

CSCA DISCIPLINE POLICY

At all levels, the severity of the infraction is determined by the administrator or the administrator designee. Administrators may increase or decrease the consequence to the next level (up or down) if it is deemed the severity of the infraction is greater (or less) than the original intent of this document. Restoration attempts in line with Love & Logic will also be put into effect.

Level 1 Infraction – Classroom teacher consequences

1. Unexcused tardy to school or class.
2. Interruptive talking in class or assemblies.
3. Note writing and passing during school hours.
4. Cell phone or electronic device usage during school hours.
5. Dress code violation.
6. Horseplay.
7. Throwing items not intended for lesson in building, classroom, lunchroom or outdoor campus.
8. Dishonesty – lying, withholding the truth, telling partial truths or misleading another person.

Level 2 Infraction - Friday Detention from 1:30-3:00

1. Repeated Level 1 infractions.
2. Disrespected or Disruptive Behavior – demonstrating a lack of respect for staff, other students or guests at CSCA.
3. Use of obscene or abusive language – spoken, written or gestured.
4. Leaving class without teacher permission.
5. Behavior that is detrimental to the welfare, morals, or safety of others.
6. Skipping school or class
7. Cheating – a zero will result in a zero grade. This includes homework, quizzes, tests and long-term projects.
8. Plagiarism– a zero will result in a zero grade. This includes homework, quizzes, tests and long-term projects.
9. Public displays of affection

Level 3 Infractions –In School Suspension – Out of School Suspension – Up To 5 Days

1. Repeat of Level 2 infractions
2. Ongoing harassment of another student (See definition of bullying at the end of this document.)
3. Defiance or willful disobedience, behavior that is substantially detrimental to the welfare, morals, or safety of others.
4. Alteration of Records – the falsifying or altering of any school record or communication between home and school, or the forgery of a parent's or other student's signature
5. Insubordination – misuse of abusive language toward staff or guests at CSCA
6. Abusive language, written or verbal, in school or at a school function.
7. Obscene gestures/literature, pornographic material or music
8. Fighting – physical or verbal altercations between students on school property or attending a school event.
9. Violation of CSCA computer user agreement.
10. Locker violation – Opening or removing anything from another student's locker. Using locker to store items not allowed at school or illegal items.
11. Discrimination because of a person's actual or perceived race, color, religion, ancestry or national origin, physical or mental disability, or sexual orientation.
12. Videos or photographs of other students or teachers without their express consent.
13. Habitually disrupting the learning environment.
14. Attempting to vandalize school property, with no damage or defacement taking place.

Level 4 Infractions – Out of School Suspension – Expulsion – Up to 10 Days

1. Stealing – unlawfully taking the property of the school community
2. Vandalism – willful defacement or damage of school property (Student will be responsible to pay for repair.)
3. Illegal Drugs/Controlled Substances – possession, transmission of, use of any illegal drug, drug paraphernalia, or controlled substance (including prescription medication) on or off school grounds or at any school-sponsored events. The abuse of over-the-counter medication, even if not a controlled substance listed under a federal code, is a level 4 offense. Any commercial or homemade product that is laced, infused, or mixed with a controlled substance or OTC medication is included.
4. Vaping, Alcoholic Beverages, or Marijuana – the use, transmission, or state of being under the influence of alcoholic beverages or marijuana, or holding/possession of/using vaping products, on or off school grounds, or at any school-sponsored events.
5. Tobacco – in possession of, smoking, chewing, and/or sniffing at any time on campus or at school-sponsored activities. This includes paraphernalia or products for e-cigarettes and vapor smoking CRS Sec. 18-13-121(5)(a)(11)
6. Cyber Harassment or Cyber Bullying – According to STOP Cyber Bullying (2012), ““Cyber bullying” is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones.”
7. Bomb Threats or Threats of Community Violence – This can be a criminal offense and is subject to being reported to the police with the possible result of a fine, a jail sentence, or both.
8. Sexual Harassment – uninvited and unwelcome verbal or physical behavior of a sexual nature.
9. Unlawful Activity – participation either on or off campus (Potentially criminal offenses are subject to being reported to the police.)
10. Weapons/Dangerous Instruments – branding, carrying, possession, actively displaying, or transmitting any object that can reasonably be considered a weapon or threat on school grounds at any time or at any school function. This includes any facsimile (3D printing, toy/replica, etc.), or the use of any object used as a weapon.
11. Threatening a student or staff member with physical harm either written spoken or implied)
12. Harassment or Assault – It is a Class 3 misdemeanor for anyone, with intent to harass, annoy or alarm, to strike, shove, kick, or otherwise subject another to physical contact; or repeatedly insult, taunt, challenge, or use offensively coarse language to communicate with another in a manner likely to provoke a violent or disorderly response. “Repeatedly” means more than once.
13. Gang-related activity in school, on school grounds, or at a school activity.
14. Making a false accusation of criminal activity against an employee or law enforcement authorities
15. Hazing

