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Equal Educational Opportunities

Every student of this school district shall have equal educational opportunities through programs offered in the school district regardless of race, color, ancestry, creed, sex, sexual orientation, religion, national origin, marital status, disability or need for special education services.

This concept of equal educational opportunity shall guide the Board and staff in making decisions related to school district facilities, selection of educational materials, equipment, curriculum and regulations affecting students. Students with identified physical and mental impairments that constitute disabilities shall be provided with a free appropriate public education, consistent with the requirements of federal and state laws and regulations.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the superintendent or designee(s) to periodically monitor the following areas:

1. Curriculum and materials – review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training – provide training for students and staff to identify and alleviate problems of discrimination.
3. Student access – review programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District support – ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Student evaluation instruments – review tests, procedures and guidance and counseling materials for stereotyping and discrimination.
6. Discipline – review discipline records and any relevant data to ensure the equitable implementation and application of Board discipline policies.

Current practice codified 1995
Adopted: date of manual adoption
Revised November 20, 2008
Revised April 26, 2012
Revised July 19, 2012

LEGAL REFS.: 20 U.S.C. §1681 (*Title IX of the Education Amendments of 1972*)
20 U.S.C. §1701-1758 (*Equal Educational Opportunities Act of 1974*)

File: JB

29 U.S.C. §701 *et seq.* (Section 504 of the Rehabilitation Act of 1973)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation)
C.R.S. 22-32-109 (1)(11) (Board duty to adopt written policies prohibiting discrimination)
C.R.S. 22-32-109.1 (2) (conduct and discipline code to be revised as necessary including based on any relevant school district data)
C.R.S. 24-34-601 (unlawful discrimination in places of public accommodation)
C.R.S. 24-34-602 (penalty and civil liability for unlawful discrimination)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
JBB*, Sexual Harassment

NOTE: State law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof." C.R.S. 2-4-401(13.5).

Sexual Harassment

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

District's commitment

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

The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, to prevent harassment from recurring and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

Sexual harassment prohibited

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.
3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

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

File: JBB*

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

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

1. sex-oriented verbal "kidding," abuse or harassment,
2. pressure for sexual activity,
3. repeated remarks to a person with sexual implications,
4. unwelcome touching, such as patting, pinching or constant brushing against the body of another,
5. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns,
6. sexual violence.

Reporting, investigation and sanctions

Students are encouraged to report all incidences of sexual harassment to either a teacher, counselor or principal in their school building and file a complaint, through the district's complaint and compliance process (AC-R). All reports and indications from students, district employees and third parties shall be forwarded to the compliance officer (AC-E-1).

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the superintendent who shall designate an alternate compliance officer to investigate the matter.

[NOTE: If the superintendent is the compliance officer, the Board must identify an alternate person to whom the report shall be made.]

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect grades.

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

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

Notice and training

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

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

Current practice codified 1995
Adopted: date of manual adoption
Revised April 26, 2012

LEGAL REF.: 20 U.S.C. §1681 *et seq.* (*Title IX of the Education Amendments of 1972*)

CROSS REF.: AC, Nondiscrimination/Equal Opportunity

Sexual Harassment (Grievance Procedure)

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

Current practice codified 1995
Approved: date of manual adoption

School Attendance Areas

Attendance areas shall be established by the Board to insure maximum utilization of facilities and to provide comparable educational experiences. Attendance area boundaries shall be recommended by the administration subject to review and approval by the Board.

Once established, a student shall attend the attendance center serving the area in which he resides unless specifically excused for the purpose of balancing class loads, better serving the needs of the individual student or by specific action of the Board.

School attendance boundaries shall be on file in the Hinsdale County Courthouse and in the administration office.

A student's designated attendance area shall be based on the legal residence of his parents/guardian.

Adopted February 2, 1988

Revised to conform with practice: date of manual adoption

LEGAL REF.: C.R.S. 22-32-110 (1)(m)

CROSS REF.: JFBA, Intra-District Choice/Open Enrollment

Compulsory Attendance Ages

Every child who has attained the age of six years on or before August 1 of each year and is under the age of 17 is required to attend public school with such exceptions as provided by law. It is the parents' responsibility to ensure attendance.

The courts may issue orders against the child, child's parent, or both compelling the child to attend school or the parent to take reasonable steps to assure the child's attendance. The order may require the parent, child, or both to follow an appropriate treatment plan that addresses problems affecting the child's school attendance and that ensures an opportunity for the child to obtain a quality education.

Revised May 24, 2007

Revised May 22, 2008

LEGAL REFS.: C.R.S. 22-32-110(1)(mm) (*board may authorize school employee to represent school district in judicial proceedings to enforce compulsory attendance*)
C.R.S. 22-33-104 (*compulsory school attendance ages*)
C.R.S. 22-33-104.5 (*home-based education*)
C.R.S. 22-33-107 (*enforcement of school attendance laws*)
C.R.S. 22-33-108 (*judicial proceedings to enforce school attendance laws*)

NOTE 1: On or after July 1, 2008, a parent of a five or six year old child who is attending preschool or kindergarten may notify the child's school of the parent's wish that the child not advance to first grade in the following school year. The school shall not advance the child to first grade after receiving this notice from the parent.

Entrance Age Requirements

A child may enter the early childhood class if three years old and the preschool class if four years old on or before September 1 of the year of enrollment.

A child may enter kindergarten if five years old on or before September 1 of the year of enrollment. Younger students who do not meet the district's entrance age requirement for kindergarten may be accepted if transferring from another kindergarten program, if the superintendent determines that placement of the student in kindergarten is appropriate

Students enrolling in the first grade may enter if they are six years old on or before September 1 of the year of enrollment. A student who is at least five years old on or before October 1 may be permitted to enroll in first grade if the student attended at least 120 days of kindergarten in another state.

A legal birth certificate or other acceptable record shall be required for enrollment age certification. The superintendent will make exceptions to these entrance age requirements in accordance with state law pertaining to the education of military children.

Adopted February 2, 1988
Revised March 3, 1994
Revised June 13, 1994
Legal references updated April, 2013

LEGAL REFS.: C.R.S. 22-1-115 (*school age*)
C.R.S. 22-20-204 (*program plan requirements regarding highly advanced gifted children*)
C.R.S. 22-32-119 (*kindergarten*)
C.R.S. 22-54-103 (10) (*sets October 1 date for funding*)
C.R.S. 22-54-103 (10.5) (*defines pupil enrollment count day*)
C.R.S. 24-60-3402 (*Interstate Compact on Educational Opportunity for Military Children*)
1 CCR 301-8, 2220-R-12.00 (*highly advanced gifted children*)

CROSS REF.: JEA, Compulsory Attendance Ages

NOTE 1: While school boards are allowed to establish the entrance age requirement for the district, state law specifies that a district may count and receive funding only for students enrolled in the first grade who are six years old on or before October 1 of the applicable budget year, who are five years old on or before October 1 and attended at least 120 days of kindergarten in another state, or who are five years old on or before the district's start date and identified as highly advanced gifted students. C.R.S. 22-54-103 (10)(a)(IV)(A) & (B). Similarly, state law specifies that a district may count and receive funding only for kindergarten students who are five years old on or before October 1 of the applicable budget year or for kindergarten students who are four years old on or before the district's start date and identified as highly advanced gifted students. C.R.S. 22-54-103 (10)(a)(V)(A) & (B).

NOTE 2: The Interstate Compact on Educational Opportunity for Military Children, C.R.S. 24-60-3402 requires districts to enroll children of military families in kindergarten or first grade, regardless of the child's age if: (1) the child is transferring from another state and was enrolled in kindergarten or first grade in the other state; and (2) the child has a parent(s) who is active military. The Interstate Compact overrides the entrance age requirements of the School Finance Act, C.R.S. 22-54-103(10). Please contact CDE's school finance unit for the audit requirements pertaining to this exception.

Admission, Denial of Admission and Withdrawal from School

Admission

All persons age 3 and under 21 who have not graduated from high school or received any document evidencing completion of the equivalent of a secondary curriculum (G.E.D.) and reside within the boundaries of this school district may be permitted to attend public schools without payment of tuition. In addition, persons who do not reside in the district may be admitted under Board policies relating to nonresident students or by specific action of the Board.

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

Except as otherwise provided by state law concerning enrollment of students in out-of-home placements, 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 enrollment. The notice shall inform the parent/guardian of the right to request a hearing.

Students shall be urged to have a physical examination and to submit a report from the examining physician prior to enrollment.

Denial of admission

The Board of Education or the superintendent may deny admission to the schools of the district in accordance with applicable law. (See Regulation JF-R and Exhibit JF-E.)

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. (See Regulation JKD/JKE-R.)

Withdrawal from school

Parents/guardians who are moving to another community shall notify the school office at least one day before their child's last day of attendance so that a Withdrawal Form may be prepared. This form will be presented to the new school when enrolling.

Nondiscrimination

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

Current practice codified 1995

Adopted: date of manual adoption

Revised January 24, 2002

Revised February 24, 2005

Revised November 20, 2008

Revised July 19, 2012

LEGAL REFS.: C.R.S. 22-1-102 (*defines "resident"*)
C.R.S. 22-1-102.5 (*defines "homeless child"*)
C.R.S. 22-1-115 (*school age is any age over five and under twenty-one years*)
C.R.S. 22-2-409 (*notification of risk*)
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner*)
C.R.S. 22-32-115 (*tuition to another school district*)
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C.R.S. 22-32-138 (*enrollment of students in out-of-home placements*)
C.R.S. 22-33-103 through 22-33-110 (*school attendance law*)
C.R.S. 22-33-105 (2)(c) (*requiring hearing to be convened if requested within 10 days after denial of admission or expulsion*)

CROSS REFS.: JEB, Entrance Age Requirements
JKD/JKE, Suspension/Expulsion of Students
JLCB, Immunization of Students

Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)

Definition

In accordance with state law, and for purposes of this regulation, a “student in out-of-home placement” means:

- a child or youth who is in foster care and receiving educational services through a state-licensed day treatment facility;
- a child or youth who is in placement for twenty-four-hour residential care in any facility or center operated or licensed by the department of human services;
- a child or youth who transfers school enrollment as a result of being returned to his or her home at the conclusion of an out-of-home placement.

“Student in out-of-home placement” does not include a child or youth who is in twenty-four-hour residential care funded totally by private moneys or a child or youth who is in an out-of-home placement for purposes of adoption.

Child welfare education liaison

The superintendent shall designate at least one district staff member to serve as the child welfare education liaison. In lieu of designating a district employee, the district may contract with an individual or request that the district’s Board of Cooperative Services (BOCES) designate a BOCES employee to serve as the district’s child welfare education liaison. By August 15 of each year, the district shall report the name and contact information of the district’s child welfare education liaison to the Colorado Department of Education.

The child welfare education liaison shall be responsible for working with child placement agencies, county departments of human services, and the state department of human services to facilitate the prompt and appropriate placement, transfer, and enrollment of students in out-of-home placements. The specific duties of the child welfare education liaison shall include, but are not limited to:

- working with social workers from county departments of human services, juvenile probation officers, and foster care parents to ensure the prompt school enrollment and prompt transfer of students’ education information and records when students are required to change school enrollment due to changes in placement.
- ensuring that the education information and records of a student in out-of-home placement are delivered to the student’s new school within five school days

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after receiving a request for the transfer of the student's education information and records from a county department of human services.

In addition to the liaison's duties pertaining to students in out-of-home placements, the district's child welfare education liaison is designated to receive notice of a student who is transitioning to public school from a state-licensed day treatment facility, facility school or hospital providing inpatient acute care or psychiatric services and who has been determined by that facility, facility school, hospital, or a court to be a risk to himself or herself or the community within the 12 months prior to the proposed transfer to a public school. Under certain circumstances, the child welfare education liaison may receive an invitation to participate in the development of a transition plan for such student.

Transfer of education records

If a student in out-of-home placement transfers to another school, the sending district shall transfer the student's education information and records to the receiving school within five school days after receiving a transfer request from the county department of human services that has legal custody of the student.

The sending district may release the student's education information and records to an employee of the county department of human services for the sole purpose of transferring the education information and records to the student's new school. Such release shall be in accordance with applicable state and federal law, including the Family Educational Rights and Privacy Act.

If the request for a records transfer involves a student who is receiving special education services pursuant to an individualized education plan, the sending district shall notify its special education director of the records request.

The sending district shall not delay the transfer of education information and records of a student in out-of-home placement for any reason, including but not limited to the existence of any unpaid fines or fees.

Enrollment

Unless otherwise permitted by state law to deny enrollment, the district or new school shall enroll a student in out-of-home placement within five days after receiving the student's education information and records, regardless of whether:

- the district or school has received the student's certificate of immunization;
- the student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or

- the student can comply with any other pre-enrollment restrictions or requirements imposed by the district or new school.

The district or school may deny enrollment to a student in out-of-home placement for the following reasons, subject to the district's responsibilities under the Exceptional Children's Educational Act and other laws pertaining to the education of students with disabilities:

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.

The following shall constitute additional grounds for denial of enrollment of a student in out-of-home placement:

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 from the preceding 12 months, if the expulsion was for having drugs or weapons at school or for being a danger to self or others.
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. 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.

If the district or new school enrolls a student in out-of-home placement without receiving the student's certificate of immunization, the district or school shall notify the student's legal guardian that, unless the district or school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the student in out-of-home placement shall be suspended until such time as the district or school receives the certificate of immunization or authorization.

Transfer of credits

When a student in out-of-home placement transfers from one school to another school, the sending school shall certify to the receiving school or district the coursework that the student fully or partially completed while enrolled. The receiving

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school or district shall accept the student's certified coursework as if it had been completed at the receiving school.

The receiving school or district shall apply all of the student's certified coursework toward completion of the student's requirements for the grade level in which the student is enrolled at the receiving school or for graduation from the receiving school if the student is enrolled in twelfth grade. The receiving school or district may award elective credit for any portion of the student's certified coursework that is not aligned with the curriculum of the receiving school or district.

Excused absences

A student in out-of-home placement shall receive an excused absence if the student misses school due to a required court appearance or participation in court-ordered activities, including but not limited to family visitation or therapy. The student's assigned social worker shall verify the student's absence was for a court appearance or court-ordered activity.

Waiver of fees

The school or district in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs.

The school or district shall not limit the opportunity of a student in out-of-home placement to participate in in-school and extracurricular activities and before-school and after-school programs due to waiver of participation fees.

Adopted November 20, 2008

Revised April 28, 2011

Admission and Denial of Admission

According to the Colorado Revised Statutes 22-33-106 (2), subject to the district's responsibilities under The Exceptional Children's Education Act (see policy JK-2, Discipline of Students with Disabilities), the following may be grounds for expulsion from or 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) or 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 suspension, expulsion or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization 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.

As long as this district has only one school in which the expelled student can enroll, the district shall either prohibit the student from enrolling or design a schedule that, to the extent possible, avoids contact between the expelled student and the victim or victim's 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)(e) and provided in regulation JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements).

Adopted February 24, 2005
Revised November 29, 2008

Delegation of Custodial Power by Parent or Guardian

The undersigned, being the parent or guardian of _____, a minor child residing within the boundaries of Hinsdale County School District RE-1, pursuant to Colorado Revised Statutes, Section 15-14-105, does hereby designate and appoint _____, whose address is _____, as his true and lawful attorney-in-fact for a period not exceeding nine months from the date hereof, and conferring upon said attorney-in-fact powers limited to the following:

Any and all power the undersigned may have regarding the care, custody or property of said minor child or ward, except the undersigned's power to consent to marriage or adoption of said minor child or ward, specifically including but not by way of limitation of this power the authority to make all decisions, consents, approvals and authorizations as may be required, appropriate or convenient in connection with said minor child's education in the public schools operated by Hinsdale County School District RE-1.

Dated this _____ day of _____, 20 ____.

Parent or guardian

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____,
by _____.

Witness my hand and official seal.

My commission expires: _____

Notary public

Continuing Enrollment of Students Who Become Nonresidents

Resident elementary students who become nonresidents

Students enrolled in elementary school who become nonresidents during or between school years may remain enrolled in or re-enroll in the elementary school subject to the following requirements:

1. The student was included in the district's most recent pupil enrollment count and has been enrolled continuously in elementary school since the count was taken.
2. The parent/guardian has submitted a written request to the principal asking for the student to remain enrolled or to re-enroll in the school.
3. The request has been approved by the principal after a determination that space exists in the school to accommodate the student.

Once the elementary student's request is approved, the student may enroll or re-enroll in the requested school as long as he or she enrolls prior to the pupil enrollment count date. The district shall enter into a written agreement with the student's district of residence. However, this agreement will not contain any requirement that the district of residence or the parent/guardian pays tuition nor shall either district be required to provide transportation.

Resident secondary students who become nonresidents

Secondary students who become nonresidents during the school year may remain enrolled through the semester at the student's current school. Students enrolled in the twelfth grade may finish the school year at the current school.

Adopted April 25, 2013

LEGAL REFS.: C.R.S. 22-32-115 (*tuition to another district*)
C.R.S. 22-32-116 (*students who become nonresidents*)
C.R.S. 22-33-103 (*parent not required to pay tuition if resident of Colorado*)

CROSS REFS.: JFABA, Nonresident Tuition Charges
JFBA, Intra-District Choice/Open Enrollment
JFBB, Inter-District Choice/Open Enrollment

Nonresident Tuition Charges

The parents/guardians of Colorado students who are not residents of this school district shall not be charged tuition. Enrollment of these students shall be decided in accordance with the policy on inter-district choice/open enrollment.

However, the district may enter into a written agreement with any student's district of residence under which the district of residence agrees to pay tuition to allow the student to attend school within the district as long as the student is not a continuing enrolled student pursuant to policy JFAB.

When a nonresident student with a disability enrolls and attends school in this district, **the district shall provide notice to the student's district of residence.** The student's district of residence shall be responsible for paying the tuition charge for educating the student in accordance with state laws and regulations. The amount of the tuition shall be determined pursuant to the rules developed by the Colorado Department of Education.

Out-of-state students who wish to attend school in this district shall be charged tuition in accordance with the rates adopted by the Board on an annual basis.

The superintendent shall present to the Board for its consideration any request from parents/guardians for exceptions to this policy. The Board shall determine whether to consider the request and if it deems consideration appropriate, it shall make a determination on the merits of the request.

Adopted February 2, 1988

Revised to conform with practice: date of manual adoption

Revised April 25, 2013

LEGAL REFS.: C.R.S. 15-14-104 (*delegation of custodial power*)
C.R.S. 22-1-102 (2) (*defines "resident"*)
C.R.S. 22-20-109 (*tuition provisions for special education students*)
C.R.S. 22-23-105 (*residence of migrant children*)
C.R.S. 22-32-113 (1)(b),(c) (*transportation of students*)
C.R.S. 22-32-115 (*tuition to another district*)
C.R.S. 22-33-103 (*parent not required to pay tuition if resident of Colorado*)
C.R.S. 22-33-106 (3) (*grounds for denial of admission*)

CROSS REFS.: JFAB, Continuing Enrollment of Students Who Become Nonresidents
JFABD, Homeless Students
JFBB, Inter-District Choice/Open Enrollment

Admission of Non-immigrant Foreign Students

The district recognizes the educational and cultural value of international exchange programs and foreign exchange students and authorizes the admission of a limited number of non-immigrant foreign exchange students to the regular educational programs offered in the district's schools. To protect the interests of the district, its schools and students, only foreign exchange students from approved exchange programs and students privately sponsored by district residents shall be admitted.

Approved exchange programs are those designated by the United States Information Agency. Foreign exchange students admitted as part of an approved program are considered wards of the families with whom they reside.

Privately sponsored foreign exchange students may be enrolled if an adult resident of the district has been given temporary guardianship and the student lives in the home of that guardian and if the student meets all legal requirements for a student visa.

This policy and the accompanying regulation apply to non-immigrant foreign students who temporarily reside within the district's boundaries without their parents/legal guardians for the purpose of attending school. These students are those who qualify for a J-1 visa or an F-1 visa under the regulations of the United States Department of Justice, Immigration and Naturalization. This policy and accompanying regulation do not apply to resident aliens, political exiles, or students from other countries residing within the district's boundaries with their parents/legal guardians. Students in the United States on a visitor visa are not entitled to enroll in the schools of this district.

Foreign students on an F-1 visa shall only attend secondary schools within the district and are required by law to pay the district for the full, unsubsidized per capita cost to the district for providing education to the student for the period of his or her attendance. The period of attendance may not exceed 12 months.

Foreign students on a J-1 visa are not required by law to pay tuition.

Adopted April 25, 2002

LEGAL REF.: 8 USC 1184
8 USC 1101(a)(15)(F)(i)

CROSS REF.: JFAB/JFABA, Admission of Nonresident Students/Tuition Charges

Admission of Non-immigrant Foreign Students

Academic Requirements

No student will be admitted who has already graduated from the equivalent of the twelfth grade or who will reach the age of twenty-one years on or before September 15 of that school year.

The student must have average or above-average grades in school at home and must not require special education services in order to function in the regular academic program.

The student must have sufficient knowledge of the English language to enable effective oral and written communication and to function in a regular educational setting without special assistance. If a student's English proficiency is found to be insufficient to function in the regular instructional program without special assistance, the exchange program or private sponsor must provide a tutor or make other educational arrangements for the student at their expense. If the program or sponsor fail to do so, the student will be withdrawn and INS will be notified.

The district will not provide foreign students with admission to special education programs, English as a Second Language programs, post secondary options or other special programs.

Students are expected to take five classes per term including one language arts or English class and one American history or government class and are expected to maintain passing grades in all classes.

General requirements

Foreign students will be treated as regular students. They are responsible for complying with all district policies and regulations.

Foreign students are expected to pay for all lunches, books, athletic and student activity fees and other fees, yearbook costs, and all other expenses normally borne by students in the district. Foreign students are not entitled to free or reduced prices for lunches.

The eligibility requirements of the Colorado High School Activities Association will be followed. Accordingly, foreign students sponsored by an approved program may participate in organized sports, while those sponsored by a private sponsor may not.

The sponsor, host family and local program representative must maintain personal contact with the school, must be available and willing to meet with school personnel when problems or circumstances require and must assume full and final responsibility for resolving problems including the early return of the student if personal, family or school difficulties cannot be resolved.

If a student's grades, attendance, conduct or discipline are deemed unsatisfactory by the school, the student may be withdrawn and INS will be notified.

Admissions process

Approvals for admission must be obtained from the district between April 15th and July 31st for the following school year or between October 15th and December 15th for the second semester, except under unusual circumstances.

All applications will be screened by the superintendent or designee before they are forwarded for review and approval of the principal of the school where admission is being requested.

The student must attend the school in the attendance area in which the host family or sponsor lives, unless an appropriate transfer is approved by the district. Should a large number of foreign students be scheduled for a particular school, a transfer to another school may be recommended by the district in order to create a balance in foreign student enrollment.

Upon the student's arrival in the district, the adult sponsor (host family and/or local representative of the exchange program) and student must come to the school to complete the enrollment process. Students must arrive in sufficient time for attendance on the first day of school.

Students requesting admission must submit:

1. Birth certificate or other proof of age.
2. Recent official transcript with English translation reflecting courses taken and grades earned.
3. Records showing required immunizations.
4. Evidence of medical insurance that will cover the student while residing in the district.
5. A letter of application written in English by the student that provides pertinent information about the student, including student's name, age, birth date, home address and phone number, level of education, reasons for wanting to attend school in the district and the projected duration of enrollment.

6. The names, addresses and phone numbers of the exchange student's own parents/guardians, the host family and the local exchange program representative.
7. Proof of English proficiency, including evidence that the student has successfully completed a minimum of three years of instruction in English and a letter of recommendation from the English language teacher documenting the level of proficiency or evidence that the student has passed a test of English language proficiency, such as the SLEP, TOEFL or FSI.
8. A notarized temporary custody agreement between the student's parents and the host family and/or exchange program.

Private sponsors must submit:

- a. Proof of residence; or
- b. Affidavit of support, including the following supporting evidence:
 - ◆ A statement from an officer of a bank or other financial institution in which deposits are recorded giving details regarding the date the account was opened, the total amount deposited during the past year and the present balance
 - ◆ A statement from the employer on letterhead stationery showing the date and nature of employment, the salary paid and whether the position is temporary or permanent
 - ◆ If self-employed, a copy of the last income tax return filed

Foreign students sponsored by an approved program (J-1 Visa)

Only programs designated by the United States Information Agency will be considered for placement of foreign students on J-1 visas.

