

## Policy – Student

### E.3.1 – Suspension & Expulsion of Students (with Delegation)

#### A. Suspension and Expulsion of Students

The Academy shall provide due process of law to students, parents/guardians, and school personnel through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. In matters involving student misconduct that may result in suspension and/or expulsion, the student's parent/guardian shall be notified and involved in the disciplinary process.

#### *Delegation of Authority*

##### **1. Suspension (Grades 3–12):**

The Board delegates to the Administrator (or to a person designated in writing by the Administrator) the power to suspend a student in third grade or higher for not more than five (5) school days on the grounds stated in C.R.S. 22-33-106(1)(a), (1)(b), (1)(c), or (1)(e), or for not more than ten (10) school days on the grounds stated in C.R.S. 22-33-106(1)(d), unless expulsion is mandatory under law. The total period of suspension shall not exceed twenty-five (25) school days.

##### **2. Suspension (Preschool–2nd Grade):**

The Board delegates to the Administrator (or designee) the power to suspend a student in preschool, kindergarten, first grade, or second grade for up to three (3) school days, but in exceptional cases where necessary to resolve a safety threat or in accordance with mandatory expulsion procedures, the total period of suspension may extend up to twenty-five (25) school days.

*Alternative Remedies:* For students in preschool through second grade, the Administrator or designee will first consider alternative remedies, including behavioral interventions, restorative practices, and counseling, before suspension or expulsion. These interventions are in line with HB 19-1194, which encourages alternatives to suspension for younger students.

##### **3. Extended Suspension Pending Expulsion:**

The Board delegates to the Chief Executive Officer (CEO) the authority to suspend a student (in any grade) for an additional ten (10) school days, plus up to an additional ten (10) school days as necessary in order to present the matter to the Board for expulsion consideration (in accordance with C.R.S. 22-33-105(2) and 22-33-106.1(3)). In no event shall the total period of suspension exceed 25 school days.

**4. Postponement for Criminal Charges:**

Expulsion or denial of admission proceedings may be postponed at the discretion of the Board or its designee if the student has been charged with a crime of violence or other serious offense and juvenile or criminal proceedings are pending. If expulsion proceedings are postponed, the student will not be permitted to return to school during the pendency of the court proceedings. An appropriate alternative education program (including but not limited to an online program authorized by state law or a home-based education program) will be provided for the student during the period pending resolution of the juvenile proceedings. (Time spent in such an alternative education program will not count as a period of expulsion.)

**5. Expulsion Upon Conviction/Adjudication:**

If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile for the offense in question, the Board or its designee may proceed to expel the student in accordance with the expulsion procedures set forth in this policy.

**6. Use of Crime Information:**

Information regarding the details of an alleged crime of violence or other criminal act committed by a student shall be used by the Board or its designee for purposes of making disciplinary decisions under this policy, but will remain confidential unless the information is otherwise available to the public by law.

**Grounds for Suspension/Expulsion (Grades 3-12)**

According to state law (C.R.S. 22-33-106(1)(a)-(g) and C.R.S. 22-12-105(3)), as well as Academy policy, the following shall be grounds for suspension or expulsion from the Academy for students in third grade and higher (subject to the special rules for younger students in Section B below):

1. **Causing or Attempting to Cause Damage to School Property (including theft):**  
Willfully causing damage or attempting to steal property that belongs to the school, including buildings, vehicles, books, or technology.
2. **Causing or Attempting to Cause Damage to Private Property (including theft):**  
Engaging in behaviors that cause damage or theft of personal property, whether belonging to staff, students, or visitors to the school.
3. **Willful Destruction or Defacing of School Property:**  
Deliberately damaging or defacing school property, including destruction of school facilities or school equipment that disrupts the learning environment.

**4. Robbery or Assault:**

Engaging in actions that would be considered robbery or assault if committed by an adult. This includes the use of force or threats to take another person's property or harm them.

**5. Extortion, Coercion, or Blackmail:**

Engaging in activities such as forcing someone to give up money or property by threats of force or intimidation, or pressuring others to act against their will under duress.