Factors for Determining Consequences:

- Age, development, and maturity levels of the parties involved
- Degree of harm done to other student(s) or staff members.
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved Context in which the alleged incident(s) occurred Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student’s history of problem behaviors and performance.
 - Whether a lesser intervention would properly address the violation committed.
- Disability of student, if any.
- Whether or not the infraction occurred on school grounds, in a school vehicle, or at a school activity or sanctioned event.

Suspension and Expulsion of Students Policy

A. Explanation of Suspension and Expulsion of Students

CSCA shall provide due process of law to students consistent with the law for the suspension or expulsion of students and the denial of admission. In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

Delegation of Authority

Students in third grade and higher grade levels: The Board delegates to the Head of School or to a person designated in writing by the Head of School the power to suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S. [22-33-106](#) (1)(a), (1)(b), (1)(c) or (1)(e) or not more than 10 school days on the grounds stated in C.R.S. [22-33-106](#) (1)(d) unless expulsion is mandatory under law.

Students in kindergarten through second grade: The Board delegates to the Head of School or to a person designated in writing by the Head of School the power to suspend a student in kindergarten, first grade, or second grade for not more than three school days on the grounds stated in C.R.S. [22-33-106.1](#) (2), unless the Head of School or designee determines that a longer period of suspension is necessary to resolve the safety threat or expulsion is mandatory under law.

The Board delegates to the Head of School the authority to suspend a student, in accordance with C.R.S. [22-33-105](#) and [22-33-106.1](#) (3), for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board, but the total period of suspension shall not exceed 25 school days. Unless otherwise determined by the Board, the Board delegates to the Head of School or to a 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 whom the Head of School, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the school. If the hearing is conducted by a designee serving as a hearing officer, the hearing officer shall prepare findings of fact and recommendations for the Head of School at the conclusion of the hearing. The Head of School shall render a written opinion that imposes or refrains from imposing disciplinary action in the expulsion matter within five business days after the hearing whether the hearing is conducted by the hearing officer or the Head of School.

The Head of School shall report on each case acted upon at the next meeting of the Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the Head of School shall be subject to appeal to the Board. The appeal shall consist of a review of the facts that were presented, arguments relating to the decision and questions of clarification from the Board.

Grounds for Suspension/Expulsion

According to Colorado Revised Statutes [22-33-106](#) (1)(a-g), [22-33-106.1](#), and [22-12-105](#) (3), the following may be grounds for suspension or expulsion from a public school:

1. Continued willful disobedience or open and persistent defiance of proper authority
2. Willful destruction or defacing of school property

3. Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children
 - a. **Note:** if a child who creates the threat is a child with a disability pursuant to section 22-20-103(5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability.
4. Declaration as a habitually disruptive student
 - a. "Habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned three or more times during the course of a school year.
5. The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102(5); or
6. The commission of an act that, if committed by an adult, would be robbery pursuant to C.R.S. 18-4-3, other than the commission of an act that would be third degree assault under section C.R.S. 18-3-204, if committed by an adult.
7. Possession of a dangerous weapon without the authorization of the school.
 - a. "Dangerous weapon" means:
 - i. A firearm.
 - ii. Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
 - iii. A fixed blade knife with a blade that exceeds three inches in length or a spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.
 - iv. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.