The program must have a local representative residing in or near the district who will meet with the student, host family, and school personnel on a regular basis.

Orientation, both pre-departure and upon arrival in the United States, must be provided to help foreign students adjust to a new culture. Ongoing contact and support from the local representative of the exchange program must also be provided.

Orientation must be provided to the host family in advance of the foreign student's arrival. The family should be acquainted with the needs and requirements of housing a visitor for a long period of time, advised of potential problems in hosting a foreign student and provided with suggestions for coping with these problems. Ongoing contact and support from the local representative of the exchange program must also be provided.

Foreign students on J-1 visas are not subject to tuition.

Foreign students sponsored by relatives or friends (F-1 Visa)

Pursuant to federal law, only high school students are eligible for F-1 visas. A student may receive F-1 status for no more than twelve months in a public school system. The student must have reimbursed the school district in advance for the full, unsubsidized cost of educating the student. This amount will be determined annually by the superintendent or designee.

Payment of tuition must be in a certified or cashier's check in U.S. currency payable to the district. Should a student not be able to obtain a visa or not attend for some other reason, the tuition will be refunded in full. Should a student attend for less than a full school year, tuition will only be refunded if a true hardship situation is demonstrated.

The private sponsor assumes parental responsibility including financial obligations while the foreign student is in attendance. The sponsor must demonstrate the ability to support the student prior to issuance of the I-20.

Adopted April 25, 2002

Homeless Students

It is the Board's intent to remove barriers to the enrollment and retention of homeless students in school in accordance with state and federal law. The district shall take reasonable steps to ensure that homeless students are not segregated or stigmatized and that decisions are made in the best interests of the student.

Each homeless student shall be provided services for which the student is eligible, comparable to services provided to other students in the school, regardless of residency, including transportation services, education services, vocational and technical education programs, gifted and talented programs, and school nutrition programs.

Homeless students shall be provided access to education and other services that they need to ensure that they have an opportunity to meet the same student performance standards to which all students are held. All educational decisions shall be made in the best interests of the student.

The district shall coordinate with other districts and with local social services agencies and other agencies or programs providing services to homeless students as needed.

The superintendent shall designate at least one staff member in the district to serve as the homeless student liaison and fulfill the duties set forth in state and federal law.

Decisions on enrollment and transportation for homeless students shall be made in accordance with regulation JFABD-R.

NOTE 1: *The term "homeless children" is defined in federal law to include the following: Individuals who lack a fixed, regular and adequate nighttime residence; including*

- children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;*
- children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;*
- children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and*
- migratory children who are living in circumstances described above.*

NOTE 2: *While the definition of homeless children in Colorado law closely tracks the definition in federal law, the federal law contains the following language which is NOT found in the Colorado law:*

- *“sharing the housing of other persons due to lack of housing, economic hardship or a similar reason”*
- *“trailer parks”*
- *“substandard housing”*

Colorado school districts that receive federal funds are required to follow the more inclusive federal definition.

Current practice codified 1995

Adopted: date of manual adoption

Revised July 28, 2005

LEGAL REFS.: 42 U.S.C. §11431 *et seq.* (McKinney Homeless Assistance Act, as amended by No Child Left Behind Act of 2001)
C.R.S. 22-1-102.5 (definition of homeless child)
C.R.S. 22-32-109 (1)(dd) (duty to adopt/revise policies to remove barriers to access and success in schools for homeless children)
C.R.S. 22-33-103.5 (attendance of homeless children)
C.R.S. 26-5.7-101 *et seq.* (Homeless Youth Act)

Homeless Students

Homeless student liaison

The liaison appointed by the superintendent shall work to identify homeless children and facilitate each homeless child's access to and success in school. On or before the pupil enrollment count day, the liaison shall report the number of homeless students enrolled in the school district to the Colorado Department of Education.

The primary functions of the liaison shall be to mediate disputes concerning school enrollment, assist in making transportation arrangements, assist in requesting the student's records, provide information and give referrals on services and opportunities, and assist any homeless child who is not in the custody of a parent or guardian with enrollment decisions.

Enrollment

A homeless student is deemed to reside, and may enroll and attend school in:

- the district where the child is presently located, or
- the district in which the student attended school previous to becoming homeless.

Enrollment shall be immediate even if the student lacks records routinely required prior to enrollment. The school shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible the district shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the district shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed outside the district during the school year, the student shall no longer be considered homeless and may only continue enrollment in the district for the remainder of the school year.

Tuition

Students defined in state and federal law as homeless children shall be admitted without payment of tuition.

Enrollment determination

1. *Scenario One*

- student enrolled in this district
- becomes homeless
- remains located in this school district

If a district student becomes homeless, but remains located in this school district, the student shall continue to attend school in his or her school.

2. *Scenario Two*

- student enrolled in another school district
- becomes homeless
- is presently located in this school district
- seeks to enroll in the district previously attended

If a student becomes homeless and is presently located in this school district, but seeks to enroll in the district he or she previously attended, the previous school district shall determine enrollment.

If this school district has knowledge that a homeless student is presently located in this school district but seeks to enroll in the school district he or she previously attended, this district's homeless student liaison shall assist the student in accessing enrollment in the previous school district, work with the homeless student liaison in the previous school district to mediate disputes concerning enrollment, assist in making transportation arrangements, assist in requesting/sending the student's records, provide information and give referrals on services and opportunities, and assist any homeless student who is not in the custody of a parent or guardian with enrollment decisions.

3. *Scenario Three*

- student who previously attended school in this district
- becomes homeless
- is presently located outside of this school district
- seeks to enroll in this school district

If a student who previously attended school in this district becomes homeless and is presently located outside of this school district, but seeks to enroll in this school district, the superintendent (or designee) shall make a reasonable determination as to whether the student should be enrolled in this district or the district where the student is presently located.

In making the reasonable determination, the superintendent (or designee) shall consult with:

- the homeless student, or the homeless student's parent/guardian if the student is in the custody of a parent/guardian, and
- the homeless student liaison for this district and the liaison for the district where the student is presently located

The superintendent (or designee) shall consider all relevant factors in making the reasonable determination including but not limited to:

- the best interests of the homeless student
- to the extent feasible, keeping the homeless student in this district

- the wishes of the student and the student's parent/guardian if the student is in the custody of a parent/guardian
- the student's transportation needs related to various enrollment options (the district where the student is located and the district where the student will attend school must either agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally)
- which school district can best meet the student's educational and other services needs

4. *Scenario Four*

- student who has never attended school in this district
- becomes homeless
- is presently located in this school district
- seeks to enroll in this district

If a student who has never attended school in this district becomes homeless and is presently located in this school district and seeks to enroll in this district, the student shall be enrolled. This district's liaison shall meet with the student and the student's parent/guardian, if the student is in the custody of the parent/guardian, to determine which district school would best meet the student's educational and other services needs, taking into account the wishes of the student and the parent/guardian, and the student's transportation needs related to various enrollment options.

Notice of determination and appeal

The superintendent (or designee) shall hand deliver to the student a written notice of the district's determination and of the right to appeal, and provide a copy to the liaison. If the superintendent or designee determines that the homeless student shall attend a school other than the student's previous school or a school other than the one requested by the student's parent or guardian, the superintendent or designee shall also provide written explanation regarding that decision to the parent/guardian and provide a copy to the liaison.

Enrollment disputes

If an enrollment dispute arises between the student's custodial parent/guardian (or the student not in custody of a parent/guardian) and the district, the student shall be immediately enrolled in the school selected by the parent/guardian or student until the dispute is resolved.

The parent/guardian (or student, if applicable) may appeal an enrollment determination made by this district to the district's homeless student liaison within 10 days after receiving the written determination and notice of right-to-appeal.

The liaison shall issue a written decision on the dispute within 10 working days of the receipt of the appeal and hand deliver a written decision and notice of right-to-appeal to the Board of Education to the parent/guardian (or student, if applicable).

Within 15 working days of delivery of the liaison's decision and right-to-appeal notice, the parent/guardian (or student, if applicable) may appeal the decision to the Board of Education.

The Board shall issue a written decision on the dispute within 30 working days of the receipt of the appeal and hand deliver the written decision and notice of right-to-appeal to the State Coordinator for the Education of Homeless Children and Youths to the parents/guardian (or student, if applicable). The decision of the State Coordinator shall be final.

Transportation

Subsequent to a determination that the student shall attend a school in this district, a request for transportation may be made by the student, or by the student's custodial parent/guardian.

If the student is located in the district, the district shall provide or arrange for the student's transportation to and from school in accordance with district transportation policies. All transportation services shall be comparable to those provided for other students in the district.

If the student is located outside of the district but a determination has been made that the student shall attend school in the district, both this district and the district where the student is located must either agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

Adopted July 28, 2005
Revised April, 2013

Inter-District Choice/Open Enrollment

The Board recognizes that students may benefit from having a choice of schools to attend within the public school system that is not limited by school district boundaries.

Nonresident students from other school districts within the state who are accepted pursuant to the regulations approved by the Board may enroll in particular programs or schools within this district on a space available basis without payment of tuition, except as otherwise provided by law.

In providing for admission of nonresident students, the school district shall not:

1. Make alterations in the structure of the requested school or to the arrangement or function of rooms within a requested school to accommodate the enrollment request.
2. Establish and offer any particular program in a school if such program is not currently offered in such school.
3. Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites and required levels of performance.
4. Enroll any nonresident student in any program or school after the pupil enrollment count day.

Before considering requests for admission from nonresidents, priority shall be given to resident students who apply under the district's open enrollment/transfer plan.

Students who were expelled from another school district during the preceding 12 months or whose behavior in another school district during the preceding 12 months was detrimental to the welfare or safety of other students or school personnel may be denied admission.

The Board reserves the right to rescind and/or amend any enrollment of nonresident students if, in its opinion, overcrowding of facilities or other undesirable conditions develop.

Student granted permission to attend a school pursuant to this policy shall have the same curricular and extracurricular status as all other students attending the school, as determined by applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

Transportation

Transportation for nonresident students who enroll in the district shall be furnished by the parents/guardians unless it is determined that transportation is necessary for the district to comply with state and federal law requirements for homeless students and students with disabilities.

Nondiscrimination

File: JFBB

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

Special education

Requests from the parents/guardians of special education students for admission shall be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's needs. Once the student is admitted, the district shall conduct a staffing to update the IEP.

Current practice codified 1995
Adopted: date of manual adoption
Legal references updated March, 2012
Revised April 25, 2013
Revised September 26, 2013

LEGAL REFS.: C.R.S. 15-14- 105 (*delegation of custodial power*)
C.R.S. 19-1-115.5 (*child in foster care placement is considered resident of school district in which foster home is located*)
C.R.S. 22-1-102 (2) (*definition of resident of district*)
C.R.S. 22-20-106 (*designation of general and special education responsibilities for students with disabilities*)
C.R.S. 22-20-107.5 (*defining district of residence for students with disabilities*)
C.R.S. 22-20-109 (*tuition for special education services*)
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt policies requiring enrollment decisions to be made in a nondiscriminatory manner*)
C.R.S. 22-32-113 (1)(c) (*transportation of students residing in another district*)
C.R.S. 22-32-115 (*district may pay tuition for student to attend in another district not to exceed 120% of per pupil general fund cost*)
C.R.S. 22-32-115 (2) (b) (*subject to 22-36-101 district must permit any student whose parents are residents of Colorado to attend w/o payment of tuition*)
C.R.S. 22-32-115 (4) (a) (*district is not liable for tuition except pursuant to written agreement*)
C.R.S. 22-32-116 (*if become non-resident may finish semester, if in 12th grade may finish year, special rules for elementary students*)
C.R.S. 22-33-103 (*any resident may attend district school w/o payment of tuition, tuition can be paid by district of residence pursuant to written agreement, parents may pay tuition if non-Colorado resident*)
C.R.S. 22-33-106 (3) (*grounds to deny admission*)
C.R.S. 22-36-101 *et seq.* (*open enrollment policy must have time line and reasons to deny enrollment*)
C.R.S. 22-54-103 (10.5) (*definition of pupil enrollment count day*)

CROSS REFS.: JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JFAB, Continuing Enrollment of Students Who Become Nonresidents
JFABA, Nonresident Tuition Charges

JFABD, Homeless Students
JFBA, Intra-District Choice/Open Enrollment
JJJ, Extracurricular Activity Eligibility

Inter-District Choice/Open Enrollment

The district will consider admission requests from Colorado students who do not reside within the boundaries of the school district but who wish to attend a particular school or program within the district in accordance with the following regulations:

1. Determination of residency

Any questions about a student's residency status must be resolved prior to application for admission. These regulations apply to all Colorado students who do not reside within the boundaries of the school district.

2. Requests for admission

Requests for admission as a nonresident student must be initiated by the parent/guardian by filing the approved form with the principal of the school which the student wishes to attend (receiving school) prior to May 1 for enrollment in the following academic year.

Forms will be available in every school building and in the central administrative office. The principal will explain to the parent/guardian the procedures used to process admission requests.

Students must submit an admission request in accordance with these regulations for each school or program requested within the district. Each principal will maintain a file of all enrollment requests received from nonresidents. A copy will be forwarded to the central office for district-wide data collection purposes.

The receiving school principal will make the decision as to whether an application is accepted or rejected based on criteria established in state law and Board policy and regulations. The receiving school principal will be responsible for notifying the parent/guardian and student of approval or disapproval of an admission request no later than date, June 1.

Approval of a request to enroll in the district will be conditioned on compliance with each of the following:

- a. Actual enrollment and attendance prior to the pupil enrollment count day of the following academic year.
- b. Receipt of all applicable records.
- c. Satisfaction of all district requirements for admission.

In the event any information is falsified or withheld from the district during the admission process, approval for admission will be withdrawn immediately.

Those students who apply for admission who are not accepted at the time of application will be placed on a waiting list in the order in which the applications are received and will be considered for approval at a later date if space becomes available.

File: JFBB-R

3. Grounds for denial of admission

Grounds for denial of admission to a nonresident student who otherwise complies with the district's policies and procedures are limited to the following:

- a. There is a lack of space or teaching staff in a particular program or school requested, in which case priority will be given to resident students applying for admission to the program or school.
- b. The school requested does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of the student or does not offer the particular program requested.
- c. The student does not meet the established eligibility criteria for participating in a particular program including age requirements, course prerequisites and required levels of performance.
- d. A desegregation plan is in effect for the school district, and denial is necessary in order to enable compliance with the desegregation plan.
- e. The student has been expelled from any school district in the preceding 12 months or is in the process of being expelled because of habitually disruptive behavior (as defined in law) or for committing a serious offense .
- f. The student has demonstrated behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other students or of school personnel.
- g. The student has graduated from the 12th grade of any school or is in receipt of a document evidencing completion of the equivalent of a secondary curriculum.

4. Criteria to determine availability of space or teaching staff

Enrollment requests are subject to space availability in the school requested contingent upon district class size guidelines and subject availability as determined by the receiving principal taking enrollment projections into consideration. Students whose enrollment requests have been approved will be assigned to classrooms on the basis of available staff and support services as well as the best use of classroom space.

Requests for enrollment in particular programs will take into consideration the applicant's qualification for the program.

Admission granted to one child in a family will not necessarily support enrollment of another child in the family.

5. Eligibility for activities

Eligibility for participation in extracurricular and interscholastic activities will be determined in accordance with applicable law, bylaws of the Colorado High School Activities Association and the district's eligibility requirements.

6. Continuing enrollment criteria

Any student enrolled pursuant to this policy shall be allowed to remain enrolled in the school or program through the end of the school year unless:

- a. the student is expelled from the school or program
- b. the student's continued participation in the school or program requires the district to make alterations in the structure of the school or to the arrangement or function of rooms
- c. there is a lack of space or teaching staff
- d. the school does not offer appropriate programs or is not equipped to meet the special needs of the student
- e. the school does not offer a program requested by the student
- f. the student does not meet established eligibility criteria
- g. a desegregation plan is in effect and denial of continued enrollment is necessary to comply with the plan

7. Appeal procedure

Should a request for open enrollment be denied, the parent/guardian will be advised that they may appeal the denial by contacting the Superintendent.

The principal shall submit the reason for denial of the request, and the parent/guardian's request, to the administrator considering the appeal. The administrator will review the parent/guardian request and the principal's decision and then make a determination.

Upon request of either the principal or the parent/guardian, the superintendent will review the decision of the administrator. The superintendent's decision shall be final.

Current practice codified 1995
Approved: date of manual adoption
Revised July 2012
Revised April 2013
Revised September 26, 2013

Request for Nonresident Enrollment

Date _____

School year _____

Student name _____ Grade level _____

Parent(s) name _____

Address _____ City _____ ZIP _____

Home phone _____ Work phone _____

School district of residence _____

School requested _____

I have received the above request and: _____ approve

_____ deny for the following reason:

If approved, the student is expected to abide by all attendance and behavior regulations of _____ school.

Administrator signature

Date

As the parent of the above-named student, I understand:

- Enrollment is contingent upon a student's providing his own transportation
- Enrollment will be valid *[choose one]* throughout the grades served by the school *[or]* for no more than one academic year
- Approval of this request is for the above-named student. It does not insure approval of siblings.

Parent signature

Date

Student Withdrawal from School/Dropouts

The Board recognizes and promotes the importance of obtaining a high school diploma, as a diploma assists students to lead healthy and productive lives after graduation. Those youth who withdraw from school and prepare to face life with less than a high school education will have a much more difficult time entering the workforce or pursuing other goals. Therefore, the Board strongly urges every teacher, guidance counselor, principal, parent and citizen to exert all the influence which he/she can command to keep all district students in school through high school graduation.

The superintendent, teachers and guidance counselors are encouraged to make dropout prevention a priority through personal contacts with students and specialized programs. The goal is to enable those students who are considering dropping out or have dropped out of school to return and resume their programs with a minimum degree of disruption.

To emphasize the importance of a high school diploma and to encourage students to reconsider their decision to withdraw from school, the district shall notify the student's parent/guardian in writing, when the district has knowledge that a student has dropped out of school. Such written notification shall be in accordance with this policy's accompanying regulation. For purposes of this policy, "dropout" shall mean any student included in the district's "student dropout rate," as defined by the rules of the State Board of Education.

Adopted September 22, 2005
Revised September 26, 2013

LEGAL REFS.: C.R.S. 22-2-114.1 (*dropout rate reporting*)
C.R.S. 22-14-108 (*written notice of dropout status*)
C.R.S. 22-32-118.5 (*intervention strategies for students in grades 6-9 at risk of dropping out*)
C.R.S. 22-33-104 (*compulsory school attendance*)
C.R.S. 22-33-203 and 204 (*services for expelled and at-risk students*)
C.R.S. 22-35-109.5 (*dropout recovery programs*)
1 CCR 301-1, Rule 13.01 (*definition of "student dropout rate"*)

CROSS REF.: IKF, Graduation Requirements

NOTE 1: Districts may enter into an agreement with a community college or junior college to operate a dropout recovery program. C.R.S. 22-35-109.5 (3). Students at risk of dropping out of high school or who have dropped out of high school may enroll in college courses and receive credit toward completion of high school graduation requirements by participating in a dropout recovery program.

NOTE 2: State law requires local boards of education to consider adopting procedures to review relevant data of students in grades six through nine who are demonstrating behaviors that indicate the student is at greater risk of dropping out. C.R.S. 22-32-118.5 (2)(a). Once a student is identified, the procedures may specify that the school shall provide "appropriate interventions" such as counseling, tutoring, parent engagement and developmental education services. C.R.S. 22-32-118.5 (2)(b).

Student Withdrawal from School/Dropouts

When a student is identified by the staff as a potential or immediate dropout, the following procedure is to be implemented:

1. The student and superintendent will meet for the purpose of discussing the reason(s) for leaving school and the student's plans for the future.
2. The superintendent and the student's teachers will meet to discuss the student's present scholastic standing.
3. The student, his/her parents or guardian, the superintendent or designee will review all pertinent information and give their recommendations.

If, after the above procedure has been followed, the student remains firm on his/her intention to leave school, a final meeting will be scheduled between the student and the superintendent to discuss those educational and occupational alternatives, which are available to the student. The discussion will include, but not be necessarily limited to, the following subjects: (1) equivalency diploma; (2) adult education classes; (3) correspondence courses; and (4) available skill training program. In addition, work-study programs will be explored.

When the student has been a dropout for 10 school days, an attempt will be made by the superintendent to confer with the student for a re-evaluation of his/her decision to leave school, with the option offered to return to school at this time as a student in good standing, depending upon the student's willingness to make up missed scholastic assignments.

The superintendent shall send a written notice that a student had dropped out of school to the parent(s)/guardian/custodian of those students who are no longer subject to the school attendance laws, i.e. those students who are 17 years of age or older. The written notice may include, but not be limited to, an encouragement that the student return to school; an explanation of the long-term ramifications to the student of dropping out of school; the availability of educational alternatives and services for at-risk students, such as GED programs, counseling services, drug or alcohol addiction treatment programs, and family preservation services.

All efforts possible will be extended in an attempt to retain students in school and assist them in earning a diploma.

Adopted September 22, 2005
Revised May 24, 2007

Assignment of New Students to Classes and Grade Levels

New students entering from public schools and private schools accredited by the Colorado Department of Education shall be placed in grades and classes on the basis of their grade placement/credits in the school from which they are transferring.

The district administration, through academic achievement tests and other evaluation measures as found necessary, shall determine the appropriate grade level/credit status of students transferring from home schools or private schools that have not been accredited by the Colorado Department of Education.

Current practice codified 1995

Adopted: date of manual adoption

LEGAL REF.: C.R.S. 22-33-104.5 (4)

CROSS REF.: IHBG, Home Schooling

Assignment of New Students to Classes and Grade Levels
(And Recognition of Transfer Credit from Non-Accredited Schools)

Students transferring from non-accredited educational institutions may or may not meet the standards established for satisfactory progress and graduation. When a high school student from a non-accredited school including a home-based educational program applies for admission, the following process will be used to determine placement and credit status.

1. Standardized tests and criterion-referenced tests as available will be administered to the student in the areas of math, science, social studies and English.
2. The coordinators in each of the content areas will interview the student. The coordinators then will make a placement recommendation. This recommendation will be based on but not necessarily limited to:
 - a. The coordinator's perceptions of the student's performance level
 - b. Examples of past work
 - c. The student's self-appraisal
3. The student will submit information about his former school. This information will include but not be limited to:
 - a. Curriculum
 - b. Teacher qualifications
 - c. Materials and textbooks
4. The student's academic progress will be reviewed for a minimum of one semester.

After the above data have been gathered, the principal or his designee will determine proper placement of the student and will grant appropriate credit waivers as partial fulfillment of the requirements for a diploma.

Current practice codified 1995
Approved: date of manual adoption

Student Absences and Excuses

One criteria of a student's success in school is regular and punctual attendance. Frequent absences may lead to poor academic work, lack of social development and possible academic failure. Regular attendance is of utmost importance for school interest, social adjustment and scholastic achievement. **No single factor may interfere with a student's progress more quickly than frequent tardiness or absence.**

According to state law, it is the obligation of every parent/guardian to ensure that every child under their 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. For at least these reasons, the Board believes that a student must satisfy two basic requirements in order to earn full class credit: (1) satisfy all academic requirements and (2) exhibit good attendance habits as stated in this policy.

After 10 absences, a parent/administrator conference will be required to discuss consequences and courses of action. Consequences may include an attendance contract, make-up time after school, retention, summer school or possible court action. After 12 absences, a student may fail for the semester.

Excused absences

The following shall be considered excused absences:

1. A student who is temporarily ill or injured
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 an activity of an educational nature with advance approval by the superintendent including family trips which have an educational component.
5. A family emergency or an absence approved in advance by the superintendent for an appointment or circumstances of a serious nature which cannot be taken care of outside school hours.

6. A student who is suspended or expelled

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

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

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.

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 as conditions for granting any such exception.

The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is 10 days during any school year.

