

# *Dedicated to Excellence*



CherryCreekSchools



July 1, 2019

## **Student Conduct and Discipline, Rights and Responsibilities**

[www.cherrycreekschools.org](http://www.cherrycreekschools.org)



---

**Scott A. Siegfried, Ph.D.**

Superintendent

Educational Services Center  
4700 South Yosemite Street  
Greenwood Village, Colorado 80111

720.554.4262



**CherryCreek  
Schools**

Dedicated to Excellence

July 1, 2019

Dear Cherry Creek Parents and Students:

The Cherry Creek School District is committed to providing an intellectually stimulating and safe educational environment for all students and staff. In keeping with that goal, the Cherry Creek School District Board of Education has adopted clear policies and procedures to assist in fulfilling our obligations to keep students and staff safe, both physically and psychologically. This “Student Conduct and Discipline, Rights and Responsibilities” guide is provided for purposes of notice and information of policies that have been implemented to ensure a safe educational environment.

One of our long-standing safeguards is school board policy JICI, Weapons in Schools. It states in part that students in possession of weapons, including what are defined as “dangerous weapons” may be expelled from school, and under school board policy, JKD-1, Suspension or Expulsion of Students, that expulsion may be for up to one calendar year. The possession of weapons in schools constitutes behavior that is detrimental to the safety and welfare to the student himself or herself, or to the safety and welfare of others in the school environment under school board exhibit, JKD-1-E. According to the policy, JICI, ordinary objects used as weapons in the school setting may also result in severe disciplinary sanctions, including expulsion from school.

In addition to the prohibition on weapons and consistent with the requirements of the Claire Davis School Safety Act, verbal statements, nonverbal communications, or behaviors that constitute a threat of physical harm to another person may also result in expulsion for up to a calendar year under school board exhibit JKD-1-E and school board policy JKD-1. In addition, ensuring the psychological safety of our schools includes efforts to promote respect and dignity as well as strategies to eliminate harassment, hazing, intimidation, and bullying, as stated in school board policy ACC, Intimidation, Harassment and Hazing.

Our clear and firm policies on student conduct have been adopted for compelling reasons. We want students and parents to have confidence that their schools are safe and disciplined. This is a fundamental right of every student. Our policies define high standards and expectations for appropriate student behavior. The most important reason for these policies is to support student growth and achievement. Students learn best in classrooms and schools where their attention is riveted on the teacher and the learning objectives without disruption or concern for personal safety. The learning environment for your child is our top priority. We will do all we can to ensure our schools are safe, disciplined, and focused on learning.

The 2019-2020 school year promises to be an exciting and meaningful one for students, staff, parents and community members. We look forward to working with you to fulfill our mission: “to inspire every student to think, to learn, to achieve, to care.”

Sincerely,

Scott A. Siegfried



**The Cherry Creek School District:  
OUR MISSION IS TO INSPIRE EVERY STUDENT  
TO THINK, TO LEARN, TO ACHIEVE, TO CARE.**

This mission can only be accomplished in schools and classrooms that are safe and orderly. Effective schools have rules and standards of behavior that are reasonable, understood by all, and consistently enforced. Such rules not only contribute to the overall learning environment, but they also help students learn to act responsibly. The Cherry Creek School District Board of Education has a great concern for the safety of all students in the Cherry Creek Schools. In order to ensure that safety, the school board has adopted policies regarding safety and discipline. The purpose of this publication is to provide parents and students with an accessible copy of those school board policies and student responsibilities.

**NOTE: District policies may be subject to change during the course of the school year. The entire text of any policy and/or regulation is available on the district's website at: [www.cherrycreekschools.org](http://www.cherrycreekschools.org) or upon request from the principal's office at the school or from the district administration office located at:**

Cherry Creek School District No. 5  
4700 South Yosemite Street  
Greenwood Village, Colorado 80111

Copies of district policies and regulations may be accessed online at [www.cherrycreekschools.org](http://www.cherrycreekschools.org).

**Cherry Creek School District No. 5 does not discriminate on the basis of race, color, national origin, sex, sexual orientation, age or disability in admission to its programs, services or activities, in access to them, in treatment of individuals, or in any aspect of their operations. The lack of English language skills shall not be a barrier to admission or participation in the district's activities and programs. The Cherry Creek School District No. 5 also does not discriminate in its hiring or employment practices.**

This notice is provided as required by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. Questions, complaints, or requests for additional information regarding these laws may be forwarded to the designated compliance officer: **Stephanie Davies, District Compliance Officer, Educational Services Center, 4700 S. Yosemite Street, Greenwood Village, CO 80111 720-554-4471** or directly to the U.S. Department of Education, Office for Civil Rights, Region VIII, Federal Office Building 1244 North Speer Blvd., Suite #310, Denver, CO 80204.

Stephanie Davies, District Compliance Officer  
4700 South Yosemite Street  
Greenwood Village, Colorado 80111  
720-554-4471



## TABLE OF CONTENTS

### Parent Notification of Rights and Responsibilities

FERPA	Notification of Rights Under the Family Educational Rights and Privacy Act . . . . .	1
PPRA	Notification of Rights Under the Protection of Pupil Rights Amendment . . . . .	2
C.R.S. 21-1-124	Notice to Parents Regarding Information on Sex Offenders . . . . .	3
JICA-E	Notice to Parents and Students Regarding the Use of Video Cameras to Monitor Student Behavior . . . . .	4
JLDAC	Notice to Parents and Students Regarding the Screening/Testing of Students . . . . .	4-6

### Student Rights and Responsibilities

ACC	Intimidation/Harassment/Hazing . . . . .	7
ACC-R	Intimidation/Harassment/Hazing . . . . .	7
ADC	Drug and Tobacco Free Schools . . . . .	7-8
JICC	Student Conduct in School Vehicles . . . . .	9
JH	Student Absences and Excuses . . . . .	9-11
JHB	Unexcused Absences/Truancy . . . . .	11
JIC	Student Conduct . . . . .	12
JICA	Use of Video Cameras to Monitor Student Behavior . . . . .	12-13
JICA-R	Use of Video Cameras to Monitor Student Behavior . . . . .	13-14
JICAB	Student Dress Code . . . . .	14-15
JICDA	Conduct and Discipline Code . . . . .	15-17
JICDB	Violent and Aggressive Behavior . . . . .	17-18
JICDE	Bully Prevention and Education . . . . .	18-19
JICEA	School-Related Student Publications . . . . .	19-20
JICEA-R	School Related Student Publications/School Publications Code . . . . .	20-21
JICEC	Student Distribution of Noncurricular Materials . . . . .	21
JICED	Student Expression Rights . . . . .	21-22
JICF	Secret Societies/Gang Activity . . . . .	22
JICH	Alcohol and Other Drug Use by Students . . . . .	23
JICH-R	Alcohol and Other Drug Use by Students . . . . .	24-29
JICHA	Use of Tobacco by Students . . . . .	30
JICI	Weapons in Schools . . . . .	30-32
JICJ	Student Use of Electronic Communication Devices . . . . .	32-33
JIH	Student Interrogations, Searches and Arrests . . . . .	33-35
JJI	Interscholastic Athletics . . . . .	36
JJI-R	Interscholastic Athletics (Athletic Code) . . . . .	36-38
JK	Student Discipline . . . . .	38-40
JKBA	Disciplinary Removal from Classroom . . . . .	40-41
JKBA-R	Disciplinary Removal from Classroom . . . . .	41-43
JKD-1	Suspension or Expulsion of Students . . . . .	43-44
JKD-1-R	Suspension or Expulsion of Students . . . . .	45-47
JKD-1-E	Ground for Suspension, Expulsion or Denial of Admission . . . . .	47-48
JKD-2	Discipline of Students with Disabilities . . . . .	49-50
JKD-4	Educational Alternatives for Expelled Students . . . . .	50-51
JKG	In-School Suspension . . . . .	51
JLCA	Student Health Services and Requirements . . . . .	51-53
JLCB	Immunization of Students . . . . .	53
JLCD	First Aid and Emergency Medical Care . . . . .	54
JQ	Student Fees, Fines and Charges . . . . .	54-55
JRC	Student Records/Release of Information on Students . . . . .	55-61

### Non-Discrimination Policies

AC	Nondiscrimination /Equal Opportunity/Interpersonal/Human Relations . . . . .	61-63
AC-E-1	Notice of Nondiscrimination/Equal Opportunity . . . . .	63-64
AC-R-4	Sexual Harassment of Students . . . . .	64
AC-R-5	Sexual Harassment of Students Grievance Procedure . . . . .	64-65
AC-R-6	Nondiscrimination on the Basis of Ethnicity and Race . . . . .	65-66
AC-R-7	Nondiscrimination on the Basis of Handicap/Disability . . . . .	66
	Civil Rights and Ethnic Intimidation Grievance Procedure . . . . .	66-68

### Networked Resources Policies

EHC	Networked Electronic Information Resources . . . . .	68-73
JS	Student Use of the Internet and Electronic Communications . . . . .	73-75

### Additional Policies

KI	Visitors to Schools . . . . .	75-76
KI-R	Visitors to Schools . . . . .	76
IKA	Assessment and Evaluation for Student Performance Improvement . . . . .	76-79
JLCDA	Students with Chronic or Acute Health Conditions . . . . .	80





## NOTIFICATION OF RIGHTS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, 20 USC 1232 (g) FOR ELEMENTARY AND SECONDARY INSTITUTIONS

The Family Educational Rights and Privacy Act (“FERPA”) affords parents and students 18 years and older (“eligible students”) certain rights with respect to the student’s education records. These rights are:

(1) The right to inspect and review the student’s education records within three (3) working days after the day the district receives a request for access.

Parents or eligible students should submit to the school principal, or designee, a written request that identifies the record(s) they wish to inspect. The principal or designee will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of student’s education records that the parent or eligible student believes are inaccurate or misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the school to amend a record should write the school principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisors, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the school has contracted as its agent to provide a service instead of using its own employees or officials (such as attorneys, auditors, bus drivers, athletic trainers, medical consultants, or therapists); a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks, and state agencies conducting research (such as the Colorado Department of Public Health and Environment).

A school official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility.

- Under FERPA, the school district may disclose directory information without the written consent of the parent/guardian or eligible student. The Cherry Creek School District considers directory information which may be released to include the student’s name; date and place of birth; major field of study; grade level; assigned class; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent and previous education agency or institution attended by the student; the annual yearbook; a playbill showing a student’s role in a drama production; and the student’s name in the graduation program. Telephone numbers and addresses of current students will not be disclosed pursuant to Colorado law.
- The parent/guardian or eligible student has the right to refuse to permit the designation of any or all of the categories of information provided 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.
- Upon request, the school district discloses education records including discipline information and threat assessments without prior written consent to officials of another school district or school in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for the purpose of the student’s enrollment or transfer, as is allowed under exceptions to FERPA protection.

(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: **The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202-4605.**

District Policy JRC, *Student Records/Release of Information* on Students, explains the rights and responsibilities pursuant to the release of student records. Copies of this policy are available at the individual schools, on the district website at [www.ccsd.k12.co.us](http://www.ccsd.k12.co.us) or at the Cherry Creek School District Educational Services Center, 4700 S. Yosemite St., Greenwood Village, CO 80111.

## NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

The PPRA affords parents and students who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- 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:
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the student or student’s family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
  1. Any other protected information survey, regardless of funding;
  2. 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, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use:
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.
- These rights transfer from the parent/guardian to a student who is 18 years old or an emancipated minor.
- Cherry Creek School District No. 5 has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The School District will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Cherry Creek School District outlines these rights and responsibilities in policies JLCA, *Student Health Services and Requirements* and JLDAC, *Screening and Testing of Students*. Copies of these policies are available on-line or by request. Cherry Creek School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific noted activities or surveys and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents 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 will be provided reasonable notification of the planned noted activities and surveys and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Parents/eligible students who believe their rights have been violated may file a complaint with: **The Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605**



*Dedicated to Excellence*  
Cherry Creek Schools

## **CHERRY CREEK SCHOOL DISTRICT NO. 5 NOTICE TO PARENTS REGARDING INFORMATION ON SEX OFFENDERS**

The Colorado General Assembly has passed legislation requiring school districts in Colorado to provide information to parents and eligible students (students who are 18 years of age or older) identifying where and how members of the community may obtain information collected by law enforcement agencies related to registered sex offenders. In compliance with this statutory directive, Cherry Creek School District No. 5 is providing the addresses of the various law enforcement authorities operating within district boundaries. Interested parents, eligible students and community members may contact their local law enforcement agency to seek further information about registered sex offenders residing in these jurisdictions.

None of the law enforcement agencies listed will provide information regarding sex offenders over the telephone; therefore in order to access this information, individuals must appear in person at the law enforcement agency located in the city within which they reside and present valid identification of their residency before the information can be accessed. Once valid residency has been established, the individual will be asked to complete a "Sex Offender Advisement Form" to request the desired information. There may be a fee associated with gaining access to the information, and such fees may vary by the various law enforcement agencies.

The following is a list of law enforcement agencies serving residents for the Cherry Creek School District:

- Greenwood Village Police Department  
6060 S. Quebec St.  
Greenwood Village, CO 80111  
303-773-0252  
thevillage@greenwoodvillage.com
- Cherry Hills Village Police Department  
2450 E. Quincy Ave.  
Cherry Hills Village, CO 80113  
303-789-2541  
village@cherryhillsvillage.com
- Aurora Police Department  
15001 E. Alameda Pkwy.  
Aurora, CO 80012  
303-739-6000  
access@auroragov.org
- Glendale Police Department  
950 S. Birch St.  
Glendale, CO 80246  
303-759-1513  
info@glendale.co.us
- Arapahoe County Sheriff's Department  
13101 E. Broncos Pkwy.  
Centennial, CO 80112  
dwalcher@arapahoegov.com  
303-795-4711
- Sex Offender Registration Unit  
Colorado Bureau of Investigation  
690 Kipling Street, Suite 3000  
Lakewood, CO 80215  
303-239-5732  
cbi.denver@state.co.us

If you have any questions or concerns regarding this information, please feel free to contact the Cherry Creek School District's Directory of Safety and Security, Mr. Ian Lopez at 720-554-4489.

## NOTICE TO STUDENTS AND PARENTS REGARDING THE USE OF VIDEO CAMERAS TO MONITOR STUDENT BEHAVIOR (JICA-E)

The district has installed video recording equipment on school buses to monitor school transportation and will be videotaping on bus routes/activities at random during the school year. Buses are equipped with a video monitor box in which a video recording device may be activated. Students will not be notified when a recording device has been activated on their bus. Additionally, video cameras will be in constant use at district high school facilities and may be used in other district schools and facilities.

Tapes will be reviewed and evidence of student misconduct will be documented. Students found to be in violation of the district's conduct rules will be notified and disciplinary action will be initiated under the Board adopted rules and Student Conduct and Discipline Codes.

Videotapes will be treated as protected student records under the Family Educational Rights and Privacy Act. The following guidelines will apply:

4. Tapes will remain the property of the school district and in the custody of the appropriate school or district administrator.
5. Parents or students who wish to view a videotape in response to disciplinary action taken against a student may request such access under the procedures outlined in regulation JICA-R, Use of Video Cameras to Monitor Student Behavior.
6. Persons unrelated to a disciplinary incident will not be permitted to view bus videotapes.

Approved by Superintendent Robert D. Tschirki, February 8, 1999

## SCREENING/TESTING OF STUDENTS (AND TREATMENT OF MENTAL DISORDERS) (JLDAC)

### A. Survey, analysis or evaluation of students

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

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

1. political affiliations or beliefs of the student or the student's parent/guardian
2. mental or psychological conditions potentially embarrassing to the student or the student's family
3. sexual behavior or attitudes
4. illegal, anti-social, self-incriminating and 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. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
8. religious practices, affiliations or beliefs of the student or the student's parents/guardian
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 (student 18 years old) and shall make a copy of the document available for viewing at convenient times and locations. The notice shall offer to provide the following 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 is to be obtained
3. the purpose for which the records or information is needed
4. the entities or persons, regardless of affiliation, who will have access to the information; and
5. a method by which a parent/guardian can grant or deny permission to access or examine the records/information

These notice provisions also apply to any survey, analysis or evaluation funded by the U.S. Department of Education.

