



**LITTLETON
PUBLIC 
SCHOOLS**

**2024–2025
STUDENT & FAMILY HANDBOOK
CODE OF CONDUCT**

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DISTRICT POLICIES AND PROCEDURES

Littleton Public Schools is required to inform you about certain policies, including those concerning discipline, records, 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 Website, www.littletonpublicschools.net.

NON-DISCRIMINATION DISCLOSURE

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law, Littleton Public Schools does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment, or members of the public on the basis of disability, race, color, sex, religion, national origin, ancestry, family composition, creed, marital status, sexual orientation, gender identity, gender expression or need for special education services. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth, is also prohibited in accordance with state and/or federal law. Harassment, if it rises to the level described in state law, is a prohibited form of discrimination.

Complaint procedures have been established for students, parents, employees, and members of the public as follows:

- Policy AC-R-1: Students
- Policy AC-R-2: Employees, Applicants for Employment, and Members of the Public
- Policy AC-R-3: Sex-based Harassment (Title IX)

The following person(s) have been identified as the compliance officer for the district:

For inquiries related to staff:

Dr. Sheri Charles, Assistant Superintendent of Human Resources
Littleton Public Schools 5776 S. Crocker Street Littleton, Colorado 80120
(303) 347-3375
scharles@lps.k12.co.us

For inquiries related to students:

Melissa Cooper, Deputy Superintendent
Littleton Public Schools 5776 S. Crocker Street Littleton, Colorado 80120
(303) 347-3395
mrcooper@lps.k12.co.us

Outside agencies

Complaints regarding violations of Title VI (race, national origin), Title IX (sex/gender), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 950 17th St., Suite 300, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 825, Denver, CO 80202.

LETTER FROM THE SUPERINTENDENT

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 a successful school year. Our District Achievement Goal states, “One hundred percent of LPS students will graduate prepared for meaningful post-secondary opportunities.” 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 online. Every school will have additional expectations that define and support the unique culture and climate of that particular school. We value the involvement of parents and family members, and we encourage you to visit the [LPS website](#) under “Find Support” for information and resources for parents and students. We look forward to partnering with you to ensure that your student is fully prepared to be successful in the future!

If you have questions about these expectations, please contact your school’s principal for additional information.

Warmest Regards,

Todd Lambert
Superintendent

CONDUCT AND DISCIPLINE CODE

Student Conduct (Board Policy JIC)

It is the intention of the Board of Education that the district's schools help students achieve maximum development of individual knowledge, skills and competence and that they learn behavior patterns which will enable them to be responsible, contributing members of society.

The Board, in accordance with applicable 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 emphasizes 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 file name constitute 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 and review of the conduct and discipline code.

The conduct and discipline code shall be provided to each student upon enrollment in elementary, middle and high school. The district shall take reasonable measures to ensure each student is familiar with the code. Copies shall be posted or kept on file in each district school. In addition, any significant change in the code shall be provided to students and posted in each school.

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 district property and the rights and welfare of other students and staff. All district employees shall be expected to share the responsibility for supervising the behavior of students and for seeing that they abide by the conduct and discipline code.

Student Code of Conduct (Board Policy JICDA)

Students in third grade and higher grade levels

In accordance with applicable law and Board policy concerning student suspensions, expulsions, and other disciplinary interventions, the principal or designee may suspend or recommend expulsion of a student in third grade and higher grade levels who engages in one or more of the following activities while in school buildings, 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 district property when the conduct has a reasonable connection to school or any district curricular or non-curricular event.

1. Causing or attempting to cause damage to district property or stealing or attempting to steal district 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 district 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 district or 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 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.
8. Violation of the Board’s policy on bullying prevention and education.
9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff.
10. Violation of any Board policy or regulations, or established school rules.
11. 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.
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 policy.
15. Violation of the Board’s policies prohibiting sexual or other harassment.
16. Violation of the Board’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 district 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, or unauthorized use of artificial intelligence (AI). Educators will specify how students shall use and cite electronic resources, including AI.
23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
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. Violation of the Board’s policy on student use of technology.
26. Repeated interference with the district’s ability to provide educational opportunities to other students.
27. Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the district staff.

Students in preschool through second grade

In accordance with applicable law and Board policy concerning student suspensions, expulsions, and other disciplinary interventions, the principal or designee may suspend or recommend expulsion of a student in preschool, kindergarten, first grade, or second grade who engages in one or more of the following activities while in school buildings, 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 district property when the conduct has a reasonable connection to school or any district curricular or non-curricular event.

1. Violation of the Board's policy on weapons in 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.

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 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:

1. Students are expected to exhibit reasonable cleanliness in their grooming and dress.
2. 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;
 - Promoting any activity prohibited by the student code of conduct
3. Students may not sag their pants.
4. Hazardous apparel or jewelry such as spiked belts, spiked wristbands, chains or other items likely to injure the wearer or someone else is not permitted.
5. Appropriate footwear is required at all times.
6. Clothing must be worn as intended by the manufacturer.
7. Appropriate athletic clothing may be worn in physical education 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.
8. School administrators may establish additional specific standards for their individual schools within LPS 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 in School Vehicles (Board Policy JICC)

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

The operator of a school vehicle shall be responsible for safety of the students in the vehicle, both during the ride and while students are entering or leaving the vehicle. Students shall be required to conform to all rules concerning discipline,

safety and behavior while riding in the school vehicle. It is the vehicle operator'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 student's parents/guardians, the principal may withhold from the student the privilege of riding in the school vehicle. Violation of district policies and regulations while in a school vehicle may also result in the student's suspension or expulsion from school, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Violent and Aggressive Behavior (Board Policy JICDD)

The Board recognizes there are certain behaviors that, if tolerated, would compromise the learning environment to which the students and staff of the district are entitled. These behaviors, categorized as violent or aggressive, will not be tolerated.

Students exhibiting violent or aggressive behavior or warning signs of future violent or aggressive behavior shall be subject to appropriate disciplinary action including suspension and/or expulsion in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions. As appropriate and in accordance with applicable law and Board policy, students may also be referred to law enforcement authorities. At the district's discretion and when appropriate, the student may receive appropriate intervention designed to address the problem behavior. The district may also conduct a threat or suicide assessment of the student.

Students shall immediately report questionable behavior or potentially violent situations to an administrator, counselor or teacher.

A staff member who witnesses or receives a report of a student's act of violence or aggression shall notify the building principal or designee as soon as possible.

An act of violence or aggression is any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury or damage to persons or property. A threat of violence or aggression carries with it implied notions of risk of violence and a probability of harm or injury.

An act of violence or aggression includes but is not limited to the following behaviors:

1. Possession, threat with or use of a dangerous weapon—as described in the Board's weapons policy.
2. Physical assault—the act of striking or touching a person or that person's property with a part of the body or with any object with the intent of causing hurt or harm.
3. Verbal abuse—includes, but is not limited to, swearing, screaming, obscene gestures or threats directed, either orally (including by telephone) or in writing (including by text, social media or other electronic means), at an individual, his or her family or a group.
4. Intimidation—an act intended to frighten or coerce someone into submission or obedience.
5. Extortion—the use of verbal or physical coercion in order to obtain financial or material gain from others.
6. Bullying—as described in the Board's policy on bullying prevention and education.
7. Gang activity—as described in the Board's secret societies/gang activity policy.
8. Sexual harassment or other forms of harassment—as described in the Board's sexual harassment policy and nondiscrimination policy
9. Stalking—the persistent following, contacting, watching or any other such threatening actions that compromise the peace of mind or the personal safety of an individual.

10. Defiance—a serious act or instance of defying or opposing legitimate authority.
 11. Discriminatory slurs—insulting, disparaging or derogatory comments made directly or by innuendo regarding a person's race, color, ancestry, creed, sex, sexual orientation (which includes transgender), religion, national origin, disability or need for special education services.
 12. Vandalism—damaging or defacing property owned by or in the rightful possession of another.
 13. Terrorism—a 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.
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Sex-Based Harassment of Students (Board Policy JBB)

The Board recognizes that sex-based harassment can interfere with a student's academic performance and emotional and physical well-being and that preventing and remedying sex-based harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn. In addition, sex-based harassment is recognized as a form of sex discrimination and thus is a violation of the laws that prohibit sex discrimination as addressed in the Board's policy concerning unlawful discrimination and harassment.

District's Commitment

The district is committed to maintaining a learning environment that is free from sex-based harassment. It is 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 sex-based harassment or participates in a harassment investigation.

Sex-based Harassment Defined

Pursuant to Title IX of the Educational Amendments of 1972, "sex-based harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the education program or activity, or
3. Sexual assault, dating violence, domestic violence, or stalking.

Pursuant to state law, sex-based harassment means any unwelcome physical, verbal, pictorial, or visual conduct or communication directed at a student or group of students based on sex, sexual orientation, gender identity, or gender expression. To be considered sex-based harassment, the conduct or communication must be objectively offensive, and must meet one or multiple of the following:

1. A school employee conditioning education benefits, services, or opportunities on submission to the conduct or communication; (i.e., quid pro quo)
2. A school employee making educational decisions affecting the student based on submission to, objection to, or rejection of the conduct or communication; or
3. The conduct or communication unreasonably interferes with the student's access to their educational service or creates an intimidating, hostile, or offensive educational environment.

Reporting, Investigation, and Sanctions

Students are encouraged to report all incidents of sex-based harassment to either a teacher, counselor or principal in their school building and file a complaint, through the district's complaint process addressing sex-based discrimination. All reports and indications from students, district employees, and third parties shall be forwarded to the Title IX Coordinator.

The district will initiate and conduct an investigation in accordance with the appropriate procedures addressing sex-based discrimination and sex-based harassment. If the district determines an act does not qualify as sex-based harassment under Title IX, it may still qualify as sex-based harassment under state law and district policy, in which case the district will continue the investigation in accordance with the appropriate procedures (AC-R-1: students or AC-R-2: applicants, staff, and members of the public).

All matters involving sex-based harassment reports shall remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing a complaint or otherwise reporting sex-based harassment will not reflect upon the individual's status or affect grades.

The district will take appropriate corrective action to make the harassed student whole by restoring lost educational opportunities, prevent harassment from recurring, or prevent retaliation against anyone who reports sex-based harassment or participates in a harassment investigation. A formal report or finding of harassment will not be required before the district takes corrective action.

Notice and Training

To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all district schools and departments. All communications regarding this policy must be written in simple and age-appropriate language. The policy and complaint procedures must be referenced in student and employee handbooks, described in hard-copy notices posted at schools, and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees shall receive periodic training related to recognizing and preventing sex-based harassment. District employees must receive additional periodic training related to handling reports of sex-based harassment.

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.

Admission and Denial of Admission (Board Policy JF)

Admission

All persons aged six and under 21 who have not graduated from high school or received any document evidencing completion of the equivalent of a secondary curriculum, and reside within the boundaries of this school district may be permitted to attend public schools without payment of tuition.

A birth certificate or other proof of legal age, as well as proof of residence, shall be required by the school administration.

Students new to the district shall be enrolled conditionally until records, including discipline records, from the schools previously attended by the student are received by the district. Notice of the conditional enrollment status of new students shall be clearly indicated on all new student enrollment forms. In the event the student's records indicate a reason to deny admission, the student's conditional enrollment status shall be revoked. The student's parent/guardian shall be provided with written notice of the denial of admission. The notice shall inform the parent/guardian of the right to request a hearing.

Denial of Admission

The Board of Education or the superintendent may deny admission to the schools of the district in accordance with applicable law.

The Board shall provide due process of law to students and parents/guardians through written procedures consistent with law for denial of admission to a student.

The policy and procedures for denial of admission shall be the same as those for student suspension and expulsion inasmuch as the same section of the law governs these areas.

Nondiscrimination

The Board, the superintendent, other administrators and district employees shall not unlawfully discriminate based on a student's race, color, national origin, ancestry, creed, religion, sex, sexual orientation (which includes transgender), marital status, disability or need for special education services in the determination or recommendation of action under this policy.

Exhibit for Board Policy JF

According to the Colorado Revised Statutes 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Educational Act (see policy JK*-2, Discipline of Students with Disabilities) and other laws pertaining to the education of students with disabilities, the following may be grounds for denial of admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.

According to C.R.S. 22-33-106 (3)(a-f), the following may constitute additional grounds for denial of admission to a public school:

1. Graduating from the 12th grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
2. Failure to meet age requirements.
3. Having been expelled from any school district during the preceding 12 months.
4. Not being a resident of the district unless otherwise entitled to attend under C.R.S. 22, Articles 23 (migrant children), 32 (exclusion of non-residents) or 36 (schools of choice).
5. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any 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 record with an appropriate explanation.
6. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other pupils or of school personnel.

According to C.R.S. 22-33-106 (4)(a), 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 district 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.

Students in Out-of-Home Placements

State law limits the grounds for denial of enrollment regarding students in out-of-home placements, as defined by C.R.S. 22- 32-138 (1)(h).

Student Absences and Excuses (Board Policy JH)

One criteria of a student's success in school is regular and punctual attendance. Students who desire to obtain the greatest benefit from public education recognize that regular attendance is essential. Frequent absences disrupt the learning process and may lead to poor academic work, lack of social development and possible academic failure.

According to state law, it is the obligation of every parent/guardian to ensure that every child under his/her care and supervision receives adequate education and training and, if of compulsory attendance age, attends 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. Students who have good attendance generally achieve higher grades, enjoy school more and are more employable after leaving school.

