinary action pursuant to District policy.

As a Medicaid provider, the Littleton Public Schools will access Medicaid eligibility information for students enrolled in the Littleton Public Schools from Health Care Policy and Financing (HCPF). HCPF is the designated Medicaid agency in the state. Directory information of names, date of birth, and gender will be released to HCPF to verify Medicaid eligibility of students in the District. With annual written

consent from the parent, guardian, or legal custodian or eligible student, the description of health and health-related services delivered to Medicaid eligible students will be released to Medicaid and/or the District billing agent for proper administration of the program. A dated record of all transactions will be kept on file at the LPS Special Programs Office.

Sharing Information by the School District

Disciplinary and attendance information shall only be shared with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the School District when necessary to effectively serve the student prior to adjudication. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent, guardian, or legal custodian.

School personnel who share disciplinary and attendance information concerning a student pursuant to this policy are immune from civil and criminal liability if they act in good faith compliance with state law.

Nothing in this policy shall prevent administrators, teachers, or staff from disclosing information derived from personal knowledge or observation and not derived from a student's education records.

Disclosure of Disciplinary Information to School Personnel

In accordance with state law, the principal or designee is required to communicate disciplinary information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. The purpose of this requirement is to keep school personnel apprised of situations that could pose a risk to the safety and welfare of others.

For purposes of this policy, "disciplinary information" means confidential records maintained by or in possession of the principal or designee on an individual student which indicate the student has committed an overt and willful act which constitutes a violation of the District's student code of conduct and/or there is reasonable cause to believe, through information provided to the principal from another credible source, that the student could pose a threat to the health and safety of other students and school personnel based on prior misbehavior.

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent, guardian, or legal custodian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent may challenge the accuracy of such disciplinary information through the process outlined in this policy and accompanying regulation.

Disclosure to Military Recruiting Officers

Names, addresses, and home telephone numbers, as well as directory information, of secondary school students will be released to military recruiting officers within 90 days of the request unless a parent, guardian, or legal custodian, or eligible student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the District in furnishing this information will be paid by the requesting service.

Disclosure to the Colorado Commission of Higher Education (CCHE)

On or before December 31 of each school year, the District shall disclose to the CCHE the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

Disclosure of Directory Information

The District may disclose directory information without written consent of the parent or eligible student. The parent or eligible student has the right to refuse to permit the disclosure of any or all of the categories of information provided such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 7 or the following Monday if September 7 is a Saturday or Sunday.

The District shall not disclose or publish anything other than directory information to any outside source, except in accordance with this policy. Parent/teacher organizations or school-sponsored groups may not publish more than directory information unless they obtain the written consent for such disclosure from each parent or eligible student or they establish a procedure assuming consent and notify parents in a timely manner of their right to expressly deny consent and prevent disclosure.

Record of Disclosure

The custodian shall maintain within the education record of each student, a record of all individuals, agencies, or organizations that have requested or obtained access to personally identifying data from that student's education records, along with a statement of reason/need for the information requested. Such records of disclosure need not be maintained with respect to: 1) disclosures to a parent or eligible student of directory information, 2) disclosures made to District officials who have legitimate educational interests in the records, 3) disclosures pursuant to a written request from the parent or eligible student when the content is specific as to the party/parties to whom the disclosure is made.

Annual Notification of Rights

The District, at the beginning of each academic year or upon the student's enrollment, will notify the parents or eligible students of their rights pursuant to this policy. The District shall provide effective notification of such rights to parents or eligible students identified as disabled or having a primary or home language other than English. Copies of this policy or forms may be obtained from the office of the Superintendent, or designee, anytime during normal business hours. Complaints regarding violations of rights accorded parents and eligible students pursuant to the Family Educational Rights and Privacy Act may be submitted to the local Office for Civil Rights of the Department of Education.

Waivers

A parent or eligible student may waive any or all of his/her rights protected by this policy. The waiver shall not be valid unless in writing and signed by the parent or eligible student. The District does not require a waiver, but may request a waiver. Any waiver under this provision may be revoked at any time if made in writing by the same party.

Legal Names of Students

The District will recognize name changes of adopted students when a court order showing same is shown to a school official. The original name shall remain on the student's permanent record in addition to the name change. In instances where students or parents want the student to be called by a different first or last name, this will be done, with both names remaining on the student's permanent record.