Notice provisions and right to “opt out” are applicable for surveys, analysis or evaluation for marketing purposes.

### **Surveys, assessment, analysis or evaluation for marketing purposes**

Parents/guardians and eligible students (students 18 years of age) shall receive notice and shall 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.

### **Right to review**

Parents/guardians and eligible students (students 18 years of age) have the right to review, upon request, any survey, analysis or evaluation administered or distributed by a school to students whether created by the district or a third party.

### **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 federal 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 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 danger/threat assessment

### **Confidentiality**

Any survey, 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.

### **Eligible students**

A student 18 years or older is eligible to consent to revealing such information without parental consent.

### **Notice of this section of policy**

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.

## **B. Psychiatric/psychological testing methods or procedures**

### **Psychiatric/psychological testing methods or procedures for which consent is required**

Students shall not be required to submit to any psychiatric or psychological methods or procedures for the purpose of diagnosis, assessment or treatment of any emotional, behavioral or mental disorder or disability as part of any classroom or instructional activity without parental knowledge and consent. However, individual testing shall be available to parents upon written request submitted to the office of program evaluation. A student 15 years or older may consent to receive mental health services without parental consent when services are rendered by a facility (such as a clinic or community mental health center) that provides such treatment or by a person licensed to practice medicine in this state or a psychologist certified to practice in this state. A student 18 years or older is eligible to consent to psychiatric or psychological methods or procedures without parental consent.

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.

Psychological tests shall be administered to students only by appropriately certified school personnel employed for this purpose or by interns under their supervision. Adherence to this policy shall insure quality psychological services and shall protect the educational rights, dignity and privacy of students and parents.

Psychological examination and testing shall be made only after informed and written consent of the student's parents or guardian is obtained unless the student is of legal age to give his informed and written consent. Psychological data shall be only one of several criteria for determining any change in a student's educational program. Psychological data older than three years shall not be used as the basis for prescriptive teaching or placement.

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.

## **C. Special education evaluation**

The giving of parental permission for evaluation in anticipation of a special education staffing and possible provision of services for a handicapped student and any subsequent approval for the provision of such services is governed by state and federal law and is outside the scope of this policy. This policy is in addition to and does not supersede any other legal rights or obligations of parents and students.

### **Psychotropic Drugs**

School personnel are prohibited from recommending or requiring the use of a psychotropic drug for any student.

Revised: November 12, 2012

Adopted: February 13, 2006

LEGAL REFS.: C.R.S. 22-32-109 (i)(ee) (duty to adopt policy prohibiting personnel from ordering behavior tests without parent permission) (duty to adopt policy prohibiting school personnel from recommending or requiring the use of a psychotropic drug for any student)

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. 22-32-109.2 (screening and treatment of emotional/mental disorders or disabilities)

C.R.S. 27-10-103 (voluntary applications for mental health services)

C.R.S. 13-22-101 (18 is age of competence for certain procedures)

20 U.S.C. 1232(h) (rights of students and parents to inspect instructional materials and give prior consent for certain surveys, analysis and evaluation)

20 U.S.C. 1232(g) (Family Education Rights and Privacy Act)

CROSS REFS.: GCS, Professional Research and Publishing

JID, Students of Legal Age

JLCA, Student Health Services and Requirements

JRC, Student Records/Release of Information on Students

LC, Relations with Education Research Agencies

## INTIMIDATION, HARASSMENT AND HAZING (ACC)

The Board of Education affirms the right of all persons to be in an environment that is safe and free from intimidation, harassment, hazing or physical harm.

It is a violation of board policy for any student or staff member to harass or engage in hazing any student, staff member, or other person in a physically or emotionally harmful manner while on school grounds or at school-sponsored events. Hazing, which involves any forced activity that recklessly or knowingly endangers the emotional or physical health or safety of another person, is considered a form of intimidation and harassment prohibited by this policy.

Adopted: November 8, 1999

LEG. REFS. C.R.S. 18-9-111 (harassment)  
C.R.S. 18-9-124(2)(a)(prohibition of hazing)

CROSS. REFS. AC, Nondiscrimination/Equal Opportunity  
Interpersonal/Human Relations  
JK, Student Discipline  
JKD, Suspension/Expulsion of Student

## INTIMIDATION, HARASSMENT AND HAZING (ACC-R)

In an effort to promote the safety and welfare of all students and staff in the school environment, the building principal or designee, in conjunction with the district administration shall make all students and staff aware of this policy, and ensure that concerted efforts are made to inform students and staff about the content and consequences of this type of behavior.

A person commits intimidation, harassment or hazing if he or she engages in any of the following behaviors:

1. engages in physical contact that results in bodily harm (assault); or
2. subjects another person to physical contact, including but not limited to striking, shoving, or kicking, in a manner that constitutes a real or perceived threat of physical or emotional harm;
3. directs obscene comments or gestures at another person; or insults, taunts or challenges another person; or
4. follows a person in a manner which causes fear, concern or alarm; or
5. threatens another person with physical harm, or
6. engages 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, including, but not limited to, for purposes of initiation into any student group.

Any incident believed to constitute intimidation, harassment or hazing shall be reported promptly to the building administrator or designee, and district level administrator when necessary, for investigation and further action. Principals are directed to initiate suspension and/or expulsion review proceedings when infractions seriously disrupt the learning environment, undermine a sense of civility, or present a danger to the safety and welfare of students and staff.

Approved by Superintendent Monte C. Moses, November 8, 1999.

## TOBACCO-FREE SCHOOLS (ADC)

The Board of Education recognizes that the school district, as an educational organization, has a responsibility to provide a school and work environment conducive to good health, and should provide both effective programs and a positive example to students concerning the facts and problems related to tobacco use.

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

students is also prohibited on school property, on school vehicles, or at a school sanctioned activity or event.

For purposes of this policy, the following definitions apply:

1. "School property" means all property owned, leased, rented or otherwise used or contracted for by the District including but not limited to the following:
  - a. All indoor facilities and interior portions of any building or other structure used for children under the age of 18 for instruction, educational or library services, routine health care, daycare or early childhood development services, as well as for administration, support services, maintenance or storage.
  - b. All school grounds over which the District exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas and parking areas.
  - c. All vehicles used by the District for transporting students, staff, visitors or other persons.
  - d. At a school sanctioned activity or event.
2. "Tobacco product" means:
  - a. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco; and
  - b. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, vape pen, cigar, cigarillo or pipe.
  - c. "Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.
3. "Use" means lighting, chewing, smoking ingesting or application of any tobacco product.

Signs will be posted on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and District policy. This policy will be published in employee and student handbooks.

Information concerning these restrictions shall be provided to groups making arrangements to use the buildings and grounds for evening meetings.

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

Disciplinary measures for students who violate this policy will include in-house detention, revocation of privileges and exclusion from extracurricular activities and/or suspension from school. In accordance with state law, no student will be expelled solely for tobacco use.

LEGAL REFS: 20 U.S.C. § 7971 et. seq. (Pro-Children Act of 2001)

20 U.S.C. § 3224a (Drug-Free Schools and Communities Act of 1986, as amended in 1989)

41 U.S.C. § 701 and 702 (Drug-Free Workplace Act of 1988)

21 U.S.C. § 812 (Definition of Controlled Substance)

6 CCR 1010-6, Rule 5-306 (Rules and Regulations Governing Schools)

C.R.S. § 18-13-121 (Furnishing Tobacco Products to Minors)

C.R.S. § 22-32-109 (1)(bb) (Policy Required Prohibiting Use of Tobacco Products on School Grounds)

C.R.S. § 22-32-109.1(2)(a)(I(H)) (Policy Required as part of Safe Schools Plan)

C.R.S. § 25-14-103.5 (Prohibition Against the Use of Tobacco Products and Retail Marijuana on School Property)

C.R.S. § 25-14-301 (Teen Tobacco Use Prevention Act)

CROSS REFS: IHAMA - Teaching about Drugs, Alcohol and Tobacco

JICH - Alcohol and Other Drug Use by Students

KF - Community Use of School Facilities

KFA - Public Conduct on School Property

KI - Visitors to Schools

Teacher Negotiated Policy 4048, Drug-Free Workplace (Drug and Alcohol Use by Staff Members)

Adopted: July 1, 1992

Last Revised: September 11, 2018



## STUDENT CONDUCT IN SCHOOL VEHICLES JICC

The privilege of riding in a school vehicle is contingent upon a student's good behavior and observance of the Student Conduct and Discipline, Rights & Responsibilities and established rules and regulations for student conduct both at designated school vehicle stops and on-board school vehicles.

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

The building principal may withhold from the student the privilege of riding in the school vehicle. Violation of district policies and regulations while in a school vehicle may also result in the student's suspension or expulsion from school, in accordance with Board policy concerning student suspensions, expulsions and other disciplinary interventions.

Original Adoption: Policy: EEAEC, 1991

Retired from E-series Policies; Revised and Adopted: August 11, 2014

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.: EEA, Student Transportation and subcodes JIC, Student Conduct, and subcodes

JK, Student Discipline, and subcodes

## STUDENT ABSENCES AND EXCUSES (JH)

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, therefore, regular and punctual patterns of attendance shall be expected of each student.

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.

All students in grades kindergarten through 12 are expected to attend school for the academic year unless they fulfill all requirements for graduation at an earlier date.

### Excused absences

The following shall be considered excused absences:

1. A student who is temporarily ill or injured, or whose absence is approved by the administrator of the school of attendance on a prearranged basis. Prearranged absences shall be approved for appointments or circumstances of a serious nature only which cannot be taken care of outside of school hours.
2. A student who is absent for an extended period due to physical, mental or emotional disability.
3. A student who is pursuing a work-study program under the supervision of the school.
4. A student who is attending any school-sponsored activity or activities of an educational nature with advance approval by the administration.
5. A student who is absent in observance of an established religious holiday.
6. A student whose absence is approved by the building principal at the request of the parent or guardian.
7. 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 in an out-of-home placement (as that term is defined by C.R.S. 22-32-138(1)(e), is absent due to court appearances and participation in court-ordered activities, such absences 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.

Continued unexcused absences and/or repeated tardiness may be considered cause for disciplinary action. In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while unexcused. Penalties may include a warning, school detention or in-school suspension. Academic penalties, out of school suspensions and expulsions shall not be imposed for any unexcused absence. The administration shall develop procedures to implement appropriate penalties, and may consider the correlation between course failure, truancy and a student dropping out of school in developing procedures, and may implement relevant strategies to re-engage students with a high number of unexcused absences.

Students and parents/guardians may petition the Board of Education for exceptions to this policy or the administrative procedures 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.

When a student returns to school after a period of absence, a note signed by one of his parents should be sent which indicates that the student was absent with their permission. The note must contain the parent's full name, the date and the number of days the student was absent. In schools where personal calls are made to check on absences, the note may not be required.

A "dropout" is a person who leaves school for any reason before completion of a high school diploma, or its equivalent, and who does not transfer to another public or private school or enroll in a home-based education program (home school) pursuant to Colorado statute, and as evidenced by "adequate documentation" described in the Colorado Code of Regulations, 1 CCR 2.01(1). The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is 10 days in a calendar or school year.

### **Make-up work**

In an effort to re-engage the student in school and in his/her learning, make-up work shall be provided for any class in which a student has an excused absence unless otherwise determined by the building administrator or unless the absence is due to the student's expulsion from school. It is the responsibility of the student to pick up any make-up assignments permitted on the day he returns to class. The building administration will determine timelines for completion of any make-up work and will notify the student accordingly.

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 an incentive to attend school. This work may receive full or partial credit to the extent possible as determined by the building administrator.

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

### **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 may 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 the next class. Teachers shall honor passes presented in accordance with this policy. The provisions of this policy shall be applicable to all students in the district, including those above and below the age for compulsory attendance as required by law.

Revised: September 10, 2012

Adopted: November 10, 2008

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

C.R.S. 22-32-109(1)(n)(length of school year, instruction & contact time)  
C.R.S. 22-33-203 (educational alternatives for expelled students and determination of credit)  
1 CCR 301-67, Rule 2.01(7) (definition of “dropout”)  
1 CCR 301-78 Rules 1.00 et. seq. (standardized calculation for counting student attendance and truancy)

CROSS REFS.: JK, Student Discipline  
JKD, Suspension/Expulsion of Students  
JLIB, Student Dismissal Precautions  
JF, Admission and Denial of Admission  
JF-R, Admission and Denial of Admission  
JHB, Unexcused Absences/Truancy  
JFC, Student Withdrawal from School/Dropouts

**NOTE:** 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, investigate the causes of nonattendance, and report his findings to the board.

## UNEXCUSED ABSENCES/TRUANCY (JHB)

If a student is absent without a signed parental/guardian excuse or if the student leaves school or class without permission of the teacher or administrator in charge, the student shall be considered truant. Determination of an absence as excused or unexcused will be based upon the criteria stated in School Board Policy JH. A “habitual truant” shall be defined as a student of compulsory attendance age who has four total days of unexcused absences from school in any one month or ten total days of unexcused absences during any school year. The determination of a “habitually truant” status for a student is calculated using the sum of unexcused absences converted to days and fractions of days. Said absences are cumulative, need not be consecutive, nor confined to one class. Absences due to suspension or expulsion shall not be counted in the total of unexcused absences for purposes of defining a student as an “habitual truant.”

A plan shall be developed for a student who is declared habitually truant with the goal of assisting the child to remain in school. When possible, the child’s parent, guardian or legal custodian will be expected to participate with district personnel during the development of the plan unless extenuating circumstances prevent their participation. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian or legal custodian to review and evaluate the reasons for the child’s truancy.

In order to reduce the incidents of truancy, parents of all students shall be notified in writing at the beginning of each school year of their obligation to insure 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 excused and unexcused absences. When a student fails to report on a regularly scheduled school day and school personnel have received no indication that the parent/guardian is aware of the absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify the parent/guardian by telephone.

The school will attempt to determine the reason for a student’s unexcused absence, taking timely and appropriate corrective and/or disciplinary action relevant to the cause of the student’s absenteeism.

In accordance with law, the district may impose appropriate penalties that relate directly to classes missed while truant. Penalties may include a warning, school detention, in-school suspension, or other alternative to suspension. Academic penalties, out-of-school suspensions or expulsion shall not be imposed for any truancy.

Revised: April 12, 2010  
Adopted: December 10, 2007

LEGAL REFS.: C.R.S. 22-14-101, et. seq. (dropout prevention and student re-engagement)  
C.R.S. 22-33-204 (compulsory school attendance)  
C.R.S. 22-33-105 (suspension, expulsion and denial of admission)  
C.R.S. 22-33-107 (enforcement of compulsory school attendance)  
1 CCR 301-67, Rule 2.01(7) (definition of “dropout” student)  
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  
JH, Student Absences and Excuses

## STUDENT CONDUCT (JIC)

Students, teachers, administrators and other district employees each have an obligation to contribute to a positive learning environment.

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 state law, shall adopt and approve a written code of conduct for students based upon the principle that every student is expected to show respect for and to obey persons in authority. The code shall also emphasize that certain behavior, especially behavior that disrupts the classroom and learning environment, is unacceptable and may result in disciplinary action. The code shall emphasize proportionate disciplinary interventions and consequences and keeping students engaged in learning. 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 shall be considered as constituting the conduct section of the legally-required code.

Parents, students, teachers, administrators and other community members shall be consulted in the development of the code of conduct.

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

The conduct and discipline code shall be distributed once to each student in elementary, middle, and high school and once to each new student in the district. Copies shall be posted or kept on file in each school in the district. The superintendent shall ensure reasonable measures are taken to ensure each student is familiar with the code. In addition, any significant change in the code shall be distributed to each student and posted in each school.

Teachers are expected to maintain a disciplined and orderly classroom and a productive learning environment. The administration and other district employees shall provide the classroom teacher with support and assistance to maintain that environment. 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 established rules of conduct.

Students are expected to pursue the educational program and to behave in such a way that their presence does not detract from their own education or the education of others. Students shall treat teachers, administrators, other district employees and fellow students with dignity and respect and shall behave in such a manner that their presence does not detract from a productive educational environment. Students shall be expected to comply with district, school and classroom rules.