Make-up Work

Make-up work shall be provided for any class in which a student has an excused absence unless otherwise determined by the superintendent or unless the absence is due to the student's expulsion from school. It is the responsibility of the student to request any make-up assignments permitted on the day returning to class. There shall be 2 calendar days allowed for make-up work for each day of excused absence that was not pre-arranged. After the 2 days per day of excused absence, it will be considered "late work" and graded down one letter grade (10 percentage points) for each school day the work is late.

Make-up work shall be allowed following an unexcused absence or following a student's suspension from school with the goal of providing the student an opportunity to keep up with the class and as an incentive to attend school. It is the responsibility of the student to request any make-up assignments permitted on the day returning to class. In accordance with law, the district may impose academic penalties which relate directly to classes missed while unexcused. Make-up work after an unexcused absence will receive only 50% credit. Students are encouraged to complete such make-up work as soon as possible to avoid falling further behind.

Unless otherwise permitted by the superintendent, 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 any alternative education program.

Pre-arranged absences

If a family knows in advance they are going to be gone for an extended period of time, the student or parent needs to pick up a "pre-arranged absence" form in the office (JH-E). The form shall be requested a week before the absence unless the nature of the absence does not allow a week's notice. The superintendent shall indicate on the form whether or not the absences shall be excused.

Assigned work: The student shall take the form to each teacher and request assigned work prior to the absence. All assigned work requested for a pre-arranged absence shall be due the day the student returns to class. This assigned work from a pre-arranged excused absence will receive full credit if turned in the day of return. After the day of return, it will be graded down one letter grade (10 percentage points) for each school day the work is late. Late work turned in later than 4 days will receive half the percentage grade it would have earned if turned in on time. Assigned work from a pre-arranged unexcused absence is due the day of return and will receive 50% credit.

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, appropriate penalties shall be imposed for excessive tardiness.** Parents/guardians shall be notified of all penalties regarding tardiness.

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 his 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.

Adopted May 4, 1982

Revised to conform with practice: date of manual adoption

Revised October 11, 2000

Revised June 22, 2005

Revised May 24, 2007

Revised July 30, 2009

Revised Jan 28, 2009

Legal Refs and Notes Revised September 26, 2013

LEGAL REFS.: C.R.S. 22-14-101 et seq. (*dropout prevention and student re-engagement*)
C.R.S. 22-32-109 (1)(n) (*length of school year, instruction & contact time*)
C.R.S. 22-32-109.1 (2)(a) (*conduct and discipline code*)
C.R.S. 22-32-138 (6) (*excused absence requirements for students in out-of-home placements*)
C.R.S. 22-33-101 et seq. (*School Attendance Law of 1963*)
C.R.S. 22-33-105 (3)(d)(III) (*opportunity to make up work during suspension*)
C.R.S. 22-33-203 (*educational alternatives for expelled students and determination of credit*)

1 CCR 301-78 Rules

1.00 et seq. (*standardized calculation for counting student attendance and truancy*)

CROSS REFS.: IC/ICA, School Year/School Calendar
JEA, Compulsory Attendance Ages
JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JHB, Truancy
JK, Student Discipline
JKD/JKE, Suspension/Expulsion of Students
JLIB, Student Dismissal Precautions

NOTE 1: The law requires the local Board of Education to designate an attendance officer for the district to enforce the provisions of the compulsory attendance law, counsel students and parents and investigate the causes of nonattendance and report those findings to the Board.

NOTE 2: Penalties for unexcused absences may be approved by the Board or administration.

NOTE 3: State law requires that the attendance policy specify the maximum number of unexcused absences that it takes to trigger enforcement of compulsory attendance. In determining that number, it may be helpful to refer to the rules of the State Board of Education, which define "habitual truant" as a child who has attained the age of 6 on or before August 1 of the school year in question and is under the age of 17 and who has four days of unexcused absences from school in a month or 10 days of unexcused absences during the school year.

NOTE 4: State law arguably requires boards to consider absences due to suspension or expulsion as excused absences. See C.R.S. 22-33-104(4)(a). CASB recommends that the district's philosophy regarding make-up work be consistent throughout the attendance and discipline policies. In accordance with state law on educational opportunities during suspension, a student is entitled to full or partial credit to the extent possible for work completed satisfactorily. The objective should be to reintegrate the student back into the classroom after sufficient remediation opportunities are provided. See C.R.S. 22-33-105 (3)(d)(III). In accordance with state law on educational opportunities during expulsion, the school district shall determine the amount of credit the student shall receive toward graduation for educational services provided during the student's expulsion. See C.R.S. 22-33-203(1)(a). Educational services provided shall be designed to provide a second chance for the student to succeed in achieving an education. C.R.S. 22-33-203(1)(b).

NOTE 5: State law provides that court proceedings to compel compliance with the compulsory attendance law shall only be used as a last-resort approach for addressing the problem of truancy. The district shall first have attempted other options for addressing truancy that employ best practices and research-based strategies to minimize the need for court action. Before initiating court proceedings, the district shall provide written notice to the student and his or her parent that the district will initiate court proceedings if the student doesn't comply with the compulsory attendance law. C.R.S. 22-33-108(5).

Student Absences and Excuses – Regulation

Absence procedures

- If your child will be absent, please notify the school by 9:00 AM
- Send a written excuse from you or a medical professional to the office the day your child returns. **A written statement, citing one of the “excused” reasons from policy JH, is required for the absence to be excused; an absence will be recorded as “unexcused” in our attendance reporting system if no written statement is received.**
(See “Unexcused absences” section of the policy.)
- A statement from a medical professional is required to excuse an illness or disability *longer than 4 consecutive school days*.
- For state reporting purposes, at the secondary level, 2-4 class periods absent equals a half-day’s absence; 5-7 class periods absent equals 1 full day’s absence.
- After 10 absences, a parent/administrator conference will be required to discuss consequences and courses of action. Consequences may include an attendance contract, make-up time after school, retention, possible court action, or summer school.
- After 12 absences, a student may fail for the semester.

School/Parent/Student Responsibilities

School will

- _____ Provide assignments and materials needed before student leaves on trip
- _____ Plan work that meets content standards for missed lessons (work may be of a different nature than that which is done by students in the classroom)

Parents will

- _____ Ensure that students pack all needed school work materials
- _____ Provide student with structured schoolwork time equivalent to class time missed
- _____ Initial each assignment on assignment sheet as student completes work

Student will

- _____ Work diligently during the structured schoolwork time parents provide
- _____ Give best effort on all assignments
- _____ Allow sufficient time to do well on assignments
- _____ Write down specific problems they may have with assignments
- _____ Be honest with parents about completing assignments
- _____ Have all materials ready to hand in the first day back at school without needing to be reminded

_____ Excused – Assigned work is due _____

_____ Unexcused

Superintendent

Parent

Date

Student

*This form must be returned to the office after all teachers have completed.
One copy will remain on file in the office and a copy returned to parent/student.*

Truancy

If a student is absent without an excuse signed by the parent/guardian or if the student leaves school or a class without permission of the teacher or administrator, the student shall be considered truant. An "habitual truant" shall be defined as a student of compulsory attendance age who has four unexcused absences from class in any one month or 10 unexcused absences during any school year. Absences due to suspension or expulsion shall not be counted in the total of unexcused absences.

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 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 student's parent, guardian or legal custodian shall participate with district personnel and the student during the development of the plan. If the parent or guardian is unavailable to participate, the school and student will proceed with 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 child's truancy.

Penalties

In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while truant. Penalties may include a warning, after school detention or in-school suspension.

Current practice codified 1995

Adopted: date of manual adoption

Revised January 27, 2005

Legal references and notes revised July 2012

Legal references and notes revised September 26, 2013

File: JHB

LEGAL REFS.: C.R.S. 22-14-101 *et seq.* (dropout prevention and student re-engagement)
C.R.S. 22-33-104 (compulsory school attendance)
C.R.S. 22-33-105 (suspension/expulsion)
C.R.S. 22-33-107 (enforcement of compulsory school attendance)
C.R.S. 22-33-108 (judicial proceedings to enforce school attendance laws)
1 CCR 301-78 Rules 1.00 *et seq.* (standardized calculation for counting student attendance and truancy)

CROSS REFS.: IHBG, Home Schooling
JEA, Compulsory Attendance Ages
JFC, Student Withdrawal from School/Dropouts
JH, Student Absences and Excuses

NOTE 1: State law requires the local Board of Education to designate an attendance officer for the district to enforce the provisions of the compulsory attendance law, counsel students and parents, and investigate the causes of non-attendance and report those findings to the Board. C.R.S. 22-33-107(1). State law allows the board by resolution to authorize one or more school employees to represent the school district in judicial proceedings to enforce compulsory attendance. C.R.S. 22-32-110(1)(mm).

NOTE 2: State law provides that court proceedings to compel compliance with the compulsory attendance law shall only be used as a last-resort approach for addressing the problem of truancy. The district shall first have attempted other options for addressing truancy that employ best practices and research-based strategies to minimize the need for court action. Before initiating court proceedings, the district shall provide written notice to the student and his or her parent that the district will initiate court proceedings if the student doesn't comply with the compulsory attendance law. C.R.S. 22-33-108 (5).

NOTE 3: CASB recommends that the district's philosophy regarding make-up work be consistent throughout the attendance and discipline policies. In accordance with state law on educational opportunities during suspension, a student is entitled to full or partial credit to the extent possible for work completed satisfactorily. See C.R.S. 22-33-105 (3)(d)(III). The district has discretion regarding the amount of credit to be awarded for the educational services provided to expelled students. See C.R.S. 22-33-203 (2)(a). The objective should be to reintegrate the student back into the classroom after sufficient remediation opportunities are provided.

NOTE 4: The rules of the State Board of Education define an "habitual truant" as a child who has attained the age of 6 on or before August 1 of the school year in question and is under the age of 17 and who has 4 days of unexcused absences from school in a month or 10 days of unexcused absences during the school year. Beginning in the 2009-10 school year, school districts must report the number of students identified as "habitually truant" to the Colorado Department of Education, in accordance with the State Board of Education's rules regarding the calculation of student attendance and truancy, 1 CCR 301-78. CDE must then make this information accessible to the public by posting it on its website. The State Board's rules also specify how districts shall record and aggregate student absences.

Exclusions and Exemptions from School Attendance

Denial of admission

The Board of Education or the superintendent may deny admission to the schools of the district for cause. The grounds for denial of admission shall be those established by law. (See Exhibit JHD-E.)

Students who were expelled from any school district during the preceding 12 months or whose behavior during the preceding 12 months in another school district was detrimental to the welfare or safety of other students or school personnel may be denied admission.

The Board shall provide due process of law to students and parents 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.

Exemptions from attendance

A child may be exempt from school attendance as allowed by law.

Current practice codified 1995
Adopted: date of manual adoption

LEGAL REF.: C.R.S. 22-33-104 through 22-33-109

CROSS REFS.: IHBA, Special Education/Programs for Handicapped/Disabled
Exceptional Students
JEB, Entrance Age Requirements
JKD/JKE, Suspension/Expulsion of Students
JLC, Student Health Services and Requirements
JLCB, Immunization of Students

Exclusions and Exemptions from School Attendance

According to the Colorado Revised Statutes 22-33-106 (2), subject to the district's responsibilities under Article 20 of that title (Exceptional Children's Education Act), the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program.

2. a. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
- b. 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 shall constitute additional grounds for denial of admission to a public school:

3. a. Graduating from the 12th grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
- b. Failure to meet age requirements.
- c. Having been expelled from any school district during the preceding 12 months.
- d. Not being a resident of the district unless otherwise entitled to attend under C.R.S. 22, Articles 23 or 32.
- e. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any suspension, expulsion or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
- f. 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.

Student Rights and Responsibilities

Students' rights

1. Students have the right to be themselves and to express their ideas and feelings at school. Students should not be treated unfairly because of who they are. They should talk about their ideas and feelings in a way that respects the ideas and feelings of others.
2. Students have the right to be respected and treated with kindness at school.
3. Students have the right to feel safe and be safe at school.
4. Students have a right to tell their side of a problem.
5. Students have a right to make school a good place to be. School is a place where good things happen to people, new friends are made and people are treated with respect. Students learn things at school that will help them the rest of their lives.

Student responsibilities

1. Students must make school a good place for everyone.
2. Students must help themselves and others learn.
3. Students must come to school unless they are sick or excused.
4. Students must be on time for school and classes.
5. Students must always finish their school work and practice what they learn.
6. Students must take care of school property.
7. Students must keep dangerous and illegal things away from school.
8. Students must practice steps to "just say no".

Current practice codified 1995
Adopted: date of manual adoption

Student Involvement in Decision Making

Students are in a unique position to make positive contributions to the improvement of the educational program and to the operation of a more effective school system.

Therefore, it is the Board's belief that students, in keeping with their level of maturity, should be encouraged to participate in the development of policies, regulations and procedures which affect them. Their participation in decisionmaking shall be considered part of the educational process.

As appropriate to the age of students, class or school organizations and school government organizations such as student councils and a student board of education may be formed to offer practice in self-government and to serve as channels for the expression of student ideas and opinions.

The Board shall take into consideration student opinions in establishing policies which directly affect student programs, activities, privileges and other areas of student sensitivity.

Student shall be welcomed at Board meetings and granted privileges of speaking in line with such privileges extended the general public.

Current practice codified 1995
Adopted: date of manual adoption

Student Conduct

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 Superintendent 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 school of the district. 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 employees of the district 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.

Adopted February 2, 1982

Revised to conform with practice: date of manual adoption

Revised October 11, 2000

Revised July 19, 2012

Revised September 26, 2013

LEGAL REFS.: C.R.S. 22-11-302 (1)(f) (*district accountability committee shall provide input to the board regarding the creation and enforcement of the conduct and discipline code*)
C.R.S. 22-32-109.1 (2) (*policy required as part of safe schools plan*)
C.R.S. 22-32-109.1 (2)(a) (*school district shall take reasonable measures to ensure students are familiar with the conduct and discipline code*)
C.R.S. 22-33-106 (1)(a-g) (*grounds for suspension, expulsion and denial of admission*)

CROSS REFS.: GBGB, Staff Personal Security and Safety
JIC subcodes (all pertain to student conduct)
JK, Student Discipline, and subcodes

Student Dress Code

A safe and disciplined learning environment is essential to a quality educational program. District-wide 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.

Any student deemed in violation of the dress code shall be required to change into appropriate clothing or make arrangements to have appropriate clothing brought to school immediately. In this case, there shall be no further penalty.

If the student cannot promptly obtain appropriate clothing, on the first offense, the student shall be given a written warning and an administrator shall notify the student's parents/guardians. On the second offense, the student shall remain in the administrative office for the day and do schoolwork and a conference with parents/guardians shall be held. *Any classes missed as a result of the second offense will be considered unexcused absences.* On the third offense, the student may be subject to suspension or other disciplinary action in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Unacceptable Items

The following items are deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school and are not acceptable in school buildings, on school grounds, or at school activities:

1. Dresses and skirts shorter than 4 inches above the top of the knee; shorts shorter than fingertip length.
2. Sunglasses, hoods and/or hats worn inside the building
3. Inappropriately sheer, tight or low-cut clothing (e.g., midriffs, halter tops, backless clothing, tube tops, garments made of fishnet, mesh or similar material, muscle tops, etc.) that bare or expose traditionally private parts of the body including, but not limited to, the stomach, buttocks, back and breasts.
4. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
 - Refer to drugs, tobacco, alcohol, or weapons
 - Are of a sexual nature

File: JICA

- By virtue of color, arrangement, trademark, or other attribute denote membership in gangs which advocate drug use, violence, or disruptive behavior
- Are obscene, profane, vulgar, lewd, or legally libelous
- Threaten the safety or welfare of any person
- Promote any activity prohibited by the student code of conduct
- Otherwise disrupt the teaching-learning process

Exceptions

Appropriate athletic clothing may be worn in physical education classes and during athletics practices. Clothing normally worn when participating in school-sponsored extra curricular or sports activities may be worn to school when approved by the sponsor or coach.

The superintendent, in conjunction with the school accountability committee, may develop and adopt school-specific dress codes that are consistent with this policy.

Adopted October 11, 2000
Revised December 11, 2000
Revised July 28, 2011
Revised July 19, 2012
Revised September 26, 2013
Revised August 25, 2016

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(l)(J) (*boards duty to adopt student dress code*)

CROSS REFS.: IMDB, Flag Displays
JBB*, Sexual Harassment
JIC, Student Conduct
JICDA, Code of Conduct
JICF, Secret Societies/Gang Activity
JICH, Drug and Alcohol Involvement by Students
JICI, Weapons in School
JK, Student Discipline
JKD/JKE, Suspension/Expulsion of Student

Care of School Property by Students

Willful damage, destruction or theft of school property shall be dealt with as follows:

1. Students apprehended in such situations shall be disciplined appropriately. Such discipline may include restitution, suspension and/or expulsion.
2. If the law is violated, cases shall be referred to the appropriate law enforcement agency for prosecution.

Adopted May 4, 1982

Student Conduct in School Vehicles

The privilege of riding 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 vehicle stops and on-board school vehicles.

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

If a student threatens the safety of others in the vehicle, he may be suspended immediately from riding. In other situations, parents shall be warned in writing of behavior problems that may lead to suspension. Every effort shall be made to try to gain the student's cooperation, however.

After due warning has been given to the student and to the student's parents/guardians, the Superintendent may withhold from the student the privilege of riding in a 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.

A copy of the following policy, JICC-E, shall be provided to students prior to being transported to school in a school vehicle on a regular route.

Adopted October 4, 1998

Revised to conform with practice: date of manual adoption

Revised October 11, 2000

Revised February 20, 2001

Revised September 23, 2010

Legal references revised July, 2012

Revised September 26, 2013

LEGAL REFS.: C.R.S. 22-32-109.1 (2)(a)(I)(B) *(discipline code to address conduct in school vehicles)*

C.R.S. 42-1-102 (88.5) *(definition of school vehicle which includes a school bus)*

CROSS REFS.: JIC, Student Conduct, and subcodes

JK, Student Discipline, and subcodes

Student Conduct on Buses and Small Vehicles

Hinsdale County School District RE-1 General Instructions for Bus Students

Each student must be at his or her designated stop, on time, each day, and will stay clear of the roadway until the bus has stopped. Following any violation of these rules, the driver will turn in a written report to the Superintendent. The first offense will be considered a warning and will be handled by the Superintendent. On the second offense, the driver will issue the student a misconduct notice. When a misconduct notice is issued, the student will not be allowed back on the bus until a parent signs the notice and returns it to the driver. A third offense will draw a suspension of riding privileges for ten school days. Any subsequent suspensions shall be for the remaining portion of the school year. **A student may be suspended immediately and permanently for anything endangering the life or health of the other passengers in the bus vehicle.**

Riding Instructions for Bus and Small Vehicle Students

1. All students are to be on their best behavior at all times.
2. Do not stand while the bus/small vehicle is in motion.
3. Passengers shall not extend arms, legs or head out of the bus/small vehicle.
4. Passengers shall not fight or scuffle on the bus or throw objects from or within the bus/small vehicle.
5. Aisles of the bus shall be kept clear at all times.
6. Yelling or loud talking is prohibited.
7. Passengers must be silent when bus is crossing railroad tracks.
8. Weapons, tobacco in any form, alcohol and drugs are prohibited.
9. Do not deface or destroy any part of the bus/small vehicle or its equipment.
10. Profane and vulgar language is prohibited.
11. Students are to pass in front of the bus/small vehicle when crossing to the left hand side of road during loading or unloading.
12. Seat belts are to be worn at all times, when available.

Please detach and return this signed statement to the driver.
I HAVE READ AND UNDERSTAND THESE RULES REGARDING BEHAVIOR
REQUIREMENTS ON SCHOOL BUSES/SMALL VEHICLES.

Signature of parent or guardian (address) (phone number)

Student signature (school) (grade)

Code of Conduct

In accordance with applicable law and Board policy concerning student suspensions, expulsions and other disciplinary interventions, the Superintendent or designee may suspend or recommend expulsion of a student 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 nexus 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 which recklessly endangers the health or safety of an individual 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 schools policy.

File: JICDA

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.
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. Repeated interference with the district's ability to provide educational opportunities to other students.
26. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the district staff.

Adopted October 11, 2000
Revised September 25, 2003
Revised November 20, 2008
Revised July 28, 2011
Revised July 19, 2012
Revised September 26, 2013

LEGAL REFS.:

C.R.S. 18-3-202 *et seq.* (offenses against person)
C.R.S. 18-4-301 *et seq.* (offenses against property)
C.R.S. 18-9-124 (2)(a) (prohibition of hazing)
C.R.S. 22-12-105 (3) (authority to suspend or expel for false accusations)
C.R.S. 22-32-109.1 (2)(a)(I) (policy required as part of safe schools plan)
C.R.S. 22-32-109.1 (2)(a)(I)(A) (duty to adopt policies on student conduct, safety and welfare)
C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)

C.R.S. 22-33-106 (1)(a-g) (*grounds for suspension, expulsion, denial of admission*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
ADC, Tobacco-Free Schools
ADD, Safe Schools
ECAC, Vandalism
GBGB, Staff Personal Security and Safety
JBB*, Sexual Harassment
JIC, Student Conduct
JICA, Student Dress Code
JICC, Student Conduct in School Vehicles
JICDD*, Violent and Aggressive Behavior
JICDE*, Bullying Prevention and Education
JICF, Secret Societies/Gang Activity
JICH, Drug and Alcohol Involvement by Students
JICI, Weapons in School
JK, Student Discipline
JKD/JKE, Suspension/Expulsion of Students

NOTE: All Board policies with codes containing the letter "JIC" and "JK" are considered part of the legally-mandated code of conduct and discipline.

Violent and Aggressive Behavior

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 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 violence and aggression shall notify the building principal or designee as soon as possible.

An act of violence and 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 and aggression carries with it implied notions of risk of violence and a probability of harm or injury.

An act of violence and 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.

File: JICDD*

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.

Adopted October 11, 2000
Revised August 23, 2007
Revised July 28, 2011
Legal references revised July, 2012
Revised September 26, 2013
Revised August 24, 2017

LEGAL REF.: C.R.S. 22-32-109.1 (1)(b) (*definition of bullying*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
JBB*, Sexual Harassment
JICDA, Code of Conduct
JICDE*, Bullying Prevention and Education
JICF, Secret Societies/Gang Activity
JICI, Weapons in School

Bullying Prevention and Education

The Board of Education supports a secure school climate, conducive to teaching and learning that is free from threat, harassment and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying is the use of coercion or intimidation to obtain control over another person or to cause physical, mental or emotional harm to another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or any basis protected by federal and state law, including disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry or the need for special education services, whether such characteristic(s) is actual or perceived.

Bullying is prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school or any district curricular or non-curricular activity or event.

A student who engages in any act of bullying and/or a student who takes any retaliatory action against a student who reports in good faith an incident of bullying, is subject to appropriate disciplinary action including but not limited to suspension, expulsion and/or referral to law enforcement authorities. The severity and pattern, if any, of the bullying behavior shall be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment shall be subject to investigation and discipline under related Board policies and procedures. Students targeted by bullying when such bullying behavior may constitute unlawful discrimination or harassment also have additional rights and protections under Board policies and procedures regarding unlawful discrimination and harassment.

The superintendent shall develop a comprehensive program to address bullying at all school levels. The program shall be aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents and community members in order to help maintain a bully-free environment.

File: JICDE*

6. To support victims of bullying by means of individual and peer counseling.
7. To help develop peer support networks, social skills and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

Adopted November 21, 2002
Revised August 23, 2007
Revised July 28, 2011
Legal references revised July, 2012

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(l)(K) (*policy required as part of safe schools plan*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
ACE, Nondiscrimination on the Basis of Disability
JB, Equal Educational Opportunities
JBA, Nondiscrimination on the Basis of Sex
JBB*, Sexual Harassment
JICDA, Code of Conduct
JICDD*, Violent and Aggressive Behavior
JICJ, Student Use of Electronic Communication Devices
JK, Student Discipline

School-Related Student Publications

School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Because the Board recognizes creative student expression as an educational benefit of the school experience, it encourages freedom of comment, both oral and written, in a school setting with a degree of order in which proper learning can take place.