The District shall comply with the Family Educational Rights and Privacy Act (FERPA) and its regulations as well as state law governing the confidentiality of student education records. The District shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

(REGULATION 1 FOR BOARD POLICY JRA/JRC)

For purposes of this policy, accompanying regulation and exhibit, the use of the word "parent" will represent the meaning of "parent" as detailed in the definitions section of this policy.

Request to Amend Education Records

Parents or eligible students who believe that information contained in the education records of a student is inaccurate, misleading, or violates the privacy rights of the student may request that the District amend the records. The parent or eligible student shall send a written request to the custodian of education records in order to indicate the amendments requested. The request must clearly identify the part of the record they want changed and specify why it is inaccurate, misleading, or otherwise violates the privacy rights of the student. The request to amend the student's records must be made in writing within ten (10) school days of the date the records were first examined by the parent or eligible student, unless additional

time is granted by the District for good cause shown. The custodian shall confirm the parent/eligible student's current address and telephone number.

Within ten (10) working days of the written request, the custodian of the student's education record will send the parent or eligible student a written decision, indicating the reasons for the decision. All correspondence regarding a challenge to education records must be sent by certified mail to the most recent address of the parent/eligible student, and will also include appropriate information regarding the hearing process and any appropriate forms.

If the custodian of records denies the request to amend the student education record, the custodian of the student's education record shall notify the parent or eligible student of the decision and advise him or her of the right to appeal the denial.

The parent or eligible student shall have an opportunity for a hearing to challenge the content of the student's educational records on the grounds that the information contained in the records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student. Requests for a hearing shall be made in writing to the building principal as the Superintendent's designee.

The District's response to the request shall be mailed within 10 school days.

The hearing shall be held within 25 school days after the written request is received, and the District shall provide reasonable advance notice to the parent or eligible student of the date, time, and place of the hearing via certified mail.

The Superintendent or designee will appoint, in writing, a District official (a principal or higher administrative official) to conduct the hearing. Such official must not be the person who made the initial decision nor have a direct interest in the outcome of the hearing.

The parent or eligible student shall have a full and fair opportunity to present evidence relevant to the issues whether the records contain information that is inaccurate, misleading, or otherwise violates the student's privacy rights, and may, at their own expense, be assisted or represented by one or more individuals of their own choosing, including an attorney.

The official conducting the hearing shall issue his/her decision in writing to the parent or eligible student within 20 school days after the hearing and shall base the decision solely on the evidence presented at the hearing. The written decision must include a summary of the evidence and the reasons for the decision and be sent to the parent or eligible student by certified mail.

If the request to amend education records is granted, the custodian will amend the records accordingly.

If the request to amend education records is denied, such decision must include a statement informing the parent or eligible student of their right to place in the records a statement commenting upon the information in the records, and/or setting forth any reason for disagreement. Any explanation placed in the records will be maintained by the District for as long as the record or the contested portion of the record is maintained. If the record or contested portion is disclosed to any party, the explanation also will be disclosed.

(REGULATION 2 FOR BOARD POLICY JRA/JRC)

Disclosure of Student Information to Military Recruiting Officers

Each year, currently enrolled juniors will be informed by the high school principal that recruiting officers from the armed forces request student information, including names, addresses, and home telephone numbers as well as directory information. Parents, guardians, or eligible students wishing to prevent disclosure of information must submit a written request to the principal within 14 days of the principal's announcement. When the school receives a request for information from a military recruiter, the school will release the specified information within 90 days of the request on all students who do not have a request on file.

The cost of providing this information will be borne by the military recruiters. A charge of \$1.00 per page may be billed. This amount includes supplies, postage, and secretarial time to compile this information. No action will be taken in any year to compile membership lists unless the military recruiter has agreed, in advance, to bear such costs.

(REGULATION 4 FOR BOARD POLICY JRA/JRC)

Posting Student Information on School Web Site

The Littleton Public School District is committed to maintaining the confidentiality of educational records, including grades, transcripts, attendance, and any other student information in the District's student database system. The student's unique identification number in the District's database is intended to protect the confidentiality of the information in the educational record of the student.

It is a regular practice of the Littleton Public Schools to evaluate student achievement and to issue grades and/or reports based on student progress. The reporting of student grades and/or progress on a regular and timely basis serves to inform the student and his/her parent regarding that student's educational growth. The benefits of "posting" student performance information on the Internet is timely and provides up-to-date student achievement data.

Given that the benefits outweigh the risks, a school may provide parental access to student information from the District's student database system over the Internet, unless the student's parents/guardians/students (if 18 years or older) have indicated in writing that they refuse to have their child's grades, transcripts, attendance, and any other student information from the District's student database system posted on a school administered Web site.