No organization with or without Board of Education sanction shall engage in hazing or pledging within school jurisdiction. Those students willfully violating this policy shall be referred to the administration for disciplinary action in keeping with established regulations.

Revised: August 13, 2012  
Adopted: October 10, 2000

LEGAL REFS.: 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 familiarize students 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.: JICDA, Code of Conduct  
JIC subcodes (student conduct)  
JK, Student Discipline  
ACC Intimidation, Harassment and Hazing

## USE OF VIDEO CAMERAS TO MONITOR STUDENT BEHAVIOR (JICA)

The Board of Education recognizes the district's continuing responsibility to maintain and improve discipline and to promote the health, welfare, and safety of its staff and students..

After having weighed carefully and balanced the rights of privacy of students with the District's duty to promote discipline, health, welfare and safety of staff and students, the Board supports the use of video cameras on its transportation vehicles and in district schools.

Video cameras may be used to monitor student behavior in school facilities and on school vehicles transporting students to and from school.

Students in violation of conduct rules shall be subject to disciplinary action in accordance with established Board policy and regulations governing student conduct and discipline.

The District shall comply with all applicable state and federal laws related to video recordings when such recordings are considered for retention as part of the student's behavioral record as determined by the district and in accordance with law.

Video surveillance shall be used only to promote the order, safety and security of students, staff and property.

Proposed: January 11, 1999  
Adopted: February 8, 1999  
Effective: February 8, 1999

LEGAL REFS.: 20 U.S.C. 1232g (Family Educational Rights and Privacy Act of 1974)  
42 U.S.C. 1201 et seq. (Americans with Disabilities Act)  
34 C.F.R. 99.1 et seq. (regulations)

## USE OF VIDEO CAMERAS TO MONITOR STUDENT BEHAVIOR (JICA-R)

### Student records

1. The district will comply with provision of federal and state law regarding student records requirements as applicable in the district's use of video recordings. Video recordings considered for retention as part of a student's behavioral record will be maintained in accordance with established student record procedures governing access, review and release of student records.
2. The district will include a notice in parent/student handbooks that video cameras may be used on school vehicles transporting students to and from school, extracurricular activities, and in district schools. The district will include as a part of its notice to students and parents a copy of the Board's video camera policy and regulations.
3. Students may not be notified when a video camera is on board and in use on a district vehicle. Signs will be posted that indicate video camera usage at all school facilities in which video camera equipment is operational.

### Storage/security

1. All video recordings will be stored and secured to insure confidentiality.
2. Video recordings will be stored for five days after initial recording, whereupon such recordings may be erased.
3. Video recordings held for review of student incidents will be maintained in their original form pending resolution. Tapes then will either be released for erasure or retained as necessary as part of the student's behavioral record in accordance with established, district procedures.

### Use

1. Video cameras will be rotated on school vehicles transporting students to and from school or extracurricular activities at the discretion of the transportation supervisor. A notice will be posted on all school busses that video cameras may be used for student management purposes. Video cameras will be in constant use at high school facilities and may be used in other schools and buildings as deemed necessary by the district.
2. Staff and students are prohibited from tampering with or otherwise interfering with video equipment.

### Viewing requests

1. Requests for viewing video recordings will be limited to the appropriate bus driver, transportation supervisor, school administrator, district insurers, law enforcement, parent/guardian or eligible student (18 years or older), or others as deemed appropriate by the principal, principal's designee, or deputy superintendent.
2. Requests for viewing may be made to the transportation supervisor, school principal, principal's designee, or deputy superintendent within five school days of the date of recording.
3. Requests for viewing will be limited to those parents/guardians, students, driver and district officials with a direct interest in the proceedings as deemed appropriate by the principal, principal's designee, or deputy superintendent.
4. Only the portion of the video recording concerning a specific incident will be made available for viewing.

5. Approval/denial for viewing will be made within five school days of receipt of the request and so communicated to the requesting individual.
6. Video recordings will be made available for viewing within five school days of the request approval.

### **Viewing**

1. Actual viewing will be permitted only at school-related sites including the transportation office, school buildings, or central administrative offices.
2. All viewing of video tapes will include appropriate district administrators.
3. A written log will be maintained of those viewing video recordings including the date of viewing, reasons for viewing, date the recording was made, vehicle videotaped, name of driver, and signature of the viewer.
4. Video recordings will remain the property of the district and may be produced only in accordance with law and with the approval of the superintendent of schools.

Approved by Superintendent Robert D. Tschirki, February 8, 1999.

## **STUDENT DRESS CODE (JICAB)**

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 an office with supervision for the day and do schoolwork--which will constitute an in-school suspension--and a conference with parents/guardians shall be held. On the third offense, the student may be subject to out-of-school suspension or other disciplinary action in accordance with relevant disciplinary procedures outlined in the school discipline code.

The following items are not acceptable in school buildings, on school grounds, or at school activities:

1. Inappropriately sheer, tight, short, or low-cut clothing that bare or expose traditionally private parts of the body including, but not limited to, the stomach, shoulders, buttocks, upper thigh, back and breasts
2. Any clothing, paraphernalia, grooming, jewelry, hair coloring, accessories, or body adornments that are or contain any advertisement, symbols, words, slogans, patches, or pictures that:
  - Are obscene, profane, vulgar, lewd, or legally libelous
  - Threaten the safety or welfare of any person
  - Promotes any activity prohibited by the student code of conduct
  - Promotes use of drugs, tobacco, alcohol, or weapons
  - Are of a sexual nature
  - By virtue of color, arrangement, trademark, or other attribute denote membership in gangs which advocate drug use, violence, or disruptive behavior
  - Otherwise disrupt the teaching-learning process

Shoes must be worn at all times in school facilities.

### **Exceptions**

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

Building principals, in conjunction with the school accountability committee, may develop and adopt as part of the building code of conduct a specific school dress code for appropriate apparel in accordance with the standards identified in this policy.

Proposed: August 14, 2000  
Adopted: September 11, 2000  
Revised: September 10, 2012

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

CROSS REFS.: JBB, Sexual Harassment  
JIC, Student Conduct  
JICDA, Code of Conduct  
JICF, Secret Societies/Gang Activity  
JICH, Drug and Alcohol Use by Students  
JICI, Weapons in School  
JK, Student Discipline  
JKD/JKE, Suspension/Expulsion of Students  
JLI, Student Safety  
JICDE, Bully Prevention and Education

## CONDUCT AND DISCIPLINE CODE (JICDA)

The Board of Education seeks to maintain an environment in the schools, which is conducive to learning, protective of the safety and welfare of students and staff, and free from unnecessary disruption.

Students are expected to pursue the educational program and to behave in such a way that their presence does not detract from their own education or the education of others. Students shall treat teachers, administrators, other district employees and fellow students with dignity and respect and shall behave in such a manner that their presence does not detract from a productive educational environment. Students shall be expected to comply with district, school and classroom rules. (Policy JIC)

The rules: (1) shall not infringe upon constitutionally protected rights, (2) shall be clearly and specifically described, (3) shall be printed in a handbook or some other publication made available to students and parents, and (4) shall have an effective date subsequent to the dissemination of the published handbook. (Policy JIC)

The principal may suspend or recommend expulsion of a student who engages in one or more of the following specific activities while in school buildings, on school grounds, in school vehicles, or during a school-sponsored activity. Suspension or expulsion shall be mandatory for serious violations in a school building or on school property.

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Commission of any act which if committed by an adult would be robbery or assault as defined by state law
4. Violation of criminal law, which has an immediate effect on the school or on the general safety or welfare of students or staff.
5. Violation of district policy or building regulations.
6. Violation of the district's policy on weapons in the schools. Expulsion shall be mandatory for using, or possessing a firearm without the authorization of the school or school district, in accordance with federal law.
7. Violation of the district's alcohol use/drug abuse policy.
8. Violation of the district's violent and aggressive behavior policy.
9. Violation of the district's smoking and use of tobacco policy.
10. Violation of the district's policy on sexual harassment.
11. Throwing objects, unless part of a supervised school activity, that can cause bodily injury or damage property.
12. Directing profanity, vulgar language, or obscene gestures toward other students, school personnel or visitors to the school.
13. Engaging in verbal abuse, i.e., name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that precipitate disruption of the school program or incite violence.
14. Committing extortion, coercion or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forc-

ing an individual to act through the use of force or threat of force.

15. Lying or giving false information either verbally or in writing to a school employee.
16. Scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
17. Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the school staff.
18. Repeated interference with the school's ability to provide educational opportunities to other students.
19. Behavior on or off school property that is detrimental to the welfare, safety, or morals of other students or school personnel.
20. Violation of the district's policy on intimidation, harassment and hazing, including but not limited to 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.
21. Violation of the district's dress code policy.
22. Violation of the district's policy on student expression.
23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.
24. Violation of the district's policy on nondiscrimination.
25. Violation of the district's policy on bullying prevention and education.

The principal or the principal's designee shall communicate discipline 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 who receives information shall maintain the confidentiality of the information and does not have authority to communicate the information to any other person.

The principal or the principal's designee will inform the student and the student's parent, guardian, or legal custodian of the discipline information that has been shared with any teacher or counselor. The student and the student's parent or guardian may challenge the accuracy of the disciplinary information by following the procedures outlined in Cherry Creek School District Regulation JII-R.

Any student who causes a disruption in the classroom, on school grounds, on school vehicles, or at school activities or events shall meet with the appropriate school official who will develop with other school personnel a remedial discipline plan for the student.

Disorderly students also shall be dealt with in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruptions. (Policy JK)

Discipline policies and procedures may include acts of reasonable and appropriate physical intervention or force which are not in conflict with the legal definition of child abuse. (Policy JK)

Any deviation from acceptable school behavior which is serious enough to warrant disciplinary action may result in a student's suspension and/or expulsion from classes in accordance with school board policies.

Revised: August 13, 2012

Adopted: January 12, 2009

LEGAL REFS.: C.R.S. 12-22-303(7) (definition of controlled substance)  
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)(A) (duty to adopt policies on student conduct, safety and welfare)  
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  
AC-R-2, Sexual Harassment  
AC-R-4, Sexual Harassment of Students  
ACC, Intimidation, Harassment and Hazing  
ADC, Drug and Tobacco Free Schools



ADD, Safe Schools  
JIC, Student Conduct, and subcodes  
JICAB, Student Dress Code  
JICDB, Violent and Aggressive Behavior  
JICDE, Bullying Prevention and Education  
JICED, Student Expression Rights  
JICF, Secret Societies/Gang Activity  
JICH, Drug and Alcohol Use by Students  
JICI, Weapons in School  
JK Student Discipline, and subcodes  
JKD-1 Suspension/Expulsion of Students

## VIOLENT AND AGGRESSIVE BEHAVIOR (JICDB)

The Board recognizes that incidents of violent and aggressive behavior against students and school personnel undermines an environment for learning, and can result in significant safety risks. Students are especially vulnerable to the emotional injury associated with this type of conduct, and their performance in school can be adversely affected when violent and aggressive behavior of any kind is present. Certain behaviors, if tolerated, would quickly destroy a positive, productive and safe learning environment to which students and staff of the district are entitled. These behaviors, categorized as violent or aggressive, will not be tolerated and shall result in immediate action being taken by the district.

A prompt response is essential to diffuse a potentially volatile situation. This policy shall provide guidance to deter acts of violent and aggressive behavior and to preserve the safety and welfare of the educational environment.

Students exhibiting violent or aggressive behavior shall receive appropriate intervention to change behavior before a crisis occurs and shall be subject to disciplinary action up to and including suspension or expulsion when appropriate.

It shall be a violation of this policy for any student or staff member to inflict, threaten to inflict or attempt to inflict violence upon any other student or staff member while in school buildings, on school grounds, in school vehicles or during a school-sponsored activity, and in certain cases when the behavior occurs off of school property. 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.

The following behaviors are defined as violent and aggressive:

1. **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;
2. **Verbal abuse:** includes, but is not limited to, swearing, screaming, or obscene gestures;
3. **Threats:** directed, either orally (including by telephone), by non-verbal gesture, or in writing, 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. **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;
7. **Defiance:** a serious act or instance of defying or opposing legitimate authority;
8. **Discriminatory slurs:** insulting, disparaging, or derogatory comments made directly or by innuendo regarding a person's race, color, ancestry, creed, sex, sexual orientation, religion, national origin, disability or need for special education services;
9. **Vandalism:** damaging or defacing property owned by or in the rightful possession of another;
10. **Terrorism:** a threat to commit violence which is 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. ;
11. **Bullying:** as described in the district's policy on bullying prevention and education.
12. **Cyberbullying:** the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult, or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person's true or false identity. In addition, any communication of this form which dis-

rupts or prevents a safe and positive educational or working environment may also be considered cyberbullying. Students shall refrain from using personal communication devices or district property to harass or stalk another.

Students and staff members shall be trained to recognize the warning signs of violent and aggressive behavior and shall report questionable behavior or potentially violent situations to the building administrator, other school official, or through the established school district crisis hotline. All reports shall be taken seriously. Failure to make such a report may result in disciplinary action.

Acts of violence and aggression shall be well documented and communicated by the staff to the building principal or designee for disciplinary action, up to and including suspension and/or expulsion. The immediate involvement of the parents/guardians is also essential. In instances of severe infractions, the appropriate district level administrator will be contacted. Law enforcement officials shall be involved if there is any violation of law.

Revised: September 10, 2012

Approved: January 9, 2012

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

CROSS REFS.: ACC, Intimidation Harassment and Hazing  
AC R-2, AC R-4, Sexual Discrimination and Harassment  
JICDA, Code of Conduct  
JICDE, Bullying Prevention and Education  
JICF, Secret Societies/Gang Activity  
JICI, Weapons in School  
JICJ, Student Use of Electronic Communication Devices  
JK, Student Discipline, and subcodes

## BULLY PREVENTION AND EDUCATION (JICDE)

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) are 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 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 focus on 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 regularly train staff and students to implement frameworks necessary to create and sustain a positive, respectful school climate where all members of the school community have a role in preventing 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, as well as to ensure targeted and intensive interventions are

in place for students who frequently bully or are bullied by others.

5. To foster a productive partnership between parents and community members in order to help maintain a bully-free environment by informing parents of the school bullying prevention plan and educating them in how to support the continued development of a positive school climate.
6. To support victims of bullying by means of individual and peer counseling and to foster positive social and emotional skills in students.
7. To help develop peer support networks, social skills, and confidence for all students as well as to integrate time into academic and extracurricular activities to teach students skills and strategies to avoid being targeted by a bully, and how to seek help when needed.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.
9. To regularly train staff in bullying awareness and prevention, active supervision and use of appropriate, consistent interventions.
10. To designate a team of individuals at the school to monitor and address bullying prevention efforts.
11. To conduct a biennial survey of a school's climate with students, parents and staff regarding bullying, in order to review bullying prevention needs.

Proposed: November 12, 2001

Adopted: December 10, 2001

Revised: September 10, 2012

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

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
AC-R-7, Nondiscrimination on the Basis of Handicap/Disability  
JB, Equal Educational Opportunities  
AC-R-1, Nondiscrimination on the Basis of Sex  
AC-R-4, Sexual Harassment of Students  
JICDA, Conduct and Discipline Code  
JICDB, Violent and Aggressive Behavior  
JK, Student Discipline (and subcodes)

## **SCHOOL-RELATED STUDENT PUBLICATIONS (JICEA)**

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 speech, 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. Expression which is: false or obscene, libelous, slanderous or defamatory under state law; which presents a clear and present danger of the commission of unlawful acts; which is a violation of school rules or a material and substantial disruption of the orderly operation of the school; which violates the privacy rights of others; or which 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 advisers 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.

When participation in a school-sponsored publication is part of a school class or activity for which grades or school credit are given, the publications advisers shall have 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.

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' advisers and student editors
3. Guidelines identifying restrictions on freedom of speech defined in state law

4. Reasonable provisions for the time, place and manner of distributing school-sponsored student publications within the jurisdiction of the school district
5. Procedures for resolving differences between students and school officials over issues of censorship

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

Adopted: October 10, 2000

LEGAL REF.: 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

## SCHOOL-RELATED STUDENT PUBLICATIONS (SCHOOL PUBLICATIONS CODE) (JICEA-R)

### 1. Purposes of official school publications

Any student publication whether curricular or co-curricular in nature will be viewed as an open forum for public expression. As such, no article may be censored solely on the basis of potential controversy or sensitivity of its content. While educators must encourage accurate, responsible journalism, such responsibility cannot be employed as a guise to censor student expression.