Excused Absences

The following shall be considered excused absences:

1. A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance on a prearranged basis. Prearranged absences shall be approved for appointments or circumstances of a serious nature only which cannot be taken care of outside of school hours.
2. A student who is absent for an extended period due to physical, mental, or emotional disability.
3. A student who is pursuing a work-study program under the supervision of the school.
4. A student who is attending any school-sponsored activity or activities of an educational nature with advance approval of the administration.
5. A student who is suspended or expelled.

As applicable, 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.

Unexcused Absences

An unexcused absence is defined as an absence that is not covered by one of the foregoing exceptions. Each unexcused absence shall be entered on the student's record. The parents/guardians of the student receiving an unexcused absence shall be notified orally or in writing by the district of the unexcused absence.

In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while unexcused. The administration shall develop appropriate interventions and/or consequences.

Students and parents/guardians may petition the Board of Education for exceptions to this policy 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 maximum number of hours of unexcused absences a student may incur before judicial proceedings to enforce compulsory attendance may be initiated is 24 cumulative clock hours during any calendar or school year.

Chronic Absenteeism

When a student has an excessive number of absences, these absences negatively impact the student's academic success. For this reason, a student who has missed 10% of school days or more whether excused or unexcused may be considered chronically absent. Absences due to suspension or expulsion shall not be counted in the total number of absences considered for purposes of identifying a student as "chronically absent."

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. At a minimum, there will be 2 days allowed for make-up work for each day of absence. It is the responsibility of the student to initiate requests for make-up work, and teachers are required to provide such work upon request.

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. This work may receive full or partial credit as determined by the building administrator.

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 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.

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 may 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.

Truancy (Board Policy JHB)

If a student is absent without an excuse authorized by the parent/guardian or if the student leaves school or a class without permission of the teacher or administrator in charge, the student shall be considered truant. An "habitual truant" shall be defined as a student of compulsory attendance age who has four total days of unexcused absences from school in any one month or 10 total days of unexcused absences during any school year. 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."

In order to reduce the incidents of truancy, parents/guardians 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 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 by telephone.

A plan shall be developed for a student who is at risk of being declared habitually truant with the goal of assisting the child to remain in school. The plan shall also include strategies to address the reasons for the truancy. When practicable, the student's parent, guardian or legal custodian shall participate with district personnel during the development of the plan. Appropriate school personnel shall make reasonable efforts to meet with the parent, guardian or legal custodian to review and evaluate the reasons for the student's truancy.

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

School-Related Student Publications (Board Policy JICEA)

The Board encourages students to express their views in school-sponsored publications while observing rules for responsible journalism and complying with this policy and state and federal law. To protect the rights of all members of the school community and to support the district's educational mission and purposes, students are prohibited from publishing expression which:

- Is false or obscene;
- Is libelous, slanderous or defamatory under state law;
- Presents a clear and present danger of the commission of unlawful acts or material and substantial disruption of the orderly operation of the school;
- Violates the privacy rights of others; or
- threatens violence to property or persons

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, its accompanying regulation and applicable state and federal 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.

Regulation for Board Policy JICEA

Purpose

School-sponsored publications provide an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Content of school-sponsored publications should reflect all areas of student interest, including topics about which there may be dissent or controversy.

Prohibited Materials

The following defines those materials prohibited by this regulation's accompanying policy.

Students may not publish or distribute material that is obscene. "Obscene" means:

- i. The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.
- ii. 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.
- iii. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

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

Expression that 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.

Expression which presents a clear and present danger of the commission of unlawful acts, material and substantial disruption of the orderly operation of the school, violates the rights of others to privacy or threatens violence to property or persons 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. Material that stimulates heated discussion or debate does not constitute the type of disruption that 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 Difference

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 will 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 appeal to the superintendent. The superintendent's decision shall be final.

Student Distribution of Non-Curricular Materials (Board Policy J1CEC)

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 need to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.

Students may distribute non-curricular materials on school property in accordance with this policy, its accompanying regulation and applicable state and federal law.

Prohibited Distribution

Students shall not distribute any non-curricular materials on school property or at school sponsored activities or events that in themselves or in the manner they are distributed:

- Create or threaten to create a substantial disruption or material interference with the normal operation of the school, school activity or event;
- Advocate or encourage unlawful conduct or conduct that violates Board policy, including but not limited to the Board's policies prohibiting unlawful discrimination, harassment and bullying;
- Cause or threaten to cause injury to persons or property; or
- Are obscene, defamatory or violate any person's privacy rights.

Students who distribute materials in violation of this policy may be subject to appropriate disciplinary action, including suspension and/or expulsion.

School equipment and supplies shall not be used for publication of such material.

Regulation for Board Policy JICEC

Approval Required Prior to Distribution

Students who wish to distribute copies of non-curricular materials on school property or at a school-sponsored activity or event shall submit the material to the school principal for approval at least five school days in advance of the planned distribution date. The principal or principal's designee shall respond to such requests within three school days.

Appeal

If the principal does not approve the materials for distribution, the principal or principal's designee shall provide a written explanation of why the materials were not approved under the policy accompanying this regulation.

1. The student may then appeal the decision as follows:
2. Within 10 school days of receiving the principal's or designee's decision, the student may file a written notice of appeal with the superintendent.
3. The superintendent shall make a written determination within 10 school days of receiving the student's appeal.
4. Within 10 school days of receiving the superintendent's decision, the student may submit a written appeal to the superintendent, requesting a hearing before the Board.
5. The superintendent shall schedule the hearing on the agenda of the next regularly scheduled Board meeting, which generally will be held within 30 days of the filing of a request for a hearing.

After providing the student with an opportunity to be heard, the Board shall render a decision, which shall be final.

The following restrictions apply to all requests to distribute more than 10 items or copies of non-curricular materials by students on school property or at school-sponsored activity or event:

1. Place. Distribution of 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.
2. 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.

3. Littering. All distributed non-curricular materials discarded in school or on school grounds must be removed by the persons distributing such items.
4. Manner. No student may in any way be compelled or coerced to accept any non-curricular materials. In the alternative, no school official or student may interfere with materials distributed in accordance with this regulation and its accompanying policy.

Violation of this regulation and/or accompanying policy will be sufficient cause for denial of the privilege to distribute materials at future dates and may be cause for disciplinary action, including suspension and/or expulsion.

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:

1. Falsifies information as to any person who is not a public figure or involved in matters of public concern
 2. 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
 3. Violates the rights of others to privacy Threatens violence to property or persons
 4. Attacks any person on the basis of race, color, religion, creed, national origin, ancestry, sex, age, sexual orientation, which includes transgender status, disability or need for special education services
 5. 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
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Gang Activity/Secret Societies (Board Policy JICF)

The Board of Education desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence or disruptive behavior.

The principal or designee shall take reasonable steps to deter gang intimidation of students and confrontations between members of different gangs on school grounds, in school vehicles and at school activities or sanctioned events.

The presence of any apparel, jewelry, accessory, notebook or manner of grooming which by virtue of its color, arrangement, trademark or any other attribute denotes membership in gangs which advocate drug use, violence or disruptive behavior is prohibited on school grounds, in school vehicles and at school activities or sanctioned events.

Tobacco-Free Schools (Board Policy ADC)

To promote the general health, welfare, and well-being of students and staff, smoking, chewing, or any other use of any tobacco product by staff, students, and members of the public is prohibited on all school property.

Possession of any tobacco product by students is prohibited on school property. For purposes of this policy, the following definitions apply:

"School property" means all property owned, leased, rented, or otherwise used or contracted for by a school including but not limited to the following:

1. All indoor facilities and interior portions of any building or other structure used for children under the age of 18 for instruction, educational or library services, routine health care, daycare or early childhood development services, as well as for administration;
2. Support services, maintenance, or storage;
3. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas, and parking areas, and
4. All vehicles used by the district for transporting students, staff, visitors, or other persons;
5. At a school sanctioned activity or event.

"Tobacco product" means:

1. any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff, and chewing tobacco; and
2. any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.
3. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.

"Use" means lighting, chewing, smoking, ingesting, or application of any tobacco product.

Signs will be posted in prominent places on all school property to notify the public smoking or other use of tobacco products is prohibited in accordance with state law and district policy. This policy will be published in all employee and student handbooks, posted on bulletin boards, and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy may include cessation programs, in-school suspension, revocation of privileges, and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

Drug and Alcohol Use by Students (Board Policy JICH)

The district shall promote a healthy environment for students by providing education, support, and decision-making skills in regard to alcohol, drugs, and other controlled substances and their abuse. In order to accomplish this goal, a cooperative effort must be made among the schools, parents/guardians, community and its agencies.

Policy Description

It shall be a violation of Board policy and considered to be behavior which is detrimental to the welfare or safety of other students or school personnel for any student to possess, use, sell, distribute or exchange or be under the influence of alcohol, drugs, other controlled substances, or drug paraphernalia or to be under the influence of alcohol, drugs, or other controlled substances. The unlawful possession or use of alcohol or controlled substances is wrong and harmful to students.

Situations in which a student proactively seeks counseling or information from a staff member for the purpose of overcoming substance abuse shall be handled on an individual basis depending upon the nature and particulars of the case.

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/guardians, and any other recognized community resources committed to reducing the incidence of illegal use of drugs and alcohol by school-aged youth.

For purposes of this policy, controlled substances include but are not limited to narcotic drugs, opiates, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, THC-infused products, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medication, vitamin or other chemical substances not taken in accordance with the Board's policies and regulations on administering medications to students including administration of medical marijuana to qualified students. This includes substances that are represented as or believed to be such a substance.

This policy also includes possession of drug paraphernalia defined as any machine, instrument, tool, equipment or device which is designed and intended for administering illegal substances or manufacturing or distributing such substances.

The principal or designee may consider a student's age and development level when making decisions regarding this policy.

In situations where a student is not found to be in possession or under the influence, but is knowingly associating with another person or persons while they are unlawfully using or possessing alcohol, drugs, or other controlled substances and has reasonable opportunity to leave the situation, consequences may be applied but not in the category of drugs and alcohol.

This policy shall apply to any student on district property, schools, during a school-sponsored or district-sponsored activity or event, off school property when the conduct has a reasonable connection to school or any district curricular or non-curricular event, or whose conduct at any time or place interferes with the operations of the district or the safety or welfare of students or employees.

Students violating this policy shall be subject to disciplinary sanctions which may include suspension and/or expulsion from school and referral for prosecution. Disciplinary sanctions and interventions for violations of this policy shall be in accordance with this policy's accompanying regulation.

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.

The superintendent or designee may authorize the use of deferred expulsion agreements in cases related to this policy and the accompanying regulation.

Whenever possible in dealing with student problems associated with drug and alcohol abuse, school personnel shall provide parents/guardians and students with information concerning education and rehabilitation programs which are available.

Information provided to students and/or parents/guardians about community substance abuse treatment programs or other resources shall be accompanied by a disclaimer to clarify that the school district assumes no financial responsibility or obligation for the expense of drug or alcohol assessment or treatment provided by other agencies or groups unless otherwise required.

Regulation for Board Policy JICH

In accordance with the accompanying policy, the following procedures are established for addressing alcohol or drug-related misconduct. These procedures will supplement and complement authority conferred elsewhere by Board policy and will not be deemed to limit or suspend such other authority.

Investigating suspected involvement with drugs or alcohol

When a student is suspected of being involved with drugs or alcohol at school or a school-related activity, the person having the suspicion shall notify the principal or designee immediately. Notification must include reasons for such suspicion (observed use, unusual behavior, confiscated items, witnesses, etc.). The principal or designee will conduct an interview with the suspected student and collect any available information. This may include involving the School Resource Officer or other staff members to assess safety and determine if the student may be intoxicated. This action shall comply with the Board policy on investigations and searches.

1. If information is not sufficient to warrant further action, the principal or designee may have a personal conference with the student expressing awareness and concern.
2. If information warrants further action, the student's parent/guardian will be notified and requested to attend a conference at the school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the student's parent/guardian general resources related to substance abuse.
 - If no drugs or alcohol or related paraphernalia are found, the principal or designee will release the student to the parents and notify law enforcement.
 - If drugs or alcohol or related paraphernalia are found, the principal or designee will place the evidence in a secure location. The principal or designee shall refer the student to appropriate law enforcement officials in accordance with applicable law. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.

3. When necessary, emergency health and safety care will be provided and any procedural or disciplinary issues postponed until the student's immediate needs are treated.

Sanctions and Interventions

Students are subject to disciplinary action up to and including suspension and expulsion for any single violation of the accompanying policy. Offenses and consequences for violations of the accompanying policy shall be cumulative for three calendar years.

Offenses confirmed from schools prior to the student's enrollment in the district may be counted toward the cumulative total. In such a case, the student and parents will be given notice at time of enrollment.

Possession, Use, and/or Being Under the Influence

First Offense

1. The student will be suspended from school for ten days with the opportunity to reduce the suspension to three days, provided the student agrees to complete an appropriate educational course about drugs and alcohol within a reasonable period of time. The course must be approved by the district and any costs associated with such program shall be the responsibility of the student and his/her 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 days of suspension.
2. The principal or designee may recommend additional suspension and/or expulsion for a first offense in situations involving particularly pernicious, harmful, or dangerous drugs, based on the details and severity of the case.

Second Offense

1. The student will be suspended from school for ten days with the opportunity to reduce the suspension to five days provided the student agrees to complete an individual substance abuse evaluation/assessment. The evaluation must be approved by the district and any costs associated with such evaluation or program shall be the responsibility of the student and his/her 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 five days of suspension.
2. If the student has not previously completed the educational course for first time offenses, the principal or designee may require that the student complete the course. If the student has previously completed the course, the principal or designee may require that the student complete the course again.
3. The principal or designee may recommend additional suspension, change of educational placement, and/or expulsion for a second offense.