If a student's unique identification number is disclosed or otherwise obtained by a third party, then the third party will be able to access confidential student information. If such disclosure of the student's unique identification number occurs, then parents/guardians/students (if 18 years or older) must notify the school principal and request a change in the student's unique identification number.

Grades and other student record information shall not be transmitted by e-mail. However, access to an individual school administered Web site using the student's unique identification number from the District's student information system database will not be deemed to be in violation of this policy.

The District will inform parents/guardians/students (if 18 years or older) of their opportunity to opt out of this service and will make opt-out forms available throughout the school year.

NOTE TO PARENTS:

The opt-out form is available at your child's school.

(REGULATION 5 FOR BOARD POLICY JRA/JRC)

The primary purpose of this regulation is to provide the parent community greater opportunities for interaction, collaboration, and information exchange regarding their student. Access to electronic student information is provided as a parent/guardian resource to stay informed about their student's educational progress in such areas as daily assignments, grades, attendance, and transcripts.

Electronic Student Educational Records

The Board of Education recognizes that enhanced educational services are available as a result of technological advances and that such services can serve the diverse needs of today's student population. For these reasons, District online access to student information shall be created to provide timely information and communication with families and students in the Littleton Public Schools (LPS). This online access to student information provides the District with unique and ever-changing ways to interact with parents/guardians and students to help improve student learning.

System Integrity and Security

The hardware and software system that contains functionality and data for the collection and management of electronic student education records shall maintain high security standards. The computer server systems employed by the District must possess a high degree of resistance to tampering and circumvention.

System Continuity and Backup Recovery

The security system shall limit data access to District staff on a need-to-know basis. Computer file servers containing electronic student education records shall be maintained on an independent District network separated from the Internet by an electronic firewall to prevent unauthorized access by outside entities and control individual users' ability to access and alter records within the system.

The District shall maintain a disaster recovery and business continuity plan for the District's electronic student information system. In the event of an in-District system server failure, LPS must be able to operate by accessing an out-of-district recovery site until the District's electronic student information system can be made ready and brought back to pre-failure state.

The contracted company shall maintain backup servers and telecommunications connections and maintain backups of the District's electronic student information on backup servers such that the company shall be capable of providing application hosting services. The contracted backup recovery services company shall adhere to all applicable federal and state laws governing the release and disclosure of student information, including the Child Privacy Protection and Parental Empowerment Act, the Family Educational Right to Privacy Act, and the Children's Online Privacy Protection Act. The site of the District contracted service where the electronic student information system of records is hosted shall maintain high security standards. The off-site computer server systems must employ a security system that limits data access to contracted staff on a need-to-know basis.

Parent/Guardian and Student Use

Upon approval of the Superintendent/designee, the District shall determine when computer equipment, software, and information access systems will be available to the parents/guardians and eligible students.

Upon request to the principal/designee, parents/guardians and/or eligible students may have access to student information via the Internet available through the District's electronic student information system, provided they acquire a user ID, use a strong password, and follow procedures established by the principal/designee. Parents/guardians and eligible students shall abide by the rules of usage established by the principal/designee.

All users (LPS administrators, teachers, staff, parents/guardians, and eligible students) having Internet access who are interested in viewing electronic student information or are granted access to the electronic student information system shall be required to use a unique user ID and strong password. Passwords shall not be (solely) English words available in common electronic dictionaries, nor should they be based on information that is readily associated with the user (addresses, phone number, favorite flower, etc.). The system administrator may require a user to change a password if it fails to meet these criteria. All users shall be given information regarding log-in and strong password security.

Disregard of Rules

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using District equipment, software, information access systems, or other computing and telecommunications technologies.

Responsibility for Damages

Individuals shall reimburse the District for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care.

Responding to Concerns

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

Categories of Student Electronic Records in the System

Electronic student education records will include the information listed below. This list is not all-inclusive, but it is a sample of the types of information that may be in the student information system. Some of the information in the system and available via the Internet includes such information as: student's name; student's address; student's personal information, such as date of birth, telephone number; current grade level, courses taken, grades, activities, and behavior reports; parent/guardian

information, such as address, telephone numbers, and emergency contact information. (For a complete listing of the types of records in the system, contact the custodian of education records.)

Disclosure to Providers of Web-based Postsecondary Education Admissions Applications

Upon authorization of the parents/guardians or eligible students, the District may disclose records in the electronic student information system to providers of Web-based postsecondary educational institution admissions applications so that eligible students and/or parents/guardians may authorize the posting of their transcript to facilitate the postsecondary education admissions applications process.