Pursuant to 20 U.S.C. sec. 7961, a student who is determined to have brought or possessed a firearm at a school shall be expelled for a period of not less than one year; except that the school may modify this requirement for a student on a case-by-case basis if such modification is in writing.
8. Repeated interference with a school's ability to provide education opportunities to other students.
9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property without the authorization of the school.
10. Pursuant to section 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school officials or personnel.

Suspension and Expulsion in Third Grade and Higher

In accordance with applicable law and Board policy concerning student suspensions, expulsions, and other disciplinary interventions, the Head of School or designee may suspend or recommend expulsion of a student in third grade and higher grade levels_engages in one or more of the following activities while on school property, in a school building, in a school vehicle, at a school activity or event, or off school property when the conduct has a nexus to school curricular or non-curricular event.

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Willful destruction or defacing of school property.
4. Commission of any act which if committed by an adult would be robbery or assault as defined by state law.

5. 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.
6. Engaging in verbal abuse, i.e., name calling, ethnic or racial slurs, either orally or in writing or derogatory statements addressed publicly to an individual or a group that precipitate disruption of the school program or incite violence.
7. Engaging in "hazing" activities, i.e., forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior which recklessly endangers the health or safety of an individual for purposes of initiation into any student group.
8. Violation of the school's policy on bullying prevention and education.
9. Violation of criminal law which has an effect on the school or on the general safety or welfare of students or staff.
10. Violation of any school policy or established school rules.
11. Violation of the school's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law.
12. Violation of the Board's policy on student conduct involving drugs and alcohol.
13. Violation of the Board's violent and aggressive behavior policy.
14. Violation of the Board's tobacco-free school's policy.
15. Violation of the Boards's policies prohibiting sexual or other harassment.
16. Violation of the Boards's policy on nondiscrimination.
17. Violation of the Board's dress code policy.
18. Violation of the Board's policy on gangs and gang-like activity.
19. Throwing objects, unless part of a supervised school activity, that can or do cause bodily injury or damage to property.
20. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or others.
21. Lying or giving false information, either verbally or in writing, to a school employee.
22. Engaging in scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
23. Making a false accusation of criminal activity against a school employee to law enforcement or to the school.
24. Behavior on or off school property that is detrimental to the welfare or safety of other students or school personnel, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students.
25. Repeated interference with the school's ability to provide educational opportunities to other students.
26. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the school staff.

B. Suspension and Expulsion for Students in Kindergarten Through Second Grade

In accordance with applicable law the Head of School or designee may suspend or recommend expulsion of a student in kindergarten, first grade, or second grade who engages in one or more of the following activities while on school property, in a school building, in a school vehicle, at a school activity or event, or off school property when the conduct has a nexus to school curricular or non-curricular event:

1. Violation of the Board's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law.
2. Violation of the Board's policy on student conduct involving drugs and alcohol.
3. Conduct that endangers the health or safety of others.

C. Procedure for Suspension of 10 Days or Less

The Board has delegated to the Head of School, or to a person designated in writing by the Head of School, the power to suspend a student for not more than three, five or 10 school days, depending upon the grade of the student and type of misconduct. Pursuant to this policy, the Head of School has been delegated the power to suspend a student for additional periods of time. In no case shall the period of suspension exceed 25 school days. As a general rule, a suspension will be three days or less for students in preschool through second grade, and 10 days or less for students in third grade and higher.

The following procedures shall be followed in any suspension, unless the student is suspended pending an expulsion proceeding, in which case the expulsion procedures shall apply.