Third Offense

1. The student will be suspended for ten days and recommended for expulsion. The suspension may be extended an additional five days if necessary.

Sale, Distribution, or Intent to Sell or Distribute

First Offense

1. The Student will be suspended for 10 days and recommended for expulsion. The suspension may be extended for an additional five days if necessary.

Second Offense

1. The student will be suspended for ten days and recommended for expulsion upon the second offense and all subsequent offenses within any three year period. The suspension may be extended for an additional five days if necessary.

Weapons in School (Board Policy JICI)

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

Dangerous Weapons

Using, possessing or threatening to use a dangerous weapon 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 the conduct has a reasonable connection to school or any district curricular or non-curricular event without the authorization of the school or the school district is prohibited. 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.

As used in this policy, “dangerous weapon” means:

1. A firearm.
2. Any pellet, BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
3. A fixed blade knife with a blade that exceeds three inches in length.
4. A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.
5. 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 including, but not limited to, a slingshot, bludgeon, nunchucks, brass knuckles or artificial knuckles of any kind.

Students who use, possess or threaten to use a dangerous weapon in violation of this policy shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

In accordance with federal law, expulsion shall be mandatory for no less than one full calendar year for a student who is determined to have brought a firearm to or possessed a firearm at school in violation of this policy. The superintendent may modify the length of this federal requirement for expulsion on a case-by-case basis. Such modification shall be in writing.

Firearm Facsimiles

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 non-curricular event without the authorization of the school or school district is prohibited. Students who violate this policy provision may be subject to disciplinary action, including but not limited to suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

A student may 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 a school-related or non-school 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 and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions. 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 provision 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.

Local Restrictions

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, the using, possessing or threatening to use any knife, regardless of the length of the blade, 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 the conduct has a reasonable connection to school or any district curricular or non-curricular event without authorization of the school or school district is prohibited. Students who violate this policy provision shall be subject to disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Recordkeeping

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.

Referral to Law Enforcement

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

Student Use of Cell Phones and Other Personal Technology Devices (Board Policy JICJ)

The Board of Education believes personal technology devices may be useful communication tools for students in the educational environment. They may also be used as a valuable tool for monitoring health and during emergency situations. However, the use of personal technology devices in school situations must be regulated to ensure that the use of such devices does not disrupt or interfere with the educational process or school operations. Therefore, students may only use personal technology devices on district property, on a district vehicle or at a district or school-sponsored activity or event in accordance with this policy.

For purposes of this policy, "personal technology device" (PTD) includes any privately owned portable technology device, including but not limited to cell phones, wearable technology, cameras, and all other hand-held electronic communication and data storage devices.

Students shall not access PTDs during instructional periods except at the teacher's discretion. Teachers shall seek approval from their administration for limited student access to PTDs. In elementary and middle schools, PTDs are to remain in the student's locker or backpack, turned off or silent, the entire academic day.

Student use of PTDs with cameras and/or video recording capabilities is prohibited in locker rooms, bathrooms or any other location where such use could violate another person's reasonable expectation of privacy.

Students shall not use PTDs to engage in, promote or facilitate any other conduct that violates the student code of conduct, other Board policies or regulations, or state or federal law.

Violation of this policy or any other district, school or classroom rule or regulation on student use of PTDs may result in disciplinary measures and/or temporary confiscation of the PTD. Confiscated devices shall be returned to the student only after a conference with the parent/guardian, student and school personnel. If the building principal or designee believes a student's possession or use of a PTD may involve a violation of the law, the building principal or designee may also refer the matter to law enforcement.

The district shall not be responsible for loss, theft or destruction of PTDs brought onto school or district property or while the student is attending district or school-sponsored activities or events.

Student Interviews, Interrogations, Searches and Arrests (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.

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. 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.

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interview the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally or in writing.

Searches Conducted by School Personnel

School personnel may search a student and/or the student's personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized or contraband materials.

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be required. A student's failure to cooperate with school officials conducting a 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 to the search.

School lockers, desks, and other storage areas are school property and remain at all times under the control of the school. All such lockers, desks and other storage areas, as well as their contents, are subject to inspection at any time, with or without notice.

Search of the Student's Person or Personal Effects

The principal or designee may search the person of a student or a student's personal effects such as a purse, backpack, book bag, or briefcase on school property or at school-sponsored events or activities if the school official has reasonable grounds to suspect that the search will uncover:

1. Evidence of a violation of Board and/or district policies, school rules, or federal, state, or local laws.
2. Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

Searches of the person shall be limited to the student's pockets, any object in the student's possession such as a purse, backpack, book bag, or briefcase, and a "pat down" of the exterior of the student's clothing.

The extent of the search of a student's person or personal effects, as well as the means to conduct the search, must be reasonably related to the objectives of the search and the nature of the suspected violation. Additionally, school officials conducting the search shall be respectful of privacy considerations, in light of the sex and age of the student.

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

Searches of a student's person and/or personal effects may be conducted without the prior consent of the student's parent/guardian. However, the parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person which may require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. School personnel shall not participate in such searches.

Seizure of Items

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

1. Seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
2. Returned to the student or the parent/guardian.
3. Turned over to a law enforcement officer in accordance with this policy.

Law enforcement officers' involvement

Interrogations and Interviews:

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or designee shall ascertain that the law enforcement officer has proper identification. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interrogations and interviews are discouraged during students' class time.

The principal or designee shall be present during the law enforcement interrogation or interview unless a court order provides otherwise. It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards.

Upon request by law enforcement to interview a student witness or interrogate a student suspect, school officials shall notify the student's parent/guardian 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 not be notified, or when an emergency or other urgent circumstances exist.

If the student is under 18, the student's parent/guardian also shall be present during the law enforcement interrogation or interview unless: (1) the juvenile is emancipated as that term is defined in state law; (2) the student's parent/guardian has not been notified pursuant to this policy; or (3) the student's parent/guardian agrees to the interrogation or interview without being present.

Search and Seizure:

The principal or designee may request a search on school premises be conducted by a law enforcement officer. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search. It is expected that searches by law enforcement will be conducted in accordance with the requirements of applicable law.

Custody and/or Arrest:

Students will be released to law enforcement officers if the student has been placed under arrest or if the student's parent/guardian and the student consent to such release. When a student is removed from school by law enforcement officers for any reason, school officials will make reasonable efforts to notify the student's parent/guardian.

It is expected that all procedural safeguards prescribed by law are followed by law enforcement officers conducting student arrests. However, district staff is not responsible for an officer's legal compliance when arresting a student.

Parking Lot Searches (Board Policy JHB)

The privilege of bringing a student-operated motor vehicle on to school premises is conditioned on consent by the student driver to allow search of the vehicle when there is reasonable suspicion that the search will yield:

1. Evidence of violation of Board and/or district policies, school rules, or federal, state, or local laws.
2. Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination without further hearing of the privilege of bringing

the vehicle on to school premises. Refusal to submit to search also may result in disciplinary action and notification of law enforcement officials.

Routine patrolling of student parking lots and inspection of the outside and visible interior contents of student automobiles shall be permitted at all times.

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.

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 a habitually disruptive student may result in the student’s expulsion. Any student enrolled in the district’s schools may be subject to being declared a 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 the 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, 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 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 conduct and discipline code shall be provided to each student upon enrollment in elementary, middle, and high school. The district shall take reasonable measures to ensure each student is familiar with the code. Copies shall be posted or kept on file in each school of the district. In addition, any significant change in the code shall be provided to students and posted in each school.

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 statement as accurate. The Superintendent or designee 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 mandatory 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.

Discipline of Students with Disabilities (Board Policy JK*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 Individualized Education Programs (IEPs), any behavioral intervention plan, and this policy, in accordance with state and federal requirements.

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

Legal counsel and the director 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 JK*2

Manifestation determination

When a disciplinary change in placement is being considered related to a disabled student's behavior, the Individual Educational Program (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 10 school days from the date of the decision to take disciplinary action.

The team will determine whether the student's behavior was a manifestation of the student's 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 student's behavior was not a manifestation of the disability, disciplinary procedures shall be applied to the student in the same manner as applied to non-disabled 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 regulation, 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 10 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 Educational Program (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 director 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 Improvement Act of 2004 (IDEIA) and Colorado's Exceptional Children's Educational 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 10 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 shall be subject 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 student's parent/guardian has expressed concern in writing to district administrative or supervisory personnel or to the student's teacher that the student needs special education and related services.
2. The student's parent/guardian has requested an evaluation in accordance with applicable regulations; or
3. The student's teacher or other district personnel have expressed specific concerns about the student's behavior or performance to the director of student support services or other district supervisory 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.

Use of Physical Intervention and Restraint (Board Policy JKA)

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 or volunteer, in accordance with state law.

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:

1. To quell a disturbance threatening physical injury to the student or others.
2. To obtain possession of weapons or other dangerous objects upon or within the control of the student.
3. For the purpose of self-defense.
4. 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 one minute unless the provisions regarding restraint contained in this policy and accompanying regulation are followed.

Restraint

For purposes of this policy and accompanying regulation, restraint is defined as any method or device used to involuntarily limit a student's freedom of movement, including but not limited to bodily physical force and seclusion. If property damage may be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the student or another person. Restraint shall not include the holding of a student for less than one minute by a district employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

If a student is physically restrained for a period of time longer than one minute, but less than five minutes, the student's parents are required to be notified. The notice must be given in writing on the same day the restraint occurs, and must include the date of restraint, student's name, and the number of times during the day that the student was restrained.

If a student is physically restrained for a period of time longer than five minutes, the school administration shall verbally notify the parent(s) or guardian(s) as soon as possible, but not later than the end of the school day that the restraint was used. Additionally, the school administration shall mail, fax, or e-mail a written report of the incident, including all information required by law, to the parent or legal guardian of the student no more than five calendar days after the use of restraint on the student.

District employees shall not use restraint as a form of discipline or to control or gain compliance from a student. District employees are also prohibited from restraining a student by use of a prone restraint, mechanical restraint or chemical restraint, as those terms are defined by applicable state law and this policy's accompanying regulation.

If a student is placed in a seclusion room, the student must be continually monitored. The seclusion room must have at least one window to monitor students when the door is closed. If it is not feasible to utilize a room with a window, monitoring by video camera must be possible. The seclusion room must be a safe place free from injurious items and must not be a space used by school staff for offices, storage, or custodial purposes.

Restraint shall only be administered by district employees trained in accordance with the applicable State Board of Education rules.

Use of Mechanical or Prone Restraints

The prohibition on the use of mechanical or prone restraints in this policy and accompanying regulation shall not apply to:

1. Certified peace officers or armed security officers working in a school and who meet the legal requirements of C.R.S. 26-20-111 (3); however, no law enforcement officer or armed security officer shall use handcuffs on any student unless the student poses an immediate danger to themselves or others or if handcuffs are solely used during a custodial arrest requiring transport.
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. 18-1-901 (3)(e).

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.

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 academic atmosphere. Any student who violates the code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action. Upon the third formal removal from class, a teacher may remove the student from the teacher's class in accordance with this policy, its accompanying regulation and applicable law.

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 the teacher's classroom if the student's behavior:

1. violates the code of conduct adopted by the Board;
2. is dangerous, unruly, or disruptive; or
3. seriously interferes with the ability of the teacher to teach the class or other students to learn.

A student with a disability may be removed from class and placed in an alternative educational setting 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, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

The superintendent is directed to establish procedures to implement this policy so that removals from a classroom occur in a consistent manner throughout the district. Parents/guardians shall be notified of the student's removal from class in accordance with established procedures.

Regulation for Board Policy JKBA

A student who engages in classroom conduct or behavior prohibited by the code of conduct may be removed from class by a teacher and placed temporarily in an alternative setting in accordance with these procedures and consistent with state and federal law.

For purposes of this policy and procedure, 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 teaching license or authorization issued by the state who is employed to instruct, direct, or supervise the instructional program. It does not include substitute teachers as defined in state law.

Informal Removal to the Principal's Office

An informal removal from class occurs when a student breaks one or several classroom rules in a class period or during the school day. The teacher may remove a student by using approved discipline management techniques such as having the student stand in the hall outside the door or some other safe "time out" environment either in or out of the classroom, or sending the student to the principal's office for a short period of time. Generally, the student will be allowed to return to his or her classroom later the same day. The procedures set forth do not apply to an informal removal from class.

Formal Removal from Class

A teacher may formally remove a student from class for the following conduct or behavior:

1. Conduct that is prohibited in the student code of conduct. A teacher's decision to remove a student from class for behavior covered by board policies regarding suspension and expulsion may, but does not necessarily mean that the student will also be suspended and/or expelled.
2. Disruptive, dangerous or unruly behavior. The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous or unruly:
 - Inappropriate physical contact intended or likely to hurt, distract or annoy others such as hitting, biting, pushing, shoving, poking, pinching or grabbing;
 - Inappropriate verbal conduct intended or likely to upset, distract or annoy others such as name calling, teasing or baiting;
 - Behavior that may constitute sexual or other harassment;
 - Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment particularly when others are talking (e.g., lecture by teacher, response by other student, presentation by visitor) or during quiet study time;
 - Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.;
 - Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out;
 - Destroying or damaging the property of the school, the teacher or another student; or
 - Loud, obnoxious, or outrageous behavior.
3. Conduct that otherwise interferes with the ability of the teacher to teach effectively. Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly, and responding appropriately when called upon. A student's noncompliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation, this behavior includes:
 - Open defiance of the teacher, manifest in words, gestures or other overt behavior;
 - Open disrespect of the teacher, manifest in words, gestures or other overt behavior; or
 - Other behavior likely or intended to sabotage or undermine classroom instruction.