### 2. Responsibility of official school publications advisers and student editors

- a. Each year the student staff of each school-sponsored student publication assisted by the adviser and administration will devise an editorial policy consistent with the accompanying policy and this publications code to guide its operation.
- b. Students who work on official school-sponsored student publications will determine and be responsible for the content of the publications.
- c. School publications advisers will be responsible for:
  - (1) Supervision of the production of school-sponsored publications
  - (2) Teaching and encouraging free and responsible expression
  - (3) Teaching and encouraging professional standards of journalism

### 3. Restrictions on freedom of speech defined by state law

- a. Material which is "obscene" to minors. Obscene usually is defined as material with lewd sexual connotations or overtones. Obscene material as a whole lacks serious literary, artistic, political or scientific value.
  - b. Material which is libelous. Libelous statements are probably false and unprivileged statements that cause injury to an individual's or business's reputation in the community. If the libeled party is a "public figure" or "public official," then the libeled party must show false statements were published "with actual malice." Malice is defined as the publication of information known to be false or the publication of material with reckless disregard for the truth due to failure to verify the truthfulness of the information.
  - c. Expression which creates a clear and present danger of the commission of unlawful acts, violation of lawful school regulations, or material and substantial disruption of the orderly operation of the school; or expression which threatens violence to property or persons is prohibited.
  - d. Material which violates an individual's right to privacy.
4. Provision for the time, place and manner of distributing school-sponsored student publications within the jurisdiction of the individual school will be determined by the principal of the school in cooperation with the publications advisers and student editors.
  5. Procedures for resolving differences between students and school officials over issues of censorship will be in accordance with policy JII-Student Concerns, Complaints and Grievances and its accompanying regulations except that the "Preconditions to Level 1" of the regulations will be modified to read:

“A response will be rendered in writing within 48 hours of receiving the grievance. If denied, the reasons will be delineated.”

Approved by Superintendent Monte C. Moses, October 10, 2000.

## STUDENT DISTRIBUTION OF NONCURRICULAR MATERIALS (JICEC)

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

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

Students shall be allowed to distribute noncurricular written materials on school property subject to restrictions on time, place and manner of distribution set out in the accompanying 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 policy and/or regulations, which violates another person’s right to privacy, which causes a material and substantial disruption of the orderly operation of the school, or which 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 or 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 included in all student handbooks.

Adopted: October 10, 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  
JICED, Student Expression Rights  
JK, Student Discipline, and subcodes  
KHC, Distribution/Posting of Promotional Materials

## STUDENT EXPRESSION RIGHTS (JICED)

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

Therefore, all student expression shall be consistent with the aims and objectives of the mission of the school district, the curriculum and this policy. For purposes of this policy, student expression includes expression in any media, including but not limited to written, oral, visual, audio, and electronic media in all classroom and other school-related activities, assignments, and projects.

Students shall not turn in, present, publish or distribute expression that is:

1. Obscene
2. Libelous, slanderous, defamatory, or otherwise unlawful under state law
3. False as to any person who is not a public figure or involved in a matter of public concern
4. Creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school
5. Profane or vulgar

6. Violates the rights of privacy of others
7. Threatens violence to property or persons
8. Attacks any person because of race, color, sex, age, religion, national background, disability, or handicap
9. Tends to create hostility or otherwise disrupt the orderly operation of the educational process
10. Advocates illegal acts of any kind, which create a sense of threat to the orderly operation of the educational environment.

Violation of this policy shall result in disciplinary action against the student consistent with district student discipline policies.

Adopted: September 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) (power to exclude materials that are immoral or pernicious)

CROSS REFS.: JICDA, Conduct and Discipline Code  
 JICDB, Violent and Aggressive Behavior  
 JICEC, Student Distribution of Noncircular Materials  
 JK, Student Discipline

## SECRET SOCIETIES/GANG ACTIVITY (JICF)

### Secret Societies

Students are prohibited by law from joining or becoming members of any secret fraternity, sorority or society which wholly or partially forms its membership from students attending district schools and from belonging to or taking part in the organization or formation of any fraternity, sorority or society except such societies or associations as sanctioned by the Board of Education.

No organization, irrespective of name or manner of designation, that possesses secret rights among the membership or deals with private matters known only to one or a few and kept from others shall be deemed eligible for approval and sanction by the Board of Education.

### Gangs

The Board of Education desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence or disruptive behavior. The principal or his designee shall maintain continual, visible supervision of school premises to deter gang intimidation of students and confrontations between members of different gangs.

The superintendent or his designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

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

The Board prohibits 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. This policy shall be applied at the principal's discretion after consultation with the superintendent or his designee as the need for it arises at individual school sites.

The Board realizes that many students become involved in gangs without understanding the consequences of gang membership. Early intervention is a key component of efforts to break the cycle of gang membership. Therefore gang violence prevention education in the schools shall start with students in third grade.

Adopted: August 8, 1966  
 Latest revision: September 10, 1979  
 Revised: September 10, 2012

LEGAL REFS.: C.R.S. 22 1 117  
 C.R.S. 22 1 118  
 C.R.S. 22-32-109.1 (2)(a)(I)(F)(policy required as part of safe schools plan)

CROSS REFS.: JJA, Student Organizations

## ALCOHOL AND OTHER DRUG USE BY STUDENTS (JICH)

The Cherry Creek School District recognizes that abuse of alcohol and other drugs is a significant health problem. Further, the Board of Education recognizes that the use, possession, distribution, dispensing, selling, giving or exchanging illicit drugs and alcohol is illegal, constitutes a hazard to students' health and is detrimental to a healthy learning environment. Therefore, the Board assumes its responsibility for adopting a policy that will minimize the hazard to students.

The Board supports the concept that parents, school and community have the responsibility to cooperate in efforts to prevent problems of drug use and abuse and to seek help from public and private agencies for students who become involved with alcohol/substance abuse. In providing any information to students and/or parents about community substance abuse treatment programs or other resources, 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.

It shall be a violation of Board policy and considered to be behavior which is detrimental to the welfare or safety of an individual student, other students or school personnel for any student to use, possess, distribute, dispense, sell, procure, give or exchange or to be under the influence of alcohol, drugs or other controlled substances (as defined in the Colorado Controlled Substances Act of 1981, C.R.S. 12-22-301 et seq.), or to have drug paraphernalia on Cherry Creek School District property.

For purposes of this policy, prohibited controlled substances include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medicine, vitamin or other chemical substances not taken in accordance with the Board policy and regulations on administering medication 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 who is on school property, in attendance at school, being transported in a school vehicle or in vehicles dispatched by the district or one of its schools, or taking part in any school-sponsored or district-sanctioned activity or event 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.

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 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.

Information provided to students and/or parents 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 specified in the accompanying regulation or unless otherwise required.

The district shall provide all students and parents/guardians with a copy of this policy and its accompanying procedures on an annual basis.

The district shall conduct a periodic review of its drug prevention program to determine its effectiveness and to implement any necessary changes.

Revised: August 13, 2012

Adopted: March 10, 2003

LEGAL REFS.: 20 U.S.C. Section 3221 (defines drug abuse education and prevention)  
20 U.S.C. Section 7116 (Safe & Drug Free Schools and Communities Act of 1994)  
C.R.S. 18-18-102(3), (5) (definition of "anabolic steroid and "controlled substance")  
C.R.S. 18-18-407(2) (crime to sell, distribute or possess controlled substance on or near school grounds or school bus)  
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(l)(d) (suspension or expulsion discretionary for the sale of a drug or controlled substance)

CROSS REFS.: IHAMA, Teaching about Drugs, Alcohol and Tobacco  
JTH, Student Interrogations, Searches and Arrests  
JKD/JKE, Suspension/Expulsion of students  
JLCA, Student Health Services and Requirements

# ALCOHOL AND OTHER DRUG USE BY STUDENTS (JICH-R)

The following regulations will be strictly observed in implementing Policy JICH.

## I. Introduction

In administering Policy JICH, the following procedures set forth below will be followed. These procedures will supplement and complement authority conferred elsewhere by Board policy and will not be deemed to limit or suspend such other authority. Students shall be disciplined as appropriate in accordance with applicable Board policy.

## II. Definitions

### A. Prohibited Substances

1. Prohibited substances shall include, *but not be limited to*, cocaine, heroin, alcohol, marijuana, inhalants and counterfeit drugs.
2. Prohibited substances shall also include those defined as controlled substances in federal and state law including C.R.S. §18-18-101, et seq.

### B. Within School District Jurisdiction

A student will be considered within District jurisdiction when on District property, at school-sanctioned activities, when being transported in vehicles dispatched by the District or while waiting to board or depart a school bus.

### C. Drug Paraphernalia

Drug paraphernalia shall be any machine, instrument, tool or device as defined in C.R.S. §18-18-426.

### D. Marijuana Accessories

Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body, as defined in the Colorado Constitution Art. XVIII sec. 16(1)(g).

### E. Counterfeit Drugs

A counterfeit drug shall be considered any substance which is represented as a prohibited substance.

### F. Use of Prohibited Substances

A student shall be considered to have used prohibited substances when his/her behavior, condition, speech or appearance, while within District jurisdiction, is affected by, or evidences the prior use of prohibited substances.

### G. Possession

A student shall be considered possessing a prohibited substance, marijuana accessory, or drug paraphernalia upon admission, or if the prohibited substance, marijuana accessory or drug paraphernalia is found: on one's person, on personal property, in a car or other vehicle, locker, desk or other storage area within District jurisdiction. Possession also means that a person has, holds, owns, has custody of, or has within his/her immediate presence or control, any amount of a prohibited substance, marijuana accessory, or drug paraphernalia.

### H. Distributing, Dispensing, Selling, Giving or Exchanging

Any means by which a prohibited substance, or a counterfeit drug is transferred from one person to another.

## III. Transfer of Records

Records of substantiated offenses involving a prohibited substance, marijuana accessory, or drug paraphernalia, noting date, type of offense, and disciplinary action taken will be maintained at the building level in a discipline file and will be forwarded to the appropriate administrator of discipline at the next level or school the student attends in the District. Keeping records is not meant to be punitive but rather an aid to school authorities tracking case histories and to provide information about situations that may need attention. Any disclosure of student information from student disciplinary records shall be in accordance with all applicable state and federal laws.

## IV. Disciplinary Action

Students shall be subject to disciplinary action up to and including suspension and expulsion, for or using, possessing, distributing, dispensing, selling, giving or exchanging a prohibited substance, marijuana accessories, or drug paraphernalia. The principal or designee will contact appropriate law enforcement officials in each incident of possession or sale of prohibited substance by a student.

Due process, as stipulated in School District Policy JKD-1 shall be followed in suspensions or expulsions.

If a student with disabilities who is receiving special education services is involved with any of the specified offenses, regular



disciplinary action may be taken. The student's Individual Education Program (IEP) will be reviewed. In accordance with school board policy and state and federal law, if a student with disabilities is suspended from school for more than ten (10) days cumulatively or consecutively in a school year, a manifestation determination will be held.

All offenses will be subject to the provisions of the disciplinary actions listed. Such offenses may be in a single category or combination of all categories when compiling cumulative offenses.

All staff members will cooperate fully with appropriate law enforcement investigators relative to students using, possessing, distributing, dispensing, selling, giving or exchanging any prohibited substance, marijuana accessory, or drug paraphernalia.

#### **A. Use of Prohibited Substances**

The following procedures are to be followed for students using any prohibited substance (alcohol, marijuana, controlled substance or counterfeit drug):

1. If a student appears to have used a prohibited substance within District jurisdiction, the staff member will notify the building principal, school nurse, or principals' designee who will observe the student. 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 must comply with the Board policy on interrogations and searches.
2. When necessary, individual school emergency procedures will be followed.
3. If it is determined by the principal or principal's designee, that the unusual appearance or unusual, disruptive, or dangerous behavior may be due to the student's use of a prohibited substance, a parent will be contacted as soon as possible. The parent will be advised of the student's appearance and/or behavior.
4. The principal or designee will attempt to obtain evidence by directly requesting it from the student or through search procedures that are outlined in Section V of this School Board Regulation (Searches).
5. While waiting for the parent or for medical aid, the student will not be left alone but will be placed in a quiet situation where the student will remain under observation.
6. Contact with legal authorities may result, and the parent and student will be notified of this contact.
7. If it is determined that the student has used a prohibited substance as defined above, the student will be subject to the disciplinary provisions below.

#### **B. First Offense for Use of Prohibited Substances**

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) days for a total of ten (10) school days.
2. The ten (10) school day period of suspension may be reduced to three (3) school days provided the student agrees to complete:
  - a. A full District sponsored substance abuse evaluation (Evaluation); and
  - b. the Cherry Creek School District Alcohol and/or Drug Education/ Intervention Program (Program)

Responsibility for initiating and completing the intervention program rests with the student and his/her parent(s)/guardian(s).

Fees and Costs associated with the District Program and District Evaluation are subsidized by the District. The student and his or her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation: \$25/student
- ii. Program: \$10 for each ninety (90) minute session in which the student participates.

Evaluation and Program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.

3. The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/ intervention program and evaluation other than the District program. This alternate program and evaluation must be equivalent in content and length to the District program and must be agreed to by the student, his/her parent(s)/guardian(s) and the building administration. Any fees or costs associated with the alternate program and evaluation shall be the sole responsibility of the student and his/her parent(s)/guardian(s). Evidence of completion of the alternate program and evaluation must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) day school suspension.
4. A parent conference will be held before the student is readmitted to school. If the student has indicated he/she is electing to participate in an appropriate agreed upon education/intervention program and evaluation, the student will be eligible to have an early re-entry conference to school after the third day of the ten (10) day suspension period. The student must provide documentation of his/her involvement and attendance in the program and evaluation as part of the early re-entry process. Production of this documentation at the early readmit conference will allow the student to be re-enrolled in school and will allow for the remaining seven (7) school days of suspension to be expunged from his/her disciplinary record. Also, during the re-entry conference, a school official will develop with the parent and the student a

written agreement that will outline the responsibilities of the parent, the student, and the school in an effort to keep any further offenses from occurring which will include, but not be limited to, statements regarding the requirements for the student to receive a reduced suspension and a statement that the additional seven (7) school days of suspension will be reinstated if the student fails to complete the intervention program and evaluation within the specified time frame. During the re-entry conference the student or his/her parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the education/ intervention program and evaluation provider in order to verify the student's participation in, and completion of, the intervention program and evaluation. Additionally, this written agreement will specifically state consequences of a second offense.

5. The District will provide the student and his/her parent(s)/guardian(s) a resource list of alcohol and/or drug education/ intervention, counseling and/or treatment options. Provision of the list of providers is not an endorsement or guarantee by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.

### **C. Second Offense for Use of Prohibited Substances**

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) school days for a total of ten (10) school days of suspension for serious violation of school board policy and may be recommended for expulsion.

- a. The ten (10) school day period of suspension may be reduced to five (5) school days and, if applicable, the recommendation for expulsion waived if, after the first five (5) school days of suspension, the student and his/her parent(s)/ guardian(s) provide evidence that the student has elected to complete:

- i. A full District sponsored substance abuse evaluation (Evaluation);and

- ii. The Cherry Creek School District Alcohol and/or Drug Education Intervention Program (Program).

Responsibility for initiating and completing the assessment and treatment plan, and for participating in a treatment program is solely that of the student and his/her parent(s)/guardian(s).

Fees and Costs associated with the District Program and District Evaluation are subsidized by the District. The student and his or her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation:\$25/student

- ii. Program: \$10 for each ninety (90) minute session in which the student participates.

Evaluation and Program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.

The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/intervention program and evaluation other than the District program. This alternate program and evaluation must be equivalent in content and length to the District program and must be agreed to by the student, his/her parent(s)/guardian(s) and the building administrator.