The Board encourages students to express their views in school-sponsored publications and to observe rules for responsible journalism. This means expression which is false or obscene, libelous, slanderous or defamatory under state law;

presents a clear and present danger of the commission of unlawful acts, violation of school rules or material and substantial disruption of the orderly operation of the school; violates the privacy rights of others; or threatens violence to property or persons shall not be permitted.

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

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

All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board policy. The school district and employees are provided immunity from civil or criminal penalties for any expression made or published by students.

The superintendent shall develop, for approval by the Board, a written official school publications code which shall include:

1. A statement of the purposes of official school publications.
2. Responsibilities of official school publications' advisors and student editors.

3. A list of prohibited materials.
4. Reasonable provisions for the time, place and manner of distributing school-sponsored student publications within the school district's jurisdiction.
5. Procedures for resolving differences.

The publications code shall be made available to all students and teachers at the beginning of each school year.

Adopted October 11, 2000

LEGAL REFS.: C.R.S. 22-1-120 (*rights of free expression for public school students*)
C.R.S. 22-1-122(5)(e) (*state law does not prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis or evaluation without obtaining written parental consent as long as participation is not prohibited by federal law*)
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JICED*, Student Expression Rights
JLDAC, Screening/Testing of Students

School-Related Student Publications (School Publications Code)

1. Purpose

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

2. Responsibilities of student journalists

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

- a. Rewrite material, as required by the faculty advisers to improve sentence structure, grammar, spelling and punctuation.
- b. Check and verify all facts and verify the accuracy of all quotations.
- c. In the case of editorials or letters to the editor concerning controversial issues, provide space for rebuttal comments and opinions.

If the Board determines that advertising is allowed in the publication, the student editor will determine the content of any advertisements.

3. Responsibilities of publication advisors

In addition to the responsibilities set forth in the accompanying Board policy, the publication advisor will exercise general supervision over all activities to create a proper learning environment.

4. Prohibited materials

- a. Students may not publish or distribute material that is obscene. "Obscene" means:
 - (1) The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.

- (2) 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.
 - (3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- b. 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.
 - c. 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.

Under the "fair comment rule," a student is free to express an opinion on matters of public interest. Specifically, a student enjoys a privilege to criticize the performance of teachers, administrators, school officials and other school employees.

- d. Expression which presents a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school, 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. Undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to show affirmatively substantial facts that reasonably support a forecast of likely disruption. Material that stimulates heated discussion or debate does not constitute the type of disruption that is prohibited.

5. Time, place and manner restrictions

The superintendent will coordinate with the publications advisor on the time, place and manner of distributing school-sponsored publications to reduce any

Hinsdale County School District RE-1, Lake City, Colorado

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.

6. Procedures for resolving differences

Student editors will work first with the publications advisor to resolve any differences. If the problem can not be resolved at this level, the student editors and/or the publications advisor may work with the superintendent to resolve any problem. If the problem is not resolved at the superintendency level, the student editors and/or publications advisor may work with the Board of Education. If the problem is not resolved at the Board level, the student editors and/or publications advisor may seek relief through the judicial system.

7. Legal advice

- a. If in the opinion of the student editor, student editorial staff or faculty advisor, material proposed for publication may be "obscene," "libelous," or "cause a substantial disruption of school activities," the legal opinion of the school district's attorney should be sought if authorized by the superintendent.
- b. Legal fees charged in connection with this consultation will be paid by the Board.
- c. The final decision of whether the material is to be published will be left to the student editor.

Adopted October 11, 2000

Student Distribution of Noncurricular Materials

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

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

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

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

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

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

This policy and the accompanying regulations shall be made available to all students and teachers at the beginning of each school year.

Current practice codified 1995
Adopted: date of manual adoption
Revised October 11, 2000

LEGAL REFS.: C.R.S. 22-1-120 (*rights of free expression for public school students*)
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JICEA, School-Related Student Publications

Secret Societies/Gang Activity

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 superintendent 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.

Current practice codified 1995

Adopted: date of manual adoption

Revised October 11, 2000

Legal references revised July, 2012

Revised August 24, 2017

LEGAL REFS.:

C.R.S. 22-32-109.1 (2)(a)(I)(F) (*policy required as part of safe schools plan*)

CROSS REFS.: IHACA*, Law-Related Education
JICA, Student Dress Code

Secret Societies/Gang Activity

Gangs

At the superintendent's discretion, staff members may use the following techniques to discourage the influence of gangs:

1. Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang members will be referred to the superintendent or his designee. The student's parents/guardian will be contacted and the student sent home to change clothes if necessary.
2. Any gang graffiti on school premises will be quietly removed, washed down or painted over as soon as discovered.
 - a. Daily checks for graffiti will be made throughout the campus, including rest-room walls and doors.
 - b. Graffiti will be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
3. Classroom and after-school programs at each school will be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior and foster interest in a variety of wholesome activities.
4. Staff members will actively promote membership in authorized student organizations which can provide students companionship, safety and a sense of purpose and belonging.

Gang prevention education

Gang prevention instruction offered in the schools may:

1. Explain the dangers of gang membership
2. Include lessons or role-playing workshops in nonviolent conflict resolution and gang avoidance skills
3. Promote constructive activities available in the community
4. Involve students in structured, goal-oriented community service projects
5. Encourage positive school behavior

Gang prevention lessons may be taught jointly by teachers and law enforcement officers.

Community outreach

Gang prevention classes or counseling may be offered for parents/guardians and may address the following topics:

1. Dangers of gang membership
2. The nature of local gang apparel and graffiti
3. Ways to deal effectively with one's children
4. Warning signs which may indicate that children are at risk of becoming involved with gangs

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media may address:

1. The scope and nature of local gang problems
2. Ways that each segment of the community can help to alleviate these problems

Intervention measures

Staff members will make every effort to assimilate gang-oriented students into the academic, extracurricular and social mainstream and into work experience programs. To this end:

1. Staff members will be provided with the names of known gang members.
2. Insofar as possible, classroom teachers will assign individual gang-oriented students to cooperative learning groups in which they may work toward common goals with students who are not members of their gang.
3. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.

Current practice codified 1995

Approved: date of manual adoption

Hinsdale County School District RE-1, Lake City, Colorado

Drug and Alcohol Involvement by Students

Hinsdale County School District RE-1 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.

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 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.

For purposes of this policy, controlled substances include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medication, vitamin or other chemical substances not taken in accordance with the Board policy and regulations on administering medications to students.

This policy also includes substances that are represented by or to the student to be any such controlled substance or what the student believes to be any such substance.

This policy shall apply to any student on district property, being transported in vehicles dispatched by the district or one of its 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.

Situations in which a student seeks counseling or information from a professional 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. When appropriate, parents shall be involved and effort made to direct the substance abuser to sources of help.

The Board, 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 incidents of illegal use of drugs and alcohol by school-aged youths.

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.

File: JICH

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 for the expense of drug or alcohol assessment or treatment provided by other agencies or groups unless otherwise required.

Adopted November 6, 1990
Revised October 11, 2000
Revised July 19, 2012
Revised September 26, 2013

LEGAL REFS.: 20 U.S.C. §7101 *et seq.* (*Safe & Drug-Free Schools and Communities Act of 1994*)
21 U.S.C. 812 (*definition of "controlled substance"*)

C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess controlled substance on or near school grounds or school vehicles*)

C.R.S. 22-1-110 (*instruction related to alcohol and drugs*)

C.R.S. 22-32-109.1 (2)(a)(I)(G) (*policy required as part of safe schools plan*)

C.R.S. 22-33-106 (1)(d) (*suspension or expulsion discretionary for the sale of a drug or controlled substance*)

C.R.S. 25-1.5-106 (12)(b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco
JIH, Student Interviews, Interrogations, Searches and Arrests
JK*-2, Discipline of Students with Disabilities
JKD/JKE, Suspension/Expulsion of Students
JLCD, Administering Medications to Students

Drug and Alcohol Involvement by Students

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.

Use

1. When a student is suspected of use, the person having the suspicion shall notify the principal or designee. Notification must include reasons for such suspicion (observed use, unusual behavior, etc.). The principal or designee will conduct a check of the suspected student and collect data. This action shall comply with the Board policy on investigations and searches.
 - a. 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.
 - b. If information warrants, the student's parent/guardian will be requested to attend a conference at 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 or guardian general information and resources related to substance abuse.
2. 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.

Possession, distribution and exchange

Students who possess or are involved in any distribution or exchange of alcohol, drugs, other controlled substances or drug-containing or drug-related paraphernalia in violation of Board policy will be handled in the following manner:

1. A staff member who comes in contact with evidence and/or contraband shall notify the principal or designee as soon as possible.
2. A staff member who has reasonable cause to believe that a student possesses or is involved in any distribution or exchange of alcohol, any controlled substance or drug-containing or drug-related paraphernalia in violation of Board policy will request that the student accompany him or her to the principal or designee. If the student refuses, the staff member will notify the principal or designee as soon as possible.
3. The principal or designee will undertake investigation and search procedures in accordance with Board policy.
4. The principal or designee will place any evidence in an envelope or alternative container as necessary which will be sealed, dated and initialed by the individual who originally obtained the materials and by the principal or designee. The evidence then will be placed in the school safe or other secure location.

File: JICH-R

5. 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.
6. If information warrants, the student's parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the parent or guardian general information and resources related to substance abuse.

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 count toward the cumulative total.

Possession, use and/or being under the influence

First offense

1. The student will be suspended from school for three days.
2. A parent conference will be held.
3. The principal or designee will attempt to develop with the student's parent/guardian and student a plan that will outline the responsibilities of the parent/guardian, the student and the school in an effort to prevent further offenses from occurring.
4. The principal or designee may recommend additional suspension and/or expulsion depending on the severity of the case.

Second offense

1. The student will be suspended from school for five days.
2. The principal or designee may recommend additional suspension and/or expulsion depending on the severity of the case.

Third offense

1. The student will be suspended for ten days and recommended for expulsion.
2. Alternatively, the expulsion may be waived and a suspension of no less than five days shall be imposed if the student agrees to complete an approved education/counseling/treatment program mutually agreed to by the student's parent/guardian and the principal or designee. The student and student's parent/guardian shall be responsible for the program's completion and its costs.

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Failure to provide documentation of completion of the program within the required time limits shall result in the imposition of the full expulsion period initially recommended.

3. The principal or designee may determine that the alternative to suspension is not appropriate.
4. Students who complete the approved education/counseling/treatment program shall be expelled for subsequent offenses of the Board's policy regarding student involvement with drugs and alcohol.

Purchase, sale, distribution and exchange

First offense

1. The student will be suspended for ten days and recommended for expulsion.
2. Alternatives to expulsion may be considered by the principal or designee.

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.

Approved November 6, 1990
Revised July 19, 2012
Revised September 26, 2013
Revised August 24, 2017

Weapons in School

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. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

As used in this policy, "dangerous weapon" means:

- a. A firearm.
- b. Any pellet, BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- c. A fixed blade knife with a blade that exceeds three inches in length.
- d. A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length.
- e. 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

File: JICI

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.

The superintendent 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.

Current practice codified 1995
Adopted: date of manual adoption
Revised October 11, 2000
Revised March 18, 2010
Revised May 27, 2010
Revised July 19, 2012

Revised September 26, 2013

- LEGAL REFS.: 18 U.S.C. §921 (a)(3) (*federal definition of "firearm"*)
20 U.S.C. §7151 (*Gun-Free Schools Act*)
20 U.S.C. §7151 (h) (*requiring schools to have policies requiring referral to law enforcement*)
- C.R.S. 22-32-109.1 (2)(a)(I)(G) (*policy required as part of safe schools plan*)
C.R.S. 22-33-102 (4) (*definition of dangerous weapon*)
C.R.S. 22-33-106 (1) (*grounds for suspension, expulsion, denial of admission*)
C.R.S. 22-33-106 (1)(f) (*must adopt policy regarding firearm facsimiles*)
- CROSS REFS.: JK*-2, Discipline of Students with Disabilities
JKD/JKE, Suspension/Expulsion of Students
KFA, Public Conduct on District Property

NOTE: As a condition of receiving federal funds, the Gun-Free Schools Act requires the school district to expel for one calendar year students who bring firearms to or possess firearms at school. The district is required to include a description of the circumstances surrounding these expulsions, the name of the school concerned, the number of students expelled and the types of weapons. See exhibit JICI-E for the definition of "firearm" under the Gun-Free Schools Act.

A case-by-case exception to the one-year expulsion requirement must be in writing and may include students with disabilities in order to meet requirements of federal law concerning students with disabilities. It is important to note that federal law requires that educational services must continue for students with disabilities who are properly expelled, although such services may be provided in another setting.

Use of Cell Phones and Other Personal Technology Devices

The Board of Education believes personal technology devices may be useful tools for students in the educational environment and can play a vital communication role during emergency situations. However, the use of personal technology devices (PTD) in school situations must be regulated to assure that the use of such devices does not disrupt or interfere with the educational process or school operations. Therefore, students may only use PTDs 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, pagers, tablets, laptops, cameras, audio and/or video recorders and players, and all other hand-held electronic communication and data storage devices.

Students may carry PTDs but these devices must be silenced inside school buildings. Students will follow classroom rules regarding use of PTDs.

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.

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 and/or student and/or 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 district property or while the student is attending district or school-sponsored activities or events.

Adopted August 23, 2007

Revised April 28, 2011

Revised August 25, 2016

Revised August 24, 2017

LEGAL REF.: C.R.S. 18-7-109 (*posting, possession or exchange of a private image by a juvenile*)

CROSS REFS.: JIC and subcodes, Student Conduct
JIH, Student Interviews, Interrogations, Searches and Arrests
JK and subcodes, Student Discipline
JS* Student Use of the Internet and Electronic Communications

Use of Electronic Communications Devices

The Board of Education recognizes that electronic communications devices can play a vital communication role during emergency situations. However, the ordinary use of electronic communications devices in school situations disrupts and interferes with the educational process and is not acceptable. For purposes of this policy, "electronic communication devices" include cell phones, beepers, pagers, walkie-talkies, and any other telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Students may carry electronic communications devices but these devices must be silenced inside school buildings. Students will follow classroom rules regarding use of electronic communication devices. Use of electronic communication devices with cameras is prohibited in locker rooms, bathrooms, or other locations where such operation may violate the privacy rights of another person

Violation of this policy will result in disciplinary measures and confiscation of the device. Confiscated devices shall be returned to the student only after a conference with the parent/guardian and/or student and/or school personnel.

The district shall not be responsible for loss, theft or destruction of electronic communication devices brought onto school property.

Adopted August 23, 2007
Revised April 28, 2011
Revised August 25, 2016

CROSS REFS.: JIC and subcodes, Student Conduct
JIH, Student Interviews, Interrogations, Searches and Arrests
JK and subcodes, Student Discipline

Students of Legal Age

Any policies of this Board of Education which require notification to parents/guardians shall be sent to both parents/guardians and students beginning when students turn eighteen.

Parents/guardians of students eighteen years or older who are dependent students for income tax purposes are entitled along with the student to access to student educational records. Proof of dependent status shall be required.

Written permission shall be required from students eighteen years or older who are not dependent students for income tax purposes before parents/guardians are given access to student educational records.

Adopted February 2, 1988
Revised February 24, 2005

LEGAL REF.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act*)
C.R.S. 13-22-101

CROSS REFS.: JIC, Student Conduct, and subcodes
JK, Student Discipline, and subcodes
JLCB, Immunization of Students
JLIB, Student Dismissal Precautions
JRA/JRC, Student Records/Release of Information on Students

Pregnant Students

The pregnancy of students shall not affect their rights to receive a public education nor their privileges as students in the district nor their opportunities to take part in extracurricular activities or honors offered by the school. Therefore, the following shall apply:

- The district shall not apply any rule concerning a student's actual or potential parental or family status which treats students differently on the basis of sex.
- The district shall not discriminate against any student or exclude any student from its education programs or activities including any class or extracurricular activity on the basis of a student's pregnancy or recovery therefrom unless the student voluntarily requests to participate in an alternative program which may be available.
- Girls who are pregnant may continue in school so long as it is physically advisable as determined by the girl's physician in consultation with the school administration. When it is deemed advisable to discontinue attending regular classes, the student shall meet with the counselor and special education and/or related services personnel to arrange for continuation of study and completion of credits.

Current practice codified 1995

Adopted: date of manual adoption

LEGAL REFS.: 20 U.S.C. §§1681, 1682 (Title IX)
34 C.F.R. 21 (c)(2)

Married Students

The marital status of students shall not affect their rights to receive a public education nor their privileges as students in the district nor their opportunities to take part in extracurricular activities or honors offered by the school. Therefore, the following shall apply:

- The district shall not apply any rule concerning a student's actual or potential marital status which treats such students differently.
- The district shall not discriminate against any student or exclude any student from its education programs or activities including any class or extracurricular activity on the basis of a student's marriage unless the student voluntarily requests to participate in an alternative program which may be available.

Current practice codified 1995
Adopted: date of manual adoption

LEGAL REFS.: 20 U.S.C. §§1681, 1682 (Title IX)
34 C.F.R. 21 (c)(2)

Student Interviews, Interrogations, Searches and Arrests

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 superintendent 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 requested. 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.

Search of school property

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.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school, as well as for any loss or damage relating to the contents of such desks and lockers.

Search of the student's person or personal effects

The superintendent 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:

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

Search 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 superintendent 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 superintendent 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 exigent circumstances exist.

File: JIH

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 superintendent 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.

Adopted November 6, 1990

Revised October 11, 2000

Revised May 22, 2008

Legal references revised July 19, 2012

Revised September 26, 2013

LEGAL REFS.: C.R.S. 19-2- 511 *et seq.*
C.R.S. 22-32-109.1 (2)(a)(I)(I) (*policy required as part of safe schools plan*)

CROSS REFS.: JIHB, Parking Lot Searches
JK, Student Discipline, and subcodes

Student Concerns, Complaints and Grievances

Decisions made by school personnel which students believe are unfair or in violation of pertinent Board policies or individual school rules may be appealed to the Superintendent or a designated representative or by following the specific appeal process created for particular complaints.

Grievance procedures (AC-R) are available for students to receive prompt and equitable resolution of allegations of discriminatory actions on the basis of race, color, national origin, ancestry, creed, sex, sexual orientation, marital status, religion, disability or need for special education services, which students are encouraged to report.

Current practice codified 1995
Adopted: date of manual adoption
Revised November 20, 2008

CROSS REFS.: IHEDA, Postsecondary Options/Concurrent Enrollment
JB, Equal Educational Opportunities
JBA, Nondiscrimination on the Basis of Sex
JBB*, Sexual Harassment
JICEA, School-Related Student Publications
JICEC*, Student Distribution of Noncurricular Materials

Student Concerns, Complaints and Grievances

For the purposes of this procedure, the following categories of complaints are established:

1. Conduct of an individual
2. Departmental procedures
3. Building procedures
4. Board policies and regulations
5. Curricular programs
6. Civil rights
7. All others

Complaints must be initiated in writing, dated and signed by the complainant. Completed forms must be filed with the appropriate person as follows:

1. Unlawful discrimination: see Policies AC, ACA, JB, JBA, and JBB.
2. All others: Superintendent.

When a complaint is filed in writing, a conference will be held with the complainant within five school days. A written response will be given to the complainant within 10 school days following the conference.

If the complaint is not resolved to the satisfaction of the student, a written appeal may be submitted within 10 school days in accordance with the appeal procedures.

Appeals must be made to the Board of Education. When an appeal has been filed in writing with the Board of Education, a meeting with the Board will be scheduled within 10 school days after a written appeal has been filed. A written response from the Board will be given to the complainant within 10 school days following the conference.

Complainants who are not satisfied with the resolution of the complaint within the school district have the option of contacting their local Office for Civil Rights of the U.S. Department of Education.

Current practice codified 1995
Approved: date of manual adoption

Student Protests, Demonstrations and Strikes

The Board encourages open and reasonable communication in any area of mutual concern and recognizes the right to peaceful dissent providing that such dissent does not infringe upon the rights of others.

The Board shall, to the full extent of its legal powers, insure that every student has the opportunity to attend school and receive an education without fear of harm or injury. Therefore, the Board shall not allow disruptive acts that:

1. Endanger the safety of students or school personnel.
2. Damage property.
3. Interfere unreasonably or destructively with the educational process.
4. Threaten to close the school.

Disorder and disruption of the educational process shall not be tolerated. Students attempting such action shall be disciplined. The Board shall enforce any law and prosecute any individual it deems necessary to protect students and staff. Violation of laws and city ordinances shall be referred to law enforcement officials for proper disposition.

The superintendent shall be responsible for decisions or actions governing disturbances and disorders in the school building or on school grounds.

Adopted December 1985
Revised January 7, 1986

LEGAL REF.: C.R.S. 18-9-101 *et seq.*

Student Activities (Cocurricular and Extracurricular)

The Board supports the concept that a wide variety of extracurricular activities should be made available to students. However, participation in such activities is a privilege—not a right. Such activities shall be conducted in accordance with the following guidelines:

1. Activity offerings shall be of sufficient variety and number to meet the wide range of interests of students.
2. Most activities shall be an outgrowth of curriculum activities.
3. All participation shall be voluntary.
4. Guidance shall be offered to encourage nonparticipants who need the activity and to curb the overly-enthusiastic from over-participation at the expense of academic performance.
5. The goal for each student shall be a balanced program of academic studies and extracurricular activities.
6. All activities shall be supervised. All clubs and groups shall have a faculty advisor.
7. Activities for public view shall be kept to a minimum. They shall be closely supervised to avoid the expenditure of excessive time and effort by students.

Adopted December 1985

Revised January 7, 1986

Revised to conform with practice: date of manual adoption

Student Travel

Specific guidelines and appropriate administrative procedures shall be developed to screen, approve and evaluate student activity trips and to ensure that all reasonable steps are taken for the safety of the participants.

These guidelines and procedures shall ensure that all student activity trips have the approval of the superintendent and the principal and that all overnight trips and trips exceeding 200 miles round trip have the prior approval of the Board of Education.

Current practice codified 1995
Adopted date of manual adoption
Legal references updated September 2003

LEGAL REF.: C.R.S. 13-22-107 (*parental liability waivers*)
C.R.S. 40-10-116 (1)(b)

CROSS REFS.: EEAG, Student Transportation in Private Vehicles
IJOA, Field Trips

Extracurricular Activity Eligibility

Definitions

For purposes of this policy, the following definitions apply:

1. "Activity" means any extracurricular or interscholastic activity including but not limited to any academic, artistic, athletic, recreational or other related activity offered by a public school.
2. "School of attendance" means the school in which a student is enrolled and attends classes.
3. "District of residence" means the school district in which a student resides.
4. "District of attendance" means the school district in which a student is enrolled and attends classes if the student does not attend school in his or her district of residence. For a homeschooled student, the district of attendance shall be determined in accordance with C.R.S. 22-33-104.5 (6).
5. "School of participation" means a school in which the student participates in an activity but is not the student's school of attendance.

Participation in activities

Students meeting eligibility requirements may participate in activities at their school of attendance. Subject to the same eligibility requirements and in accordance with this policy and applicable law, the district shall allow students enrolled in any school (including charter schools, online education programs, nonpublic schools and nonpublic home-based educational programs) to participate on an equal basis in any activity offered by the district that is not offered at a student's school of attendance.

If an activity is not available at a student's school of attendance, the student may participate at another public school in the district of attendance or district of residence.

If an activity is not offered at any public school in the district of attendance or the district of residence, the student may seek to participate in a contiguous school district or at the nearest public school that offers the activity even if the school is not in a contiguous school district.

With regard to athletic teams, the school of participation may reserve slots for up to twice the number of starting positions on the team at each level of competition for students enrolled in the district. With regard to individual athletic activities, the school of participation may reserve slots for up to half the total number of team members at each level of competition for students enrolled in the district.

Eligibility requirements

File: JJJ

Eligibility requirements in the bylaws of the Colorado High School Activities Association (CHSAA) shall be observed by students at the high school level. Additional eligibility requirements may be imposed by the district for both high school and middle school students. Such eligibility requirements may include, but not be limited to, good citizenship, acceptable academic standing, parental permission and good health (sports only).

To participate in activities at a school of attendance, a student shall meet all of the requirements imposed by the school of attendance.