Procedures to be Followed for Formally Removing a Student from Class

Unless the behavior is extreme, as determined by the teacher, a teacher shall warn a student that continued misbehavior may lead to removal from class. When the teacher determines that removal is appropriate, the teacher shall take one of the following courses of action:

1. Instruct the student to go to the main office. Unless prevented by the immediate circumstances, the teacher shall send a note with the student stating the reason for the student's removal and call the building principal's office.
2. Obtain coverage for the class and escort the student to the main school office. The teacher shall inform the building principal or designee of the reason for the student's removal from class.
3. Seek assistance from the main school office or other available staff. When assistance arrives, the teacher or the other staff member should accompany the student to the main office. The principal or designee shall be informed of the reason for the student's removal.

Within 24 hours of the student's removal from class, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the student's removal from class.

Notice to Parent/Guardian

As soon as practicable, the building principal or designee shall notify the student's parent/guardian, in writing, that the student was removed from class. The written notice shall specify the class from which the student was removed, the duration of the removal, and the basis for the removal as stated by the teacher. The notice shall provide an opportunity for the parent/guardian to attend a student-teacher conference regarding the removal. If the student's removal from class is also subject to disciplinary action (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

Placement Procedures

Each building principal shall designate a room or other suitable place in the school to serve as the short-term removal area.

When the student arrives at the main office, the building principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal or designee is not available immediately upon the student's arrival, the student will be taken to the designated short-term removal area and the principal or designee will speak to the student as soon as practicable.

At the discretion of the building principal or designee, the student may be placed in another appropriate class, program or educational setting, provided students are supervised in such alternative setting.

Students placed in the short-term removal area shall be supervised. During their time of placement, students are expected to do work of an academic nature. If possible, such work shall be related to the work in the class from which the student was removed or may be related to the student's misconduct. In no event shall a student's time in the short-term removal area be recreation or other free time.

In most cases, a student shall remain in the short-term removal area for the duration of the class from which he or she was removed. Prior to allowing the student to resume his or her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building principal or designee may consider a different placement option.

Behavior Plan

The principal or designee and teacher shall consider whether a behavior plan should be developed for the student upon the student's first removal from class. A behavior plan shall be developed and implemented after the teacher formally removes a student from class for the second time and must be developed and implemented before a student may be removed from class for the remainder of the term of the class.

Removal for Remainder of Term

Upon the third formal removal from class, a student may be officially removed from the teacher's class for the remainder of the term. The principal shall be responsible for determining the appropriate educational placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. The principal's decision regarding placement is final.

Once a student is officially removed from class, a loss of credit may occur if the principal determines that it would be too disruptive to enroll the student in another class after the start of the term.

Review by Principal

The principal or designee is required to collect data pertaining to the number of students who are removed from class during the year. This information will be reported to the public on the safety section of the school report card. While there are a variety of factors to consider when analyzing this data, an unusually high number of formal documented student removals from any one teacher may be cause for concern. The principal shall review this data with teachers at least annually.

A student may be removed from a classroom by a teacher only in accordance with the requirements of this regulation and accompanying policy and the applicable provisions of state and federal law. All teacher actions under this regulation shall be subject to evaluation and supervision by the teacher's supervisor as provided in Board policies and procedures.

Suspension/Expulsion of Students and Other Disciplinary Interventions (Board Policy JKD/JKE)

The Board of Education shall provide due process of law to students through written procedures consistent with law for the suspension, or expulsion of students and the denial of admission. (See JKD/JKE-R). 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.

Proportionate disciplinary interventions and consequences shall be imposed to address the student's misconduct and maintain a safe and supportive learning environment for students and staff.

The Board and its designee(s) shall consider the following factors in determining whether to suspend or expel a student:

1. The student's age.
2. The student's disciplinary history.
3. The student's eligibility as a student with a disability.
4. The seriousness of the violation committed by the student.
5. The threat posed to any student or staff.
6. The likelihood that a lesser intervention would properly address the violation and
7. whether excluding the student from school is necessary to preserve the learning environment.

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

Other disciplinary interventions

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, the principal or designee may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion and include but are not limited to detention, in-school suspension, counseling, participation in the district's restorative justice program or positive behavioral intervention support (PBIS) program, completion of a functional behavior assessment and development of a behavior intervention plan, peer mediation, referral to a juvenile assessment center for counseling or other services, or other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system.

As another intervention and alternative to suspension, the principal or designee may permit the student to remain in school with the consent of the student's teachers if the parent/guardian attends class with the student for a period of time specified by the principal or designee. If the parent, /guardian 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 would be disruptive to the operations of the school or be detrimental to the learning environment.

Nothing in this policy shall limit the Board's and its designees' authority to suspend and/or expel a student as deemed appropriate by the Board and its designees. The decision to suspend and/or expel a student instead of providing an alternative to suspension or expulsion or the failure of an intervention to remediate the student's behavior shall not be grounds to prevent the Board and its designees from proceeding with appropriate disciplinary measures, including but not limited to suspension and/or expulsion.

Delegation of authority

1. Students in third grade and higher grade levels: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal 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 the law (see JKD/JKE-E).

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

2. The Board of Education delegates to the superintendent 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 if necessary in order to present the matter to the Board, but the total period of suspension shall not exceed 25 school days.
3. Unless otherwise determined by the Board, the Board of Education delegates to the superintendent of schools 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 superintendent, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, determines does not qualify for admission to, or continued attendance at the public schools of the district. 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 superintendent at the conclusion of the hearing. The superintendent 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 superintendent.
4. Any person serving as a hearing officer shall receive training on how to serve impartially, including avoiding prejudice of the facts at issue and conflicts of interest. The Board shall comply with all state law and Department of Education requirements regarding the content, timing, and frequency of the training.

The superintendent 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 superintendent 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.

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 district in which the juvenile is enrolled. The district may also receive notification of pending legal charges that have not yet been filed in court.

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 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 district to provide an alternative educational program for the student as specified in state law.

Regulation for Board Policy JKD/JKE

Procedure for suspension of 10 days or less

Through written policy, the Board of Education has delegated to any school principal the power to suspend a student for not more than three, five or 10 school days, depending upon the grade of the student and the type of infraction. Pursuant to policy JKD/JKE, the superintendent has been delegated the power to suspend a student for additional periods of time. However, the total period of suspension will not exceed 25 school days. As a general rule, a suspension will be three school days or less for students in preschool through second grade, and 10 school days or less for students in third grade and higher grade levels.

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

Contents of notice. The notice will contain the following basic information:

- a. a statement of the charges against the student.
- b. a statement of what the student is accused of doing
- c. a statement of the basis of the allegation. Specific names may be withheld if necessary. This information need not be set out formally but should sufficiently inform the students and parent/guardian of the basis for the contemplated action

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 administrator 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.

If the student's presence in school presents a danger. 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 administrator delegated the authority 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 must leave the school building and the school grounds immediately after the parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.

Readmittance

No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, 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. 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 will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of the district following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work which is completed satisfactorily.

Procedure for expulsion or denial of admission

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

Notice

Not less than five days prior to the date of the contemplated action, the Board of Education or an appropriate administrative officer of the district will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. 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 basic 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 ten days after the date of the notice.
3. A statement of the date, time, and place of the hearing in the event 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 matter.

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 superintendent or their designee, unless the superintendent or assigned designee was involved in investigating or reporting an incident that led to the hearing. In such a case, the superintendent 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 superintendent 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 district 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 district's policy and state law.

Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the superintendent or designee 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 superintendent or designee 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 superintendent, 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 superintendent's decision will become final.

NOTE: At its sole discretion, the Board may grant an appeal hearing for requests made more than 10 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 superintendent, the superintendent's written decision, and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the district 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 final determination regarding the expulsion or denial of admission of the student and will inform the student and his/her parent/guardian of the right to judicial review.

Information to parents

Upon expelling a student, district 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 district provide services during the expulsion. If the parent/guardian chooses to provide a home-based education program for the student, district 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 district, the school district 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. District personnel need not contact the parent/guardian after the student is enrolled in another school district 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.
3. 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 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 principal 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.

Procedure for crimes of violence or unlawful sexual behavior

The following procedures will apply when the district receives notification that a student has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

The Board or its designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors:

- a. Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students or school personnel.
- b. Whether educating the student in school may disrupt the learning environment, provide a negative example for other students, or create a dangerous and unsafe environment for students or, teachers and other school personnel.
- c. If it is determined the student should not be educated in the schools of the district, the district may suspend or expel the student in accordance with the procedures set forth above.
- d. Alternatively, suspension or expulsion may be postponed, pending the outcome of the court proceedings. If the suspension or expulsion proceedings are postponed, the student will not be permitted to return to school during that period. 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 established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.
- e. If the student pleads guilty to the charge, is found guilty, or is adjudicated a delinquent juvenile, the Board or designee may proceed to suspend or expel the student following the procedures set forth in these regulations.
- f. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this regulation but shall remain confidential unless the information is otherwise available to the public by law.

Educational Alternatives for Expelled Students (Board Policy JKF)

Upon request of a student or the student's parent/guardian, 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 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 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 conduct and 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 school 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 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 district's pupil enrollment, including those expelled prior to the pupil enrollment count date.

Regulation for Board Policy JKF

Parents/guardians shall be notified in writing at the time of any expulsion of their right to request services from the district if their child is expelled.

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.

Within 10 school days of receiving the request, the principal will notify the student and the parent/guardian of the goal in providing educational services, the services to be provided by the district and the amount of credit the student will receive.

If an expelled student is not receiving educational services through the school district under the accompanying policy, the parent/guardian shall be contacted at least once every 60 days until the student is eligible to re-enroll to determine the educational services the student is receiving, unless the student is enrolled in another school district or independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

Expulsion Prevention (Board Policy JKG)

It is the belief of the Board that available interventions and prevention services should be explored to help students who are at risk of expulsion before expulsion becomes a necessary consequence. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion.

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

1. Educational services (tutoring, alternative educational programs or career and technical education programs that provide instruction in the academic areas of reading, writing, mathematics, science, and social studies);
2. Counseling services;
3. Drug or alcohol addiction treatment programs; and/or
4. Family preservation services.

Support services may be provided through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education.

The failure of the school 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.

ADDITIONAL NOTICES AND GENERAL INFORMATION

Nondiscrimination/Equal Opportunity (Board Policy AC)

The district is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. It is critical to this commitment that anyone who may have experienced discrimination or harassment in the context of the district's educational programs, activities, or employment can report their concerns without fear of retaliation.

This policy AC and the implementing regulations are designed to foster a climate that provides preventative measures and encourages the reporting of discrimination and harassment and related retaliation. The district administrators will engage in prevention efforts, train the school community, respond to all complaints promptly, provide supportive measures, and develop fair and equitable processes to investigate and address complaints of discrimination and harassment, and related retaliation, and ensure all parties are treated fairly and impartially.

This policy defines prohibited conduct and guides individuals to the specific regulation governing the applicable reporting and response processes. Complaints of harassment or discrimination against a student should be made pursuant to AC-R-1. Complaints of harassment and discrimination against applicants, employees, or community members should be made pursuant to AC-R-2. Complaints of bullying against a student based on their membership in a protected class should be made under AC-R-1. Complaints under Title IX should be made under AC-R-3. Supportive measures and prompt response times are required components of all regulations.

Definitions

- **"Bullying"** is any written or oral expression, 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 another. Bullying is student-on-student behavior. The following policy has more details on the definition of bullying, the prevention process, and the reporting process:
 - Policy JICDE*, Bullying Prevention and Education

If the bullying is based on a student's protected class, the behavior may constitute discrimination or harassment. Bullying based on a student's protected class should be addressed through the following

regulation:

- Regulation AC-R-1
- **"Protected classes"** include race, color, gender, sex sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, pregnancy, marital status, veteran status, disability, family composition and genetic information of an employee or applicant for employment.

For purposes of this policy and the implementing regulations:

- **"Race"** includes hair texture, hair type, hair length, or a protective hairstyle, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, afros, and headwraps, that is commonly or historically associated with race.
- **"Sexual Orientation"** means an individual's identity (or another person's perception of their identity), in relation to the gender(s) to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- **"Gender Expression"** means an individual's way of reflecting and expressing gender to the outside world, typically demonstrated through appearance, dress, and behavior.
- **"Gender Identity"** means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth.
- **"Harassment"** is any unwelcome, physical or verbal conduct or any written, graphic, or visual communication directed at a student, employee, applicant, or member of the public based on their protected class that is objectively offensive to a reasonable individual who is a member of the same protected class, that also:
 - for a student, is either made a term or condition of access to educational services, is used or threatened to be used as a basis for educational decisions affecting the student, interferes with a student's ability to participate in the district's educational services, or creates an intimidating, hostile, or offensive educational environment;
 - for an applicant or an employee, is subjectively offensive to the individual alleging harassment, is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with the individual's work performance, or creates an intimidating, hostile, or offensive working environment;
 - for a member of the community, is subjectively offensive to the individual alleging harassment, and unreasonably interferes with a community member's ability to participate in the district's services, activities, or opportunities.