(EXHIBIT 12 FOR BOARD POLICY JRA/JRC)

Notification to Parents and Students of Rights Concerning Student School Records

The Family Educational Rights and Privacy Act (FERPA) and Colorado law afford parents, guardians, or legal custodians (“parents”) and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records, as follows:

1. The right to inspect and review the student’s education records within a reasonable time period after the request for access is made (not to exceed 45 days).
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise violates the privacy rights of the student.
3. The right to privacy of personally identifiable information contained in the student’s education records, except to the extent that FERPA and state law authorize disclosure without consent, as set forth in this policy.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW,
Washington, D.C. 20202-8520
5. The right to refuse to permit the designation of any or all categories of directory information.
6. The right to request that information not be provided to military recruiting officers.

Procedures for exercising these rights are set forth in this policy.

(EXHIBIT 14 FOR BOARD POLICY JRA/JRC)

Electronic Student Information System and Records Form

Purpose: to provide parents/guardians or eligible students the opportunity to view student data and information over the Internet. Student information may include, but not be limited to, the posting of grades, daily assignments, transcripts, and attendance from the District's student database system.

All records, data, or information related to individual students shall be treated as confidential and shall be maintained in the manner that will assure the privacy of students and parents.

Parents/guardians or eligible students are only granted access to the electronic information via a unique user ID and strong password. Further information regarding a strong password is contained in Regulation JRA/JRC-R-5 (Electronic Student Information System and Records).

Acceptable Use Agreement

In order to provide for the appropriate use of District technology in keeping with Board of Education Policy JRA/JRC— Student Records/Release of Information on Students and Regulation JRA/JRC-R-5 Electronic Student Information System and Records, the following Acceptable Use Agreement Form has been developed.

I have read, understand, and will abide by Board of Education Policy JRA/JRC (Student Records/Release of Information on Students) and Regulation JRA/JRC-R-5 (Electronic Student Information System and Records). Should I commit any violation of Policy JRA/JRC and Regulation JRA/JRC-R-5, my access privileges may be revoked and terminated.

Your signature on the Acceptable Use Agreement Form is legally binding and indicates that you have carefully read and understand the significance of the terms and conditions set forth in Littleton Public Schools Board of Education Policy JRA/JRC (Student Records/Release of Information on Students), and Regulation JRA/JRC-R-5 (Electronic Student Information System and Records) and will remain in effect for the duration of my student's enrollment with the Littleton Public Schools.

Parent/Guardian Name _____
(Please Print)

Parent/Guardian Signature _____ Date _____

If the Student is 18 Years or Older,

Student Name _____
(Please Print)

Student Signature _____ Date _____

The Littleton Public School District is committed to maintaining the confidentiality of educational records and any other student information from the District's student database system. Board of Education Policy JRA/JRC (Student Records/Release of Information on Students) and Regulation JRA/JRC-R-5 (Electronic Student Information System and Records) are intended to protect the confidentiality of the information in the educational record of the student. If disclosure of student information occurs or if access privileges need to change, then parents/guardians or eligible students must notify the school principal and request a change in their log-in and password.

Please return this signed form to your school principal.

STUDENT USE OF THE INTERNET (BOARD POLICY JS)

The Board of Education strongly believes in the educational value of the Internet, other related information sources, and publishing services. The potential of such sources to support the District curriculum and student learning is significant. The Internet offers students an opportunity to participate in distance learning activities, ask questions of and consult with experts, communicate with other students and individuals, publish, and locate material to meet education and personal information needs. Internet activities instill problem-solving skills, hone computer publishing and research skills that employers demand, encourage life-long learning, and require students to think critically, analyze information, create media, and write clearly.

The District provides network services that connect District facilities to each other and to the Internet at large. The District's goal in providing this resource is to promote educational opportunities to schools by facilitating resource sharing, innovation, and communication. The District will make every effort to see that this resource is used responsibly by students. District staff have a professional responsibility to help students develop the intellectual skills needed to discriminate among information sources, to identify information appropriate to their age and developmental levels, protect their identities, publish in appropriate forums, and to evaluate and use information to meet their educational goals. The Board of Education authorizes the Superintendent or designee to establish additional procedures or guidelines for appropriate use of the District Internet system.