To participate in activities at a school of participation students must comply with:

1. All eligibility requirements imposed by the school of participation.
2. The same responsibilities and standards of behavior, including related classroom and practice requirements that apply to enrolled students.

Transfer students

If a student transfers enrollment to another school without an accompanying change of domicile by the student's parent/guardian, the student's eligibility to participate is determined by the district's eligibility requirements, CHSAA bylaws and applicable law.

Participation fee

Except as otherwise prohibited by state law, nonenrolled students participating in district activities shall pay the same fee charged enrolled students for participation in the activity. *[NOTE: The district may charge nonenrolled students up to 150% of the fee charged enrolled students. The district cannot charge a participation fee to any student in out-of-home placement, as that term is defined by C.R.S. 22-32-138(1)(e).]*

Appeal

Any student who is sanctioned or is found by the school, school district or CHSAA to be ineligible to participate in any extracurricular activity may appeal the sanction or finding. Students may not appeal sanctions for unsportsmanlike conduct or ejection from the activity.

Adopted September 26, 2013

LEGAL REFS.: C.R.S. 22-30.7-108 (*online students' participation in extracurricular or interscholastic activities*)
C.R.S. 22-32-116.5 (*participation in extracurricular and interscholastic activities*)
C.R.S. 22-32-138 (7) (*waiver of extracurricular fees for students in out-of-home placements*)
C.R.S. 22-33-104.5 (6) (*homeschooled students' participation in extracurricular and interscholastic activities*)

CROSS REFS.: IHBG, Home Schooling

JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JJ, Student Activities

NOTE: The Jake Snakenberg Youth Concussion Act, C.R.S. 25-43-101 et seq., requires coaches of youth sports to receive training on how to recognize a concussion, and also requires students suspected of sustaining a concussion to be removed from play and cleared by a health care provider prior to return to play. Concussion training resources can be found on the Colorado High School Activities Association's website, www.chsaa.org. Concussion management guidelines are available from the Colorado Department of Education.

Student Discipline

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 student discipline problems shall be designed to achieve these broad objectives.

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 also 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 "JK" in the file name constitute the discipline section of the legally required code.

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

Remedial discipline plans

The superintendent 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 discipline 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 caused a material and substantial disruption on school grounds, in a school vehicle or at a school activity or sanctioned event three or more times during the course of a school year may be declared habitually disruptive students. Any student enrolled in the district's schools may be subject to being declared a habitually disruptive student. Declaration as a habitually disruptive student shall result in the student's suspension and/or expulsion in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

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 in each school of the district. In addition, any significant change in the code shall be provided to students and posted in each school.

Current practice codified 1995
Adopted: date of manual adoption
Revised October 11, 2000
Revised July 19, 2012

File: JK

Revised September 26, 2013

Revised August 24, 2017

LEGAL REFS.: C.R.S. 18-6-401 (1) *(definition of child abuse)*
C.R.S. 22-11-302 (1)(f) *(district accountability committee shall provide input to the board regarding the creation and enforcement of the conduct and discipline code)*
C.R.S. 22-32-109.1 (2)(a) *(adoption and enforcement of conduct and discipline code)*
C.R.S. 22-32-109.1 (2)(a)(l) *(school district shall take reasonable measures to familiarize students with the conduct and discipline code)*
C.R.S. 22-32-109.1 (2)(a)(l)(C) *(discipline of habitually disruptive students is required part of conduct and discipline code)*
C.R.S. 22-32-109.1 (9) *(immunity provisions in safe schools law)*
C.R.S. 22-33-106 (1) *(grounds for suspension, expulsion and denial of admission)*
C.R.S. 22-33-106 (1)(c.5) *(definition of a habitually disruptive student)*

CROSS REFS.:

JIC, Student Conduct, and subcodes

JK subcodes, (all relate to student discipline)

Student Discipline

Remedial discipline plans

1. The superintendent may 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 discipline 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 superintendent or designee will contact the student's parent/guardian to schedule a meeting with the student, the student's parent/guardian and any members of the staff whom the superintendent believes should attend.
3. The purpose of the meeting will be to address the reasons for the student's disruptive behavior and 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 violates the plan.
4. The plan may be written in the form of a contract which the student and the parent/guardian will sign and date.
5. The parent/guardian 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 may be declared "habitually disruptive" if three or more times during the course of the school year the student causes a material and substantial disruption on school grounds, in a school vehicle or at a school activity or sanctioned event.

1. The student and the student's parent/guardian will be notified in writing of each disruption which counts toward declaring the student habitually disruptive. The student and parent/guardian will also be notified in writing and by telephone or other oral communication of the definition of "habitually disruptive student."
2. A student who has been declared habitually disruptive shall be suspended and/or expelled in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Current practice codified 1995
Approved: date of manual adoption
Revised October 11, 2000
Revised July 19, 2012
Revised September 26, 2013
Revised August 24, 2017

Discipline of Students with Disabilities

Students with disabilities are neither immune from a school 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 will be disciplined in accordance with their IEP, any behavioral intervention plan and this policy.

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

Suspension for up to 10 school days

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

Manifestation Determination

When a disciplinary change in placement is being considered beyond 10 days in a given school year related to a disabled student's behavior, the 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 is a manifestation of the disability and whether the student's disability impaired his or her ability to control or understand the impact and consequences of the behavior.

Disciplinary action for behavior that is not a manifestation

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

During any period of suspension or change of placement beyond 10 days in any given school year, services shall be provided to the extent necessary to enable the student to continue to appropriately progress in the general curriculum and appropriately advance toward the goals of the IEP.

Disciplinary action and/or alternative placement for behavior that is a manifestation

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

In addition to any disciplinary action provided for in the IEP or behavioral intervention plan, a disabled student may be suspended or removed to an alternative setting for up to an additional 10 school days in any given school year, beyond any 10 day suspension already given in that year, to the extent suspension would be applied to nondisabled students.

Disabled students carrying weapons to school or possessing, selling, or soliciting drugs may be suspended or removed to an alternative setting for the same amount of time as would be applied to a nondisabled student, but not more than an additional 45 school days in any given school year, beyond any 10 day suspension already given in that year.

A hearing officer may order removal to an alternative setting for 45 days, beyond any 10 day suspension already given in that year, when 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 or suspension (beyond any 10 day suspension already given in that year) 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.

During any period of suspension or change of placement beyond 10 days in any given school year, services shall be provided to the extent necessary to enable the student to continue to appropriately progress in the general curriculum and appropriately advance toward the goals of the IEP.

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 dangerous for the student to be returned to the previous placement.

During any challenge to placement, the student will stay in the alternative placement

Students not identified as disabled

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

The district has knowledge of the disability when:

1. the parent/guardian has expressed concern in writing that the student needs special education.
2. the student's behavior or performance has demonstrated such a need.
3. the parent/guardian has requested an evaluation.
4. the student's teacher has expressed concern about the student's behavior or performance to the director of special education or other district personnel

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

Adopted: November 13, 2000

LEGAL REFS.: C.R.S. 22-33-106 (1)(c)
C.R.S. 22-20-101 *et seq.* (*Exceptional Children's Education Act*)
20 U.S.C. 1401 *et seq.* (*Individuals with Disabilities Education Act*)

CROSS REFS.: JIC, Student Conduct, and subcodes
JK, Student Discipline, and subcodes
JRA/JRC, Student Records/Release of Information on Students
IHBA, Special Education/Programs for Handicapped/Dis./Excep. Students

Use of Physical Intervention and Restraint

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

Physical intervention

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

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 five minutes 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. Restraint shall not include the holding of a student for less than five minutes by a district employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

District employees shall not use restraint as a punitive form of discipline or as a

File: JKA

threat to control or gain compliance of a student's behavior. 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.

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

Exceptions

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), and
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. 18-1-901 (3)(e).

Adopted December, 1985

Revised January 7, 1986

Revised March 2, 1992

Revised to conform with practice: date of manual adoption

Revised October 11, 2000

Revised December 11, 2000

Revised June 24, 2010

Legal references updated July, 2012

Revised August 24, 2017

LEGAL REFS.: C.R.S. 18-1-703 (*use of physical force by those supervising minors*)
C.R.S. 18-1-901 (3)(e) (*definition of a deadly weapon*)
C.R.S. 18-6-401 (1) (*definition of child abuse*)
C.R.S. 19-1-103 (1) (*definition of abuse and neglect*)
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)
C.R.S. 22-32-109.1 (2)(a)(I)(D) (*policy required as part of safe schools plan*)
C.R.S. 22-32-109.1 (2)(a)(I)(L) (*policies for use of restraint and seclusion on students and information on the process for filing a complaint regarding the use of restraint or seclusion shall be included in student conduct and discipline code*)
C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)
C.R.S. 22-32-147 (*use of restraints on students*)
C.R.S. 26-20-101 *et seq.* (*Protection of Persons from Restraint Act*)
1 CCR 301-45 (*State Board of Education rules for the Administration of the Protection of Persons from Restraint Act*)

Hinsdale County School District, RE-1, Lake City, Colorado

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Use of Physical Intervention and Restraint

A. Definitions

In accordance with state law and the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, the following definitions apply for purposes of this regulation and accompanying policy.

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force and seclusion.
2. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint" does not include:
 - a. holding of a student for less than five minutes by a staff person for the protection of the student or others;
 - b. brief holding of a student by one adult for the purpose of calming or comforting the student;
 - c. minimal physical contact for the purpose of safely escorting a student from one area to another;
 - d. minimal physical contact for the purpose of assisting the student in completing a task or response.
3. "Mechanical restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of the student's body. "Mechanical restraint" does not include:
 - a. devices recommended by a physician, occupational therapist or physical therapist and agreed to by a student's IEP team or Section 504 team and used in accordance with the student's Individualized Education Program (IEP) or Section 504 plan;
 - b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan;
 - c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan; or
 - d. positioning or securing devices used to allow treatment of a student's medical needs.
4. "Chemical restraint" means administering medication to a student (including medications prescribed by the student's physician) on an as

needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical restraint" does not include:

- a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
 - b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
5. "Prone restraint" means a restraint in which the student being restrained is secured in a prone (i.e., face-down) position.
 6. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:
 - a. placement of a student in residential services in the student's room for the night; or
 - b. time-out.
 7. "Time-out" is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.
 8. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.
 9. "Bodily injury" means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901(3)(c).
 10. "State Board Rules" mean the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.
 11. "Parent" shall be as defined by the State Board rules.

B. Basis for use of restraint

Restraints shall only be used:

1. In an emergency and with extreme caution; and
2. After:
 - a. the failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and restructuring the environment); or
 - b. a determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. Restraints shall never be used as a punitive form of discipline or as a threat to gain control or gain compliance of a student's behavior.
4. School personnel shall:
 - a. use restraints only for the period of time necessary and using no more force than necessary; and
 - b. prioritize the prevention of harm to the student.

C. Duties related to the use of restraint – general requirements

When restraints are used, the district shall ensure that:

1. no restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
2. no restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
3. restraints are only administered by district staff who have received training in accordance with the State Board rules;
4. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
5. when it is determined by trained district staff that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed; and
6. the student is reasonably monitored to ensure the student's physical safety.

File: JKA-R

Additionally, in the case of seclusion, staff shall reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student.

D. Proper administration of specific restraints

1. Chemical restraints shall not be used.
2. Mechanical and prone restraints shall not be used, except in the limited circumstances permitted by state law and described as exceptions in the accompanying policy.
3. Physical restraint
 - a. A person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student.
 - b. A restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
 - c. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.
4. Seclusion
 - a. Relief periods from seclusion shall be provided for reasonable access to toilet facilities; and
 - b. Any space in which a student is secluded shall have adequate lighting, ventilation and size.
 - c. To the extent possible under the specific circumstances, the space should be free of injurious items.

E. Notification requirements

1. If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff shall notify, in writing, the student's parents, and, if appropriate, the student of:
 - a. the restraint procedures (including types of restraints) that might be used;
 - b. specific circumstances in which restraint might be used; and

- c. staff involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel shall ensure that the meeting is convened.
3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

F. Documentation requirements

1. If restraints are used, a written report shall be submitted within one school day to school administration.
2. The superintendent or designee shall verbally notify the parents as soon as possible but no later than the end of the school day that the restraint was used.
3. A written report based on the findings of the staff review required by paragraph G. below shall be e-mailed, faxed or mailed to the student's parent within five calendar days of the use of restraint. The written report of the use of restraint shall include:
 - a. the antecedent to the student's behavior if known;
 - b. a description of the incident;
 - c. efforts made to de-escalate the situation;
 - d. alternatives that were attempted;
 - e. the type and duration of the restraint used;
 - f. injuries that occurred, if any; and
 - g. the staff present and staff involved in administering the restraint.
4. A copy of the written report on the use of restraint shall be placed in the student's confidential file.

G. Review of specific incidents of restraint

1. The district shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint.
2. The review shall include, but is not limited to:
 - a. staff review of the incident;
 - b. follow up communication with the student and the student's family;

File: JKA-R

- c. review of the documentation to ensure use of alternative strategies;
and
 - d. recommendations for adjustment of procedures, if appropriate.
3. If requested by the district or the student's parents, the district shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

H. General review process

1. The district shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.
2. The review shall include, but is not limited to:
 - a. analysis of incident reports, including all reports prepared pursuant to paragraphs F.1 and F.3 above and including, but not limited to, procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
 - b. training needs of staff;
 - c. staff to student ratio; and
 - d. environmental conditions, including physical space, student seating arrangements and noise levels.

I. Staff training

1. The district shall ensure that staff utilizing restraint in schools are trained in accordance with the State Board rules.
2. Training shall include:
 - a. a continuum of prevention techniques;
 - b. environmental management;
 - c. a continuum of de-escalation techniques;
 - d. nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright

- or sitting position and information about the dangers created by prone restraint;
 - e. methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
 - f. appropriate documentation and notification procedures.
3. Retraining shall occur at a frequency of at least every two years.

Adopted October 11, 2000
Revised December 11, 2000
Revised June 24, 2010
Revised August 24, 2017

Student Restraint Incident Report Form

Student: _____ School: _____
Date: _____ Time: _____
Location: _____

Staff directly involved in restraint (include names and titles; attach supplemental statements, if any):

Witnesses (include names and titles):

Description of events immediately before the behavior occurred:

Efforts/alternatives made prior to the use of restraint:

- _____ Teaching interaction
- _____ Offered self-control strategy
- _____ Verbal de-escalation
- _____ Other(s) (please describe): _____

Type of restraint used:

Time restraint began: _____

Time restraint ended: _____

Chronological description of incident (include behavior, statements made, actions taken):

Resolution:

File: JKA-E

- _____ Student calm/reintegrated into classroom/educational programming
- _____ Student calm/additional time provided for de-escalation outside of instructional setting
- _____ Additional support requested (medical/mental health/parent/police)
- _____ Other(s) (please describe): _____

Injuries or property loss/damage:

Persons notified of incident (include name, title, date and time notified):

Name and title of person writing report

Signature

Checklist	Date	Comments
If an injury to staff or student has occurred, submit student accident report and/or staff incident report.		
Superintendent or designee verbally notify parent by end of the school day that the restraint was used.		
Conduct internal review of incident of restraint.		
Review documentation to ensure use of alternative strategies and recommend adjustments to procedures, if appropriate.		
Report e-mailed, mailed or faxed to parent within 5 calendar days of the use of restraint.		
If requested by parents or the school, convene a meeting (that may be an IEP, BIP or 504 meeting) to review the incident.		

Copies: parent, student's confidential file *[required]*

June 24, 2010

Hinsdale County School District RE-1, Lake City, Colorado

Disciplinary Removal from Classroom

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.

Adopted October 11, 2000
Legal reference updated July 12, 2012
Revised September 26, 2013

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(I)(B) (*policy required as part of conduct and discipline code*)

CROSS REFS.: JIC, subcodes (all pertain to student conduct)
JK, Student Discipline, and subcodes

Disciplinary Removal from Classroom

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

A student 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 administrative 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 superintendent’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 below 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. It should be noted that the superintendent makes decisions for suspension and expulsion. Thus, a teacher’s decision to remove a student from class for behavior covered by district policies regarding suspension and expulsion may, but does not necessarily, mean that the student will also be suspended 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:
 - a. Inappropriate physical contact intended or likely to hurt, distract, or annoy others such as hitting, biting, pushing, shoving, poking, pinching, or grabbing;

- b. Inappropriate verbal conduct intended or likely to upset, distract, or annoy others such as name calling, teasing, or baiting;
 - c. Behavior that may constitute sexual or other harassment;
 - d. 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;
 - e. Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.;
 - f. Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out;
 - g. Destroying or damaging the property of the school, the teacher or another student; or
 - h. 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:
- a. Open defiance of the teacher, manifest in words, gestures, or other overt behavior;
 - b. Open disrespect of the teacher, manifest in words, gestures, or other overt behavior; or
 - c. 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 should 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.
2. Obtain coverage for the class and escort the student to the main school office. The teacher shall inform the superintendent 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 superintendent 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 superintendent 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 superintendent 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

The superintendent shall designate a room or other suitable place to serve as the short-term removal area.

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

At the discretion of the superintendent, 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 superintendent 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 superintendent may consider a different placement option.

Behavior plan

The superintendent and teacher shall consider whether a behavior plan should be developed for the student upon the student's first removal from class. The behavior plan will be similar, if not the same, as a remedial discipline plan developed for disruptive students in accordance with Policy JK. 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 superintendent shall be responsible for determining the appropriate placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. The superintendent's decision regarding placement is final.

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

Review by superintendent

The superintendent 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 superintendent 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 policy and the applicable provisions of state and federal law. All teacher actions under this policy shall be subject to evaluation and supervision by the teacher's supervisor as provided in school district policies and procedures, including the evaluation policy.

Adopted October 11, 2000
Revised July, 2012

Suspension/Expulsion of Students (and Other Disciplinary Interventions)

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; and
6. the likelihood that a lesser intervention would properly address the violation.

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:

1. Positive Behavioral Intervention Support (PBIS) Behavior Plan
2. Counseling
3. Detention
4. In-school suspension
5. Restorative Justice Plan

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. The Board of Education delegates to the superintendent of the school district or to a person designated in writing by the superintendent the power to suspend a student in that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1) (a), (1) (b), (1) (c) or (1) (e) or not more than 10 school days on the grounds stated in C.R.S. 22-33-106 (1) (d) unless expulsion is mandatory under law (see exhibit coded JKD/JKE-E), but the total period of suspension shall not exceed 25 school days.
2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional 10 school days plus up to and including an additional 10 days necessary in order to present the matter to the Board.
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, shall determine 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 in the expulsion matter within five days after the hearing whether the hearing is conducted by the hearing officer or the superintendent.

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 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.

Adopted March 2, 1982

Revised to conform with practice: date of manual adoption

Revised October 11, 2000

Revised October 24, 2002

Revised July 19, 2012

Revised September 26, 2013

LEGAL REFS.: C.R.S. 16-22-102(9) (*unlawful sexual behavior*)
C.R.S. 18-1.3-406 (*crime of violence*)
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)
C.R.S. 22-32-109.1 (2)(a)(I)(E) (*policy required as part of conduct and discipline code*)
C.R.S. 22-32-109.1 (3) (*agreements with state agencies*)
C.R.S. 22-32-144 (*restorative justice practices*)
C.R.S. 22-33-105 (*suspension, expulsion and denial of admission*)
C.R.S. 22-33-106 (*grounds for suspension, expulsion and denial of admission*)
C.R.S. 22-33-106.3 (*use of student's written statements in expulsion hearings*)
C.R.S. 22-33-106.5 (*information concerning offenses committed by students*)
C.R.S. 22-33-107 (*compulsory attendance law*)
C.R.S. 22-33-107.5 (*notice of failure to attend*)
C.R.S. 22-33-108 (*juvenile judicial proceedings*)

CROSS REFS.: ECAC, Vandalism
GBGB, Staff Personal Security and Safety
JEA, Compulsory Attendance Ages
JF, Admission and Denial of Admission
JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JIC, Student Conduct, and subcodes
JK*-2, Discipline of Students with Disabilities
JKF*, Educational Alternatives for Expelled Students
JKG*, Expulsion Prevention

File: JKD/JKE

NOTE 1: In examining this policy and the accompanying regulations, please note the policy cross references. All policy statements in the discipline area should fit together.

NOTE 2: In developing a disciplinary intervention plan, state law requires the plan to state that school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9); a crime in which the underlying factual basis involves domestic violence, as defined in C.R.S. 18-6-800.3 (1); stalking as defined in C.R.S. 18-3-602; or violation of a protection order, as defined in C.R.S. 18-6-803.5.

Grounds for Suspension/Expulsion

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

1. Continued willful disobedience or open and persistent defiance of proper authority.
2. Willful destruction or defacing of school property.
3. Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or other children.
4. Declaration as an habitually disruptive student.
 - a. For purposes of this paragraph, "habitually disruptive student" means a child who has caused a material and substantial disruption three times during the course of the school year on school grounds, in a school vehicle or at school activities or events. Any student who is enrolled in a public school may be subject to being declared an habitually disruptive student.
 - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student."
5. The use, possession or sale of a drug or controlled substance as defined in C.R.S. 12-22-303.
6. The commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. 18-3-204 if committed by an adult.
7. The carrying, bringing, using or possessing a dangerous weapon without the authorization of the school or school district.

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

For purposes of this paragraph, "dangerous weapon" means:

- a. A firearm, whether loaded or unloaded.
- b. Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.

File: JKD/JKE-E

- c. A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches.
 - d. Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.
8. Repeated interference with a school's ability to provide educational opportunities to other students.
 9. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.
 10. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any suspension, expulsion or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
 11. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

According to C.R.S. 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Education Act and applicable federal law (*see policy JK*-2, Discipline of Students with Disabilities*), the following shall be grounds for expulsion from or 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.

Revised October 24, 2002
Revised September 25, 2003
Revised July 19, 2012

Suspension/Expulsion of Students (Hearing Procedures)

A. Procedure for suspension of 10 days or less

Through written policy the Board of Education has delegated to superintendent the power to suspend a student for not more than five or 10 days, depending upon 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 10 days or less.

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.

1. **Notice.** 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, delivery may be by United States mail addressed to the last known address of the student or student's parent/guardian.
2. **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 student and parent/guardian of the basis for the contemplated action.
3. **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.
4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the informal hearing.
5. **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.

6. **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.
7. **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.
8. **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.
9. **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 50% credit to the extent possible for makeup work which is completed satisfactorily.

B. 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:

1. **Notice.** Not less than 10 days prior to the date of the contemplated action, the Board of Education or the superintendent 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.
2. **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.
3. **Contents of Notice.** The notice will contain the following basic information:
 - a. A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.

- b. 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 10 days after the date of the notice.
 - c. A statement of the date, time and place of the hearing in the event one is requested.
 - d. A statement that the student may be present at the hearing and hear all information against him 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.
 - e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
4. **Conduct of hearing.** A hearing may be requested by the parent/guardian. Such hearing will be conducted by the superintendent. 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.

Testimony and information may be presented under oath. However, technical rules of evidence will not be applicable, and the superintendent 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 will prepare specific factual findings and issue a written decision within five days after the hearing.

5. **Appeal.** Within 10 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. At its sole discretion, the Board may grant an appeal hearing for requests made more than 10 days after the denial.

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 of the student and will inform the student and his parent/guardian of the right to judicial review.

6. **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.

7. **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:
 - a. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
 - b. there is an identifiable victim of the expelled student's offense; and
 - c. the offense for which the student was expelled does not constitute a crime against property.

If the district has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or 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 superintendent 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.

C. 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.

1. The superintendent 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, teachers and other school personnel.
2. If it is determined that 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.
3. Alternatively, suspension or expulsion proceedings 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 on-line 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.
4. 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.
5. 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 policy, but shall remain confidential unless the information is otherwise available to the public by law.

Current practice codified 1995
Approved: date of manual adoption
Revised October 24, 2002
Revised July 19, 2012
Revised August 24, 2017

Suspension/Expulsion of Handicapped Students

Special education students are neither immune from a school district's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students.

A special education student may be temporarily suspended from school if exclusion is warranted because of the student's disruptive activities and/or actions which present a physical danger to himself, other students, school personnel or school property.