Whether conduct constitutes harassment depends on a number of factors, including, but not limited to:

- the type, frequency, and duration of the conduct;
- the number of individuals involved and their relationships;
- the age and education level of individuals involved;
- the location and context in which the conduct occurred;
- whether the conduct is threatening or any real or perceived power differential exists;
- any use of the stereotypes, epithets, slurs, or degrading conduct or communication;
- whether the conduct includes an act of physical violence;
- the effect on the complainant's education or employment, if applicable.
- **"Discrimination"** occurs when a student or community member is denied or limited in the ability to participate in or benefit from the district's services, activities, or opportunities on the basis of their protected class. Discrimination also occurs when the district fails or refuses to hire an employee, discharges an employee, or otherwise treats an employee differently with respect to compensation, terms, conditions, privileges, opportunities, or status on the basis of their protected class. Harassment of a student, employee, or community member is a form of discrimination.

The following regulations have more details on harassment and discrimination and the related complaint process:

- AC-R-1 Harassment and Discrimination Investigation Procedure for Students
 - AC-R-2 Harassment and Discrimination Investigation Procedure for Employees, Applicants for Employment, and Members of the Public
 - AC-R-3 Sex-based Harassment Investigation Procedures under Title IX
- **"Retaliation"** is intimidating, threatening, coercing, or discriminating against an individual who has reported an incident of harassment, discrimination, or bullying. Retaliation includes charges against a student for code of conduct violations related to the incident for the purpose of punishing a student for making a report or otherwise interfering with a student's rights under this policy.
 - **"Sex-based Harassment"** under Title IX is conduct on the basis of sex that could include unwelcomed sexual advances, requests for sexual favors, or other unwelcome physical or verbal conduct or communication of a sexual nature. Because Title IX's definition of sex-based harassment is a federal standard, the definitions and procedures differ slightly from sex-based harassment under state law. More information on sex-based harassment can be found in the following policies and regulation:
 - Policy GBAA, Sex-based Harassment (for staff)
 - Policy JBB, Sex-based Harassment (for students)
 - Regulation AC-R-3, Sex-based Harassment Investigation Procedures under Title IX
 - **"Respondent"** means a student or employee who has been reported to have engaged in conduct that could constitute harassment.
 - **"Complainant"** means a student, employee, or community member alleged to have experienced discrimination or harassment. A complainant may or may not be the reporting party.
 - **"Reporting Party"** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any district student, employee, or community member may be a reporting party.
 - **"Compliance Officer"** means the district employee who is responsible for coordinating and overseeing the district's discrimination and harassment prevention and response efforts. Among other responsibilities, the compliance officer will coordinate and oversee the district's discrimination and harassment investigation, consultation, recordkeeping, monitoring, and training processes. To facilitate this work, all district employees must inform the compliance officer of all reports and complaints raising discrimination and harassment issues implicating this policy. The compliance officer may appoint a designee to perform any of their assigned duties, including performing the investigation and issuing the report.
 - **"Supportive Measures"** are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter harassment and discrimination. Supportive measures may be provided regardless of whether a complaint has been filed. Supportive measures may include, but are not limited to:
 - Counseling;
 - extensions of deadlines or other course-related adjustments;
 - extra time for homework or tests;
 - the opportunity to resubmit homework or retake a test;
 - remedying an impacted grade;
 - excused absences;
 - the opportunity for home instruction;
 - modifications to class schedules; and
 - restrictions on contact between the parties to a complaint of harassment or discrimination.
 - **"Title IX Coordinator"** means the employee designated by the district to coordinate its efforts to comply with Title IX of the Education Amendments and the district's Title IX program.
 - **Title IX Coordinator for Students:** Ms. Melissa Cooper, Deputy Superintendent, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3395, mrcooper@lps.k12.co.us.
 - **Title IX Coordinator for Staff:** Dr. Sheri Charles, Assistant Superintendent of Human Resources, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3375, scharles@lps.k12.co.us.

Harassment, Discrimination, and Retaliation Prohibited

Discrimination, harassment, and bullying on the basis of a protected class are prohibited at any district school, at any district or school-sanctioned activity or event, on any district property (or off school property when such conduct has a connection to the school), or any district curricular or non-curricular activity or event. Retaliation for reporting harassment or for participating in any way in an investigation of harassment or discrimination is also prohibited.

District Action

The district encourages anyone - students, parents and family members, volunteers, educators, or staff members - who witness bullying, harassment, discrimination, or retaliation to report the conduct by making a complaint in accordance with the appropriate regulation. All school staff who witness or receive complaints of harassment or discrimination are required to promptly share any such complaints with the compliance officer.

The district will take appropriate action to promptly and impartially investigate allegations of discrimination and harassment, to end unlawful behavior, to prevent the recurrence of such behavior, and to prevent retaliation against the individual who files the complaint and/or any person who participates in the investigation. When appropriate, the district will take additional action during the investigation to protect against further discrimination, harassment, or retaliation.

To the extent possible, all complaints of discrimination and harassment will be kept confidential. Students or employees who knowingly file false complaints or give false statements in an investigation may be subject to discipline, up to and including suspension/expulsion for students and termination of employment for employees. No student, employee, or member of the public may be subject to adverse treatment in retaliation for any good faith complaint of harassment or discrimination under this policy.

Upon determining that incidents of discrimination or harassment are occurring in particular district settings or activities, the district will implement measures designed to stop the discrimination or harassment and otherwise remedy the problem in those areas or activities.

Any student or employee who engages in discrimination or harassment will be disciplined according to applicable Board policies, and the district will take reasonable action to restore lost educational or employment opportunities to the complainant(s) and others impacted.

The compliance officer will refer any potential criminal charges to law enforcement.

Notice and training

The district will 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 disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, marital status, national origin, religion, ancestry, or need for special education services. With respect to employment practices, the written notice will prohibit discrimination on the basis of age, genetic information, and conditions related to pregnancy or childbirth.

The announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, and ADA compliance activities. Where possible, the notice will be disseminated to persons with limited English language skills in the person's own language. It will also be made accessible to persons who are visually or hearing impaired.

This policy and the implementing regulations, which include the complaint process, must be prominently posted on the district's website in plain language and made available to all students, parents, and staff through electronic or hard-copy distribution. Training materials regarding sex-based discrimination and sex-based harassment are available to the public on the district's website.

Students and district employees will receive periodic training related to recognizing, reporting, and preventing discrimination and harassment. District employees must receive additional training related to handling reports of discrimination and harassment.

The training will comply with Colorado state law and will include, but not be limited to, instruction on the following:

- Recognizing harassment or discrimination, including indicators of grooming and child sexual abuse;
 - The appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee;
 - Reporting harassment or discrimination to the public school or school district.
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Regulation 1 for Board Policy AC: Harassment and Discrimination Investigation Procedures for Students

The district prohibits discrimination against any district student. It is a violation of policy for any student or staff member to harass students or to retaliate against those who report harassment or discrimination or those who participate in a harassment investigation. For the purposes of this regulation, "**harassment**" is unwelcome conduct or communication directed at a student based on their protected class, as described in Policy AC, that is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is made a term or condition of access to educational services, (ii) submission to, objection to, or rejection of the conduct or communication is used or threatened to be used as a basis for educational decisions affecting the student; or (iii) the conduct or communication interferes with a student's ability to participate in the district's educational services, or creates an intimidating, hostile, or offensive educational environment.

The district has adopted the below grievance procedures to encourage reporting and ensure that the investigation and resolution of complaints of harassment and discrimination against students are fair, impartial, and prompt.

Allegations of sex-based discrimination or sex-based harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint, with an additional thirty day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

Promptly after receiving a complaint, the compliance officer will offer the complainant and respondent supportive measures and inform the parties that they may request additional supportive measures throughout the investigation by contacting the compliance officer. If a student with a disability is a party, the compliance officer will collaborate with the student's 504/IEP team to determine appropriate supportive measures and will discuss these options with the student. Supportive measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; extra time for homework or tests; the opportunity to resubmit homework or retake a test; remedying an impacted grade; excused absences; the opportunity for home instruction; modifications to class schedules; and restrictions on contact between the parties to a report of harassment or discrimination.

During the investigation, all parties will be treated equitably and will be provided equal opportunity to present evidence. Any questions that arise during the investigation should be directed to or forwarded to the compliance officer. The compliance officer will provide regular written updates about the status of the investigation to both parties and their parents/legal guardians at the end of each stage of the investigation, but at least every fifteen business days.

1. Making a Complaint

Any person who witnesses or experiences bullying on the basis of protected class, harassment, discrimination, or retaliation against students are encouraged to report the conduct to school staff by making a complaint with the district's compliance officer.

Any staff member who received information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to the compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s), the alleged event(s) occurred, and name(s) of the party/parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:**
 - Ms. Melissa Cooper, Assistant Superintendent of Learning Services, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3395, mrcooper@lps.k12.co.us.
- **Complaint Form Link:** [online form link](#)

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct, or if they are alleged to have participated in prohibited conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

- Director of Social Emotional and Behavioral Services: Mr. Nate Thompson, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3570, nthompson@lps.k12.co.us

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

2. Evaluation by Compliance Officer

The compliance officer will review the complaint to determine whether the alleged conduct constitutes harassment or discrimination. The compliance officer will refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence shared by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term "compliance officer" refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

a. *Initial meeting with Reporting Party, if any, and Complainant:* Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party and their parents or guardians.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proved to be true, constitute prohibited discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

b. *Initial Meeting with Respondent:* As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians, in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.

c. *Information Provided at the Initial Meetings:* The compliance officer will provide to both the complainant and respondent the same basic information, including:

- i. available supportive measures;
- ii. copies of Board Policy AC and this regulation;
- iii. timeline for the investigation process and the district's legal obligations;
- iv. the possibility of resolving the complaint informally upon agreement of all parties;
- v. that the information collected is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct;
- vi. all parties have a right to have an advisor present during all stages of the investigation; and
- vii. parties will be granted excused absences for any therapy, medical, legal, or victim's services appointment associated with the report.

4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. Informal resolution is not appropriate in all circumstances. It may only be used if both parties are students and both parties agree, with the agreement voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within *six-seven* school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution.

a. *Collect Evidence:* The compliance officer will collect evidence. Evidence may be collected by interviews with parties and witnesses, reviewing any available physical or documentary information, requesting written statements, or other appropriate methods at the compliance officer's discretion. Evidence may include, but is not limited to: evidence about the credibility of the parties involved;

evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct.

b. *Determination*: No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred. The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:

- i. the degree to which the conduct affected the complainant's ability to participate in or benefit from the school environment;
- ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment;
- iii. the identity of and relationship between the respondent and the complainant;
- iv. the context of the incident, including school size and location of the incident and/or other incidents at the school;
- v. whether the conduct was threatening;
- vi. the use of epithets, slurs or other conduct that is humiliating or degrading;
- vii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- viii. ages and number of respondents and complainants involved;
- ix. patterns of misconduct of the respondent;
- x. real or perceived power differentials between the parties;
- xi. any other relevant circumstances.

The decision must include a written determination regarding responsibility, explain how and why the compliance officer reached the conclusions outlined in the report, detail any supportive measures or disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer's report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer's findings and recommendations, the superintendent or designee must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

Students will not be disciplined for any of the following acts, if they are connected to the reported incident: truancy, late arrival, drug or alcohol use, consensual sexual activity, expressing a trauma symptom, unauthorized access to facilities, reasonable self-defense against the respondent, or talking publicly about the reported harassment or discrimination.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, must be concurrently notified in writing of the final outcome of the investigation and any corrective or restorative action taken by the district within five school days following the superintendent's determination.

A copy of the compliance officer's report and any corrective, disciplinary, or restorative actions shall be provided to the Board of Education.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Violence Free Colorado: <https://www.violencefreecolorado.org/>
The Crisis Center 24/7 Hotline: 303-688-8484

Outside Agencies

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below:

**Denver Office for Civil Rights (OCR)
U.S. Department of Education**

1244 Speer Blvd., Suite 310, Denver, CO 80204-3582
Telephone: 303-844-5695
Fax: 303-844-4303
TTY: 303-844-3417.
Email: OCR.Denver@ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC)

303 E. 17th Avenue, Suite 410, Denver, CO 80203
Telephone: 800-669-4000
Fax: 303-866-1085
TTY: 800-669-6820
ASL Video Phone: 844-234-5122
Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD)

1560 Broadway, Suite 825, Denver, CO 80202
Telephone: 303-894-2997 or 800-886-7675
Fax: 303-894-7830
Email: DORA_CCRD@state.co.us (general inquiries),
DORA_CCRDIntake@state.co.us (intake unit)

Regulation 2 for Board Policy AC: Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment and Members of the Public

The district prohibits discrimination against any employee, applicant for employment, and members of the public. It is a violation of policy for any staff member or student to harass employees, applicants for employment, or members of the public, or to retaliate against those who report harassment or discrimination or participate in an investigation of harassment or discrimination. For the purposes of this regulation, "**harassment**" is any unwelcome conduct or communication directed at an individual because of their protected class, as described in Policy AC. The conduct or communication must be subjectively offensive to the individual alleging harassment and objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication must meet at least one of the following: (i) submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's employment; (ii) submission to, objection to, or rejection of the conduct or communication is used as a basis for employment decisions affecting the individual; or (iii) the conduct or communication has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

The below grievance procedures provide for the fair, impartial, and prompt resolution of complaints of harassment or discrimination against employees, applicants for employment and members of the public.

Allegations of sex-based discrimination or sexual harassment arising under Title IX must follow the procedures specifically outlined in Policy AC-R-3.

Investigation Process

Throughout the investigation, the district will keep information related to the investigation confidential to the extent possible. The investigation will be fair, impartial, and prompt. The district will make a good faith effort to complete an investigation within sixty days after the complaint is made, with an additional thirty day extension possible for good cause. The compliance officer will attempt to adhere to all timelines. If the compliance officer needs more time with regard to any aspect of the investigation, they will notify the parties in writing as to the reason for the extension.