**6. Engaging in Verbal Abuse:**

Using language or behavior that includes racial slurs, offensive name-calling, or other forms of verbal abuse intended to harm or provoke others, particularly when it incites violence or disrupts the educational setting.

**7. Engaging in Hazing Activities:**

Forcing other students into activities that harm their physical or emotional well-being, including excessive physical exertion, consumption of harmful substances, or actions that endanger others.

**8. Violation of the School's Bullying Prevention and Education Policy:**

Any behavior that violates the school's policy on bullying prevention, which includes both physical and emotional harm to other students through intimidation, coercion, or harassment.

**9. Violation of Criminal Laws:**

Engaging in any criminal behavior that disrupts the safety or order of the school environment, including drug offenses, theft, assault, or property damage.

**10. Violation of the Academy's Policy on Weapons in Schools:**

Possessing a weapon or dangerous object without authorization. This includes firearms, knives, and any other object that could be used to inflict harm on others.

**11. Possession or Use of Drugs and Alcohol (including distribution):**

Engaging in the use, possession, or distribution of controlled substances or alcohol, whether on school property or at school-related activities.

**12. Engaging in Violent or Aggressive Behavior:**

Any actions that involve aggressive physical or verbal confrontation with others, including fights, threats of harm, or other behavior that endangers the health and safety of others.

**13. Violation of Tobacco-Free and Nicotine-Free Schools Policies:**

Possession or use of tobacco products, vaping devices, or any nicotine-based substance on school grounds or at school events.

**14. Harassment or Sexual Harassment:**

Engaging in harassment of any type, including sexual harassment, whether verbal,

physical, or electronic. This includes behaviors that create an intimidating, hostile, or offensive environment for others.

**15. Discrimination Based on Protected Status:**

Engaging in discriminatory behaviors or making discriminatory statements against others based on race, ethnicity, gender, religion, disability, or any other legally protected status.

**16. Violation of Dress Code:**

Failing to follow the school's dress code policy, including wearing clothing that promotes violence, drug use, or other inappropriate themes.

**17. Gang Activity:**

Engaging in or promoting gang-related activity, including the wearing of gang colors, displaying gang symbols, or participating in gang-related threats or violence.

**18. Throwing Objects that Could Cause Injury or Damage:**

Throwing items such as rocks, pencils, or other dangerous objects that could potentially injure someone or cause damage to property.

**19. Use of Profanity or Obscene Gestures Toward Others:**

Directing inappropriate language or obscene gestures at students, staff, or other individuals at the school.

**20. Providing False Information to School Staff:**

Providing school personnel with false information or lying about incidents, particularly when it disrupts the educational process or results in harm to others.

**21. Scholastic Dishonesty (Cheating, Plagiarism, AI-Assisted Work):**

Engaging in academic dishonesty, including cheating on exams, plagiarizing assignments, or using unauthorized collaboration or artificial intelligence to complete schoolwork.

**22. Making False Accusations Against School Personnel:**

Making false accusations of criminal activity or misconduct against a teacher, staff member, or other school personnel, which can harm reputations and disrupt the school environment.

**23. Dangerous Behavior That Threatens Others' Safety:**

Any behavior, whether on or off school grounds, that jeopardizes the physical or emotional well-being of others, including actions that create threats of harm.

**24. Chronic Interference with Educational Opportunities:**

Repeatedly disrupting the classroom or school environment to the extent that it prevents other students from receiving an education. This includes behavior that constantly undermines the school's ability to teach and provide an educational environment.

**25. Willful Disobedience or Defiance of Authority:**

A pattern of blatant disregard for school rules, authority figures, or refusal to comply with lawful instructions given by school staff, which disrupts the order of the school.

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

Students in preschool, kindergarten, first grade, and second grade are subject to special limitations on suspension and expulsion, in accordance with state law. Out-of-school suspension of a student in these early grades shall not exceed three (3) school days unless a longer period is necessary to resolve an ongoing safety risk or expulsion is required by law. Expulsion of a student in grades K–2 shall be used only in exceptional cases as described below.