The Internet is a fluid environment in which information available to students is constantly changing, and the District does not endorse any content or make any guarantee as to the accuracy of information or the appropriateness of any material accessible to students. Further, the publishing services available online are similarly fluid. The Board of Education acknowledges that it is impossible to predict with certainty what information students might locate on or publish to the Internet, but believes that the valuable information and interaction available on the Internet outweigh the possibility that users may access or publish material that is not consistent with the educational goals of the District.

Internet Availability/Opt-Out Alternative

Given that the benefits outweigh the risks, the District will provide appropriate Internet access to each student, unless that student's parents/guardians have indicated in writing that they prefer to deny their child such access. The District will inform parents/guardians of their opportunity to opt out of Internet use and will make opt-out forms available throughout the school year.

Personal Responsibility and Consequences for Misuse

Student use of the District Internet system is a privilege, not a right. Use of this resource demands personal responsibility and an understanding of acceptable uses of the Internet. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the District Internet system may result in one or more of the following consequences:

- Suspension or cancellation of use or access privileges.
- Denial of future access.
- Payments for damages and/or repairs.
- Discipline under other applicable District policies, including suspension and expulsion.
- Civil or criminal liability under other applicable laws.

Student users who violate this policy will be subject to the disciplinary procedures set forth in the Student Code of Conduct and Board policy. The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the District Internet system.

Appropriate Uses (applicable to public or private messages or material posted in Web pages)

Student users will:

- Use the District Internet system in a manner consistent with District policies and the mission of the District.
- Use the system only for educational and career development activities.

Promptly disclose to a member of the school staff any message that is inappropriate or makes the user feel uncomfortable.

Remain responsible for their individual use, including taking reasonable precautions to prevent others from using their accounts and keeping their passwords private.

Promptly notify a member of the school staff of any possible security problems.

Follow District virus protection procedures.

Adhere to the terms of service required with non-District social media registration where the student may independently subscribe.

Promptly disclose to a member of the school staff any inadvertent access to unacceptable materials or information or an unacceptable Internet site.

Follow any individual school's or teacher's instructions for Internet use that may be imposed in addition to this policy.

Inappropriate Uses (applicable to public or private messages or material posted on Web pages)

Students will NOT use the District Internet system to:

Access, review, upload, download, store, print, post, or distribute pornographic, obscene, or sexually explicit material.

Transmit or receive obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, discriminatory, disrespectful, or sexually explicit language.

Access, review, upload, download, store, print, post, or distribute materials that use language or images that are inappropriate in the educational setting or disruptive to the educational process or post information or materials that could cause damage or danger of disruption.

Access, review, upload, download, store, print, post, or distribute materials that use language or images that advocate violence or discrimination toward other people [hate literature] or that may constitute harassment or discrimination.

Knowingly or recklessly post false or defamatory information about a person or organization or harass another person or engage in personal attacks, including prejudicial or discriminatory attacks.

Engage in any illegal act or violate any local, state, or federal statute or law.

Vandalize, damage, or disable the property of another person or organization, including the School District, or attempt to degrade or disrupt equipment, software, or system performance by spreading computer viruses or by any other means tamper with, modify, or change the District Internet system software, hardware, or wiring or take any action to violate the system security or use the system in such a way as to disrupt its use by other users.

Gain unauthorized access to information resources or access another person's materials, information, or files without the direct permission of that person or provide access to unauthorized users.

Post private information about another person or post personal contact information about themselves or other persons, including, but not limited to, addresses, telephone numbers, school addresses, work addresses, identification numbers, account numbers, access codes or passwords, or repost a message that was sent to the user privately without permission of the person who sent the message.

Attempt to gain unauthorized access to the District Internet system or any other system through the District Internet system; attempt to log in through another person's account; use computer accounts, access codes, or network identification other than those assigned to the user; or distribute passwords to others.

Violate copyright laws or usage licensing agreements or otherwise use another person's property without the person's prior approval or proper citation, including downloading or exchanging pirated software or copying software to or from any school computer or plagiarize works they find on the Internet.

Conduct a business or further unauthorized commercial purposes or attain financial gain unrelated to the mission of the District or offer or provide goods or services or make product advertisement or purchase goods or services for personal use without authorization of the appropriate school official.

Support any political or lobbying activity.

Post chain letters or engage in “spamming,” i.e., the sending of an annoying or unnecessary message to a large number of people.

Monitoring Activities

The District will monitor online activities by students and will enforce the Student Code of Conduct concerning inappropriate use.