Notice

The Head of School or his/her designee at the time of contemplated action will give the student and parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be given in person. In writing, delivery may be by United States mail addressed to the last known address of the student's parent/guardian.

Contents of Notice

The notice shall contain the following basic information:

1. A statement of the charges against the student.
2. A statement of what the student is accused of doing.
3. A statement of the basis of the allegation. Specific names may be withheld if necessary;

Informal Hearing

In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The Head of School or designee may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a decision on the contemplated action.

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 informal hearing.

Emergency Suspension

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. In this case, an informal hearing will follow as soon after the student's removal as practicable.

Notification Following Suspension

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

Removal from School Grounds

A suspended student shall be required to leave the school building and the school grounds immediately following a determination by the parent/guardian and the Head of School or designee of the best way to transfer custody of the student to the parent/guardian.

Readmittance

No student will be readmitted to school until a meeting with the parent/guardian has taken place or until, in the opinion of the Head of School or designee, the parent/guardian has substantially agreed to review the suspension with the Head of School or designee.

The Head of School or designee shall make every reasonable effort to meet with the parent/guardian of the student during the period of suspension. However, if the Head of School or designee cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the Head of School or designee may readmit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.

Make-up Work

Suspended students 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 school following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work which is completed satisfactorily. In determining whether to provide full or partial credit, the school will prioritize the goal of reintegrating the student back into the classroom and helping prevent the student from dropping out.

D. Procedures for Expulsion or Denial of Admission

In the event that the CSCA contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed:

Notice

Not less than 10 days prior to the date of the contemplated action, CSCA will provide written notice of such proposed action to the student and student's parent/guardian as soon as possible. Such delivery may be by United States mail addressed to the last known address of the student or the student's parent/guardian.

Emergency Notice

In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened provided that the student or the student's parent/guardian have actual notice of the hearing prior to the time it is held.

Contents of Notice

The notice will contain the following basic information:

1. A statement of the reasons alleged for the contemplated denial of admission or expulsion;
2. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within [#] days after the date of the notice;

3. A statement of the date, time, and place of the hearing in the event that one is requested;
4. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present such information as is relevant and that the student may be accompanied and represented by a parent/guardian and an attorney;
5. A statement that failure to participate in such hearing constitutes a waiver of further rights in the manner.

Records

At least two business days in which school is in session prior to the expulsion hearing, all records intended to be used as supporting evidence must be provided to the student or their parent/guardian. If a record is discovered afterwards, the record must be provided to the student or their parent/guardian as soon as possible.

Conduct of Hearing

A hearing may be requested by the parent/guardian. Such hearing will be conducted by the Head of School, unless the Head of School was involved in investigating or reporting an incident that led to the hearing. In such a case, the Head of School will delegate their ability to conduct the hearing to a designee who was not involved in investigating or reporting such an incident. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Head of School but including in all events the student, the parent/guardian and, if requested, the student's attorney. Such individuals as may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

During the hearing, the school will have the burden of proving by a preponderance of the evidence that the student has violated one of the grounds for expulsion in the school's policy and state law. Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the Head of School may consider and give appropriate weight to such information or evidence he or she deems appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or representative may question individuals presenting information.

A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting the same.

The Head of School will prepare specific factual findings, issue a written decision within five business days after the hearing, and provide the written decision to the student or parent/guardian.

Appeal

Within 10 business days after the decision of the Head of School, the student may appeal the decision to the Board. Failure to request an appeal within 10 days will result in a waiver of the right to appeal and the Head of School's decision will become final.

NOTE: At its sole discretion, the Board may grant an appeal hearing for requests made more than 10 business days after the denial. C.R.S. 22-33-105 (2)(c).

If an appeal is properly requested, the Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the challenged action, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the Head of School, the Head of School's written

decision, and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the school and the parents may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Board may ask questions for purposes of clarification of the record.