All parties will be treated equitably and will be provided equal opportunity to present evidence.

1. Making a Complaint

Any person who witnesses or experiences harassment, discrimination, or retaliation against employees, applicants for employment or community members, is encouraged to report the conduct by making a complaint with the district's compliance officer.

Any staff member who receives information about, witnesses, or experiences harassment, discrimination or retaliation must report the incident to the district's compliance officer.

Complaints may be made by phone, by email, in person, or through an online form and should include a detailed description of the alleged event(s), the date(s) the alleged events occurred, and name(s) of the parties involved, including any witnesses. The complaint should be made as soon as possible after the incident.

- **Compliance Officer:** Dr. Sheri Charles, Assistant Superintendent of Human Resources, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3375, scharles@lps.k12.co.us.
- **Complaint Form Link:** [online form link](#)

No person can serve as the compliance officer in a matter in which they have a bias or conflict of interest with regard to the parties and/or the underlying conduct. If the compliance officer is alleged to have participated in prohibited conduct, complaints may be made to the following district employee.

● **Director of Human Resources:** Mr. Chris Esser, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3385, cesser@lps.k12.co.us

Retaliation against the complainant, respondent, or any other person who filed a complaint or participated in an investigation is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

2. Evaluation by Compliance Officer

Before proceeding with the investigation, the compliance officer will review the complaint to determine whether the alleged conduct constitutes potential discrimination or harassment. The compliance officer may refer the matter back to the building principal or appropriate administrative department if the conduct alleged does not implicate a protected class or otherwise fit the characteristics of harassment or discrimination.

The compliance officer will refer any potential criminal charges to law enforcement. Upon the request of law enforcement, the compliance officer will delay action on a complaint for a reasonable amount of time to allow law enforcement to investigate the matter and will notify the parties of the delay. The compliance officer will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination but may consider any evidence collected by law enforcement in making any determinations.

The compliance officer may assign any or all aspects of the investigation to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters.

As used in this regulation, the term “compliance officer” refers to the compliance officer or their designee.

3. Initial Meetings with the Parties

The following details actions to be taken by the compliance officer upon the determination that the underlying allegations, if proved to be true, constitute harassment or discrimination.

a. *Initial meeting with Reporting Party*, if any, and Complainant: Within five school days following receipt of the complaint, the compliance officer will meet with the complainant and any reporting party.

The purpose of the initial meeting is for the compliance officer to:

- i. provide the complainant with the information detailed in paragraph (c) below; and
- ii. collect any additional information necessary to complete the complaint and determine whether the allegations, if proven to be true, constitute discrimination or harassment.

If the compliance officer determines there is no merit to the allegations, the compliance officer may dismiss the complaint and will notify the complainant in writing. If the complaint is dismissed at this stage, the compliance officer may meet with the respondent to advise them of the allegations and offer supportive measures.

b. *Initial Meeting with Respondent*: As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will advise the respondent as to the allegations against them and give the respondent a chance to respond to those allegations.

c. *Information Provided at the Initial Meetings*: The compliance officer will provide to both the complainant and respondent the same basic information, including:

- i. available supportive measures
- ii. copies of Board Policy AC and this implementing regulation;
- iii. timeline for the investigation process and the district's legal obligations;
- iv. the possibility of resolving the complaint informally upon agreement of all parties;
- v. that information collected in the investigation is confidential, so long as confidentiality does not prevent the district from responding effectively to prohibited conduct and preventing future prohibited conduct; and
- vi. all parties have a right to have an advisor present during all stages of the investigation.

4. Informal Complaint Resolution

When the compliance officer deems it appropriate, an informal resolution process may be instituted. The informal resolution process may involve mediation, arbitration, restorative justice, or settlement but may only be used if both parties are non-students and both parties agree. Agreement must be voluntary, non-coerced, and documented in writing. Informal resolution may not be used if the underlying offense involves sexual assault or other act of violence. No party will be forced to participate in informal resolution and either party may request an end to an informal process at any time.

If both parties feel a resolution has been achieved through informal resolution, no further action need be taken to resolve the complaint. However, within seven school days following the conclusion of the informal resolution process, the compliance officer must prepare a written report for the parties detailing the process and any agreed upon corrective or restorative measures provided, including any steps the district will take to prevent future discrimination or harassment. A copy of the report will be shared with the Board of Education.

5. Formal Complaint Resolution

If informal resolution is inappropriate, unavailable, or unsuccessful, the compliance officer will engage in formal complaint resolution. The compliance officer will proceed as follows:

- a. *Collect Evidence*: The compliance officer will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or other appropriate ways.
- b. *Determination*: No later than fifty school days following receipt of the complaint, the compliance officer must prepare a written report which determines whether discrimination or harassment occurred.

The compliance officer will apply the preponderance of the evidence standard, which means that it is more likely than not that the conduct occurred. In making this decision, all relevant circumstances must be considered by the compliance officer, including:

- i. the degree to which the conduct affected the complainant's ability to participate in or benefit from the school or work environment;
- ii. the type, frequency and duration of the conduct, recognizing that a single incident may rise to the level of harassment, and that conduct or communication that, at one time, was or is welcome between two or more individuals may become unwelcome to one or more of those individuals;
- iii. the number of individuals engaged in the conduct or communication;
- iv. the identity of and relationship between the respondent and the complainant;
- v. the location of the incident and context in which it occurred;
- vi. whether the conduct was threatening;
- vii. the use of epithets, slurs or other conduct that is humiliating or degrading;
- viii. whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- ix. any power differentials between the parties;

x. any other relevant circumstances.

Whether harassment has previously occurred in the district is not relevant as to whether the conduct or communication is discriminatory. Petty slights, minor annoyances, and lack of good manners do not constitute harassment, unless, combined, they impact an individual's employment or create a hostile environment as described in the definition of harassment.

The decision must include a determination of whether the respondent engaged in harassment or discrimination, an explanation of how and why the compliance officer reached the conclusions outlined in the report, a description of any supportive measures/disciplinary sanctions already taken, and recommendations for future disciplinary measures.

If the compliance officer is not the superintendent, the compliance officer's report is advisory and must not bind the superintendent or the district to any particular course of action or remedial measure.

If the compliance officer is the superintendent, the report will include the determination of any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

6. Disciplinary Measures and Outcome

As soon as practicable after receiving the compliance officer's findings and recommendations, the superintendent must determine any sanctions or other actions deemed appropriate, including suspension or expulsion, pursuant to Policy JKD/JKE and/or other appropriate corrective or restorative actions.

To the extent permitted by federal and state law, all parties must be notified in writing of the final outcome of the investigation no later than seven days following the superintendent's final determination.

Resources

Throughout the investigation, or after the investigation concludes, affected individuals may choose to use the following resources:

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

National Sexual Assault Hotline: 1-800-656-4673

Colorado Department of Human Resources Domestic Violence Program: <https://cdhs.colorado.gov/dvp> Violence Free

Colorado: <https://www.violencefreecolorado.org/>

The Crisis Center 24/7 Hotline: 303-688-8484

Outside Agencies

In addition to, or as an alternative to, filing a complaint pursuant to this regulation, a person may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR); the Federal Office of Equal Employment Opportunity Commission (EEOC); or the Colorado Civil Rights Division (CCRD). The addresses of these agencies are listed below.

Denver Office for Civil Rights (OCR)

U.S. Department of Education

1244 Speer Blvd., Suite 310, Denver, CO 80204-3582

Telephone: 303-844-5695

Fax: 303-844-4303

TTY: 303-844-3417.

Email: OCR.Denver@ed.gov

Federal Office of Equal Employment Opportunity Commission (EEOC)

303 E. 17th Avenue, Suite 410, Denver, CO 80203

Telephone: 800-669-4000

Fax: 303-866-1085

TTY: 800-669-6820

ASL Video Phone: 844-234-5122 Website: <https://publicportal.eeoc.gov/portal/>

Colorado Civil Rights Division (CCRD)

1560 Broadway, Suite 825, Denver, CO 80202

Telephone: 303-894-2997 or 800-886-7675

Fax: 303-894-7830

Email: DORA_CCRD@state.co.us (general inquiries)

DORA_CCRDIntake@state.co.us (intake unit)

Regulation 3 for Board Policy AC: Sex-Based Harassment Investigation Procedures

The district is committed to maintaining a learning environment that is free from sex-based discrimination, including sex-based harassment. It is 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 that reports sex-based discrimination or harassment or participates in a harassment investigation.

Definitions

For purposes of this regulation, these terms have the following meanings:

- **“Complainant”** means an individual who is alleged to have been subjected to conduct that could constitute sex-based discrimination or sex-based harassment under Title IX.
- **“Decision Maker”** means an individual(s) who assesses the relevant evidence, including party and witness credibility, to decide if the district has met the burden of proof showing the respondent to be responsible for the alleged sex-based harassment. The district’s decision maker may be the superintendent, another designated administrator, or a third-party.
- **“Disciplinary Sanction”** means a consequence imposed by the district on a respondent who is found to have violated this policy. Sanctions are designed to remedy and prevent the recurrence of discrimination, harassment, and/or retaliation. Disciplinary sanctions may include no-contact order, required training, loss of privileges, suspension, or expulsion.
- **“Education Program or Activity”** means locations, events, or circumstances over which the district exercises substantial control, including disciplinary authority, over both the complainant and respondent and the context in which the sex-based harassment occurs.
- **“Respondent”** means an individual who has been reported to have violated the district’s prohibition on sex discrimination.
- **“Sex Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

● **“Sex-based Harassment”** is a form of sex discrimination and includes sexual harassment and other harassment on the basis of sex that satisfies one or more of the following:

1. Quid pro quo harassment. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity; or
3. Specific offenses. Sexual assault, dating violence, domestic violence, or stalking.

● **“Supportive Measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent to restore or preserve the party’s access to the education program/activity, including safety measures or provide support during the grievance procedures, before or after the filing of a formal complaint or where no formal complaint has been filed. Possible supportive measures include academic support, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual no-contact directives, leaves of absence, changes in work/school locations, access to identified trusted adults at school, increased monitoring of locations, safety planning and referral to outside agencies and supports.

● **“Remedies”** means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the education program or activity after the district determines that sex discrimination occurred. Remedies may include counseling, updating policies, staff or student training, and accommodations.

● **“Retaliation”** means threats, intimidation, coercion, discrimination, or other adverse action against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this policy.

● **“Title IX Coordinator”** means the employee designated by the district to coordinate its efforts to comply with Title IX responsibilities. The Title IX Coordinator will also objectively evaluate the credibility of parties and witnesses and synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each situation.

- Title IX Coordinator for Students: Ms. Melissa Cooper, Assistant Superintendent of Learning Services, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3395, mrcooper@lps.k12.co.us.
- Title IX Coordinator for Staff: Dr. Sheri Charles, Assistant Superintendent of Human Resources, 5776 S. Crocker St., Littleton, CO 80120, 303-347-3375, scharles@lps.k12.co.us.

Complaint Resolution Process

Investigations into complaints alleging violations of Title IX will proceed as described below. The investigation will be adequate, reliable, and impartial. All parties will be treated equitably and will be provided equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. Throughout the investigation, the district will take reasonable steps to protect the privacy of the parties and witnesses during the investigation, provided this does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The district will make a good faith effort to complete the investigation and make any findings within sixty days after the complaint, and the Title IX Coordinator will adhere to all timeframes. Reasonable extensions of time frames delay will be granted on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.

No person can serve as a Title IX Coordinator or decisionmaker if they have a conflict or interest or bias for or against complainants or respondents generally, or an individual complainant or respondent. An alternate will be designated in the event it is claimed that an employee with responsibilities under this regulation is the one who committed the alleged discrimination. Additionally, the Title IX Coordinator may assign any or all aspects of the complaint response process to a qualified alternate for any reason, including conflict of interest, bias concerns and/or insufficient capacity due to other matters. **As used in this regulation, the term “Title IX Coordinator” refers to the compliance officer or their alternate.**

The Title IX Coordinator must offer and coordinate supportive measures, as appropriate, for both the complainant and the respondent. A complainant may request modification of supportive measures if circumstances have changed materially, or they disagree with the district’s decision to provide, deny, modify, or terminate supportive measures. Challenges of a district’s decision must be submitted to the Title IX Coordinator within ten (10) days of the decision, and an impartial employee other than the Title IX Coordinator will review the challenge.

1. Making a complaint

A complainant, or a parent or guardian with the legal right to act on the complainant’s behalf, may file a complaint with the Title IX Coordinator. Complaints are an oral or written request that objectively can be understood as a request for the school to investigate and make a determination about alleged discrimination. If a complaint is given to a district employee, the district employee will promptly forward all information regarding the complaint to the Title IX Coordinator. Complaints must be filed within 180 days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence. The complainant will receive assistance as needed in filing a complaint.

Retaliation against the complainant, respondent, or any person who filed a complaint or participated in an investigation, is prohibited. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary sanctions.

2. Evaluation and Dismissal by Title IX Coordinator

Within five school days after a complaint is received, the Title IX Coordinator will determine if the alleged conduct occurred in the district’s education program or activity. If the alleged conduct is not part of the education program or activity, the complaint must be dismissed under these procedures.

At any point throughout the investigation, the Title IX Coordinator may dismiss the complaint if the respondent cannot be identified or is not participating/employed in district programs or activities or the complainant voluntarily withdraws the complaint and the Title IX coordinator declines to initiate a complaint.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant as to the basis of the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the respondent will also be notified. Additionally, the district will provide both parties with an opportunity to appeal the dismissal. Dismissals may be appealed on one of the following bases, if it would change the outcome: new evidence, procedural irregularities, or a conflict of interest.