- b. A resource list of alcohol and drug intervention, counseling and/or treatment options will be provided to the student and his/her parent(s)/guardian(s) upon request. Provision of a list of providers is not an endorsement by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.
2. A parent conference will be held before the student is readmitted to school, regardless of whether or not the student chooses to participate in the early re- entry process. If the student elects to participate in the early re-entry and waiver process, he/ she will have a re-entry conference after completion of the first five (5) school days of suspension. At the early re-entry conference, the student and his/her parent(s)/guardian(s) shall provide evidence of a completed individual alcohol and/or drug evaluation assessment and that he/she will be participating in an alcohol and/or drug treatment program and provide an outline of the recommended treatment plan. Any fees or costs associated with the evaluation/assessment, treatment plan or treatment program will be the sole responsibility of the student and his/her parent(s)/guardian(s). Production of this documentation at the early re-entry conference will allow the student to be re-enrolled in school and will allow for a waiver of the remaining five (5) school days of suspension and a waiver of the recommendation to expel. In the event the student chooses not to participate in the early re-entry process, he/she will have a re-entry conference upon completion of the designated expulsion period for purposes of review of this policy and regulation and to inform the student of consequences for any future offenses.
  3. A written agreement will be completed with a school official, the student and a parent. If the student chooses to participate in the early re-entry process, he/she will complete an agreement to reduce the remaining five (5) school days of suspension and waive the recommendation to expel. The agreement must contain a provision that the remaining five (5) school days of suspension and recommendation to expel will be reinstated for the alcohol or drug offense if the student fails to complete the proposed treatment program. The student's parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the intervention/

treatment program provider in order to verify the student's participation in the intervention/treatment program.

4. Where circumstances warrant, special consideration for an in-district transfer will be considered as well as other educational alternatives. An in-district transfer will require the mutual agreement of the administrators of the two schools involved. Transportation to the new school will be the responsibility of the student and parent.

#### **D. Third and Subsequent Offenses for Use of Prohibited Substance**

1. The student may be suspended as outlined in School Board Regulation JKD-1-R and may be recommended for expulsion from school.
2. Procedures to be followed recommending expulsion from school are outlined in School Board Regulation JKD-1-R.

#### **E. Possession of Prohibited Substances**

The following procedures are to be followed for a student possessing a prohibited substance, marijuana accessory, or drug paraphernalia while within District jurisdiction.

1. A school staff member who comes in contact with a student suspected of possessing a prohibited substance, marijuana accessory, or drug paraphernalia will notify the principal or principal's designee immediately.
2. A school staff member who has reasonable suspicion that a student is in possession of a prohibited substance, marijuana accessory, or drug paraphernalia will immediately attempt to detain the student and request that the student accompany the staff member to the principal or the principal's designee.
3. If the student refuses, the staff member will notify the principal or designee immediately. The staff member should make reasonable effort to remain with the student while using other means to contact the principal or principal's designee.
4. The principal or designee will attempt to obtain evidence by directly requesting it from the student or through search procedures that are outlined in Section V of this School Board Regulation(Searches).
5. If a student possesses any prohibited substance, marijuana accessory, or drug paraphernalia, the principal or designee will place the evidence in an envelope or alternative container as necessary. The envelope or alternative container will be sealed, dated and initialed by the individual who originally obtained the evidence and the principal or designee and then placed in a secure place. Photographs may also be taken of the evidence.
6. The principal or his designee may call the appropriate law enforcement agency in each instance of possession or sale of controlled substances by a student. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
7. If the student is found to possess any prohibited substance, marijuana accessory, or drug paraphernalia, or if the student admits to possessing any prohibited substance or drug paraphernalia, the student may be subject to the disciplinary procedure below:

#### **F. First Offense for Possession of Prohibited Substances**

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) days for a total of ten (10) school days. The parent/guardian will be notified. If information warrants, the 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.
  - a. The ten (10) school day period of suspension may be reduced to three (3) school days provided the student agrees to complete:
    - i. A full District sponsored substance abuse evaluation (Evaluation);and
    - ii. The Cherry Creek School District Alcohol and/or Drug Education/Intervention Program (Program). Responsibility for initiating and completing the intervention program rests with the student and his/her parent(s)/guardian(s).

Fees and costs associated with the District Program and District Evaluation are subsidized by the District. The student and his/her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation:\$25/student
  - ii. Program: \$10 for each ninety (90) minute session in which the student participates. Evidence of completion of the District education/intervention program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.
- b. The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/intervention program other than the District program. This alternate program must be equivalent in content and length to the

District program and must be agreed to by the student, his parent(s)/guardian(s) and the building administration. Any fees or costs associated with the alternate program shall be the sole responsibility of the student and his/her parent(s)/guardian(s). Evidence of completion of the alternate program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) day school suspension.

2. A parent conference will be held before the student is readmitted to school. If the student has indicated he/she will participate in an appropriate agreed upon education/ intervention program, the student will be eligible to have an early re- entry conference to school after the third day of the ten (10) day suspension period. The student must provide documentation of his/her involvement and attendance in the program as part of the early re-entry process. Production of this documentation at the early re-entry conference will allow the student to be re- enrolled in school and will allow for the remaining seven (7) school days of suspension to be expunged from his/her disciplinary record. Also, during the re- entry conference, a school official will develop with the parent and the student a written agreement that will outline the responsibilities of the parent, the student, and the school in an effort to keep any further offenses from occurring which will include, but not be limited to, statements regarding the requirements for the student to receive a reduced suspension and a statement that the additional seven
3. (7) school days of suspension will be reinstated if the student fails to complete the intervention program within the specified time frame. During the re-entry conference the student or his/her parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the intervention program provider to verify the student's participation in, and completion of, the intervention program. Additionally, this written agreement will specifically state consequences of a second offense.
4. The District will provide the student and his/her parent(s)/guardian(s) a resource list of alcohol and/or drug intervention, counseling and/or treatment options. Provision of the list of providers is not an endorsement or guarantee by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.

#### **G. Second Offense for Possession of Prohibited Substances**

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) school days for a total of ten (10) school days of suspension for serious violation of school board policy and may be recommended for expulsion.
  - a. The ten (10) school day period of suspension may be reduced to five (5) school days and the recommendation for expulsion waived if, after the first five (5) school days of suspension, the student and his/her parent(s)/guardian(s) provide evidence that the student has elected to participate in:
    - i. A full District sponsored substance abuse evaluation (Evaluation);and
    - ii. The Cherry Creek School District Alcohol and/or Drug Education/Intervention Program. Responsibility for initiating and completing the assessment and treatment plan, and for participating in a treatment program is solely that of the student and his/her parent(s)/guardian(s).Fees and costs associated with the District Program and District Evaluation are subsidized by the District. The student and his/her parent(s)/guardian(s) are responsible for the following fees:
    - i. Substance Abuse Evaluation:\$25/student
    - ii. Program: \$10 for each ninety (90) minute session in which the student participates.
2. The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/intervention program and evaluation other than the District program. The alternate program and evaluation must be equivalent in content and length to the District program and must be agreed to by the student, his/her parent(s)/guardian(s) and the building administration. Any fees associated with the alternate program and evaluation shall be the sole responsibility of the student and his/her parent(s)/guardian(s). Evidence of completion of the alternate program and evaluation must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.
  - a. A resource list of alcohol and drug intervention, counseling and/or treatment options will be provided to the student and his/her parent(s)/guardian(s) upon request. Provision of a list of providers is not an endorsement by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.
3. A parent conference will be held before the student is readmitted to school, regardless of whether or not the student chooses to participate in the early re-entry process. If the student elects to participate in the early re-entry and waiver process,he/she will have are-entry conference after completion of the first five (5) school days of suspension. At the early re-entry conference, the student and his/her parent(s)/guardian(s) shall provide evidence of a completed individual alcohol and/

or drug evaluation assessment and that he/she will be participating in an alcohol and/or drug treatment program and provide an outline of the recommended treatment plan. Any fees or costs associated with the evaluation/assessment, treatment plan or treatment program will be the sole responsibility of the student and his/her parent(s)/guardian(s). Production of this documentation at the early re-entry conference will allow the student to be re-enrolled in school and will allow for a waiver of the remaining five (5) school days of suspension and a waiver of the recommendation to expel. In the event the student chooses not to participate in the early re-entry process, he/she will have a re-entry conference upon completion of the expulsion period for purposes of review of this policy and regulation and to inform the student of consequences for any future offenses.

4. A written agreement will be completed with a school official, the student and a parent. If the student chooses to participate in the early re-entry process, he/she will complete an agreement to reduce the remaining five (5) school day suspension and waive the recommendation to expel. The agreement must contain a provision that the remaining five (5) school days of suspension and recommendation to expel will be reinstated for the alcohol or drug offense if the student fails to complete the proposed treatment program. The student's parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the intervention treatment program provider in order to verify the student's participation in, and completion of, the intervention treatment program.
5. Where circumstances warrant, special consideration for an in-district transfer will be considered, as well as other educational alternatives. An in-district transfer requires the mutual agreement of the administration of the two schools involved. Transportation to the new school will be the responsibility of the students and parents.

#### **H. Third and Subsequent Offenses for Possession of Prohibited Substances**

- a. The student may be suspended as outlined in School Board Regulation JKD-I-R until an expulsion review is held.
- b. Procedures to be followed for requesting an expulsion from school are outlined in School Board Regulation JKD-I-R.

#### **I. Distributing. Dispensing. Selling. Giving or Exchanging**

The following disciplinary procedures are to be followed for students who are engaged in distributing, dispensing, selling, giving, or exchanging any prohibited substance, marijuana accessory, or drug paraphernalia within District jurisdiction:

1. If a staff member witnesses, or has reasonable cause to suspect, or an investigation determines an act in which alcohol, drugs, other prohibited or controlled substances, any marijuana accessory, or drug-containing or drug-related paraphernalia are being transferred from one student to another, the staff member or investigator will immediately attempt to detain the student and request that the student accompany him to the principal or principal's designee. If the student refuses, the staff member or investigator will notify the principal or designee immediately. If this occurs, the staff member or investigator should make reasonable effort to remain with the student, while using other means to contact the principal or principal's designee.
2. The principal or his designee will attempt to obtain evidence by directly requesting it from the student or through search procedures outlined in Section V of this School Board Regulation (Searches).
3. If at the time, the student possesses any prohibited substance, marijuana accessory, or drug paraphernalia, the principal or designee will place the evidence in an envelope. The envelope will be sealed, dated, and initialed by the principal or designee, and then placed in a secure place. Photographs may also be taken of the evidence.
4. The principal or his designee may call the appropriate law enforcement agency and request that an officer pick up the sealed envelope for testing.
5. The student may be suspended from school for five (5) school days and may be recommended for expulsion. The principal or designee may call appropriate law enforcement officials in each instance of possession or sale of controlled substances by a student. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
6. The principal or his designee will conduct a conference with the parent and student prior to the student's being readmitted to school, and upon completion of the expulsion period, if applicable.

#### **V. Searches**

Searches shall be conducted in accordance with School Board Policy JIH: Student Interrogations, Searches and Arrests.

#### **VI. Duty to Supervise**

Nothing contained in the foregoing Regulation shall be construed to extend or expand the District's duty to supervise or control students or areas within District jurisdiction beyond that which existed under law prior to the approval of the foregoing regulation.

Originally Approved by Superintendent Monte C. Moses, May 14, 2007. Revised: August 13, 2012  
Current Revision: February 13, 2017

## USE OF TOBACCO BY STUDENTS (JICHA)

The Cherry Creek School District is committed to high standards of personal and public health and safety. In order to promote the general health, welfare and well-being of students and staff, smoking, chewing or any other use of any tobacco products by students while in or on school properties, or under the school's jurisdiction during school hours, or while participating in a school-sponsored event is prohibited.

For purposes of this policy, the following definitions shall apply:

1. "School property" shall mean all property owned, leased, rented or otherwise used by a school including, but not limited to, the following:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
  - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas and parking areas.
  - c. All vehicles used by the district for transporting students, staff, visitors or other persons.
2. "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" shall include any product packaged for smoking.
3. "Use" shall mean lighting, chewing, inhaling or smoking any tobacco product.

Students shall be subject to disciplinary action for violation of this policy. In accordance with state law, no student shall be expelled solely for tobacco use.

Adopted: June 11, 2001

LEGAL REFS.: 20 U.S.C. Section 6083 (Federal law prohibits smoking in any indoor facility used to provide educational services to children)  
C.R.S. 18-13-121  
C.R.S. 22-32-109(1)(bb)  
C.R.S. 25-14-103.5  
6 CCR 1010-6, Rule 5-306

CROSS REFS.: ADC, Drug and Tobacco Free Schools  
IHAMA, Teaching about Drugs, Alcohol and Tobacco  
JKD/JKE, Suspension, Expulsion of Students

## WEAPONS IN SCHOOL (JICI)

The Board of Education determines that possession and/or use of a weapon by students is detrimental to the welfare and safety of the students and school personnel within the district. Possession is defined as having physical possession of a deadly weapon/weapon/facsimile, or the deadly weapon/weapon/facsimile being under the control of a student whether it be in a car, locker, backpack, or other location, under the control of or belonging to the student while on school grounds.

### **Dangerous Weapons**

Carrying, bringing, using or possessing 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, whether loaded or unloaded
- 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 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 including, but not limited to slingshot, numchakas, spring gun, throwing star, bludgeon, brass knuckles or artificial knuckles of any kind.

The building principal may initiate expulsion proceedings for students who carry, bring, use or possess a dangerous weapon in violation of this policy.

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 on a case-by-case basis.

### **Discretionary discipline in accordance with state law**

As used in this policy, “weapon” means any object which is generally used for nonviolent or non-dangerous purposes, but which can be considered a weapon under this policy as a result of its use or intended or threatened use. For example, a baseball bat is ordinarily not considered a weapon; however, when used or threatened to be used to strike the head of another person in a fight, it will be considered a weapon under this policy. Examples of objects which may, under given circumstances, be weapons include, but are not limited to, rocks, bottles and cans, chains, shoes, especially military style boots, bats, ropes, mace or similar noxious chemical substances used in a threatening or improper manner.

### **Firearm facsimiles**

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

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. The principal’s decision to deny or permit a student to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property shall be final.

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

### **Other local restrictions invoking discretionary suspension or expulsion for a weapon**

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, the carrying, bringing, using or possessing of 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 express authorization is considered to be behavior detrimental to the safety and welfare of the student, other students and school personnel and is therefore prohibited. Students who violate this policy shall be referred for appropriate disciplinary proceedings.

### **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

Revised: August 13, 2012  
Adopted: December 8, 2003

LEGAL REFS.: C.R.S. 22 33 106 (1) (grounds for suspension and expulsion and denial of admission)  
18 U.S.C. 18-1-901(3)(h)(state law definition of “firearm”)  
18 U.S.C. Section 921 (a)(3) (federal definition of “firearm”)  
C.R.S. 22-32-109.1 (2)(a) (I)(G) (policy required as part of safe schools plan)  
20 U.S.C. Section 7151(Gun Free Schools Act)  
20 U.S.C. Section 7151(h)( requiring schools to have policies requiring referral to law enforcement)

C.R.S. 22-33-102(4) (definition of dangerous weapon)  
C.R.S. 22-33-106(1) (grounds for suspension, expulsion and denial of admission)  
C.R.S. 22-33-106(1)(f) (must adopt policy regarding firearm facsimiles)

CROSS REFS.: JKD, Suspension/Expulsion of Students  
JKD-2, Discipline of Students with Disabilities  
KFA, Public Conduct on School Property

## STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES (JICJ)

The Board of Education recognizes that electronic communication devices (“ECDs”) can play a vital communication role both during emergency situations and as technology in the educational setting. However, personal use of electronic communication devices in school may disrupt and/or interfere with the educational process and may be subject to appropriate usage guidelines. For purposes of this policy, “electronic communication devices” includes 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 (e.g., computers, I-Pads or other tablet devices, smart phones, etc.). For purposes of this policy, the term shall also include electronic entertainment devices like electronic games and compact disc players.

Students may carry electronic communication devices during the school day, on school vehicles and at school-sponsored events/activities. Students shall comply with administrative or staff member directives relating to the use of cellular phones and other ECDs in school, on school vehicles and at school-sponsored events/activities. Students are permitted to use cellular phones and other ECDs as defined by the building principal or other school administrator. The principal or other school administrator may confine the use of ECDs to certain defined locations in each building.