***Permissible Grounds (K–2):***

1. **Willful Disobedience or Defiance of Authority**
2. **Willful Destruction of Property**
3. **Serious Detrimental Behavior**
4. **Habitually Disruptive**
5. **Drugs/Controlled Substances (including distribution)**
6. **Robbery (excluding minor assault)**
7. **Dangerous Weapons**
8. **Chronic Disruption**
9. **Firearm Facsimile**
10. **False Accusation Against Staff**

**C. Procedures for Suspension of 10 Days or Less**

The Board has delegated to the Administrator (or designee) the authority to suspend a student for up to 10 school days. Procedures include:

**Notice:**

The Administrator will give the student and parent/guardian notice of the contemplated action. Such notice may be oral or in writing.

**Contents of Notice:**

The notice shall contain the following:

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.

**Informal Meeting:**

The student will be given an opportunity to admit or deny the accusation in a statement (oral and/or written), and to present their version of the events.

**Timing:**

The notice and informal meeting should precede the removal of the student from school, unless the student's presence poses a danger to persons or property.

**Emergency Suspension:**

Notice and an informal meeting need not be given before removal if the student poses a continuing danger or a threat of disruption.

**Notification Following Suspension:**

If the student is suspended, the Administrator will immediately notify the parent/guardian of the suspension, its grounds, and duration.

**Readmittance:**

The student will be readmitted after a meeting with the parent/guardian, or if the parent/guardian fails to meet, the Administrator may readmit the student.

**Make-up Work:**

Suspended students shall be given the opportunity to make up schoolwork during the suspension period.

**D. Procedures for Expulsion or Denial of Admission**

In the event the Academy contemplates expulsion or denial of admission to a student, the following procedures shall be followed:

**Notice:**

Not less than [5] days prior to the contemplated action, written notice shall be given to the student and parent/guardian.

**Emergency Notice:**

In the event of an emergency, the notice period may be shortened, provided the student or parent/guardian has actual notice of the hearing prior to its time.

**Contents of Notice:**

1. A statement of the reasons for the expulsion or denial of admission.
2. A statement that a hearing will be held if requested within [#] days.
3. A statement that the student may be represented by a parent/guardian and/or attorney.

**Records:**

All records intended for use in the hearing must be provided to the student and their parent/guardian at least two business days prior to the hearing.

**E. Conduct of Hearing**

**OPTION 1:** If an Administrator is delegated authority for expulsion hearings, the hearing will be conducted by the Administrator (or a designee who was not involved in the incident). The student and their parent/guardian may present information, question witnesses, and be represented by counsel. The Board shall review the case if requested.

**OPTION 2:** If a hearing officer is assigned, the hearing officer shall conduct the hearing impartially. A transcript of the hearing will be prepared at the expense of the requesting party.

**F. Appeal of Expulsion Decision**

**Appeal Process:**

- The student may appeal the decision of the Administrator or hearing officer to the Board within 10 business days of the decision.
- The appeal will be based on the record, including notices, testimonies, exhibits, and the written decision.
- No new evidence will be presented unless it was not available during the initial hearing.
- The Board will review the record and make the final decision.

**Final Determination:**

The Board will notify the student and their parent/guardian of its decision.

### **G. Educational Alternatives for Expelled Students**

The Academy will offer educational alternatives for any expelled student, including tutoring or an alternative educational program, as required by state law.

### **H. Expulsion for Unlawful Sexual Behavior or Crime of Violence**

When a student is involved in a criminal case of violence or unlawful sexual behavior, the Board will consider expulsion or an alternative educational program.

### **I. Suspensions, Expulsions, and Provision of Services for Students with Disabilities**

- Students with disabilities will receive educational services during suspensions of 10 or more days and during expulsions when required by their Individualized Education Program (IEP).
- A manifestation determination shall be conducted on or before the student's cumulative days of suspension in a given school year reach ten (10) days, to assess whether the behavior in question is a manifestation of the student's disability.

### **J. Expulsion Hearing Officer Training**

Hearing officers (or Administrators responsible for conducting hearings) will receive training on due process, neutrality, legal requirements, and alternative remedies to expulsion.