Allegations in a dismissed complaint may constitute discrimination or harassment prohibited by Policy AC, in which case the investigation will continue under the associated regulations: AC-R-1 or AC-R-2. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or local board policy, nor does it prohibit the district from addressing the allegations in any manner the district deems appropriate.

If the dismissal is appealed, the district will: notify the parties of any appeal, including notice of the allegations if not already provided; implement appeal procedures equally for the parties; ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint; ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations; provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will offer supportive measures to the complainant and respondent, and take other prompt and effective steps to ensure that prohibited sex discrimination does not occur, including directing the parties to AC-R-1.

3. Initial Meetings with the Parties

Following this determination, the Title IX Coordinator will begin the investigation in a reasonably prompt manner and take the following steps:

a. Initial meeting with Reporting Party, if any, and Complainant: The Title IX Coordinator will meet with the complainant to provide the information detailed in paragraph (c) below. If the complainant does not want to proceed with their complaint, the compliance officer may elect to proceed with the investigation if necessary to stop any harassment or discrimination and otherwise ensure the safety of the school environment.

b. Initial Meeting with Respondent: As soon as possible after meeting with the complainant and any reporting party, the compliance officer will meet with the respondent and, if this individual is a student, their parents/guardians in order to obtain a response to the complaint. At the initial meeting, the compliance officer will provide the respondent written notice as to the allegations against them and give the respondent a chance to respond to those allegations. The compliance officer may meet with the respondent to advise them of the allegations even if the compliance officer determines, after meeting with the Complainant and any reporting party, that there is no merit to the allegations.

c. Notice of Allegations. At the initial meetings, the Title IX Coordinator will provide to both the complainant and respondent notice of the allegations, which includes the following information:

- i. Available supportive measures;
- ii. Copies of Board Policy AC and this implementing regulation;
- iii. Timeline for the investigation process and the district's legal obligations;
- iv. Information on the informal resolution process, if offered;
- v. Sufficient information regarding identities to allow parties to respond;
- vi. Retaliation is prohibited;
- vii. Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or a description of the evidence; and
- viii. Additional notice will be provided if the district decides to investigate additional allegations.

If the complainant or respondent is a student with a disability, the Title IX Coordinator must consult with the student's IEP/504 Plan Team to determine supportive measures and other actions that comply with the requirements of federal law.

4. Informal Resolution

When the Title IX Coordinator deems it appropriate, an informal resolution process may be instituted with an impartial facilitator who is not the Title IX Coordinator or decision maker. Informal resolution is not appropriate in all circumstances. It may only be used if both parties must agree, with agreement voluntary, non-coerced, and documented in writing. Informal resolution is not available in cases where a district employee is alleged to have sexually harassed a student. Prior to initiating an informal resolution process, both parties must be provided written notice explaining the allegations, the requirements of the informal resolution process, that either party has the right to withdraw from the informal resolution process, that an agreement at the conclusion of the informal resolution process would prevent the parties from initiating grievance procedures arising from the same allegations; the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and what information the district will maintain and whether/how that information could be disclosed for use in the investigation, if informal resolution is not successful and the investigation resumes. Generally, the informal resolution process should be completed within sixty school days from the parties' agreement to the process, unless good cause is shown.

5. Formal Complaint Grievance Process

If informal resolution is inappropriate, unavailable, or unsuccessful, the] Title IX Coordinator or their qualified designee will investigate the complaint and provide a report to the decision-maker, who will determine whether discrimination occurred. Any designee must be free of bias and able to act with independence. Either party may raise a concern regarding lack of qualification or bias by contacting the Title IX Coordinator (identified in AC-E-1). The burden is on the district - not on the parties - to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

a. Collect Evidence: The Title IX Coordinator will collect evidence, including, but not limited to: statements by any witness to the incident and any available physical or documentary evidence; evidence about the credibility of the parties involved; evidence about whether the respondent has engaged in other incidents of misconduct; evidence of the complainant and respondent's respective reactions or changes in behavior following the incident; and evidence regarding whether the complainant took action to protest the conduct. Evidence may be collected by interviews with parties and witnesses, reviewing information, requesting written statements, or ways as appropriate.

During the investigation, the Title IX Coordinator will presume that the respondent is not responsible for the alleged sex discrimination until a determination is made (the "presumption of innocence" standard). The Title IX Coordinator may question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. However, the Title IX Coordinator will protect the complainant from inappropriate questions and evidence about the complainant's prior sexual history and will not make credibility determinations based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence protected under legal privilege or provided to a confidential employee, unless waived voluntarily;
- A party's or witness's records that are made or maintained by a recognized health professional or paraprofessional in connection with the provision or treatment, unless voluntary, written consent for use in the grievance procedures is obtained;
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless offered to prove someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

b. Report: Within [sixty] calendar days of the receipt of the complaint, the Title IX Coordinator must issue a report to the decision maker. The Title IX Coordinator's report must be advisory and must not bind the decision maker to any particular course of action or remedial measure.

c. Determination: The decision maker will determine whether discrimination or harassment occurred by applying the preponderance of the evidence standard. In making the determination, the decision maker will consider the following:

- i. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within the district's education program or activity, previous interactions, and other relevant factors;

- iv. Location and context of the conduct;
- v. Other sex-based harassment in the district's education program or activity;
- vi. Any other relevant considerations.

The decision maker will notify the parties in writing of the determination that sex discrimination occurred under Title IX including the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal.

6. Disciplinary Sanctions and Remedies

If there is a determination that sex discrimination occurred, the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other impacted individuals; coordinate any disciplinary sanctions and notify the complainant; and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

Disciplinary sanctions will not be imposed until the grievance procedures are completed, and parties will not be disciplined under Title IX for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

7. Appeal

The investigation is closed after the decision maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the decision maker detailing why the decision should be reconsidered. Grounds for appeal will be limited in accordance with applicable law, to either a: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or the Title IX Coordinator or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter. Both parties shall receive written notice of any appeal and both shall have the opportunity to submit written statements either in support of or challenging the written determination. The superintendent or designee shall have up to ten (10) school days to arrange for and hold a meeting with each of the parties if the party so desires. Following the meeting, the superintendent or designee shall have ten (10) school days to provide a written decision to the parties. Appeal decisions defer to the original decision, making changes to the determination only when there is a clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. The Superintendent or designee may 1) affirm the written determination; 2) overturn the written determination, or 3) send the report back for additional investigation. The Superintendent or designee's decision to affirm or overturn the report is final.

Notice and training

To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of these procedures to all district schools and departments. The policy and complaint procedures must be prominently posted on the district's website, referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees will receive periodic training related to recognizing and preventing sex-based harassment. District employees must receive additional periodic training related to handling reports of sex-based harassment. Title IX Coordinators, Decision Makers, Informal Resolution Facilitators, and other persons involved in the grievance procedures or with authority to modify or terminate supportive measures must receive additional periodic training specific to their role relating to handling reports of sex-based harassment as required by law.

The Title IX Coordinator must monitor the district for barriers to reporting information that may constitute sex discrimination under Title IX. Additionally, all employees who are not confidential employees must notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under Title IX.

Training materials are available to the public on the district's website.

Students with Food Allergies (Board Policy JLCDA)

The Board 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 sets forth the following requirements.

Development of Health Care Action Plan

The school nurse consultant, or a school administrator in consultation with the school nurse consultant, shall develop and implement a health care action plan (plan) for each student with a diagnosis of a potentially life-threatening food allergy. The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders.

Reasonable Accommodations

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 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.

Staff Training

The principal or equivalent school administrator, in consultation with the school nurse consultant, 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.

Screening/Testing of Students Treatment of Mental Disorders (Board Policy JLDAC)

Parents/guardians and eligible students have the right to review any survey, assessment, analysis or evaluation administered or distributed by a school to students whether created by the district or a third party. For purposes of this policy, "eligible student" means a student 18 years of age or older or an emancipated minor. Any survey, assessment, analysis or evaluation administered or distributed by a school to students shall be subject to applicable state and federal laws protecting the confidentiality of student records.

Survey, assessment, analysis or evaluation for which consent is required

Except as otherwise permitted by law, students shall not be required to submit to a survey, assessment, analysis, or evaluation that is intended to reveal information, whether the information is personally identifiable or not, without prior written consent of the parent/guardian or eligible student, if that survey, assessment, analysis, or evaluation reveals information in the following areas ("protected information"):

1. Political affiliations or beliefs of the student or the student's parent/guardian
2. Mental or psychological conditions of the student or the student's family
3. Sexual behavior or attitudes
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom the student has a close family relationship
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers
7. Religious practices, affiliations or beliefs of the student or the student's parent/guardian
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
9. Social security number

School personnel responsible for administering any such survey, assessment, analysis, or evaluation shall give written notice at least two weeks in advance to the student's parent/guardian or the eligible student and shall make a copy of the document available for viewing at convenient times and locations. The notice shall offer to provide the following written information upon request:

1. Records or information that may be examined and required in the survey, assessment, analysis or evaluation.
2. The means by which the records or information shall be examined, reviewed, or disseminated.
3. The means by which the information is to be obtained.
4. The purposes for which the records or information are needed.
5. The entities or persons, regardless of affiliation, who will have access to the information.
6. A method by which a parent/guardian can grant or deny permission to access or examine the records or information.
7. These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

Exceptions to policy

Nothing in this section of the policy shall:

1. Prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, assessment, analysis, or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law.
2. Be construed to prevent a district employee from reporting known or suspected child abuse or neglect as required by state law.
3. Be construed to limit the ability of a health professional that is acting as an agent of the school district to evaluate an individual child.
4. Be construed to require parental notice or consent for a survey, assessment, analysis or evaluation related to educational products or services for or to students or educational institutions. These products and services include, but are not limited to, the following:
 - College or other postsecondary education recruitment or military recruitment activities
 - Book clubs, magazines and programs providing access to low-cost literary products
 - Curriculum and instructional materials used by district schools
 - Tests and assessments used by district schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students
 - The sale by students of products or services to raise funds for school-related or education-related activities
 - Student recognition programs
5. Be construed to require parental notice or consent for assessments used to collect evidence of what a student knows and is able to do and to measure a student's academic progress toward attaining the district's academic standards
6. Limit the ability of the district to administer a suicide assessment or threat assessment
7. Surveys, assessment, analysis or evaluation for marketing purposes

Parents/guardians and eligible students shall receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

Annual notice

At the beginning of each academic year, the district shall inform parents/guardians and eligible students, and the parent/guardian or eligible student has the right to consent before students are required to submit to a survey that concerns one or more of the protected areas and to opt out of the following:

1. Activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information;
2. The administration of any protected information survey; or
3. Any non-emergency, invasive physical examination or screening (other than a hearing, vision or scoliosis screening) that is:
 - Required as a condition of attendance;
 - Administered by the school and scheduled by the school in advance; and
 - Not necessary to protect the immediate health and safety of the student or of other students.

Psychiatric/psychological/behavior testing methods or procedures

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used. Prior to conducting any such testing, school personnel shall obtain written permission from the parent/guardian or eligible student in accordance with applicable law.

School personnel is encouraged to discuss concerns about a student's behavior with the parent/guardian, and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns that school personnel may have. Only those persons appropriately certified or licensed may expose students to any psychiatric or psychological method or procedure for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent/guardian.

Licensed school personnel are encouraged to be knowledgeable about psychiatric or psychological methods and procedures but shall not be involved in any diagnosis, assessment or treatment of any type of mental disorder or disability unless appropriately certified. In accordance with state law, school personnel including certified school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

Ordinary classroom instruction, activities and techniques involving the approved curriculum that teach about psychological or psychiatric methods or procedures shall be permissible and considered outside the scope of this policy. It is understood there is a significant difference between practicing therapy and providing activities that may be therapeutic in nature. Any teacher who questions whether a planned activity is one involving psychiatric or psychological methods or procedures for which the teacher may not be properly certified or licensed shall consult with the school principal.

Special education evaluation

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

Sex Offender Information (Board Policy JLFF)

At the beginning of each school year, the district shall provide written information to parents and eligible students identifying where and how members of the community may obtain information collected by law enforcement agencies related to registered sex offenders. Information can be found at: Littletongov.org and Arapahoegov.com.

Student Fees, Fines, and Charges (Board Policy JQ)

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. However, the district may require students to pay textbook fees, fees for expendable materials and other miscellaneous fees as more fully set forth in this policy.

All student fees and charges shall be adopted by the Board. The fees shall remain in place until modified or removed by Board resolution. All student fees adopted by the Board shall be used for the purposes set forth in the motion and shall not be spent for any other purpose.

When publicizing any information concerning any fee authorized to be collected by this policy, the school shall specify whether the fee is voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid.

Among the fees which the Board may authorize are the following:

Textbooks, Library Resources and Other School Property

Textbooks shall be provided on a loan basis. Students may be asked to pay a nonrefundable rental fee reasonably related to the actual cost of some or all of the textbooks provided for the student. The rental fee and corresponding depreciation schedule shall be adopted by the Board prior to the textbook's introduction into the classroom. No rental fee will be assessed for textbooks and workbooks used in the classroom for reference.

It is expected that students shall return textbooks, library resources and other school property to the school in good condition except for ordinary wear. Students shall be assessed fines for lost, damaged or defaced books (including those checked out from the library), materials or equipment. The fines will be for the amount of the loss.