Possession of a cellular telephone or other ECD by a student is considered to be a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of the device so as to violate school rules, board policy or law. Violations may result in disciplinary action under student discipline policies. Inappropriate use of cellular phones or ECDs includes, but is not limited to, the following:

1. Accessing and/or viewing an Internet site that is otherwise blocked to students at school.
2. Sending an email, text message or other communication that harasses, intimidates, threatens, bullies, or discriminates against another individual.
3. Using a camera device at school or a school-sponsored event to take, send, download or upload an unwanted, harassing, threatening, or embarrassing photos, audio or text of anyone.
4. Using such devices to engage in scholastic dishonesty.
5. Using such devices to save personal or non-school related files to a district-owned computer.
6. Using such devices for any form of “cyber-bullying,” or other unwanted or unsolicited electronic communications or other communications that otherwise cause a disruption to the learning environment.

Use of electronic communication devices with cameras are prohibited in locations where such operation may violate the safety or privacy rights of another person.

It is the student’s responsibility to ensure that the device is turned off and out of sight during unauthorized times. Violation of this policy and/or use that violates any other district policy may result in disciplinary measures and confiscation of the electronic communication device.

Confiscated devices shall be returned to the student only after a conference with the parent/guardian, student and school personnel. The building principal or designee may also refer the matter to law enforcement, as appropriate.

Upon reasonable suspicion that a school rule, district policy or law has been violated through the use of a cellular phone or ECD, search for evidence of the suspected wrongdoing may also occur in accordance with district policy. Any refusal on the part of a student to comply with a request to surrender the cellular phone or ECD may result in disciplinary action.

A cellular telephone or ECD that has been confiscated and not turned over to law enforcement will be released to the parent or guardian of a student when it is no longer necessary for investigation or disciplinary proceedings. At the discretion of the principal, the cellular telephone or ECD may be returned directly to the student.

The district shall not be responsible for the security and safekeeping of these items and is not financially responsible for any loss, theft or destruction of electronic communication devices brought to school by a student or confiscated by a school employee for violation of this policy governing the acceptable use of such devices. Any damage to the equipment is the responsibility of the individual.



Adopted: January 9, 2012

Revised: August 11, 2014

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

## STUDENT INTERROGATIONS, SEARCHES AND ARRESTS (JIH)

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

### Interviews or Interrogations of Students by School Administrators

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

In situations where a student is suspected of violating Board policies or school rules, the principal or designee may interrogate 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

Searches may be conducted by a school official who has reasonable grounds for suspecting that a search will turn up evidence that the student has violated either the law or Board policy. When reasonable grounds for a search exist, school personnel may search a student and/or his property while on school premises or during a school activity under the circumstances outlined in this policy and may seize any illegal, unauthorized or contraband materials.

Any search conducted by a school official shall respect the privacy of the student and not be any more intrusive than necessary considering the age and sex of the student and nature of the suspected infraction.

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. If the search produces evidence to be used as the basis for disciplinary action, the report shall be filed in the student's discipline file.

### Definitions

1. "Reasonable suspicion" is the standard for a search on school property or at school activities carried out by school authorities. Reasonable suspicion should be based on facts provided by a reliable informant or personal observation which cause the school official to believe, based on his own experience, that search of a particular person, place or thing would lead to the discovery of evidence of a violation of Board policy or state laws. Reasonable suspicion requires more than a mere hunch.
2. "Contraband" consists of all substances or materials prohibited by Board policy or state law including but not limited to drugs, alcoholic beverages, a "deadly weapon/firearm," "weapon," or "facsimile," as described in Policy JICI.

### 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. School property provided for the use of students is subject to clean-outs, access for maintenance and search pursuant to this policy.

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.

No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the principal of the school in which the locker or storage area is located. Unapproved locks shall be removed.

The principal or his designee may search a desk, locker or any other storage area and its contents when he has reasonable grounds for a search. Whenever possible, another person shall be available to witness the search.

### **Parking Lot/Vehicle Searches**

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

Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination without further hearing of the privilege of bringing the vehicle on to school premises. Refusal to submit to search also may result in disciplinary action and notification of law enforcement officials.

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

### **Search of the Student's Person or Personal Effects**

The principal or his 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 believe 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, briefcase, or backpack and/or 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.

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

Searches of a student's person and/or personal effects may be conducted without the prior consent of the student's parent/guardian. The parent or 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 or shoes, shall be referred to a law enforcement officer. School personnel shall not participate in such searches.

### **Law Enforcement Officers' Involvement**

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

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

The principal or his designee may request the assistance of a law enforcement officer to:

1. conduct a search of school property including lockers, desks and other storage areas;
2. conduct a search of any motor vehicle or any object in the possession of the student such as a purse, briefcase or backpack if the student refused to permit school authorities to conduct such a search;

In the case of such refusal, the principal or his designee may, but shall not be obligated to, first attempt to contact and secure assistance of the student's parent before involving a law enforcement officer; or

3. identify or take possession of prohibited items found in the course of a search conducted in accordance with this section.

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

1. there is uncoerced consent by the student;
2. there is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search; or
3. the search is incident to an arrest and is limited to the person and his immediate surroundings.

### **Interrogation**

When law enforcement officials request permission to question students when students are in school or participating in school

activities, the principal or his designee shall be present 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. The principal or designee shall ascertain that the law enforcement officer has proper identification. Except when law enforcement officers have a warrant or other court order, or when an emergency, or other exigent circumstances exist, such interrogations and interviews are discouraged during students' class time. If the student is under 18, his parent(s) or legal guardian also shall be present unless the juvenile is emancipated as that term is defined in state law.

Provided, however, in the event any school personnel have reasonable suspicion to believe that a violation of law is or has occurred, they will notify the appropriate Law Enforcement Official and report the suspected violation. Law Enforcement Officials responding to such a report shall be entitled to take all reasonable and lawful action as a result thereof.

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.

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.

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

### **Search and Seizure**

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

### **Custody and/or Arrest**

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

When custody and/or arrest by the police is involved, the principal shall request that all procedural safeguards as prescribed by law be observed by the law enforcement officers. This includes all due process procedures including but not limited to obtaining proper arrest warrants where required. District staff is not responsible for an officer's legal compliance when arresting a student.

### **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, tested and/or 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. If testing a substance has shown it to be a controlled or counterfeit substance, written documentation or the identification of the substance shall be maintained and admitted as evidence in any suspension or expulsion proceeding; or

2. Turned over to any law enforcement officer in accordance with this policy.

Any law enforcement records, testing or reports relative to the seized item may also be used as evidence in any suspension or expulsion proceeding.

### **Appeals**

Within 10 school days after a search, the student may appeal the search decision to the superintendent who shall investigate the reason(s) and circumstances of the search. The superintendent shall issue written findings within five school days after receiving the appeal. The superintendent's decision shall constitute the final district determination.

Adopted: May 10, 1999

Revised: September 10, 2012

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

CROSS REFS.: JK, Student Discipline, and subcodes  
JICI, Weapons in School

## INTERSCHOLASTIC ATHLETICS (JJI)

### Introduction

The interscholastic program exists to encourage participants to achieve their maximum potential and to represent their school. Participants represent not only themselves but the students, faculty, and patrons of their respective schools. Participation in interscholastic athletics is a privilege subject to compliance with the rules, regulations, and standards hereinafter set forth.

The interscholastic athletic program of the Cherry Creek School District shall be considered as an extra-curricular part of the school program and shall provide equal opportunity for both sexes to participate in interscholastic athletics. This program is neither required nor part of the basic instructional program of the district.

In keeping with the above goals, the Board of Education shall seek to fund girls' sports on an equal opportunity basis with boys' sports and shall permit and encourage coeducational teams when the particular sport is determined suitable as a coeducational activity. The Board of Education shall encourage students, faculty, and the community to recognize the value of athletics in relation to the total school program.

Eligibility to participate in interscholastic athletics shall be determined with reference to the Constitution and Bylaws of the Colorado High School Activities Association (CHSAA), and the rules and regulations of the school district.

### Disciplinary Procedures and Athletic Sanctions

Students who violate the provisions of this policy and accompanying regulation shall be subject to appropriate disciplinary sanctions as outlined in the accompanying regulation, and in accordance with other school board policies, as applicable. The determination to impose sanctions related to participation in interscholastic athletics and the nature of the sanctions to be imposed shall be made by the principal or his or her designee of the student's school.

### Application of Policy

A student is subject to this policy throughout the season of the sport in which he is participating. The season begins on the first day of practice and continues through post-season competition. In addition, sanctions may be imposed for serious and substantial violations occurring at any time during the school year, on or off campus, and where deemed appropriate, while school is not in session.

### Miscellaneous

Nothing contained herein shall be deemed to prohibit a coach or sponsor from establishing and enforcing additional rules applicable to the activity, curfew hours, and other matters relating to the functioning of the team or group. It is anticipated that minor violations will be handled directly by the coach involved after conferring with the athletic director and/or the appropriate district administrator.

Nothing in this policy shall limit the authority of the school district to discipline students pursuant to the School Attendance Law of 1967 and relevant school board policy.

Recruitment of athletes from other attendance areas by any district employees or by any other student shall be prohibited. Recruitment shall constitute grounds for disciplinary action for the student and any district employee(s) involved. Parents and community members are also encouraged to refrain from recruiting solely for athletic purposes.

Adopted: August 16, 2004

CROSS REFS.: JJ, Student Activities (Cocurricular and Extracurricular)  
JICDA, Conduct and Discipline Code  
JKD-1-E, Grounds for Suspension, Expulsion and Denial of Admission  
JICH, Alcohol and Other Drug Use by Students

## INTERSCHOLASTIC ATHLETICS (ATHLETIC CODE) (JJI-R)

### Eligibility

Eligibility to participate in interscholastic athletics shall be determined with reference to the Constitution and Bylaws of the Colorado High School Activities Association (CHSAA), and the rules and regulations established by the school district.

## **Interscholastic Athletic Code**

Article III of the Constitution and Bylaws of the CHSAA provides in part that:

3. A student shall be deemed eligible to represent a school in an inter-school activity if such student meets the following specific requirements:
  - a. The student is a bona-fide undergraduate member of the student's high school.
  - b. In the judgment of the principal, the student is representative of the school's ideals in matters of conduct, citizenship and sportsmanship.
  - c. During the period of participation, the student must be enrolled in courses which offer, in aggregate, a minimum of 2.5 Carnegie units of credit per semester and must not be failing more than the equivalent of one-half Carnegie unit of credit. Quarter credit courses must be combined at the end of the semester to determine eligibility for the succeeding semester, and will be reviewed on an ongoing basis as established by the district.
  - d. The student must have been eligible in accordance with paragraph "c" above at the close of the last prior semester of attendance. Scholastic eligibility depends upon average grades from the beginning of the semester to the close of the certification day.
  - e. A student who drops out of school after having been enrolled and in attendance 15 days will not be eligible the following semester of attendance. If a pupil attends 15 days or more during the semester, the pupil must complete the required number of credits for the whole of that semester to be eligible the next semester.
  - f. The student shall not be a member of any organization prohibited by law.

The school district has adopted the following additional rules and regulations:

1. Participants at the high school level must pass a physical examination as requested, and the examination must be consented to by the participant's parents/guardians. It is strongly recommended students at the middle school level pass a physical examination before participating in interscholastic athletic activities.
2. Participants at the high school level must maintain school athletic insurance or family insurance coverage in an amount required by the school district and certified to by the participant's parents/guardians. It is strongly recommended students at the middle school level maintain school athletic insurance or family insurance coverage before participating in interscholastic athletic activities.
3. The following activities are expressly prohibited by students participating in interscholastic athletics on or off school district premises:
  - a. Use, possession, sale, distribution or exchange of alcohol, tobacco, marijuana, or other illegal drugs, counterfeit drugs or drug paraphernalia.
  - b. Continued willful disobedience or open and persistent defiance of proper authority.
  - c. Willful destruction or defacing of school property.
  - d. Behavior which is detrimental to the welfare, safety or morals of other people or of school personnel.
  - e. Conviction of any criminal offense in the municipal, county or district courts other than minor traffic violations.
4. Participants shall maintain appropriate standards of academic performance and class attendance.
5. Participants will abide by general school and community principles of good sportsmanship and conduct.

## **Disciplinary Procedures and Athletic Sanctions**

Students determined to be in violation of any of the foregoing shall be subject to appropriate disciplinary sanctions. The determination to impose sanctions related to participation in interscholastic athletics and the nature of the sanctions to be imposed shall be made by the principal or his or her designee.

The following procedures have been established with the intention that the high schools within the Cherry Creek School District will use similar procedures as suggested in the High School Interscholastic Participant Card when dealing with alleged infractions of the Athletic Code. These procedures are designed to allow some building flexibility in applying athletic sanctions, yet ensure that the spirit and the actual rules of interscholastic athletics are enforced. These procedures are adopted under policy JJI, and, in the case of conflict, the rules and regulations defined in this Athletic Code and regulation will apply.

## **Investigation of Alleged Violation(s)**

Any allegation of misconduct relating to the rules in the Interscholastic Athletic Code will be investigated by coaches and athletic and/or administrative personnel immediately or as soon as possible upon receiving a complaint.

## Notification

- a. Any student athlete alleged to be involved in misconduct relating to the rules of the Interscholastic Athletic Code will be notified as soon as possible of the allegation of misconduct. Upon receipt of the allegation, or as soon as possible thereafter, an investigation will be conducted by the coach in conjunction with athletic and administrative personnel.
- b. As part of the investigation, the student athlete will be provided an opportunity to present his side of the story. This does not include the right to secure counsel, to confront and cross-examine witnesses, or to call his own witness to verify his version of the incident. If the student denies the charge(s), he will be given an explanation of the evidence the principal or designee has received.
- c. A reasonable effort will be made to contact the parents and give them an opportunity for input.
- d. During the time of the investigation, the athletic director and/or administrator may impose restrictions on the participation of the student athlete in question.
- e. Upon conclusion of the investigation, and prior to the imposition of a disciplinary sanction, it is recommended the principal, or his or her designee, should notify the student and his or her parents/guardians of the outcome of the investigation and the sanctions which will be imposed. The principal or designee may provide an opportunity to the student and his or her parents/guardians to answer questions about the action taken. However, the principal or designee may, where he or she determines it to be appropriate and in the best interests of the school and/or the athletic activity, impose sanctions prior to or without such discussion.

## Athletic Sanctions

Sanctions which may be imposed include, but are not limited to, one or more of the following:

1. Referral to the appropriate coach for disciplinary action.
2. Placement on probation for a number of days and/or upon such conditions as may be determined to be appropriate, including consideration of probation guidelines as provided in the High School Interscholastic Participant Card.
3. Suspension from participation in a specific number of athletic events, including consideration of the number of prohibited events as provided in the High School Interscholastic Participant Card.
4. Suspension from the athletic team for the remainder of the season.
5. Denial of the opportunity to obtain school awards in the sport in which the student was participating when the violation of rules occurred. (Athletic awards require not only participation, but also completion of the season in good standing.)
6. Suspension from athletic competition for the remainder of the school year and/or extending into succeeding school years.

## Disposition

The principal or his or her designee, will make the final decision as to whether a violation has occurred and will determine what sanctions will be imposed. If the final decision is made by the designee, he or she must notify the building principal of the disposition. Upon disposition, the student shall be personally informed of the sanctions. Every reasonable effort will be made to notify the parent in a timely manner, either by telephone, electronic mail, or in person.

An appeal of the principal's or designee's decision regarding the imposition of an athletic sanction may be made to the District Athletic Director, who will review the decision of the principal or designee. The decision of the District Athletic Director will be final.

In the event the student receives an academic suspension or expulsion from school, such suspension will automatically result in suspension from all athletic participation for at least the duration of the suspension or expulsion period.

CROSS REFS.: See the Cherry Creek School District Athletic/Activities Handbook for additional information.  
Cherry Creek School District#5 High School Interscholastic Participation Card

## STUDENT DISCIPLINE (JK)

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

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

The Board, in accordance with state law, has adopted policies and procedures for handling general and major discipline problems for all students of the District which are designed to achieve these broad objectives. 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.