The Board will make the final determination regarding the expulsion or denial of admission of the student and will inform the student and his parent/guardian of the right to judicial review.

Information to Parents

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

If a student is expelled and is not receiving educational services through the school, the school shall contact the expelled student's parent/guardian at least once every 60 days until the student is eligible to re-enroll to determine whether the child is receiving educational services. School personnel need not contact the parent/guardian after the student is enrolled in another school or in an independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

Readmittance

A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

1. 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;
2. there is an identifiable victim of the expelled student's offense; and
3. the offense for which the student was expelled does not constitute a crime against property.

If the school has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling 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 Head of School or designee and the parent/guardian has taken place except that if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

E. Educational Alternatives for Expelled Students

Upon request of a student or the student's parent/guardian, the school shall provide educational services deemed appropriate by the school for any student expelled from the school. 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 high school equivalency examination, or to enroll in a non-public, non-parochial school or in an alternative school.

Educational services include tutoring, alternative educational programs, including online 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 may request any of the services provided by the school through agreements with state agencies and community organizations for at-risk students.

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

Educational services provided by the school 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 this policy. 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 school or through agreements with state agencies and community organizations entered into pursuant to state law. The services need not be provided on school property.

Students who are expelled for conduct or behavior involving a threat of harm to 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 school.

The Head of School is directed to apply for moneys through the expelled and at-risk student services grant program established by Colorado law or any other grant programs to assist in providing such services.

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

Expulsion for Unlawful Sexual Behavior or Crime of Violence

When a petition is filed in juvenile court or district court that alleges 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 in which the juvenile is enrolled.

The information shall be used by the Board 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 this policy.

The Board may determine to wait until the conclusion of court proceedings to consider expulsion, in which case it shall be the responsibility of the school to provide an alternative educational program for the student as specified in state law.

F. Suspensions, Expulsions and Provision of Services for Students with Disabilities

Students with disabilities may be suspended for up to 10 school days in any given school year for violations of the student code of conduct. These 10 days need not be consecutive. During any such suspension, the student shall not receive educational services.

A disciplinary change of placement occurs when a student is removed for more than 10 consecutive school days or subjected to a series of removals that constitute a pattern of removal under governing law.

Upon the 11th school day of suspension or removal when such suspension or removal does not result in a disciplinary change of placement, educational services shall be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. School personnel, in consultation with at least one of the student's teachers, shall determine the educational services to be provided to the student during this period of suspension or removal.

When a student is expelled or subject to a removal that results in a disciplinary change of placement, educational services shall be provided as determined by the student's IEP team to enable the student to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals.

Prior to expulsion or other disciplinary change in placement, the student's parents shall be notified of the decision to take such disciplinary action and of their procedural safeguards. This notification shall occur not later than the date on which such decision is made.

Manifestation Determination

Within 10 school days from the date of the decision to take disciplinary action that will result in a disciplinary change of placement, relevant members of the student's IEP team, including the student's parents, shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents, to determine whether the student's behavior was a manifestation of the student's disability.

The team shall determine: (1) whether the student's conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; and (2) whether the student's conduct in question was the direct result of the school's failure to implement the student's IEP. If the answer to either of these two questions is "yes," the student's behavior shall be deemed to be a manifestation of the student's disability.

Disciplinary Action for Behavior That is Not a Manifestation

If the team determines that the student's behavior was not a manifestation of the student's disability, disciplinary procedures shall be applied to the student in the same manner as applied to nondisabled students. As stated above, the student shall receive educational services during the period of expulsion or other disciplinary change of placement.

Within a reasonable amount of time after determining that the student's behavior is not a manifestation of the student's disability, the student may receive, as appropriate, a functional behavioral assessment ("FBA"). In addition, a behavioral intervention plan ("BIP") may be developed for the student, as appropriate. If a BIP has already been developed, the BIP may be reviewed and modified, as appropriate.