If the school district has made a reasonable effort to obtain payment for lost or damaged textbooks, library resources or other school property and the student is graduating, the district may deny the privilege of participation in the graduation ceremony if the student fails to return or replace a textbook, library resource or other school property by the date of the ceremony. Alternative payment methods, such as installment plans or school service, shall apply to students who are unable to pay.

A student shall not be refused use of textbooks based on failure to pay the required fees.

Fees for Expendable Supplies and Materials

Teachers shall determine a basic course for each class which can be completed with materials furnished by the school. However students may be charged a fee for expendable supplies and materials used in the course. Fees for expendable supplies and materials shall relate directly to the actual cost of providing these materials to the student. Students shall be required to pay for materials that go into shop, crafts or art projects that are above the basic requirements for the course and are to be retained by the student.

Miscellaneous Fees

Students may be asked to pay miscellaneous fees and expenses on a voluntary basis as a condition of attending, participating in, or obtaining materials/clothing/ equipment used in a school-sponsored activity or program not within the academic portion of the educational program.

Rental fees for the use of items such as choral robes, band uniforms and school-owned instruments shall be approved by the Board upon the recommendation of the superintendent.

Students participating in activities which are not required by the teacher or used in the determination of a grade may be required to pay charges covering the cost of the activity. Such charges may include but are not limited to admission fees, food costs and transportation costs on activity trips. However, it is incumbent upon the teacher and principal to make

every effort to be sure no student is denied the right to participate in trips or other enrichment activities because of lack of funds.

The district may impose and collect a fee for the payment of excess transportation costs in accordance with state law. Only those students who use the district's transportation services shall be required to pay any transportation fee.

Waiver of Fees

All fees, fines and charges for textbooks and expendable supplies and materials required for classes within the academic portion of the educational program and any transportation fee shall be waived for indigent students. For purposes of determining if a student is able to pay, an indigent student is defined as any child who is eligible for a free or reduced price lunch under the federal poverty income guidelines.

All fees for textbooks, expendable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(e).

Fee Schedule

The district shall prepare and make available upon request a complete list of student fees, describing how the amount of each fee was derived and the purpose of each fee.

Parents shall be informed on the fee schedule or otherwise regarding how to apply for a waiver of fees, whether fees are voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid. Students qualifying for a fee waiver will receive it without unnecessary embarrassment or public exposure of their need.

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 or the eligible student, except as set forth in law and this policy.

Definitions

1. "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.
2. "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.
3. "Directory information" includes the student's name, email address, 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. "Directory

information” does not include student telephone numbers, addresses or other personal identifiers, such as social security number.

4. “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.
5. “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, Individualized Education Programs (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.

1. “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 education records.
2. “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.
3. “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.
4. “Personally identifying data” includes the name of the student, the name of the student’s parent 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.
5. “Record” means any information or data recorded and retained in any medium, including handwriting, print, computer media, video, audiotape, film, microfilm, microfiche and computerized files.

6. "Student" shall include any individual who is or has been enrolled in the district.
7. "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 has graduated from school.

Access to Student Education Records

A 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. Access to education records by parents or eligible students shall be in accordance with the regulation accompanying this policy.

School personnel shall use reasonable methods to authenticate the identity of parents, students, school officials and any other party to whom they disclose student education records. Authentication of identity prior to disclosure of electronic records through passwords or other security measures shall be required.

Amendment of Student 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. Student grades cannot be challenged pursuant to this policy. 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:

1. 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.
2. 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.

1. Authorities named in the Family Educational Rights and Privacy Act and accompanying federal regulations. These include representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, and state and local educational authorities.
2. Authorities investigating or providing emergency service involving the health and safety of students and others.
3. 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.
4. 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 certification 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.
5. Disclosure is in connection with a student's application for, or receipt of, financial aid.
6. Accrediting institutions, to the extent necessary for them to carry out their accrediting functions.
7. 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.
8. Parents of students over 18 years of age who are dependent for federal income tax purposes.
9. 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.
10. 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.
11. The Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations and performance measurements of state and local educational agencies receiving funding or providing benefits of program(s) authorized under the National School Lunch Act or Child Nutrition Act.
12. An agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.

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 from a student's education record, the notice provided to the parent or eligible student shall contain the following:

1. The specific records to be disclosed.
2. The specific reasons for such disclosure.
3. The specific identity of any person, agency or organization requesting such information and the intended uses of the information.
4. The method or manner by which the records will be disclosed.
5. The right to review or receive a copy of the records to be disclosed.

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 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 applicable Board policy.

As a Medicaid provider, the district will access Medicaid eligibility information for students enrolled in the district 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 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 district's 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 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.

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 shall be released to military recruiting officers within 90 days of the request, unless a parent 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 on 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 of education records 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.

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 regulation's accompanying policy.

Request to Review Student Education Records

The custodian of education records shall provide access to inspect and review the student's education 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 days.

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

The education record itself shall not be taken from the district building site where the education record is filed. However, upon request, one copy of the education 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 of education records may not charge a fee to search for or retrieve an education 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.

Request to Amend Student 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 education 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 education 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 education records must be made in writing within 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 of education records shall confirm the parent/eligible student's current address and telephone number.

Within 10 working days of the written request, the custodian of student education records 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 education 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 education 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 student education 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 a 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 student education records will be maintained by the district for as long as the record or the contested portion of the record is maintained. If the student education 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 website

The district is committed to maintaining the confidentiality of student education records, including grades, transcripts, attendance and any other student information in the district's student database system. The student's security credentials in the district's database are intended to protect the confidentiality of the information in the student's education record.

It is a regular practice of the district 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. Student achievement data will be provided through the secure database portal.

Given that the benefits outweigh the risks, a school may provide parental access to student information from the district's student database system through the secure database portal, unless the student's parents, guardians or legal custodian ("parent") or eligible student 18 years or older has indicated in writing that the student's grades, transcripts, attendance and any other student information from the district's student database system shall not be posted on a school administered website.

Grades and other student record information shall not be transmitted by unsecured email. However, access to an individual school administered website 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 regulation or the accompanying Board policy.

The district will inform parents and eligible students of the opportunity to opt out of the secure database portal 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.*

Exhibit for 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.

Student Use of the Internet (Board Policy JS)

The Internet and electronic communications (email, chat rooms and other forms of electronic communication) have vast potential to support curriculum and student learning. The Board of Education believes they should be used in schools as a learning resource to educate and to inform.

Use of the Internet and electronic communications requires students to think critically, analyze information, write clearly, use problem-solving skills and hone computer and research skills that employers demand. Use of these tools also encourages an attitude of lifelong learning and offers an opportunity for students to participate in distance learning activities, ask questions of and consult with experts, communicate with other students and individuals and locate material to meet educational and personal information needs.

The Internet and electronic communications are fluid environments in which students may access materials and information from many sources, including some that may be harmful to students. While it is impossible to predict with certainty what information students might locate or come into contact with, the district shall take reasonable steps to protect students from accessing material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Board. Students shall take responsibility for their own use of technology devices to avoid contact with material or information that may be harmful to minors. For purposes of this policy, "technology device" means any computer, hardware, software, network, or other technology that is used for learning purposes and has access to the Internet.

Blocking or Filtering Obscene, Pornographic and Harmful Information

Technology that blocks or filters material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Children's Internet Protection Act (CIPA) shall be maintained for all computers having Internet or electronic communications access. Students shall report access to material and information that is inappropriate, offensive or otherwise in violation of this policy to the supervising staff member. If a student becomes aware of other students accessing such material or information, he or she shall report it to the supervising staff member.

No Expectation of Privacy

District technology devices are owned by the district and are intended for educational purposes at all times. Students shall have no expectation of privacy when using technology devices on district networks or devices. The district reserves the right to monitor, inspect, copy, review and store (at any time and without prior notice) all usage of technology devices, including all Internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed/received through technology devices and networks shall remain the property of the school district.

Unauthorized and Unacceptable Uses

Students shall use technology devices and district networks in a responsible, efficient, ethical and legal manner.

Because technology and ways of using technology are constantly evolving, every unacceptable use of technology devices cannot be specifically described in policy. Therefore, examples of unacceptable uses include, but are not limited to, the following.

No student shall access, create, transmit, retransmit or forward material or information:

1. That promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturing or purchasing of destructive devices or weapons
2. That is not related to district education objectives
3. That contains pornographic, obscene, or other sexually oriented materials, either as pictures or writings, that are intended to stimulate erotic feelings or appeal to prurient interests in nudity, sex or excretion
4. That harasses, threatens, demeans or promotes violence or hatred against another person or group of persons in violation of the district's nondiscrimination policies
5. For personal profit, financial gain, advertising, commercial transaction or political purposes
6. That plagiarizes the work of another
7. That uses inappropriate or profane language likely to be offensive to others in the school community
8. That is knowingly false or could be construed as intending to purposely damage another person's reputation
9. in violation of any federal or state law or district policy, including but not limited to copyrighted material and material protected by trade secret
10. That vandalizes, damages or disables the property of another person or organization, or attempts to degrade or disrupt equipment, software or system performance or takes any action to violate system security or use the system in such a way as to disrupt its use by other users
11. That gains unauthorized access to information resources or accesses another person's materials, information or files without the direct permission of that person or provides access to unauthorized users
12. That contains personal information about themselves or others, including information protected by confidentiality laws

Security

Security on technology devices is a high priority. Students who identify a security problem while using technology devices must immediately notify a system administrator. Students should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Students shall not:

1. Use another person's password or any other identifier
2. Gain or attempt to gain unauthorized access to other technology devices
3. Read, alter, delete or copy, or attempt to do so, electronic communications of other system users

Any user identified as a security risk, or as having a history of problems with technology, may be denied access to the Internet, electronic communications and/or technology devices.

Safety

In the interest of student safety and security, the district shall educate students and parents about appropriate online behavior, including cyber-bullying awareness and response; and interacting on social networking sites, in chat rooms and other forms of direct electronic communications.

Students shall not reveal personal information, such as home address or phone number, while using the Internet or electronic communications. Without first obtaining permission of the supervising staff member, students shall not use their last name or any other information that might allow another person to locate him or her. Students shall not arrange face-to-face meetings with persons met on the Internet or through electronic communications.

Vandalism

Vandalism will result in cancellation of privileges and may result in legal action and/or disciplinary action, including suspension and/or expulsion, in accordance with Board policy concerning suspension, expulsion and other disciplinary interventions. Vandalism is defined as any malicious or intentional attempt to harm, destroy, modify, abuse or disrupt operation of any network within the school district or any network connected to the Internet, operation of any form of electronic communications, the data contained on any network or electronic communications, the data of another user, usage by another user, or technology device. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

Unauthorized Content

Students are prohibited from using or possessing any software applications, mobile apps or other content that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees.

Assigning Student Projects and Monitoring Student Use

The district will make reasonable efforts to see that the Internet and electronic communications are used responsibly by students. Administrators, teachers and staff have a professional responsibility to work together to monitor students' use of the Internet and electronic communications, help students develop the intellectual skills needed to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to evaluate and use information to meet their educational goals. Students shall have specifically defined objectives and search strategies prior to accessing material and information on the Internet and through electronic communications.

Opportunities shall be made available on a regular basis for parents to observe student use of the Internet and electronic communications in schools.

Student Use is a Privilege

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Student use of the Internet, electronic communications and technology devices is a privilege, not a right. Failure to follow the use procedures contained in this policy shall result in one or more of the following consequences:

1. Suspension or cancellation of use or access privileges. Denial of future access.
Payments for damages and/or repairs.
2. Discipline under other applicable district policies, including suspension and expulsion.
3. Civil or criminal liability under other applicable laws.
4. Students and parents/guardians shall be required to sign the district's Acceptable Use Agreement annually before Internet or electronic communications accounts shall be issued or access shall be allowed.

School District Makes No Warranties

The school district makes no warranties of any kind, whether expressed or implied, related to the use of technology services, including access to the Internet and electronic communications services. Providing access to these services does not imply endorsement by the district of the content, nor does the district make any guarantee as to the accuracy or quality of information received. The district shall not be responsible for any damages, losses or costs a student suffers in using the Internet and electronic communications. This includes loss of data and service interruptions. Use of any information obtained via the Internet and electronic communications is at the student's own risk.

School Resource Officers and the Family Educational Rights and Privacy Act (FERPA)

Littleton Public Schools contracts with the Littleton Police Department and Arapahoe County Sheriff's Office for the services of School Resource Officers (SRO). These School Resource Officers have been designated as "school officials" as defined by the Family Educational Rights and Privacy Act (FERPA). School Resource Officers perform institutional services or functions for which the district would otherwise use employees, such as participation on threat assessment teams and consulting and intervening in certain school discipline situations. While providing such services, each SRO is under the direct control of the district with respect to the use and maintenance of education records disclosed to the SRO in the course of providing such services, and is subject to the use and maintenance of education records disclosed to the SRO in the course of providing such services, and is subject to the requirements of 34 CFR §99.33(a) governing the use and re-disclosure of personally identifiable information from education records.

Parent/Guardian Transportation Disclosure

Littleton Public Schools (the District) provides District transportation for students to and from many activities, events, matches, and games. However, the District is unable to provide District transportation in all circumstances and to all events. When District transportation is not available, it is the student's parents/guardians responsibility to provide or arrange for their student's transportation to and from the event.

When District transportation is not available and other alternative forms of transportation are utilized, the District cannot and does not assume any responsibility for the safety, training of drivers, condition of vehicles, adequacy for the use or purpose intended or any other matters related to any non-District transportation.

When private or commercial vehicles are used to transport students to approved school activities, the parent/guardian shall be informed when such transportation is to be used. Littleton Public Schools does not insure private or commercial vehicles.