In addressing student conduct and applying discipline, the District is committed to:

- Assuring all schools are safe and have an environment that is conducive to learning
- Ensuring the Conduct and Discipline Code is enforced uniformly, fairly and consistently for all students
- Emphasizing proportionate disciplinary interventions and consequences and keeping students engaged in learning
- Achieving nondiscrimination and equity in student discipline policies and practices.

### **Immunity for Enforcement of Discipline Code**

Discipline policies and procedures may include acts of reasonable and appropriate physical intervention or force which are not in conflict with the legal definition of child abuse. An act of a teacher or other employee shall not be considered child abuse if the act was performed in good faith and in compliance with Board policy and procedures.

A teacher or any other person acting in good faith and in compliance with the discipline code adopted by the Board shall be immune from civil liability unless the person is acting willfully or wantonly. It is an affirmative defense in any criminal action that a person is acting in good faith and in compliance with the discipline code.

### **Responsibilities of Administration and Employees for Student Discipline**

The administration has the right to expect full cooperation of employees in the planning and execution of discipline and control procedures including support for removing students who persistently or flagrantly misbehave.

The administration should advise, counsel and generally assist teachers and employees who are assigned duties requiring supervision in the handling of discipline problems.

When disciplinary action requires administrative support and attention, employees may be asked to provide written referrals to the administration.

The administrator shall give attention to all referrals concerning behavior and notify the employee concerned of the action taken.

While maintenance of discipline in the classroom is a major responsibility of the classroom teacher or another individual assisting in the classroom, the teacher may ask the principal for guidance and assistance without that request reflecting negatively on an administrator’s perception of the teacher’s individual ability.

### **Remedial Discipline Plans**

The principal or designee may develop a written 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.

To develop the plan, the principal or designee will arrange for a meeting with the student, the student’s parent/guardian and any members of the staff whom the principal believes should attend.

The purpose of the meeting will be to address reasons for the student’s disruptive behavior and to establish goals, objectives and time-lines 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 may include incentives for good behavior and consequences if the student violates the plan. The plan may be written in the form of a contract which the student and the parent/guardian will sign and date.

The parent will be provided a copy of the remedial discipline plan.

### **Discipline of Habitually Disruptive Students**

Students who have caused a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events three times during the school year 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 may result in the student’s expulsion from school.

The principal will inform the Superintendent or designee when a student causes a second material and substantial disruption.

The student and the 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 other communication, i.e., oral or electronic, of the definition of “habitually disruptive.” A student who has been declared habitually disruptive may be suspended or expelled in accordance with applicable Board policy.

## Distribution of Conduct and Discipline Code

The Superintendent shall arrange to have a copy of the Conduct and Discipline Code provided once to each student in elementary, middle, and high school and once to each new student in the District. Copies shall be available in each school of the District. The Superintendent shall ensure reasonable measures are taken to ensure each student is familiar with the Code. In addition, any significant change in the Code shall be distributed to students and posted in each school or electronically on the District and/or school website.

The Board shall consult with administrators, teachers, parents, students and other members of the community in the development of the Conduct and Discipline Code.

Adopted: August 8, 1966  
Last Revised: December 10, 2018

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. § 18-6-401(1) (Definition of Child Abuse)  
C.R.S. § 22-33-106 (1)(f) (Grounds for Suspension, Expulsion and Denial of Admission)  
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)(I) (School District Shall Take Reasonable Measures to Familiarize Students with the Conduct and Discipline Code)  
C.R.S. § 22-32-109.1(2)(a)(I)(C) (Discipline of Habitually Disruptive Students is Required Part of Safe Schools Plan)  
C.R.S. § 22-32-109.1(9) (Immunity Provisions in Safe Schools Law)  
C.R.S. § 22-33-106(1)(c)(5) (Definition of a Habitually Disruptive Student)

CROSS REFS.: JK subcodes (all relate to student discipline)  
JIC - Student Conduct

## DISCIPLINARY REMOVAL FROM CLASSROOM (JKBA)

It is the policy of the Board to maintain classrooms in which student behavior does not interfere with the ability of the teacher to teach effectively or the ability of other students to participate in classroom learning activities.

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

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 of Education;
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.

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.

Proposed: August 14, 2000



Adopted: September 11, 2000

Revised: September 10, 2012

LEGAL REF.: C.R.S., 22-32-109.1(2)(a)(I)(B) (policy required as part of safe school plan)

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

## DISCIPLINARY REMOVAL FROM CLASSROOM (JKBA-R)

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 license issued by the state who is employed to instruct, direct or supervise the instructional program.

### Informal removal to the principal’s office

An informal removal from class occurs when a student breaks one or several classroom rules in a class period or during the school day. The teacher may remove a student by using approved discipline management techniques or sending the student to the principal’s office, dean’s office, or some other safe, appropriately supervised location for a 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 no more than one full class period for the following conduct or behavior:

1. Conduct that is prohibited in the student code of conduct. It should be noted that building administrators make decisions regarding suspension and the superintendent makes recommendations for 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. 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 and all due process requirements have been fulfilled, the teacher should take one of the following courses of action:

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

Within 24 hours of the student's removal from class, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the student's removal from class. The principal/designee shall review with the teacher the incident, the procedures followed, and the reasons for removal.

## **Notice to parent/guardian**

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

## **Placement procedures**

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

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

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

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

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

## **Behavior plan**

The principal or designee and teacher shall consider whether a behavior plan should be developed for the student upon the student's first removal from class. 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 the same class and review by the principal/designee of the circumstances of each removal, a student may be officially removed from the teacher's class for the remainder of the term. The principal shall be responsible for

determining the appropriate educational placement of the student, which may or may not be another section of the same class, depending on a variety of circumstances. A principal's decision regarding the educational placement of the student may be subject to review by the principal's supervisor.

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

### **Review by principal**

A student may be removed from a classroom by a teacher only after affording the student all due process requirements in accordance with this policy and relevant 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.

The principal 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. While there are a variety of factors to consider when analyzing this data, an unusually high number of formal documented student removals from any one teacher may be cause for concern. The principal shall review this data with teachers at least annually.

Approved by Superintendent Monte C. Moses, September 11, 2000.

Revised: September 10, 2012

## **SUSPENSION OR EXPULSION OF STUDENTS (JKD-1)**

The Board of Education shall provide due process of law to students, parents and school personnel through written procedures consistent with law for the suspension or expulsion of students and the denial of admission.

The Board directs the superintendent to periodically review current procedures and, if necessary, develop new procedures consistent with this policy for approval by the Board.

The Board and its designee(s) may 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

As an 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 applicable regulations.

This alternative to suspension shall not be used if expulsion proceedings have been or 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.

The superintendent shall arrange to make this policy and the accompanying procedures, along with grounds for which they may be suspended or expelled, distributed once to each student in elementary, middle and high school and once to each new student in the district. This policy and the accompanying procedures and grounds for suspension/expulsion shall be posted in each school of the district. In addition, any significant change in this policy and accompanying procedures shall be distributed to each student and posted in each school.

### **Delegation of Authority**

1. The Board of Education delegates to the principals of the school district or to persons designated in writing by the principals the power to suspend a student in his school for not more than five school days on the grounds stated in §22-33-106(1)(a), (1)(b) or (1)(c), C.R.S., or not more than ten school days on the grounds stated in §22-33-106(1)(d), C.R.S. (See exhibit coded JKD-1-E.)

2. The Board of Education delegates to the superintendent of schools the authority to suspend a student, in accordance with §22 33 105, C.R.S., for an additional ten school days, plus up to and including an additional ten days, if necessary, in accordance with the provisions of §22-33-105(b), C.R.S. The total period of suspension shall not exceed twenty-five school days. In resolving problems of discipline and behavior which are adverse to the welfare and safety of other students and the school environment, the district reserves the right to re-open the investigation of a suspension if newly acquired information or evidence is discovered, and take whatever action is appropriate. Any such re-opening is subject to procedural due process requirements.
3. The Board of Education delegates to the superintendent of schools, in accordance with §22 33 105, C.R.S., 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, and Board policy shall determine does not qualify for admission to or continued attendance at the public schools of the district.

#### 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 as defined in section 18-3-411, C.R.S., or a crime of violence, as defined in section 16-11-309, C.R.S., 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 or its designee to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board shall take appropriate disciplinary action, which may include suspension or expulsion in accordance with the student code of conduct and related policies.

The Board may 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 education program for the student as specified in state law.

### Annual Reports

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

### Information to parents

Upon expelling a student, district personnel shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion, including the right of the parent/guardian 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, the parent/guardian may request to obtain appropriate curricula for the student from district personnel.

If a student is expelled for the remainder of the school year 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 beginning of the next school year to determine whether the child is receiving educational services from some other source.

Revised: August 13, 2012  
 Adopted: November 8, 2004

LEGAL REFS.: C.R.S. 16-11-309 (crime of violence)  
 C.R.S. 18-3-411 (unlawful sexual offense)  
 C.R.S. 22-33-106.3 (use of student's written statements in expulsion hearings)  
 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 safe schools plan)  
 C.R.S. 22-32-109.1(3) (agreements with state agencies)  
 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. 22-33-106.5 (information concerning offenses committed by students)  
 C.R.S. 22-33-107 (compulsory student attendance law)  
 C.R.S. 22-33-107.5 (notice of failure to attend)  
 C.R.S. 22-33-108 (juvenile judicial proceedings)  
 C.R.S. 25-4-903(1) (immunization)

## SUSPENSION OR EXPULSION OF STUDENTS (JKD-1-R)

### A. Procedure for Suspension of 10 Days or Less

Through written policy the Board of Education has delegated to any school principal the power to suspend a student for not more than five days. The superintendent has been delegated the power to suspend a student for additional periods of time. (See accompanying policy.)

The school authority shall follow the procedures set forth below in any discipline involving suspension of a student. School authority shall mean the principal or designee, the Superintendent or the Board of Education as may be applicable under the circumstances.

1. **Notice.** The principal or his/her designee at the time of contemplated action shall give the student notice of the contemplated action.
2. **Contents of Notice.** The notice shall contain the following basic information:
  - a. A statement of what the student is accused of doing.
  - b. A statement of the basis of the accusation. Specific names may be withheld if necessary.

This information need not be set out formally but should sufficiently inform the student of the basis for the contemplated action.

### 3. **Informal Hearing.**

- a. The student shall have an opportunity to explain his or her position regarding a disruption in the classroom or an incident constituting grounds for discipline.
  - b. The student shall be given an opportunity to admit or deny the accusation.
  - c. In the event of contradictory facts, the school authorities should attempt to ascertain the facts before disciplinary action is taken.
4. **Timing.** The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the hearing.
  5. **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 suspending authority shall immediately notify the parent, guardian, or legal custodian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification shall include the time and place for the parent, guardian, or legal custodian to meet with the suspending authority to review the suspension.
  7. **Removal from school grounds.** A suspended pupil shall be required to leave the school building and the school grounds immediately following a determination by the parent, guardian, or legal custodian and the suspending authority of the best way to transfer custody of the pupil to the parent, guardian, or legal custodian.
  8. **Readmittance.** No student shall be readmitted to school until the meeting with the parent, guardian, or legal custodian has taken place or until, in the opinion of the suspending authority, the parent, guardian, or legal custodian has substantially agreed to review the suspension with the suspending authority. The meeting shall address whether there is a need to develop a remedial discipline plan for the pupil in an effort to prevent further disciplinary action. However, if the suspending authority cannot contact the parent, guardian, or legal custodian or if the parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the suspending authority may readmit the student.

The suspending authority shall:

- a. Make every reasonable effort to meet with the parent, guardian, or legal custodian of the pupil during the period of suspension;
- b. Not extend a period of suspension because of the failure of the suspending authority to meet with the parent, guardian, or legal custodian during the period of suspension;
- c. Provide an opportunity for a pupil to make up school work during the period of suspension. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district following the period of suspension. Students will receive full or partial academic credit to the extent possible for make-up work which is completed satisfactorily.

## B. Procedure for Expulsion or Denial of Admission

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

1. **Notice.** The Board of Education or an appropriate administrative officer of the district will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian no less than 5 days prior to the date of the contemplated action. 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.
  - 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 Review.** A hearing may be requested by the parent/guardian. The expulsion/denial of admission hearing shall be conducted by the District's hearing officer. 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 may be permitted to a closed hearing to the extent necessary to provide such information. Testimony and information may be presented under oath. The student shall present his/her version of the events and relevant information. Technical rules of evidence shall not be applicable, and the hearing officer may consider and give appropriate weight to such information or evidence he/she deems appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or his 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 hearing officer will make specific factual findings and submit those findings and a recommendation regarding expulsion to the superintendent. The superintendent will review the hearing officer's factual findings and recommendation and issue a written decision within five days of the hearing.

5. **Appeal.** Within 10 days after the decision of the superintendent, the student may appeal the decision to the Board of Education. 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.

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 testimony, if any, the hearing exhibits, the findings and recommendation of the hearing officer, the hearing officer's written decision, and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of the district and the parents may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Board may ask questions for purposes of clarification of the record.

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

6. **Information to parents.** Upon expelling a student, district personnel will provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including district-provided services. If the parent/guardian chooses to provide a home-based education program for the student, district personnel will assist the parent in obtaining appropriate curricula for the student if requested by the parent/guardian.

If the student is expelled, and is not receiving educational services through the district, the school district will 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.** In accordance with state law, an expelled student 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 is convicted of a crime, adjudicated a juvenile delinquent, receives a deferred judgment or is placed in a diversion program as a result of committing the offense for which the student was expelled;
  - 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.
  - d. If the district has no actual knowledge of the name of the victim, this provision shall be implemented only upon request of the victim or a member of the victim's immediate family. This provision does not apply if the offense for which the student was expelled constitutes a crime against property.

### **C. Procedure for the expulsion 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 Board or its designee will make a preliminary determination whether it will proceed with an expulsion hearing based on the following factors:
  - a. Whether the student has exhibited behavior that is detrimental to the safety or welfare 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 and that grounds for expulsion exist, 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 online program authorized by state law or a home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends on 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 expel the student following the procedures set forth in these regulations.
5. Information regarding the details of the alleged crime of violence will be used by the Board or its designee for the purposes set forth in this policy, but will remain confidential unless the information is otherwise available to the public by law.

Approved by Superintendent Monte C. Moses, November 8, 2004

Revised: August 13, 2012

## **GROUNDS FOR SUSPENSION, EXPULSION OR DENIAL OF ADMISSION (JKD-1-E)**

According to Colorado Revised Statutes §§ 22-33-106 (1) (a-g) and 3(c, e, and f) and 22-12-105(3), the following may be grounds for suspension, expulsion or denial of admission 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 to other children.
4. Repeated interference with a school's ability to provide educational opportunities to other students.
5. Making a false accusation of criminal activity against a District employee to law enforcement or to the District.
6. Having been expelled from any school district during the preceding twelve (12) months.

7. Behavior in another school district during the preceding twelve (12) months that is detrimental to the welfare or safety of other pupils or of school personnel.
8. The use, possession or sale of a drug or controlled substance as defined by state or federal law.
9. The commission of an act which if committed by an adult would be robbery pursuant C.R.S. § 18-4-301 et seq. or assault pursuant to C.R.S. § 18-3-202 et seq. 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
10. The carrying, bringing, using or possessing a dangerous or deadly weapon without the authorization of the 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 or DEADLY WEAPON” means:

- a. A firearm, whether loaded or unloaded.
  - b. Any pellet gun, 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 measures longer than three (3) inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half (3 ½) inches. Knife blades are to be measured from the point where the metal touches the handle.
  - 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.
11. 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 District property.
  12. Failure to comply with the provisions of C.R.S. § 25-4-901 et seq. (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.
  13. Declaration as a habitually disruptive student.
    - a. For purposes of this paragraph, “habitually disruptive student” means a child who has caused a material and substantial disruption three (3) times during the course of the school year, on school grounds, in school vehicles or at school activities or events. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.
    - b. The student and the parent, legal guardian, or other 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.”

According to C.R.S. § 22-33-106 (2), subject to the District’s responsibilities under Article 20 of that title (Exceptional Children’s Education Act), and applicable federal law (see policy JKD-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.