Internet Safety Education

The District will ensure that Internet safety curricular elements are included in the instructional program. Instruction will address:

Appropriate online behavior

Interacting with individuals through social networking sites and chat rooms

Cyber-bullying awareness and response

Terms of Service--Children's Online Privacy and Protection Act (COPPA)

Any account created for an instructionally-appropriate web service using an @LPSK12.org or @LPS.K12.CO.US email account is the property of the District and is subject to inspection, suspension, and cancellation without notice in accordance with all other accounts assigned to students, regardless of the account creation process. As such, any terms of service requirements (including age level) are considered to be met by the supervising teacher as the supervisor of the account, on behalf of the District. When such accounts are created for students, only the minimum required information should be provided. Such accounts are not to be supplied with a student’s full legal name, age, birth date, home address, school address, student identifiers, photograph, ethnicity, race, or other personally identifiable information. Accounts may include avatars, pseudonyms, abbreviated names (first name plus last initial), the District address (only if such is required by the service), or other coded information maintained by the teacher.

Limited Expectation of Privacy

While authorizing use of the District Internet system, the District nevertheless retains control over materials on the system or contained in files on the system including the right to review all materials and files. Communication conducted over the system is not private, and District staff may, in conducting routine maintenance and monitoring of the system, review and inspect directories or messages. The District reserves the right to access stored records to assure compliance with the policy. Parents have the right to investigate or review the contents of their child’s files and to request the termination of their child’s access to the system at any time.

Limitation of Liability

Use of the District Internet system is at the user’s own risk. The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages users may suffer, including, but not limited to, loss of data resulting from delays, nondeliveries, misdeliveries, or service interruptions, regardless of the cause. The District specifically denies any responsibility for the accuracy or quality of information obtained through the Internet. The District will not be responsible for financial obligations arising through the unauthorized student use of the system.

REGULATION FOR BOARD POLICY JS

Administrative Procedures

Staff will make opt-out forms available at registration and in the school’s Main Office during the school year. Parents of elementary students will return completed forms to the principal; parents of secondary (middle and high school) students will return completed forms to either the counselor or the media specialist. If parents wish to opt out of a specific subject area or a specific classroom assignment, they will return completed forms to that teacher.

Teachers will explain expectations for student behavior when using the District Internet system as assignments are made and will monitor student use during the course of instruction.

NOTE TO PARENTS:

The opt-out form is available at your child's school.

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S11-008
(07/08/13)

Electronic Student Information System and Records Form

Purpose: to provide parents/guardians or eligible students the opportunity to view student data and information over the Internet. Student information may include, but not be limited to, the posting of grades, daily assignments, transcripts, and attendance from the District's student database system.

All records, data, or information related to individual students shall be treated as confidential and shall be maintained in the manner that will assure the privacy of students and parents.

Parents/guardians or eligible students are only granted access to the electronic information via a unique user ID and strong password. Further information regarding a strong password is contained in Regulation JRA/JRC-R-5 (Electronic Student Information System and Records).

Acceptable Use Agreement

In order to provide for the appropriate use of District technology in keeping with Board of Education Policy JRA/JRC— Student Records/Release of Information on Students and Regulation JRA/JRC-R-5 Electronic Student Information System and Records, the following Acceptable Use Agreement Form has been developed.

I have read, understand, and will abide by Board of Education Policy JRA/JRC (Student Records/Release of Information on Students) and Regulation JRA/JRC-R-5 (Electronic Student Information System and Records). Should I commit any violation of Policy JRA/JRC and Regulation JRA/JRC-R-5, my access privileges may be revoked and terminated.

Your signature on the Acceptable Use Agreement Form is legally binding and indicates that you have carefully read and understand the significance of the terms and conditions set forth in Littleton Public Schools Board of Education Policy JRA/JRC (Student Records/Release of Information on Students), and Regulation JRA/JRC-R-5 (Electronic Student Information System and Records) and will remain in effect for the duration of my student's enrollment with the Littleton Public Schools.

Parent/Guardian Name _____
(Please Print)

Parent/Guardian Signature _____ Date _____

If the Student is 18 Years or Older,

Student Name _____
(Please Print)

Student Signature _____ Date _____

The Littleton Public School District is committed to maintaining the confidentiality of educational records and any other student information from the District's student database system. Board of Education Policy JRA/JRC (Student Records/Release of Information on Students) and Regulation JRA/JRC-R-5 (Electronic Student Information System and Records) are intended to protect the confidentiality of the information in the educational record of the student. If disclosure of student information occurs or if access privileges need to change, then parents/guardians or eligible students must notify the school principal and request a change in their log-in and password.

Please return this signed form to your school principal.