Disciplinary Action and/or Alternative Placement for Behavior that is a Manifestation

If the team determines that the student's behavior is a manifestation of the student's disability, expulsion proceedings or other disciplinary change of placement will be discontinued. However, the student may be placed in an alternative setting for up to 45 school days as discussed below or the student's placement may be changed for educational reasons as determined by the IEP team or as otherwise permitted by law.

Within a reasonable amount of time after determining that the student's behavior is a manifestation of the student's disability, the student's IEP team shall: (1) conduct an FBA of the student, unless an FBA has already been conducted; and (2) implement a BIP for the student. If a BIP has already been developed, the IEP team shall review it and modify it as necessary to address the student's behavior.

Placement in an Alternative Setting for 45 School Days

School personnel may remove a student with disabilities to an interim alternative setting for not more than 45 school days without regard to the manifestation determination if:

1. the student carried a weapon to school or a school function;
2. the student possessed a weapon at school or a school function;
3. the student possessed or used illegal drugs at school or a school function;
4. the student sold or solicited the sale of a controlled substance at school or a school function;
5. the student inflicted serious bodily injury on another person while at school or a school function; or
6. a hearing officer or court of appropriate jurisdiction so orders.

Such removal to an alternative setting is permissible even if the student's behavior is determined to be a manifestation of the student's disability. The student's IEP team shall determine the educational services to be provided to the student in the alternative setting.

Adopted: 11/21/2024

LEGAL REFS.:

- C.R.S. [16-22-102](#) (9) (*unlawful sexual behavior*)
 C.R.S. [18-1.3-406](#) (*crime of violence*)
 C.R.S. [18-3-202](#) *et seq.* (*offenses against person*)
 C.R.S. [18-4-301](#) *et seq.* (*offenses against property*)
 C.R.S. [18-9-124](#) (2)(a) (*prohibition of hazing*)
 C.R.S. [22-12-105](#) (3) (*authority to suspend or expel for false accusations*)
 C.R.S. [22-20-101](#) *et seq.* (*Exceptional Children's Educational Act*)
 C.R.S. [22-32-109.1](#) (2)(a) (*adoption and enforcement of discipline code*)
 C.R.S. [22-32-109.1](#) (2)(a)(I) (*policy required as part of safe schools plan*)
 C.R.S. [22-32-109.1](#) (2)(a)(I)(A) (*duty to adopt policies on student conduct, safety and welfare*)
 C.R.S. [22-32-109.1](#) (2)(a)(I)(E) (*policy required as part of conduct and discipline code*)
 C.R.S. [22-32-109.1](#) (3) (*agreements with state agencies*)
 C.R.S. [22-32-109.1](#) (9) (*immunity provisions in safe schools law*)
 C.R.S. [22-32-144](#) (*restorative justice practices*)
 C.R.S. [22-33-105](#) (*suspension, expulsion and denial of admission*)
 C.R.S. [22-33-106](#) (*grounds for suspension, expulsion and denial of admission*)
 C.R.S. [22-33-106.1](#) (*suspension and expulsion for students in preschool through second grade*)
 C.R.S. [22-33-106.3](#) (*use of student's written statements in expulsion hearings*)
 C.R.S. [22-33-106.5](#) (*information concerning offenses committed by students*)
 C.R.S. [22-33-107](#) (*compulsory attendance law*)
 C.R.S. [22-33-107.5](#) (*notice of failure to attend*)
 C.R.S. [22-33-108](#) (*juvenile judicial proceedings*)
 C.R.S. [22-33-201.5](#) (*definition of education services*)
 C.R.S. [22-33-203](#) (*educational alternatives for expelled students*)
 C.R.S. [22-33-204](#) (*services for at-risk students*)
 20 U.S.C. 1401 *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
 34 C.F.R. 300.530-300.537 (IDEIA regulations)
 C.R.S. [22-20-101](#) *et seq.* (Exceptional Children's Educational Act)