A special education student whose behavior is determined to be a manifestation of his handicap may not be expelled but shall have his individual education plan (IEP) reviewed by the appropriate IEP team. The team shall review the IEP for appropriateness of services and the need for a more restrictive or alternate placement.

A special education student whose behavior creates a threat of physical harm to himself or other students may not be expelled if the actions creating the threat are a manifestation of his handicap. However the student shall be removed from the classroom to an appropriate alternative setting within the district for a length of time which is consistent with federal law. Within 10 days, the school in which the student is enrolled shall arrange for a re-examination of his IEP to amend the plan as necessary to insure that the needs of the student are addressed in a more appropriate manner or setting which is less disruptive to other students.

Legal counsel and the special education personnel shall be consulted prior to consideration of expulsion of a special education student for misbehavior that is not related to his handicapping condition.

Current practice codified 1995

Adopted: date of manual adoption

LEGAL REF.: C.R.S. 22-33-106 (1)(c)

Suspension/Expulsion of Handicapped Students

Special education students who engage in disruptive activities and/or actions dangerous to themselves or others may be suspended from school by the superintendent following Board policies for all students.

Following each such suspension, the superintendent shall contact the special education personnel.

Such suspensions must be for a definite period of time, not longer than 10 days. Such suspensions shall not be considered a change of placement.

Prior to a student's return from suspension, the special education placement team will hold a review of the student's Individual Educational Plan (IEP) to determine its appropriateness and the need for a more restricted or alternate placement. Repeated suspension may not be used as a device to change a student's placement without the procedural safeguards provided in federal law.

In extreme cases in which the district and the parents disagree about the placement of a disruptive special education student, the Board of Education may seek a court injunction allowing the district to place the student over the parents' objection.

None of the above procedures shall prohibit an 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.

Current practice codified 1995
Approved: date of manual adoption

Expulsion Prevention

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. Among those students who may be at risk are those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive.

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 vocational 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.
4. family prevention services.

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. 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.

Adopted October 11, 2000
Revised July 19, 2012
Revised September 26, 2013

LEGAL REFS.: C.R.S. 22-14-101 *et seq.* (dropout prevention and student re-engagement)
C.R.S. 22-33-202 (identification of at-risk students)
C.R.S. 22-33-204 (services for at-risk students)
C.R.S. 22-33-204.5 (students in facility schools shall be considered at-risk)
C.R.S. 22-33-205 (grants for services to expelled, at-risk and truant students)

CROSS REF.: JKD/JKE, Suspension/Expulsion of Students

File: JLA

Student Insurance Programs

An insurance plan shall be made available to all students to protect them in case of injury or accident while at school. Such insurance shall be selected by the Board and shall not be compulsory.

All students competing in competitive interscholastic athletics shall be required to submit proof of coverage or a written waiver by the parents. Any costs of such required insurance that are over and above the costs of regular school day coverage for non-athletes shall be paid by the Board.

Liability insurance for students riding school buses shall be provided by the Board, within specified limits.

Adopted December 1985
Revised January 7, 1986

Student Health Services and Records

The purpose of the school health program shall be to supplement the efforts and guidance of parents/guardians to raise student awareness of the benefits of regular health care.

The objectives of the school health program are:

1. To promote good health habits among students.
2. To stimulate a sanitary, safe and healthful environment in school.
3. To assist in the identification and referral to appropriate health care providers for medical, psychological and physical needs.

Health records

Health records shall be maintained by the nursing staff and kept in a separate and secure health file in the school health office. Health records of students with human immunodeficiency virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) shall be kept in a locked environment to maintain confidentiality.

Access to the health files shall be limited to only those school personnel who have a specific and legitimate educational interest in the information for use in furthering a student's academic achievement or maintaining a safe and orderly teaching environment. Access to the health files of students with HIV/AIDS shall be limited to those with written permission from the student and/or parent/guardian and to emergency medical personnel.

The nursing staff shall maintain a log showing who has been given access, when access occurred and to which specific records.

Annual screening programs

The sight and hearing of all students in kindergarten, first, second, third, fifth, seventh and ninth grades or students in comparable age groups referred for testing shall be tested during the school year by the school nurse, teacher, principal or other qualified person authorized by the school district, as required by law. These screenings shall not be required of any student whose parent/guardian objects on religious or personal grounds.

The parent/guardian shall be informed when a deficiency is found.

File: JLC

Dental health

The school district shall participate in programs to encourage good dental health including instruction, dental examination clinics when available and referral to agencies which can provide aid for those in need.

Communicable diseases

Students showing symptoms of a communicable disease, an infectious condition, or illness or disability of a serious nature shall be referred to the school nurse. The school nurse shall report the presence of a communicable disease, if action is necessary to protect the health of other students and staff.

Current practice codified 1995

Adopted: date of manual adoption

Revised August 22, 2002

Legal references updated September, 2003

Legal references updated April, 2011

LEGAL REFS.: C.R.S. 13-22-102, 103 (*minors may consent to medical treatment*)
C.R.S. 22-1-116 (*vision and hearing tests*)
C.R.S. 25-4-402 (*parental consent not required to treat minor for sexually transmitted infection*)
C.R.S. 25-4-901 *et seq.* (*school entry immunization*)
C.R.S. 25-6-102 (*dissemination of contraceptive information*)
20 U.S.C. 7906 (*prohibition against the use of Title I funds to operate a program of contraception in the schools contained in No Child Left Behind Act of 2001*)

CROSS REFS.: GBEB, Staff Conduct
JF, Admission and Denial of Admission
JLCB, Immunization of Students
JLCC, Communicable/Infectious Diseases
JLCCA, Students with HIV/AIDS
JLCD, Administering Medications to Students
JLDAC, Screening/Testing of Students (and Treatment of Mental Disorders)
JLCEA*, Students with Special Health Needs

Physical Examinations of Students

Parents/guardians shall be encouraged to have their children physically examined prior to entering school and again prior to the fourth, seventh and tenth grades. A dental examination shall also be encouraged.

Students may be excused from physical education activities and from curricular requirements relating to physical education activities upon the statement from a physician or other licensed health care professional that such participation would be injurious to their health.

Teachers shall be alert to the general well-being of students and shall refer any questionable situations to the superintendent.

Current practice codified 1995
Adopted: date of manual adoption
Legal references revised April, 2011

LEGAL REFS.: C.R.S. 13-22-103 (*minors may consent for medical, dental care under certain circumstances*)

CROSS REFS.: IMBB, Exemptions from Required Instruction
JLC, Student Health Services and Records
JLDAC, Screening/Testing of Students

Immunization of Students

The Board directs the superintendent or designee(s) to annually provide parents/guardians of each student enrolled in the district a copy of the standardized immunization document developed by the Colorado Department of Public Health and Environment. The standardized immunization document includes a list of required and recommended immunizations and the age at which each immunization should be given.

No student is permitted to attend or continue to attend any school in this district without meeting the legal requirements of immunization against disease unless the student has a valid exemption for health, religious, personal or other reasons as provided by law.

Students who do not submit an up-to-date certificate of immunization or a valid exemption will be suspended and/or expelled from school according to regulation JLCB-R.

All information distributed to parents/guardians by the district will inform them of their rights to seek an exemption from immunization requirements.

Current practice codified 1995
Adopted: Date of manual adoption
Revised July 28, 2011

LEGAL REFS.: C.R.S. 22-32-140 (*annual distribution of standardized immunization document required*)
C.R.S. 22-33-106 (*grounds for suspension, expulsion and denial of admission*)
C.R.S. 25-4-901 *et seq.* (*school entry immunizations*)
6 CCR 1009-2 (*school immunization requirements*)

CROSS REFS.: JF, Admission and Denial of Admission
JF-R, Student Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JKD/JKE, Suspension/Expulsion of Students
JRA/JRC, Student Records/Release of Information on Students

Note 1: In accordance with state law, the Colorado Department of Public Health and Environment (CDPHE) has developed and provided to the Colorado Department of Education (CDE) a standardized immunization document regarding childhood immunizations. CDE shall post an updated standardized immunization document on its website on or before January 15th annually. C.R.S. 25-4-902.

Note 2: Districts may determine the method of distribution for the standardized immunization document. Solely posting the document on the school district's website or in a central area of the school is not sufficient to satisfy the notice requirement, however, each school district is encouraged to post a copy of the document on its website. C.R.S. 22-32-140.

Immunization of Students

1. No student may attend school in the district unless the student has presented to the school an up-to-date certificate of immunization or a completed exemption form. *[Note: please refer to current standardized immunization documents developed and updated by the Colorado Department of Public Health and Environment for a list of immunization requirements and recommendations.]* A student shall be exempted from required immunizations only upon submission of:
 - a. certification from a licensed physician that the student's physical condition is such that immunization would endanger the student's life or health or is otherwise medically contraindicated due to other medical conditions.
 - b. a statement signed by the parent/guardian or the emancipated student that the student adheres to a religious belief whose teachings are opposed to immunizations.
 - c. a statement signed by the parent/guardian or the emancipated student that the student holds a personal belief that is opposed to immunizations.

In the event of an outbreak of disease against which immunization is required, no exemption will be recognized and those students will be excluded from school.

2. The district will provide upon request an immunization reporting form. The school nurse is responsible for seeing that required information is included on the form and transferred to an official certificate of immunization as required.
3. If there is a failure to comply with the immunization requirements, the superintendent will personally notify the parent/guardian or emancipated student. Such notification will be accomplished either by telephone or in person. If this is not possible, contact will be by mail. Emancipated students must be contacted directly rather than through their parents/guardians.

The parent/guardian or emancipated student will be notified of the following:

- a. that up-to-date immunizations are required under Colorado law.
 - b. that within fourteen (14) days of notification, the parent/guardian must submit either an authorization for administration of the immunization by health officials or a valid exemption or documentation to the school showing that the next required immunization has been given and a written plan for completion of all required immunizations.
 - c. that if the required documentation is not submitted within fourteen (14) days of notification or if the student begins but does not continue or complete the written plan, the student will be suspended or expelled.
4. A student who fails to comply will be suspended by the principal for up to five days and notice of the suspension sent to the Health Department.

File: JLCB-R

5. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
6. Any suspension or expulsion under this policy will terminate automatically upon compliance.
7. Record of any such suspension or expulsion will be contained in the student's health file, with an appropriate explanation—not in the student's disciplinary file.

Any student expelled for failure to comply with the immunization requirements will not be included in calculating the dropout rate, but will be included in the annual report to the State Board of Education.

Students in out-of-home placements

The following procedure shall apply to students in out-of-home placements, as that term is defined by C.R.S. 22-32-138(1)(e).

Unless the district or school is otherwise authorized to deny enrollment to a student in out-of-home placement, the district or school shall enroll the student regardless of whether the district or school has received the student's immunization records. Upon enrolling the student, the school shall notify the student's legal guardian that unless the school receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen (14) days after the student enrolls, the school shall suspend the student until such time as the school receives the certificate of immunization or authorization.

Current practice codified 1995
Approved: date of manual adoption
Revised July 28, 2011

Communicable/Infectious Diseases

The school district is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed as having a disease whereby his attendance could be harmful to the welfare of other students.

The Board of Education recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. This school district shall rely on the advice of the medical community in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

Management of common communicable diseases shall be in accordance with Colorado Department of Health guidelines. A student who exhibits symptoms of a readily-transmissible communicable disease may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the office and may be sent home as soon as the parent or person designated on the student's emergency medical authorization form has been notified.

The district reserves the right to require a physician's statement authorizing the student's return to school.

In all proceedings related to this policy, the district shall respect the student's right to privacy.

When information is received by a staff member or volunteer that a student is afflicted with a serious, readily-transmissible disease, the staff member or volunteer shall promptly notify the school to determine appropriate measures to protect student and staff health and safety. The superintendent shall determine which additional staff members, if any, have need to know of the affected student's condition. Only those persons with direct responsibility for the care of the student shall be informed of the specific nature of his condition if it is determined there is a need for such individuals to know this information.

Parents of other children attending the school may be notified that their child has been exposed to a communicable disease without identifying the particular student who has the disease.

The superintendent shall initiate procedures to insure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures.

Adopted December 1985

Revised January 7, 1986

Revised to conform with practice: date of manual adoption

LEGAL REFS.: C.R.S. 22-33-104 (2)(a)
C.R.S. 22-33-106 (2)

CROSS REFS.: EBBA, Prevention of Disease/Infection Transmission
JHD, Exclusions and Exemptions from School Attendance
JLCA, Physical Examinations of Students
JLCCA, Students with HIV/AIDS
JLCE, First Aid
JRA/JRC, Student Records/Release of Information on Students

*Note: See Colorado Department of Health guidelines,
"Infectious Disease Flipchart for School
Personnel," available in each school building.*

Students with HIV/AIDS

Although the human immunodeficiency virus (HIV) infection is a communicable disease, it is not transmitted casually. Therefore it is not in itself a reason to remove a student from school.

Decisions about the proper educational placement of a student with HIV infection shall be based on, among other things, the student's behavior, neurologic development and physical condition. A regular evaluation of the placement decision shall be conducted to assess changes in the student's physical condition.

In the event a student with HIV infection qualifies for services as a child with disabilities under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of this policy. Procedures shall be developed to insure confidentiality during the staffing process and in delivery of services to the disabled child.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety and welfare of the student and others because the student is posing an unacceptable risk of transmission of a disease.

In all proceedings related to this policy, the district shall respect the student's right to privacy. The superintendent shall initiate procedures to insure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures.

Current practice codified 1995
Adopted: date of manual adoption

LEGAL REFS.: 20 U.S.C. §1401 *et seq.* (P.L. 94-142, Individuals with Disabilities Education Act)
29 U.S.C. §794 (1983) (Section 504 of the Rehabilitation Act)
42 U.S.C. §1201 *et seq.* (Americans with Disabilities Act)
C.R.S. 22-20-101 through 22-20-114 (Exceptional Children's Education Act)
C.R.S. 22-33-104 (2)(a)
C.R.S. 22-33-106 (2)

File: JLCCA

CROSS REFS.: ACE, Nondiscrimination on the Basis of Handicap/Disability
EBBA, Prevention of Disease/Infection Transmission
IHBA, Special Education/Programs for Handicapped/Disabled/
Exceptional Students
JB, Equal Educational Opportunities
JHD, Exclusions and Exemptions from School Attendance
JLCA, Physical Examinations of Students
JRA/JRC, Student Records/Release of Information on Students

Students with HIV/AIDS

The following procedures will be followed when determining the proper educational placement of a student known to be infected with human immunodeficiency virus (HIV), including those students diagnosed as having Acquired Immune Deficiency Syndrome (AIDS).

Identification of students

Any student infected with HIV generally will be identified by the school district only when the district receives direct information from the student or his parent/guardian about his medical diagnosis.

To encourage such disclosure, the district will endeavor to treat such students in a fair, nondiscriminatory and confidential manner consistent with the district's legal obligations.

All information about such students will be reported to the superintendent who will be the school official responsible for coordinating the placement decision. For purposes of these procedures, the superintendent will be referred to as the "school officer."

Placement decision

HIV infection is not transmitted casually; therefore, it is not itself a reason to remove a student from school. The school officer will determine whether the student who is infected with HIV has a secondary infection such as active tuberculosis that constitutes a recognized risk of transmission in the school setting. This is a medical question which the school officer will answer by consulting with the infected student's physician, a qualified public health official who is responsible for such determinations and the infected student's parent/guardian.

If there is no secondary infection that constitutes a medically-recognized risk of transmission in the school setting, the infected student's education program will not be altered.

If there is a secondary infection that constitutes a medically-recognized risk of transmission in the school setting, the school officer will consult with the physician, public health official and the infected student's parent/guardian. If necessary, they will develop an individually tailored plan for the student. Additional persons may be consulted if this is essential for gaining additional information, but the infected student's parent/guardian (unless the student is 18 years of age) must approve the notification of any additional persons who would know the identity of the infected student.

If an individually-tailored plan is necessary, it must have minimal impact on the student's education. Utmost confidentiality will be observed throughout this process.

The school officer will review the case periodically with the infected student or the student's parent/guardian and the medical advisors described above.

If the student with HIV qualifies for services as a child with disabilities under state and federal law, those procedures will be used to make a placement decision in lieu of the procedure described above. In the development of an individualized educational program (IEP), school personnel should consider expanding the staffing committee to include the student's physician and a public health official to serve in an advisory capacity.

The fact that a student is infected with HIV will not be disclosed on the student's IEP nor will it be disclosed to members of the staffing committee unless the school officer in consultation with the infected student and parent/guardian, as appropriate, determines that such disclosure is necessary to develop procedures to address the student's medical condition or to provide medical treatment. These precautions also shall be observed in the case of an HIV-infected student who is referred for special education and staffing for reasons unrelated to HIV infection.

Confidentiality

All information gained by the school district through application of the accompanying policy and these procedures including the identity of the student will be treated as confidential. Special precautions will be taken to protect information regarding a student's health condition in order to prevent instances of disclosure that may invade a student's personal privacy.

Persons who may know the identity of a student infected with HIV are those who with the infected student or his parent/ guardian will determine whether the student has a secondary infection that constitutes a medically-recognized risk of transmission in the school setting. They are the school officer, the student's personal physician and a public health official who may be able to study the facts of the case sufficiently without needing to know the identity of the student to make a decision.

The decisionmakers listed above and the infected student or his parent/guardian will determine whether additional persons such as the school nurse or principal need to know that an infected student attends a specific school. The additional persons will not know the name of the infected student without the consent of the student or his parent/guardian.

All medical information and written documentation of discussions, telephone conversations, proceedings and meetings will be kept by the school officer in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected student or his parent/guardian.

To further protect confidentiality, names will not be used in documents except when this is essential. Any document containing the name or any other information that would reveal the identity of the infected student will not be shared with any person, not even for the purposes of word processing or reproduction.

Current practice codified 1995
Adopted: date of manual adoption

CROSS REF.: JID, Students of Legal Age

Administering Medications to Students

School personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours and the student's parent/guardian is not available to administer the medication during the school day.

Medication may be administered to students only by a school nurse or school personnel whom a registered nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication. The term "nonprescription medication" includes, but is not limited to, over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements. Medication may be administered to students by the school nurse or other school designee only when the following requirements are met:

1. Medication shall be in the original properly labeled container. If it is a prescription medication, the student's name, name of medication, dosage, how often it is to be administered, and name of the prescribing health care practitioner shall be printed on the container.
2. The school shall have received written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law.
3. The school shall have received written permission, from the student's parent/guardian to administer the medication to the student.
4. The parent/guardian shall be responsible for providing all medication to be administered to the student.

Self-administration of medication for asthma, allergies or anaphylaxis

A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition may possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with the regulation accompanying this policy.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or other related, life-threatening condition may be limited or revoked by the school principal after consultation with Hinsdale County School District RE-1, Lake City, Colorado

the school nurse and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy shall be considered a violation of policy JICH, Drug and Alcohol Involvement by Students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with policy JICH and/or other related policies.

Adopted December 1985

Revised January 7, 1986

Revised to conform with practice: date of manual adoption

Revised August 22, 2002

Revised September 22, 2005

Revised November 18, 2010

Revised July 23, 2015

LEGAL REFS.: C.R.S. 12-38-132 (*delegation of nursing tasks*)
C.R.S. 22-1-119 (*no liability for adverse drug reactions/side effects*)
C.R.S. 22-1-119.5 (*Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act*)
C.R.S. 22-2-135 (*Colorado School Children's Food Allergy and Anaphylaxis Management Act*)
C.R.S. 24-10-101 *et seq.* (*Colorado Governmental Immunity Act*)
1 CCR 301-68 (*State Board of Education rules regarding Administration of Colorado School Children's Asthma and Anaphylaxis Act and Colorado School Children's Food Allergy and Anaphylaxis Management Act*)
6 CCR 1010-6, Rule 9-105 (*regulations*)

CROSS REF.: JICH, Drug and Alcohol Use by Students
JKD/JKE, Suspension/Expulsion of Students JLCDA*, Students with
Food Allergies
JLCE, First Aid and Emergency Medical Care

Administering Medications to Students

If a student is required to take medication during school hours, only the school nurse or the nurse's designee may administer the medication to the student in compliance with the following regulation. In the alternative, the parent/guardian may come to school to administer the medication.

1. All directives of the accompanying policy shall be followed.
2. Written orders for medication from the student's health care practitioner with prescriptive authority under Colorado law shall be on file in the school stating:
 - a. Student's name
 - b. Name of medication
 - c. Dosage
 - d. Purpose of the medication
 - e. Time of day medication is to be given
 - f. Anticipated number of days it needs to be given at school
 - g. Possible side effects and any specific indications or contraindications of the medication
3. Prescription medication shall be brought to school in the original pharmacy-labeled container. Prescription medication shall be administered only in accordance with written authorization and directions signed by the prescribing health care provider.
4. Nonprescription (i.e., over the counter) medication must be furnished in the original container labeled by the pharmaceutical company or other commercial distributor of the medication. Nonprescription medicine shall be administered only in accordance with written authorization and directions signed by the student's treating health care provider or in accordance with the District-wide protocol for administering specified nonprescription medicines as set forth in paragraph 5.
5. On a limited basis (i.e., in the case of fever, severe aches/pains, stomach upset, etc.), Tylenol, Ibuprofen, or Pepto-Bismol may be provided by the district and administered to students with written parental consent and at the discretion of the school nurse or designee. In emergency situations, Benadryl and/or an Epi-Pen may be provided by the district and administered to students with written parental consent and at the discretion of the school nurse or designee. Parental consent for the provision and administration of these medications to students shall be part of the registration process at the outset of the school year.
6. An individual record shall be kept of any medications administered by school personnel.

7. Medication shall be stored in a clean, locked cabinet or storage container. Emergency medications (such as epinephrine) shall be kept in a secure location accessible to designated school staff.

Unless these requirements are met, medication will not be administered to students at school.

Self-administration of medication for asthma, allergies or anaphylaxis

A school shall permit a student to possess and self-administer medication, such as an inhaler or epinephrine, if all of the following conditions are met:

1. Written authorization signed by the student's health care practitioner must be on file with the school which shall include the student's name; the name, purpose, prescribed dosage, frequency, and length of time between dosages of the medication(s) to be self-administered; and confirmation that the student has been instructed and is capable of self-administration of the medication.
2. The school nurse or school administrator, in consultation with the school nurse, the student's health care practitioner, and the student's parent/guardian collaborate to make an assessment of the student's knowledge of his or her condition and ability to self-administer medication.
3. A written statement signed by the student's parent/guardian must be on file with the school, which shall include permission for the student to self-administer his/her medication and a release from liability for any injury arising from the student's self-administration of such medication.
4. A written contract between the school nurse, school administrator, the student, and the student's parent/guardian must be on file with the school, assigning levels of responsibility to the student's parent/guardian, student, and school employees.

A treatment plan authorizing a student to possess and self-administer medication for asthma or anaphylaxis shall be effective only for the school year in which it is approved.

A student shall report to the school nurse or designee or to some adult at the school immediately after the student uses an epinephrine auto-injector during school hours. Upon receiving such report from a student, the school nurse, designee, or other adult will provide appropriate follow-up care to the student, which shall include making a 911 emergency call.

Current practice codified 1995
Approved: date of manual adoption
Revised August 22, 2002
Revised September 22, 2005
Revised November 18, 2010

Permission for Medication Administration

Name of student _____ Grade _____

Medication _____ Dosage _____

Purpose of medication _____

Time of day medication is to be given _____

Possible side effects and any specific indications/contraindications _____

Anticipated number of days it needs to be given at school _____

Date _____

Signature of health care practitioner

It is understood that the medication is administered solely at the request of and as an accommodation to the undersigned parent or guardian. In consideration of the acceptance of the request to perform this service by the school nurse or other designee employed by Hinsdale County School District RE-1, the undersigned parent or guardian hereby agrees to release Hinsdale County School District RE-1 and its personnel from any legal claim which they now have or may hereafter have arising out of side effects or other medical consequences of the medication.

I hereby give my permission for _____ [name of student] to take the above prescription at school as ordered. I understand that it is my responsibility to furnish this medication.

Date _____

Signature of parent or guardian

Revised November 18, 2010

NOTE: Prescription medication is to be brought to school in the original pharmacy-labeled container stating the student's name, the name of the medication, dosage, name of the prescribing health care practitioner, date the prescription was filled and expiration date. Nonprescription (i.e., over the counter) medication must be furnished in the original container labeled by the pharmaceutical company or other commercial distributor of the medication

Permission for Specific Nonprescription Medications

Name of student _____

Grade _____

I authorize school personnel to exercise reasonable judgment pertaining to the wellbeing of my child and thereby allow for the following nonprescription medications to be administered at the discretion of the school nurse or designee if needed and I cannot be reached by phone:

- Ibuprofen Allowable dosage _____
- Tylenol Allowable dosage _____
- Pepto-Bismol Allowable dosage _____
- Benadryl Allowable dosage _____
- Epi-Pen

It is understood that the medication is administered solely at the request of and as an accommodation to the undersigned parent or guardian. In consideration of the acceptance of the request to perform this service by the school nurse or other designee employed by Hinsdale County School District RE-1, the undersigned parent or guardian hereby agrees to release Hinsdale County School District RE-1 and its personnel from any legal claim which they now have or may hereafter have arising out of side effects or other medical consequences of the medication.

I hereby give my permission for _____ to take the above-checked nonprescription medication at school or while on a school-sponsored activity/athletics trip.

Date _____

Signature of parent or guardian

Revised November 18, 2010

Students with Food Allergies

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.

Health care plan

The school nurse, or superintendent in consultation with the school nurse, shall develop and implement a health care 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. 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.

Reasonable accommodations

Reasonable accommodations shall be made 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/legal guardian shall supply the school with the medication needed for treatment of the student's food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with Board policy JLCD, Administration of Medications.

Staff training

The superintendent, in consultation with the school nurse, shall determine the appropriate recipients of emergency anaphylaxis treatment training, which shall include those 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

File: JLCDA*

anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

Adopted May 27, 2010

LEGAL REFS.: 20 U.S.C. 1400 *et seq.* (*Individuals with Disabilities Education Improvement Act of 2007*)
29 U.S.C. 701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)
42 U.S.C. 12101 *et seq.* (*Americans with Disabilities Act*)
C.R.S. 22-2-135 (*Colorado School Children's Food Allergy and Anaphylaxis Management Act*)
C.R.S. 22-32-139 (*policy required regarding management of food allergies and anaphylaxis among students*)
C.R.S. 25-1.5-109 (*Colorado Department of Public Health and Environment shall develop, maintain and make available a standard form for school districts to gather information concerning students' food allergies*)
1 CCR 301-68 (*State Board of Education rules regarding Administration of Colorado School Children's Asthma and Anaphylaxis Act and Colorado School Children's Food Allergy and Anaphylaxis Management Act*)

CROSS REF.: JLCD, Administering Medications to Students

NOTE: State law requires school districts to provide notice of this policy to the parent/legal guardian of each student enrolled in a district school prior to the beginning of each school year. C.R.S. 22-2-135(3)(b). The notice must include the standard allergy and anaphylaxis form developed by the Colorado Department of Public Health and Environment pursuant to C.R.S. 25-1.5-109. The notice must also include language that encourages parents/legal guardians of students for whom medication has been prescribed for treatment of a food allergy or anaphylaxis to give a supply of medication to the school nurse or other school administrator, unless the student has an approved treatment plan that authorizes the student to self-administer the medication. C.R.S. 22-2-135(3)(c).

First Aid and Emergency Medical Care

No treatment of injuries except first aid shall be permitted in the schools. First aid is that immediate help given by the best-qualified person at hand in case of accident or sudden illness.

At least one person in each building and all staff members who teach or supervise students in classes or activities where students are exposed to dangerous equipment or chemicals or other increased risks of injury, as determined by the school district, shall have special training in first aid. A master first aid kit shall be kept and properly maintained in each school.

Any person who in good faith provides emergency care or assistance without compensation at the place of the emergency or accident shall not be liable for any civil damages for acts or omissions in good faith.

Treatment of injuries occurring outside school jurisdiction is not the responsibility of school employees.

No drugs shall be given at any time except for aromatic spirits of ammonia in the case of fainting. The administering of aspirin or other analgesics for headaches or pain or the giving of sodium bicarbonate is forbidden unless a parent/guardian and physician have given written authorization for their use.

The school's obligation continues after the injury until the injured student has been placed in the care of the parent/guardian or emergency health personnel. Therefore, the parents/ guardians of all students shall be asked to sign and submit an emergency medical authorization form which shall indicate the procedure they wish the school to follow in the event of a medical emergency involving their child.

In all cases where the nature of an illness or an injury appears serious, the parent/guardian shall be contacted if possible and the instructions on the student's emergency card followed. In extreme emergencies, where there is potential threat to life, limb or digit, school personnel shall immediately call emergency health personnel to arrange for transporting the student to an emergency facility on advice of emergency health personnel.

No elementary student who is ill or injured shall be sent home alone nor shall a secondary student be sent home alone unless the illness is minor and the parent/guardian has consented in advance.

Adopted December 1985

Revised January 7, 19986

Revised to conform with practice: date of manual adoption

Revised August 22, 2002

File: JLCE

Revised September 22, 2005

LEGAL REFS.: 6 CCR 1010-6-9-102 (*first aid certification requirement*)
C.R.S. 13-21-108 (*civil immunity for persons rendering emergency assistance*)
C.R.S. 22-1-125 (*requirements concerning automated external defibrillators in schools*)
C.R.S. 24-10-106.5 (*public entity duty of care*)

CROSS REFS.: GBGAB*, First Aid Training
JLCD, Administering Medicines to Students
JLIB, Student Dismissal Precautions

NOTE: Pursuant to C.R.S. 22-1-125, school districts must accept a donation of an automated external defibrillator (AED) that meets standards established by the federal food and drug administration and is in compliance with the manufacturer's maintenance schedule. School districts must also accept gifts, grants and donations designated for obtaining AEDs and/or for the inspection, maintenance and training in the use of an AED.

First Aid and Emergency Medical Care

General directives for illness

1. A student who becomes ill while at school will be seen by the school nurse if possible.
2. If a student must be sent home because of illness, the parent/guardian will be contacted and asked to pick up the child if possible.
3. No elementary student who is ill will be sent home alone.
4. A secondary student who becomes ill will be allowed to leave school unaccompanied by a parent/guardian only with the express approval of the parent/guardian. The school staff member who speaks with the parent will make written notes indicating the date and time of the conversation, the parent/guardian's name and whether permission was given.

General directives for injuries/severe illness

- **Minor injury**
Minor injuries will be given first aid treatment by school district personnel.
- **Serious injury or illness (but not threatening to life, limb or digit)**
If the student is in pain or requires medical treatment, the student's parent/guardian will be notified to pick up the student from school. No elementary student who is injured or becomes ill will be sent home alone. An injured secondary student will be allowed to leave school unaccompanied by a parent/guardian only with the express approval of the parent/guardian. The school staff member who speaks with the parent will make written notes, indicating the date and time of the conversation, the parent/guardian's name and whether permission was given.
- **Severe injury or illness threatening to life, limb or digit**
 1. If a student sustains a severe injury or illness requiring immediate medical attention, district personnel shall immediately call 911 to notify emergency health personnel.
 2. The school principal or designee shall then immediately attempt to contact the parent/guardian to inform him or her of the status of the student and to request that the parent/guardian proceed to the hospital immediately.
 3. The superintendent will be notified of the injury or illness as soon as possible.
 4. The teacher or other staff member who was responsible for the student at the time of the accident will make out an accident report using the official school form.

Screening/Testing of Students (And Treatment of Mental Disorders)

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; and
6. a method by which a parent/guardian can grant or deny permission to access or examine the records or information

File: JLDAC

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 a content standard
6. limit the ability of the district to administer a suicide assessment or threat assessment

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 that 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 are 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 that 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

File: JLDAC

to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

Current practice codified 1995
Adopted: date of manual adoption
Revised October 11, 2000
Revised September 25, 2003
Revised August 23, 2007

LEGAL REFS.: C.R.S. 13-22-101 (*18 is age of competence for certain purposes*)
C.R.S. 22-1-123 (*district shall comply with federal law on protection of pupil rights; Colorado provisions regarding survey, assessment, analysis and evaluation of students*)
C.R.S. 22-32-109(1)(ee) (*duty to adopt policy prohibiting personnel from ordering behavior tests without parent permission*)
C.R.S. 22-32-109.2 (*screening and treatment of emotional/mental disorders or disabilities*)
C.R.S. 27-10-103 (*voluntary applications for mental health services*)
20 U.S.C. 1232g (*Family Education Rights and Privacy Act*)
20 U.S.C. 1232h (*rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation*)

CROSS REFS.: GBEB, Staff Conduct
GCS, Professional Research and Publishing
ILBA, District Program Assessments
ILBB, State Program Assessments
JLCA, Physical Examinations of Students
JRA/JRC, Student Records/Release of Information on Students
LC, Relations with Education Research Agencies

Notification of Rights Under the Protection of Pupil Rights Amendment

PPRA affords parents/guardians certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

1. Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey"), if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
 - a. Political affiliations or beliefs of the student or student's parent/guardian.
 - b. Mental or psychological problems of the student or student's family.
 - c. Sex behavior or attitudes.
 - d. Illegal, anti-social, self-incriminating, or demeaning behavior.
 - e. Critical appraisals of others with whom respondents have close family relationships.
 - f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers.
 - g. Religious practices, affiliations, or beliefs of the student or parents/guardians. Income, other than as required by law to determine program eligibility.

2. Receive notice and an opportunity to opt a student out of:
 - a. Any other protected information survey, regardless of funding.
 - b. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student.
 - c. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

3. Inspect, upon request and before administration or use:
 - a. Protected information surveys of students.
 - b. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes.
 - c. Instructional material used as part of the educational curriculum.

These rights transfer from the parents/guardians to a student who is 18 years old or an emancipated minor ("eligible student") under state law.

File: JLDAC-E

The district will develop and adopt policies, in consultation with parents/guardians, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The district will directly notify parents/guardians of these policies at least annually at the start of each school year and after any substantive changes. The district will also directly notify, such as through U.S. Mail or electronic mail, parents/guardians of students who are scheduled to participate in the specific activities or surveys noted above and will provide an opportunity for the parent/guardian to opt his or her child out of participation in the specific activity or survey. The district will make this notification to parents/guardians at the beginning of the school year if the district has identified the specific or approximate dates of the activities or surveys at that time.

For surveys and activities scheduled after the school year starts, parents/guardians will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents/guardians will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents/guardians and eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

Reporting Child Abuse/Child Protection

It is the policy of the Board of Education that this school district comply with the Child Protection Act.

To that end, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect, as defined by statute, shall immediately upon receiving such information report or cause a report to be made to the appropriate county department of social services or local law enforcement agency. Failure to report promptly may result in civil and/or criminal liability. A person who reports child abuse or neglect in good faith is immune from civil or criminal liability.

Reports of child abuse or neglect, the name and address of the child, family or informant or any other identifying information in the report shall be confidential and shall not be public information.

The District shall provide periodic inservice programs for all teachers in order to provide them with information about the Child Protection Act, to assist them in recognizing and reporting instances of child abuse and to instruct them on how to assist victims and their families.

School employees and officials shall not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school official or employee to prove that the child has been abused or neglected.

The superintendent shall submit such procedures as are necessary to the Board for approval to accomplish the intent of this policy.

Current practice codified 1995

Adopted: date of manual adoption, 1996

Revised October 24, 2002

- LEGAL REFS.: C.R.S. 19-1-103 (1) (definition of child abuse or neglect)
C.R.S. 19-3-102 & 103 (definition of neglected or dependent child)
C.R.S. 19-3-304 (persons required to report abuse)
C.R.S. 19-3-307 (reporting procedures)
C.R.S. 19-3-309 (immunity from liability for persons reporting)
C.R.S. 22-32-109 (1)(z) (providing inservice for teachers)
- CROSS REFS.: GBEB, Staff Conduct
GBGB, Staff Personal Security and Safety

Reporting Child Abuse/Child Protection

1. Definition of abuse or neglect

Child abuse or neglect is defined in law as “an act or omission which seriously threatens the health or welfare of a child.” Specifically, this refers to:

- a. Evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and such condition or death which is not justifiably explained or where the history given concerning such condition or death is at variance with the condition or the circumstances indicate that the condition may not be the product of an accidental occurrence.
- b. Any case in which a child is subject to unlawful sexual behavior as defined in state law.
- c. Any case in which a child is in need of services because the child’s parents, legal guardians or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.
- d. Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment of the child’s intellectual or psychological functioning or development or a substantial risk or impairment of the child’s intellectual or psychological functioning or development.
- e. Any act or omission described as neglect in state law as follows:
 - i) A parent, guardian or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
 - ii) The child lacks proper parental care through the actions or omissions of the parent, guardian or legal custodian.
 - iii) The child’s environment is injurious to his or her welfare.
 - iv) A parent, guardian or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care or any other care necessary for his or her health, guidance or well-being.

- v) The child is homeless, without proper care or not domiciled with his or her parent, guardian or legal custodian through no fault of such parent, guardian or legal custodian.
- vi) The child has run away from home or is otherwise beyond the control of his or her parent, guardian or legal custodian.
- vii) A parent, guardian or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse and the parent, guardian or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse or has determined that such parent's, guardian's or legal custodian's abuse or neglect caused the death of another child; and the pattern of habitual abuse and the type of abuse pose a current threat to the child.

2. Reporting requirements

Any school employee who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact to the Gunnison County Department of Social Services or Hinsdale County Sheriff's Office. The employee must follow any oral report with a written report sent to the appropriate agency.

In cases where the suspected or known perpetrator is a school employee, the report should be made to the law enforcement agency. (Reports made to social services will be referred to law enforcement.)

If a child is in immediate danger, the employee should call 911. "Immediate" refers to abuse that occurs in the employee's presence or has just occurred.

The employee reporting suspected abuse/neglect to social services or law enforcement officials must inform the superintendent as soon as possible orally or with a written memo. The ultimate responsibility for seeing that the oral and written reports are made to social services or law enforcement agencies lies with the school official or employee who had the original concern.

3. Contents of the report

The following information should be included to the extent possible in the initial report:

- a. Name, age, address, sex and race of the child.

- b. Name and address of the child's parents, guardians and/or persons with whom the student lives.
- c. Name and address of the person, if known, believed responsible for the suspected abuse or neglect.
- d. The nature and extent of the child's injury or condition as well as any evidence of previous instances of known or suspected abuse or neglect of the child or the child's siblings—all with dates as appropriate.
- e. The family composition, if known.
- f. Any action taken by the person making the report.
- g. Any other information that might be helpful in establishing the cause of the injuries or the condition observed.

It is helpful if the person reporting suspected abuse/neglect is prepared to give documentation. Thus, noting details of observations is important. It is permissible for the school official or employee to conduct a preliminary non-investigative inquiry of any injury or injuries under the following circumstances:

- a. School personnel may inquire of the child how an injury occurred. Leading and/or suggestive questions should be avoided. School personnel may not contact the child's family or any other person suspected of causing the injury or abuse to determine the cause of the suspected abuse or neglect.
- b. A school employee's reasonable cause to suspect that the child has been subjected to abuse or neglect may arise from a child's vague or inconsistent response to such an inquiry or from an explanation which does not fit the injury.
- c. All efforts must be made to avoid duplicate or numerous interviews of the victim.

4. After filing reports

After the report is made to the agency, district and school staff members will cooperate with social services and law enforcement in the investigation of alleged abuse or neglect. The school will report any further incidents of abuse to the agency's representative.

As the case is being investigated, the school will provide supportive aid and counseling services for the child.

Once a report of child abuse is given to the agency, the responsibility for

investigation and follow-up lies with the agency. It is not the responsibility of the school staff to investigate the case. Therefore, the school staff will not engage in the following activities:

- a. Make home visits for investigative purposes.
- b. Take the child for medical treatment. (This does not preclude taking action in an emergency situation.)
- c. Convey messages between the agency and the parents/guardian.

Authorized school and district personnel may make available to agency personnel assigned to investigate instances of child abuse the health or other records of a student for such investigative purposes.

5. Guidelines for consideration

- a. If any school employee has questions about reasonable cause of child abuse and the need for making a report, the employee may consult with the superintendent. If the superintendent is not available, a direct call to the county department of social services about concerns is advisable.

Note that consultation with another school official or employee will not absolve the school official or employee of the responsibility for reporting child abuse.

- b. In an emergency situation requiring retention of the child at the school building due to fear that if released the child's health or welfare might be in danger, it should be observed that only law enforcement officials have the legal authority to hold a child at school. Otherwise a court order must be obtained to legally withhold a child from his or her parent or guardian.
- c. When any school official or employee has a question about the thorough investigation of suspected abuse/neglect following the filing of a report, the employee or official should contact the superintendent.
- d. While all school officials and employees are reminded of their legal responsibility to report suspected cases of abuse or neglect, they may be assured that reports will be investigated by trained professionals and that there are more supportive and therapeutic treatment alternatives available for parents/guardians, and/or other persons with whom the student lives than there have been in the past.
- e. The confidential nature of information pertinent to child abuse or neglect cases is a matter to be emphasized both legally and humanely.

Current practice codified 1995
Approved: date of manual adoption, 1996
Revised October 24, 2002

LEGAL REF.: C.R.S. 18-3-412.5 (1)(b) (definition of unlawful sexual
behavior)

File: JLIA

Supervision of Students

During all contact hours that a teacher is on district property and is performing services on behalf of the school district and while performing such services at school-sponsored activities off district property, the teacher shall be responsible for the control of all students that fall within his assigned supervision and to other students physically in his presence.

Current practice codified 1995
Adopted: date of manual adoption

Student Dismissal Precautions

The school is legally responsible for the health and safety of its students during the school day. Therefore, each school shall set up procedures to validate requests for early dismissal to insure that students are released only for proper reasons and into proper hands.

Under no circumstances shall teachers dismiss a student from school prior to the end of the school day or into any person's custody without the direct prior approval and knowledge of the superintendent.

The superintendent shall not excuse a student under the age of 18 before the end of a school day without a request for the early dismissal from the student's parents. In keeping with this policy, it becomes prudent that:

1. No student be released from school early on the basis of an unvalidated telephone call.
2. Children of estranged parents be released only upon the request of the parent whom a Colorado court holds directly responsible for the child and who is the parent or guardian registered on the school record.

An elementary student shall be sent home only with his parent or, if the parent is not available, with another authorized adult.

Additional precautions shall be taken by the superintendent as needs arise.

Adopted April 6, 1982

Revised February 2, 1988

Revised to conform with practice: date of manual adoption

Student Dismissal Precautions

1. The enrollment records of the district will include information regarding the marital status of a student's parents. Such status will be reviewed each year. The parents will be informed that this information is requested solely to protect their rights as parents.
2. If a student's parents are divorced or legally separated, district personnel will request a copy of the legal document pertaining to child custody.
3. The school secretary will make notations on the files of students whose parents are divorced or legally separated or have other special custody arrangements.
4. If a person whom the superintendent does not recognize appears at school requesting the early dismissal of a student, the superintendent will ask for identification such as a driver's license.

Current practice codified 1995
Approved: date of manual adoption

SUN SAFETY

The Board of Directors of Hinsdale County School District RE-1 recognizes that the sun's ultraviolet (UV) radiation can cause skin cancer. To help prevent the development of skin cancer, students will receive instruction, encouragement, and environmental support to avoid overexposure to the sun when they are outdoors. Accordingly the Board recommends that the school implement a sun safety program that addresses the following elements.

1. Instruction

Teachers will be encouraged to provide education at each grade level which relates to skin cancer, including information about the harmful effects of UV rays and recommended practices for preventing skin cancer. The program may utilize, but will not be restricted to, available curriculum, educational materials, and resources listed by the Colorado Department of Health Services.

2. Protection

a. Hats and Protective Clothing

Students will be allowed to wear articles of sun protective clothing, including hats, when outdoors. The school may specify the type(s) of clothing and hats that are, or are not, permissible on campus.

b. Sunscreen and Lip Balm

Students will be allowed to use sunscreen and sun protective lip balm.

c. Sunglasses

When students are outdoors they will be allowed to wear sunglasses that protect the eyes from UV rays. The school may specify the type(s) of sunglasses that are, or are not, permissible on campus.

3. School Environment

Staff will optimize shade options for students and staff, and will allow the utilization of shaded or indoor areas for congregation and recreation as appropriate. Priority will be given to including ample shade in new construction plans and adding shade when remodeling school facilities.

4. Special Events

Teachers will be encouraged to implement this sun safety policy on school sponsored trips outside the school environment.

File: JLIG

5. Parent-Guardian Communication

The school will be encouraged to inform parents and guardians about the importance of, and strategies for, preventing skin cancer. The communication may include, but not be limited to, details of the school policy relating to hats, sun-protective clothing, sunscreen usage and sunglasses.

6. Health Services

The school nurse and health educators are encouraged to promote, reinforce, and support sun protection and skin cancer prevention efforts for students, families and staff.

Adopted October 26, 2006

Physical Activity

The Board believes students who engage in physical activity as part of the learning environment are healthier and more likely to be engaged learners.

All district students shall be provided opportunities to engage in daily physical activity. The district shall include not less than the minimum required amount of physical activity in the schedules of students attending elementary schools, as such minimums are set forth in state law. Middle school and high school students shall be afforded opportunities for physical activity that are age-appropriate. Students with medical or physical limitations that may affect the student's ability to participate in a scheduled physical activity shall be provided appropriate alternative activities, consistent with federal and state law

For purposes of this policy, "physical activity" may include but is not limited to:

1. exercise programs
2. fitness breaks
3. recess
4. field trips that include physical activity
5. classroom activities that include physical activity
6. physical education classes

A school shall not substitute non-instructional physical activity for standards-based physical education instruction.

Exceptions to required amounts of physical activity may be allowed for school closures, in accordance with law.

Adopted July 28, 2011

LEGAL REFS.: C.R.S. 22-32-136 (*policies to improve children's nutrition and wellness*)
C.R.S. 22-32-136.5(3)(a) (*physical activity policy required*)

CROSS REFS.: ADF, School Wellness
IHAE, Physical Education
JLCA, Physical Examinations of Students

NOTE: *The following minimum minutes of physical activity are set forth in law:*

- *full-day elementary students if classes meet fewer than five days/week = 30 minutes/day*
- *half-day elementary students if classes meet fewer than five days/week = 15 minutes/day*

Student Fees, Fines, and Charges

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. In computing a fine, 20 percent of the original cost of a book, library resource or other school property will be deducted for each year it has been used.

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.

Current practice codified 1995
Adopted: date of manual adoption
Revised August 24, 2017

LEGAL REFS.: C.R.S. 22-32-109 (1)(u) (*free textbooks to indigent students w/o loss/damage deposit*)
C.R.S. 22-32-110 (1)(o) (*textbooks for free or reasonable rental fee*)
C.R.S. 22-32-110 (1)(jj) (*board power to assess fines or fees for the return or replacement of textbooks, library resources or other school property*)
C.R.S. 22-32-113 (5) (*transportation of pupils and imposition of fee for excess transportation costs*)
C.R.S. 22-32-117 (*fees*)
C.R.S. 22-32-118 (*summer school fees*)
C.R.S. 22-32-138 (7) (*waiver of fees for students in out-of-home placements*)
C.R.S. 22-45-104 (*disposition of moneys collected from fines and fees*)

CROSS REFS.: EEA, Student Transportation
EFC, Free and Reduced-Price Food Services
JF-R, Admission and Denial of Admission (Procedures for Students in Out-of-Home Placements)
JJJ, Extracurricular Activity Eligibility

Student Records/Release of Information on Students

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

The superintendent or designee shall provide for the proper administration of student records in accordance with law, including the implementation of safeguard measures or procedures regarding access to and disclosure of student education records.

Content and custody of student education records

The superintendent is the official custodian of records in his or her building.

Student education records in all formats and media, including photographic and electronic, are those records that relate directly to a student. Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns and any individualized education program (IEP).

Student education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

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.

In accordance with applicable law, requests for inspection and review of student education records, requests for copies of such records, and disclosure of personally identifiable information therein shall be maintained as a part of each student's education record.

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.

Access to student education records by parents and eligible students

A parent/guardian ("parent") has the right to inspect and review their child's education records, if the student is under 18 years of age. If a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own education records and provide written consent for disclosure of such records and personally identifiable information therein. However, 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 student education records by parents or eligible students shall be in accordance with the regulation accompanying this policy.

Request to amend student education records

A parent or eligible student may ask the district to amend a student education record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student. Student grades cannot be challenged pursuant to this policy. Requests to amend a student education record shall be in accordance with the regulation accompanying this policy.

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:

- a. The specific records to be disclosed;
- b. The specific reasons for such disclosure;
- c. The specific identity of any person, agency or organization requesting such information and the intended uses of the information;
- d. The method or manner by which the records will be disclosed; and
- e. The right to review or receive a copy of the records to be disclosed.

The parent's or eligible student's 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 by this policy.

All signed consent forms shall be retained by the school district.

Disclosure without written consent

The district may disclose student education records or personally identifiable information contained therein without written consent of the parent or eligible student if the disclosure meets one of the following conditions:

1. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy shall be permitted access to specific student education records.
 - a. For purposes of this policy, a "school 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 outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, consultant or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.

- b. A school official has a "legitimate educational interest" if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official's areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school, school system or postsecondary institution that has requested the records and in which the student seeks or intends to enroll, or has enrolled. Any records sent during the student's application or transfer period may be supplemented, updated or corrected as necessary.
3. The disclosure is to authorized 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, or state and local educational authorities.
4. The disclosure is in connection with a student's application for, or receipt of, financial aid.
5. The disclosure is 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.
6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
7. The disclosure is to accrediting organizations for accrediting functions.
8. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.
9. The disclosure is in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.

10. The disclosure is to comply with a judicial order or lawful subpoena. The district shall make a reasonable effort to notify the parent or eligible student prior to complying with the order or subpoena unless:
 - a. The court order or subpoena prohibits such notification; or
 - b. The parent is a party to a court proceeding involving child abuse and neglect or dependency matters and the court order is issued in the context of that proceeding.
11. The disclosure is to 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. The disclosure is to 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.
13. The disclosure is of "directory information" as defined by this policy.

Disclosure of directory information

Directory information may also be disclosed without written consent of the parent or eligible student. "Directory information" means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information which may be released includes but is not limited to 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 also includes a student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password known only by the authorized user.

Student telephone numbers and addresses shall not be disclosed pursuant to this section.

The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if 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.

Disclosure of disciplinary information to school personnel

In accordance with state law, the superintendent or designee shall 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. 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.

State law requires the superintendent or designee to inform the student and the student's parent when disciplinary information is communicated and to provide a copy of the shared 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 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 Medicaid

In all cases in which a student is enrolled in the Colorado Medicaid program, the district shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The district shall obtain written consent annually from a parent before the release of any non-directory information required for billing. To accomplish this, the district shall include a consent form with the "start of school" information each fall and include a consent form with IEP packet materials.

Disclosure to the Colorado Commission on Higher Education (CCHE)

On or before December 31 of each school year, the school 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.

Annual notification of rights

The district shall notify parents and eligible students of their rights pursuant to this policy at the beginning of each academic year. For notice to parents or eligible students who are disabled or whose primary or home language is other than English, the format or method of notice will be modified so it is reasonably likely to inform them of their rights.

A copy of the Family Educational Rights and Privacy Act, and this policy and accompanying regulation and exhibit may be obtained from the office of the superintendent during normal business hours.

Governing law

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.

Current practice codified 1995

Adopted: date of manual adoption

Revised October 11, 2000

Revised October 24, 2002

Revised July 24, 2003

Revised September 25, 2003

Revised September 25, 2005

Revised August 23, 2007

Revised April 28, 2011

Revised March 22, 2012

Revised September 26, 2013

- LEGAL REFS.: 20 U.S.C. 1232g (*Family Educational Rights and Privacy Act*)
20 U.S.C. 7908 (*military recruiter information contained in No Child Left Behind Act of 2001*)
34 C.F.R. 99.1 *et seq.* (*FERPA regulations*)
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)
C.R.S. 22-1-123 (*district shall comply with FERPA*)
C.R.S. 22-32-109 (1)(ff) (*duty to establish policy on disclosing eighth grade students names and mailing addresses to the Colorado Commission on Higher Education*)
C.R.S. 22-32-109.1(6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safe*)
C.R.S. 22-32-109.3 (2) (*duty to share disciplinary and attendance information with criminal justice agencies*)
C.R.S. 22-33-106.5 (*court to notify of conviction of crime of violence and unlawful sexual behavior*)
C.R.S. 22-33-107.5 (*school district to notify of failure to attend school*)
C.R.S. 24-72-204 (2)(e) (*denial of inspection of materials received, made or kept by Safe2Tell Program*)
C.R.S. 24-72-204 (3)(a)(VI) (*schools cannot disclose address and phone number without consent*)
C.R.S. 24-72-204 (3)(d) (*information to military recruiters*)
C.R.S. 24-72-204 (3)(e)(I) (*certain FERPA provisions enacted into Colorado Law*)
C.R.S. 24-72-204 (3)(e)(II) (*disclosure by staff of information gained through personal knowledge or observation*)
C.R.S. 24-72-205(5) (*fee for copying public record*)
C.R.S. 25.5-1-116 (*confidentiality of HCPF records*)

CROSS REFS.: GBG, Liability of School Personnel/Staff Protection

JK, Student Discipline

JLC, Student Health Services and Records

JRCA*, Sharing of Student Records/Information between School District and State Agencies

KLMA, Relations with Military Recruiters, Postsecondary Institutions and Prospective Employers

Student Records/Release of Information on Students (Review, amendment and hearing procedures)

In accordance with policy JRA/JRC, this regulation contains the procedures to follow when a parent or eligible student seeks to review or challenge the content of student education records.

Request to review student education records

1. The parent or eligible student shall submit a written request to the superintendent attended by the student, asking to review the student's education records.
2. Upon receipt of the written request, the superintendent or designee shall set a date and time for inspection and review of the records (usually within three working days after the request has been made).
3. The parent or eligible student shall examine the student's education records in the presence of the superintendent and/or other person(s) designated by the superintendent. The record itself shall not be taken from the school building.
4. During inspection and review of student education records by a parent or eligible student and when requested by them, the superintendent will provide personnel necessary to give explanations and interpretations of the records.
5. Upon request, one copy of the record shall be provided within a reasonable time to the parent or eligible student at a cost of \$0.25 per page.

Request to amend student education records

1. The parent or eligible student shall submit a written request to the superintendent, clearly identifying the part of the record to be amended and specifying why the record is inaccurate, misleading or otherwise violates the student's privacy rights.
2. The written 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.
3. If the superintendent or school official denies the request to amend the student education record, the superintendent/school official shall notify the parent or eligible student of the decision and advise him or her of the right to a hearing to appeal the denial.

Request for a formal hearing

File: JRA/JRC-R

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The district's response to the request shall be mailed within 10 school days.

The hearing shall be held in accordance with the following:

1. The hearing will be held within 25 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent or eligible student by certified mail.
2. The hearing will be conducted by the superintendent or administrative official as designated in writing by the superintendent. The official conducting the hearing shall not be the official who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.
3. Parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
4. The official designated above shall make a decision in writing within 20 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
5. The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
6. The decision shall include a statement informing the parents or eligible student of the right to place in the student education record a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the district. If the student education record is disclosed by the district to any other party, the explanation shall also be disclosed to that party.

Adopted April 28, 2011

Student Records/Release of Information on Students

(Notification to Parents and Students of Rights
Concerning Student Education Records)

The Family Educational Rights and Privacy Act (FERPA) and Colorado law afford parents/guardians (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). See JRA/JRC-R.
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 in violation of the student's privacy rights. See JRA/JRC-R.
3. The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA and state law authorize disclosure without consent. See JRA/JRC.
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 Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-8520.
5. The right to refuse to permit the designation of any or all of the categories of directory information. See JRA/JRC.
6. The right to request that information not be provided to military recruiting officers. See JRA/JRC and JRA/JRC-E-2.

Revised August 23, 2007

Revised April 28, 2011

**Opt-Out Form
for Disclosure of Information to Military Recruiters**

- Do not disclose my child's/my name, address, telephone number or directory information to any United States military recruiters.**

Signature of parent/guardian or student

Student's name _____

Date _____

Sharing of Student Records/Information between School District and State Agencies

It is the Board of Education's intention to utilize all avenues under state law to facilitate the sharing of relevant student records and information when necessary to protect the safety and welfare of school district staff, visitors, students, and the public and to protect property.

The superintendent is directed to develop procedures and a training program for staff consistent with this policy. The procedures shall direct school district personnel to provide and obtain student records and information to/from state agencies, including law enforcement and judicial department agencies, to the extent required or allowed by state and federal law.

Sharing of information by the school district

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

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 student's education records.

Information obtained from state agencies

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including to protect public safety and 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.

School 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. School personnel who knowingly violate this provision are subject to disciplinary action pursuant to Board policy and to a civil penalty of up to \$1,000.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Educational Rights and Privacy Act ("FERPA").

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

Adopted October 11, 2000
Revised April 25, 2013

LEGAL REFS.: 20 U.S.C. §1232g (*Family Educational Rights and Privacy Act*) (*FERPA*)
34 C.F.R. §99.1 *et seq.* (*FERPA regulations*)
C.R.S. 19-1-303 and 304 (*records and information sharing under Colorado Children's Code*)
C.R.S. 19-1-304 (5.5) (*duty of prosecuting attorney to provide juvenile delinquency records*)
C.R.S. 19-2-921 (7.5) (*department of human services shall notify school district if student's parole conditions require school attendance*)
C.R.S. 22-1-123 (*district shall comply with FERPA*)
C.R.S. 22-2-139 (7) (*within confidentiality limits of state and federal law, information shall be shared to determine appropriate educational placement when a student is transferred to public school from day treatment facility, facility school or hospital*)
C.R.S. 22-32-109.1 (6) (*duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safer*)
C.R.S. 22-32-109.3 (2) (*duty to share disciplinary and attendance information with criminal justice agencies*)
C.R.S. 22-33-106.5 (*court to notify of conviction of crime of violence and unlawful sexual behavior*)
C.R.S. 22-33-107.5 (*school district to notify of failure to attend school*)
C.R.S. 24-72-204 (2)(e) (*denial of inspection of materials received, made or kept by the Safe2Tell Program*)
C.R.S. 24-72-204 (3)(e)(I) (*certain FERPA provisions enacted into Colorado law*)
C.R.S. 24-72-204 (3)(e)(II) (*disclosure by staff of information gained through personal knowledge or observation*)

CROSS REFS.: JKD/JKE, Suspension/Expulsion of Students
JRA/JRC, Student Records/Release of Information on Students

Student Use of the Internet and Electronic Communications Acceptable Use Policy

The Internet and electronic communications¹ 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 require 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 district technology devices to avoid contact with material or information that may be harmful to minors.

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 Board, shall be installed on each technology device provided by the district that allows for access to the Internet by a minor, from any location. Students shall report access to material and information that is obscene, child pornography, harmful to minors 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 the Internet or electronic communications. The district reserves the right to monitor, inspect, copy, review and store (at any time and without prior notice) all usage of district technology devices, including all Internet and electronic communications access and transmission/receipt of materials and information. All material and information accessed/received through district technology devices shall remain the property of the school district.

Unauthorized and unacceptable uses

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

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

File: JS*

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

- 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
- that is not related to district education objectives
- 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
- that harasses, threatens, demeans, or promotes violence or hatred against another person or group of persons in violation of the district's nondiscrimination policies
- for personal profit, financial gain, advertising, commercial transaction or political purposes
- that plagiarizes the work of another without express consent
- that uses inappropriate or profane language likely to be offensive to others in the school community
- that is knowingly false or could be construed as intending to purposely damage another person's reputation
- in violation of any federal or state law or district policy, including but not limited to copyrighted material and material protected by trade secret
- that contains personal information about themselves or others, including information protected by confidentiality laws
- using another individual's Internet or electronic communications account without written permission from that individual
- that impersonates another or transmits through an anonymous remailer
- that accesses fee services without specific permission from the system administrator
- that conveys a message in any form (text, image, audio or video) that intimidates, harasses, or is otherwise intended to insult, or humiliate another in a deliberate, repeated, or hostile and unwanted manner

Security

Security on district technology devices is a high priority. Students who identify a security problem while using the Internet or electronic communications 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:

- use another person's password or any other identifier
- gain or attempt to gain unauthorized access to district technology devices
- 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 and electronic communications.

Safety

In the interest of student safety, the district shall educate students about appropriate online behavior, including cyberbullying awareness and response, interacting on social networking sites and in chat rooms, and other forms of direct electronic communication.

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 school disciplinary action, including suspension or expulsion, and/or legal action. 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 district-owned 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 effort 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.

All students shall be supervised by staff while using the Internet or electronic communications at a ratio of at least one staff member to each 18 students. Staff members assigned to supervise student use shall have received training in Internet and electronic communications safety and monitoring student use.

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.

File: JS*

Student use of the Internet and electronic communications is a privilege, not a right. Failure to follow the use procedures contained in this policy shall result in the loss of the privilege to use these tools and restitution for costs associated with damages, and may result in school disciplinary action, including suspension or expulsion, and/or legal action. The school district may deny, revoke or suspend access to district technology or close accounts at any time.

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 express or implied, related to the use of district technology devices, 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.

Technology Fees and Assumption of Responsibility

District administration will make annual recommendations to the Board of Education for the setting of student technology fees. These fees shall include 1) an annual, nonrefundable technology use and maintenance fee, and 2) a fee schedule for technology devices that are damaged, lost or stolen.

Students are responsible for district-set fees for technology devices damaged, lost or stolen due to student negligence, misuse or improper care. If a technology device is lost or stolen due to negligence or deliberate action, the student is responsible for cost of the replacement value on the date of the loss. In the case of theft, a police report must be filed by the student's parents or guardians. The maximum liability amount will not exceed the actual cost of the purchased unit.

¹ Communication systems include e-mail, web sites, cell phones, text messaging, instant messaging, blogging, podcasting, and/or other emerging technologies.

Adopted October 24, 2002
Revised August 23, 2007
Revised November 20, 2008
Revised May 24, 2012
Revised November 15, 2012
Revised July 25, 2013

LEGAL REFS.: 47 U.S.C. 254(h) (*Children's Internet Protection Act of 2000*)
20 U.S.C. 67511 *et seq.* (*Enhancing Education Through Technology Act of 2001*)
47 C.F.R. Part 54, Subpart F (*Universal Support for Schools and Libraries*)
C.R.S. 22-87-101 *et seq.* (*Children's Internet Protection Act*)

File: JS*

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
EGAEA, Electronic Communication
JB, Equal Education Opportunities
JS-E2 Assigned Computer and Other Electronic Device
Use Policy and Agreement

Student Use of the Internet and Electronic Communications Annual Acceptable Use Agreement

I have read, understand and will abide by the district's policy on *Student Use of the Internet and Electronic Communications Acceptable Use Policy*. Should I commit any violation or in any way misuse my access to the school district's technology devices, including use of the Internet and electronic communications, I understand and agree that my access privileges may be revoked and disciplinary and/or legal action may be taken.

If I am 18 years or older, I hereby release the school district from all costs, claims, damages or losses resulting from my use of district technology devices, including use of the Internet and electronic communications, including but not limited to any user fees or charges incurred through the purchase of goods or services.

My signature on this Acceptable Use Agreement is binding and indicates that I have read the school district's policy on *Student Use of the Internet and Electronic Communications Acceptable Use Policy* and understand its significance.

Student's Signature

Date of Birth

Date

Parent or Guardian: If the user is under 18 years of age, a parent or guardian must also sign this Agreement.

As the parent or guardian of this student, I have read the district's policy on *Student Use of the Internet and Electronic Communications Acceptable Use Policy*. I understand that access to the Internet and electronic communications is designed for educational purposes and that the school district has taken reasonable steps to block or filter material and information that is obscene, child pornography or otherwise harmful to minors, as defined by the Board. I also recognize, however, that it is impossible for the school district to prevent access to all materials or information I might find harmful or controversial and I agree not to hold the district responsible for any such materials and information accessed by my child. Further, I accept full responsibility for supervision if and when my child's Internet or electronic communications use is not in a school setting.

I hereby release the school district from all costs, claims, damages or losses resulting from my child's use of district technology devices, including use of the Internet and electronic communications, including but not limited to any user fees or charges incurred through the purchase of goods or services.

I hereby give permission to issue an Internet and electronic communications account for my child and certify that the information contained on this form is true and correct.

My signature on this Acceptable Use Agreement is binding and indicates that I have read the district's policy on *Student Use of the Internet and Electronic Communications Acceptable Use Policy* carefully and understand its significance.

Parent/Guardian's Signature

Date

Student and Parent/Guardian iPad User Agreement

To increase student achievement and provide students with current technological tools, students will be assigned an iPad mobile device, case, power adaptor and power cable. Using iPads will enable Lake City students to develop the 21st century skills of critical thinking and reasoning, information literacy, collaboration, self-direction, and invention in a manner that makes sense in today's digital world.

TERMS OF LOAN

- a. Hinsdale County School District will issue an iPad, case, power adaptor and power cable to student upon compliance with all of the following:
 - Receipt of a non-refundable \$35 *Technology Use and Maintenance Fee*,
 - Receipt of a signed *Student and Parent/Guardian iPad User Agreement*,
 - Receipt of a signed *Student Use of the Internet and Electronic Communications Annual Acceptable Use Agreement*.
- b. Hinsdale County School District retains ownership of the student-issued iPad and accessories.
- c. The student must return iPad and accessories no later than the last day of school, when requested by school personnel, or upon withdrawal from the school district.
- d. The student or parent/guardian is required to immediately notify the technology coordinator or a teacher in all cases of damaged, lost or stolen iPads or accessories. Students who have iPads or accessories that are damaged, lost or stolen will be subject to the fee schedule published below.
- e. The student must keep the iPad in the district-provided Ekto+ case or a district-approved case at all times.
- f. The student must not change any iPad settings which result in disabling the school-provided content filtering or network configurations. The student must not "jailbreak" the iPad.
- g. The student must not leave the iPad in any vehicle.
- h. The student must not remove or alter identifying labels on the back of the iPad and accessories.
- i. The student must follow all maintenance and care instructions for the iPad and accessories. Student will receive maintenance and care instructions upon receiving their iPad and accessories.
- j. Students have no expectation of privacy on school-owned technology devices and electronic communications.
- k. The student is required to have a personal AppleID. Information on how to obtain an AppleID will be provided to students and parents/guardians.
- l. The school district and parents/guardians are considered to be the end users for all applications installed on the student iPad.
- m. Failure to comply with the terms of loan may result in student disciplinary consequences to be determined on a case-by-case basis (e.g. limited or no use of iPad, financial responsibility for iPad, school suspension/expulsion).

DAMAGE, LOSS OR THEFT FEE SCHEDULE AND INFORMATION

Every iPad is covered by an iPad-specific insurance policy. The policy covers accidental damage, theft, fire, power surge, vandalism, and natural disasters. The policy does not cover a lost iPad. Students who have iPads or accessories that are damaged, lost or stolen will be subject to the following fee schedule:

iPad and Accessories Damage, Loss or Theft Fee Schedule and Information	
Lost iPad not covered by insurance	Lesser of \$479.00 or current market value for comparable iPad
Damaged or stolen iPad:	
➤ 1 st iPad Incident:	No cost
➤ 2 nd iPad Incident:	\$25.00
➤ All iPad Incidents after 2nd:	\$50.00
iPad 12W USB Power Adaptor:	\$19.00
iPad USB to Lightening Cable:	\$19.00
iPad Ekto+ Case:	\$25.00
➤ Fees are due before the student will be re-assigned a repaired or replaced iPad.	
➤ For each incident, students may be subject to additional disciplinary consequences to be determined on a case-by-case basis.	
➤ Parents/Guardians must file a police report within ten (10) days for a stolen iPad.	

Please sign and return this signature page (pg. 2). A copy of this signed signature page, along with student iPad information, will be returned to parents/guardian for your records. Please keep the *Student and Parent/Guardian iPad User Agreement* (pg. 1) for your records.

I have read, understand, and agree to follow all terms and responsibilities as outlined in the *Student and Parent/Guardian iPad User Agreement*.

Student Name (please print): _____

Student Signature: _____ Date: _____

Parent/Guardian Name (please print): _____

Parent Signature: _____ Date: _____

Loaned Student iPad Information (to be filled in by LCCS Technology Coordinator)	
Technology Device Model:	
Serial # or LCCS #:	
Device power supply/cord:	
Device case:	
Other:	

Student and Parent/Guardian *Technology Device* User Agreement

To increase student achievement and provide students with current technological tools, students may use a variety of technology devices. Technology devices can include laptop computers, e-readers, or various other devices and device accessories. Using current technology devices will enable Lake City students to develop the 21st century skills of critical thinking and reasoning, information literacy, collaboration, self-direction, and invention in a manner that makes sense in today's digital world.

TERMS OF LOAN

- a. Hinsdale County School District will allow a student to use (at school) or check-out (to take home) a laptop computer or other technology devices upon compliance with the following:
 - Receipt of a non-refundable \$35 *Technology Use and Maintenance Fee*,
 - Receipt of a signed *Student and Parent/Guardian Technology Device User Agreement*,
 - Receipt of a signed *Student Use of the Internet and Electronic Communications Annual Acceptable Use Agreement*.
- b. Hinsdale County School District retains ownership of the student-issued technology device and accessories.
- c. The student must return all technology devices and accessories no later than the last day of school, when requested by school personnel, or upon withdrawal from the school district.
- d. The student or parent/guardian is required to immediately notify the technology coordinator or a teacher in all cases of damaged, lost or stolen technology devices or accessories. Students who have technology devices or accessories that are damaged, lost or stolen will be subject to the fee schedule published below.
- e. The student must keep the technology device in the district-provided case or a district-approved case at all times.
- f. The student must not change any technology device settings which result in disabling the school-provided content filtering or network configurations.
- g. The student must not leave the technology device in any vehicle.
- h. The student must not remove or alter identifying labels on the technology device and accessories.
- i. The student must follow all maintenance and care instructions for the technology device and accessories. Student will receive maintenance and care instructions upon receiving their technology device and accessories.
- j. Students have no expectation of privacy on school-owned technology devices and electronic communications.
- k. No other software or programs are to be installed on the technology device without the expressed permission of a teacher or the technology coordinator.
- l. Failure to comply with the terms of loan may result in student disciplinary consequences to be determined on a case-by-case basis (e.g. limited or no use of technology device, financial responsibility for technology device, school suspension/expulsion).

DAMAGE, LOSS OR THEFT FEE SCHEDULE AND INFORMATION

Students who have technology devices or accessories that are damaged, lost or stolen will be subject to the following fee schedule:

Technology Device or Accessories Damage, Loss or Theft Fee Schedule and Information	
Laptop Replacement (due to damage, loss or theft)	Current market value for comparable device (approx. \$600-\$900)
Laptop Screen	\$100 - \$300
Missing Keyboard	\$25 - \$35
Laptop body damage	\$50 - \$500
Laptop Battery	\$50 - \$200
Laptop Power Cord	\$50 - \$200
In-house Repair Labor Cost	\$0
Out-sourced Repair Labor Cost	\$20 - \$100 per hour
Other technology device	Current market value for comparable device
<ul style="list-style-type: none"> ➤ Fees are due before the student will be re-assigned a repaired or replaced technology device. ➤ For each incident, students may be subject to additional disciplinary consequences to be determined on a case-by-case basis. ➤ Parents/Guardians must file a police report within ten (10) days for a stolen technology device. 	

Please sign and return this signature page (pg. 2). A copy of this signed signature page, along with student technology device information, will be returned to parents/guardian for your records. Please keep the *Student and Parent/Guardian Technology Device User Agreement* (pg. 1) for your records.

I have read, understand, and agree to follow all terms and responsibilities as outlined in the *Student and Parent/Guardian Technology Device User Agreement*.

Student Name (please print): _____

Student Signature: _____ Date: _____

Parent/Guardian Name (please print): _____

Parent Signature: _____ Date: _____

**Loaned Student *Technology Device* Information
(to be filled in by LCCS Technology Coordinator or Teacher)**

Technology Device Model:	
Serial # or LCCS #:	
Device power supply/cord:	
Device case:	
Other:	