Approved by Superintendent Mary F. Chesley, November 9, 2009.

First Revised: August 13, 2012

Current Revision February 8, 2016

LEGAL REF.: C.R.S. § 18-1-901(3)(e)  
 C.R.S. § 18-3-202 et seq.  
 C.R.S. § 18-4-301 et seq.  
 C.R.S. § 22-12-105(3)  
 C.R.S. § 22-33-106(1)(a – g)  
 C.R.S. § 22-33-106(2)  
 C.R.S. § 22-33-106(3)(c, e, and f)  
 C.R.S. § 25-4-901



## DISCIPLINE OF STUDENTS WITH DISABILITIES (JKD-2)

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 Individualized Education Program (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 and/or behavioral intervention plan.

### **Suspensions, expulsions and provision of services**

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

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

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

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

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

### **Manifestation Determination**

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

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

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

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

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

### **Placement in an alternative setting for 45 school days**

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

1. The student carried a weapon to school or a school function;
2. The student possessed a weapon at school or a school function;
3. The student possessed or used illegal drugs at school or a school function;

4. The student sold or solicited the sale of a controlled substance at school or a school function;
5. The student inflicted serious bodily injury on another person while at school or a school function; or
6. A hearing officer or court of appropriate jurisdiction so orders.

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

### **Students not identified as disabled**

Students who have not been identified as disabled shall be subjected to the same disciplinary measures applied to students with disabilities if the district had "knowledge" of the student's disability before the behavior that precipitated the disciplinary action occurred.

The district is deemed to have knowledge of the student's disability if:

1. The student's parent has expressed concern in writing to district supervisory or administrative personnel, or the student's teacher, that the student is in need of special education and related services;
2. The student's parent has requested an evaluation; or
3. The student's teacher or other district personnel have expressed specific concerns about the student's pattern of behavior directly to the director of special education or other district supervisory personnel.

If a request for an evaluation is made during the period the student is subject to disciplinary measures, the evaluation will be expedited. Until the evaluation is completed, the student shall remain in the district's determined educational placement, which can include suspension or expulsion.

The district shall not be deemed to have knowledge that the student is a child with a disability if the parent has not allowed an evaluation of the student, or the student has been evaluated and it was determined that he or she is not a child with a disability, or the student was determined eligible for special education and related services, but the parent refused services.

Revised: May 29, 2011  
 Adopted: November 14, 2005

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. Section 1401 et seq. (Individuals with Disabilities Education Improvement Act of 2004)  
 34 C.F.R. 300.530-300.537 (IDEIA regulations)

CROSS REFS.: JIC, Student Conduct, and subcodes  
 JK, Student Discipline, and subcodes  
 JRC, Student Records/Release of Information on Students

## **EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS (JKD-4)**

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

Educational services may include, but is not limited to, tutoring, alternative educational programs, including on-line programs authorized by state law, or vocational education programs that provide instruction in the academic areas of reading, writing, mathematics, science and social studies. In addition to educational services, the student or parent/guardian may request any of the services provided by the district through agreements with state agencies and community organizations for at-risk students.

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

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

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

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

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

If a student is expelled for the remainder of the school year and is not receiving educational services through the district, the school district shall contact the expelled student's parent, guardian, or legal custodian, at least once every sixty days until the student is eligible to re-enroll, to determine whether the student is receiving educational services; except that the school district need not contact a student's parent, guardian, or legal custodian 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 is sentenced through the juvenile justice system.

Proposed: October 10, 2000  
Adopted: Revised August 2012

LEGAL REFS.: C.R.S. 22-33-201.5 (definition of educational services)  
C.R.S. 22-33-203 (educational alternatives for expelled students)  
C.R.S. 22-33-204 (services for at-risk students)  
C.R.S. 22-33-205 (expelled students grant programs)

CROSS REFS.: JIC, Student Conduct, and subcodes  
JK, Student Discipline and subcodes

## IN-SCHOOL SUSPENSION (JKG)

Students with disruptive behavior patterns should not be allowed to remain in regular classrooms; yet when such students are suspended from school it often adds to the problems of the students, the school and the community. Therefore, the Board endorses the concept of in-school suspension.

The purpose of in-school suspension is to provide a more effective means of discipline than detention or out-of-school suspension. By using in-school suspension, students should not get behind on school assignments. The possibility exists, however, that out-of-school suspension may be deemed necessary.

All in-school suspensions shall be imposed consistent with due process. The following guidelines shall be observed:

1. Students shall be assigned to a special class where they shall be adequately supervised at all times. The in-school suspension teacher shall see that each student has textbooks and classwork assignments from his regular teachers.
2. The principal shall notify the parents at once by telephone if their child has been placed under in-school suspension and shall follow up with a written notification. Reasons for the in-school suspension shall be given, and a conference may be scheduled prior to the student's readmission to regular class.
3. Students may not participate in extracurricular activities while they are under in-school suspension, but they shall receive credit for work completed during the suspension period.

Adopted: date of manual adoption

## STUDENT HEALTH SERVICES AND REQUIREMENTS (JLCA)

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:

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

### Health Records

Health records, including official certification of immunization, shall be maintained by the school and kept in a separate and secure 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 educational environment. The

applicable medical information of students with HIV/AIDS will be treated and maintained in accordance with Policy JLCCA and JLCCA-R Students with HIV/AIDS.

To the extent required by law and District policies JRC, JRC-R and JRCA the nursing staff shall maintain a log showing to whom access has been given, when access occurred, and to which specific records access was given.

### **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 District, as required by law.

The parents or guardian shall be informed when a deficiency is found.

This provision shall not apply to any student whose parent or guardian objects on religious or personal grounds.

### **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 to the principal for appropriate action the names of students with communicable diseases. The principal shall contact the District Health Services Office for further appropriate actions and recommendations.

### **Administering Medicines to Students**

Medication may be given legally only by school personnel whom a registered nurse has trained and delegated the task of giving such medication. No prescription or nonprescription medication shall be administered at school by the school nurse or other school designee without the following requirements being met:

1. Medication shall be in the original properly labeled container. If it is a prescription medicine, the student's name, name of the medication, dosage, time for and how often it is to be administered, name of licensed health care practitioner or prescribing licensed health care practitioner and current date shall be printed on the container.
2. The school shall have received written permission to administer the medication from the student's licensed 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. When such a request is made by a parent/guardian, a full release from the responsibilities pertaining to side effects or other medical consequences of such medications also must be presented.
4. The parent shall authorize the prescribing licensed healthcare practitioner to share information about the administration of medication with the District's designated nursing staff.
5. The parent/guardian shall be responsible for providing all medication to be administered to the student.

### **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.

Teachers shall be alert to the general well-being of students and shall refer any questionable situations to the school principal or designee.

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

### **Parental Consent**

Parental consent shall be required for all examinations noted above if given by a school health care practitioner or under the auspices of the school. However, parental consent shall not be mandatory to refer a student to public health or other doctors for medical services in connection with pregnancy, venereal disease, or alcohol or drug abuse. The District shall encourage students to seek health services related to such conditions or problems with or without parental consent.

As otherwise provided by law, parents/guardians and eligible students (students 18 years of age) shall receive notice and have the opportunity to opt a student out of any non-emergency invasive physical examination or screening (such as routine hearing, vision, and dental screenings) that is:

1. normally required as a condition of attendance;
2. administered by the school and scheduled by the school in advance; and

3. 3. not necessary to protect the immediate health and safety of the student or other students.

Adopted: October 13, 2003

Last Revised: June 11, 2018

LEGAL REFS.: C.R.S. § 25-4-409 (parental consent not required to treat minor for sexually transmitted infection)  
C.R.S. § 25-1.5-109 (CDPHE to maintain a standard form for schools to gather information conferring students' food allergies)  
C.R.S. § 24-10-101 (Colorado Governmental Immunity Act)  
C.R.S. § 22-32-139 (policy required regarding management of food allergies and anaphylaxis among students)  
C.R.S. § 13-22-102, 103 (minor may consent to medical treatment)  
1 CCR 301-68 (rules regarding asthma, food allergies and anaphylaxis)  
C.R.S. § 12-38-132 (delegation of nursing tasks)  
C.R.S. §22-1-119 (no liability for adverse drug reactions/side effects dispensed on written instructions from parent)  
C.R.S. §22-1-119.5 (Colorado School Children's Asthma, Food Allergy and Anaphylaxis Health Management Act)  
C.R.S. §22-32-109 (i)(ee) (duty to adopt a policy prohibiting personnel from recommending or requiring certain drugs for students or ordering behavior tests without parent permission)  
C.R.S. §22-1-116 (vision and hearing tests)  
C.R.S. §22-2-135 (Colorado School Children's Food Allergy and Anaphylaxis Management Act)  
C.R.S. §22-33-105 (suspension, expulsion, denial of admission)  
C.R.S. §22-33-106 (2) (grounds for suspension, expulsion, denial of admission)  
C.R.S. § 25-4-901 (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)  
6 CCR 1010-6.13 (requirements for health services in schools)

CROSS REFS.: IMBB - Exemptions from Required Instruction  
JF - Admission and Denial of Admission  
JLCD - First Aid and Emergency Medical Care  
JLCCA-R - Students with HIV/AIDS  
JLCCA - Students with HIV/AIDS  
JLCC - Communicable/Infectious Diseases  
JLCB - Immunization of Students  
JLCDB - Administering Medical Marijuana to Qualified Students on District Property

## IMMUNIZATION OF STUDENTS (JLCB)

No student shall be 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 a certificate of immunization or present a valid exemption shall be suspended and/or expelled from school until such certificate of exemption is received.

If there is danger of an epidemic from any of the communicable diseases for which an immunization is required, no exemption or exception shall be recognized. A student who is not immunized shall be excluded until the epidemic is over.

The administration shall set appropriate regulations to comply with the law.

Revised: August 11, 2008

Adopted: August 12, 1996

LEGAL REFS.: 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. 25 4 901 et seq. (School entry immunization)  
6 CCR 1009 2

CROSS REFS.: JKD, Student Suspension/Expulsion  
JRC, Student Records

## FIRST AID AND EMERGENCY MEDICAL CARE (JLCD)

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 shall have had 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. State law also exempts from civil liability certain health care providers who render emergency assistance in good faith and without compensation to persons injured in a competitive sport activity.

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

The administering of aspirin 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 District shall have a stock of epinephrine auto-injectors for use in emergency anaphylaxis events that occur on school grounds. Any administration of stock epinephrine auto-injectors to a student by a District employee shall be in accordance with applicable state law, including applicable State Board of Education rules.

The District's stock supply of epinephrine auto-injectors is not intended to replace student-specific orders or medication provided by the student's parent/guardian to treat the student's asthma, food or other allergy or related life-threatening condition.

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy shall be considered a violation of Board policy concerning drug and alcohol involvement by students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

The school's obligation continues after the emergency until the injured person has been placed in the care of the family or the family physician. Therefore, the parents 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 event of a medical emergency involving their child.

In all cases where the nature of an illness or an injury appears serious, the parent or guardian shall be contacted if possible and the instructions on the student's emergency card followed. Thus in extreme emergencies, arrangements usually may be made for a student's immediate transfer by ambulance and hospitalization whether or not the parent or guardian can be reached. No young child who is ill or injured shall be sent home alone nor shall an older child be sent home alone unless the illness is minor and the parent or guardian has been informed in advance.

Last Revised: October 15, 2007

Current Revision: February 8, 2016

Adopted: October 15, 2007

LEGAL REFS.: C.R.S. §12-38-132 (delegation of nursing tasks).

C.R.S. §13-21-108 (civil immunity for persons rendering emergency assistance)

C.R.S. §24-10-106.5 (public duty of care)

C.R.S. §22-1-119 (no liability for adverse drug reactions/side effects)

C.R.S. §22-1-119.5 (Colorado School Children's Asthma, Food Allergy and Anaphylaxis Health Management Act)

C.R.S. §22-1-125 (requirements concerning automated external defibrillators in schools)

C.R.S. §22-2-135 (Colorado School Children's Asthma, Food Allergy and Anaphylaxis Health Management Act)

C.R.S. §13-21-108.1 (limited immunity for persons rendering emergency assistance through the use of automated external defibrillators)

C.R.S. §13-21-108.5 (civil immunity for health care providers who assist in sports injuries)

CROSS REFS.: JLIB, Student Dismissal Precautions

JLCA, Student Health Services and Requirements

KDE, Crisis Management

## STUDENT FEES, FINES AND CHARGES (JQ)

There shall be no required classroom or instructional supply fees in required classes. If textbooks are required for a grade level or class, access to them will be provided free of charge. No rental fee will be assessed for textbooks used in the classroom for reference. If a

consumable workbook is used in a core academic course, the school will provide the workbook to all students on a consumable basis.

However, 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, 15 percent of the original cost of a book will be deducted for each year it has been used.

No student shall be charged an overall fee for an elective course; however, students may be required to pay for materials that go into a student project for an elective class, if the project is to be retained by the student.

A fee to cover costs of cleaning such items as choral robes or band uniforms may be assessed, and a rental fee sufficient to cover maintenance costs for the use of the school-owned musical instruments may also be assessed.

Students participating in class activities which are enriching but not required 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 field 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.

Fees for participation in athletics will be charged in accordance with a District-approved schedule, which is separate and distinct from other instructional fees. Payment will be required unless waived by the principal.

All fees, fines, and charges shall be waived for indigent students.

Revised: April 14, 2003

Adopted: June 9, 2003

LEGAL REFS.: C.R.S. 22-32-117 (Miscellaneous fees)

C.R.S. 22-32-118 (Fees associated with summer school, continuation, and evening and community education programs)

C.R.S. 22-45-104 (Fees, fines – disposition)

## STUDENT RECORDS/RELEASE OF INFORMATION ON STUDENTS (JRC)

### Definitions

For the purposes of this policy, the following definitions shall be used:

1. **Student.** A person who attends or has attended Cherry Creek schools.
2. **Eligible student.** A student or former student who has reached age 18 or is attending a post-secondary school.
3. **Parent.** Either the natural parents unless their rights have been removed by a court order, guardian, or individual acting as parent or guardian in the absence of the student's parent or guardian of any student under age 18.
4. **Education records.** Any record in handwriting, print, tape, film or other medium maintained by the district, an employee of the district or an agent of the district which may contain but shall 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 data; family background information; teacher or counselor ratings and observations, any individual education program (IEP), reports of serious or recurrent behavior patterns, and disciplinary information involving a student.

The following shall not be considered as education records:

- a. A personal record kept by a school staff member which was made as a personal memory aid, is in the personal possession of the individual who made it, and which contains information that never has been revealed or made available to any other person except the maker's temporary substitute.
  - b. An employment record which is used only in relation to a student's employment by the school district. Employment for this purpose shall not include activities for which a student receives a grade or credit in a course.
5. **Personal identifier.** Any data or information which makes the subject of a record known including the student's name, parent or other family member's name, address, social security number, student number, list of personal characteristics or any other information which would make the student's identity known.

## **Statement of Rights and Notification**

At the beginning of each school year, the district shall notify parents and eligible students of their rights as set forth below. Such notification shall be provided parents or an eligible student when the student enrolls during the school year.

The notice shall include the following:

1. The right of parents and eligible students to inspect and review the student's education records.
2. The intent of the district as stated below to limit disclosure of information contained in a student's education record except by prior written consent of the parent or eligible student, as directory information or under certain limited circumstances as permitted by federal law.
3. The right of a parent or eligible student to seek to correct parts of the student's education record which he believes to be inaccurate, misleading or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the district decides not to alter it according to the parent or eligible student's request.
4. The right of any person to file a complaint regarding violations of rights accorded parents and eligible students pursuant to the Family Rights and Privacy Act with the local Office for Civil Rights of the U.S. Department of Education.
5. The procedure that a parent or eligible student may follow to obtain copies of this policy and the locations where copies may be obtained.

The school district shall arrange to provide translations of this notice to non-English speaking parents in their native language.

## **Fees for Copies of Records**

Parents or eligible students shall not be denied the right to copies of records because of the following published fees. Fees may be waived, in part or entirely in a hardship case, by the record custodian. However the district shall reserve the right to make a charge for copies such as transcripts which it forwards to potential employers or to colleges and universities for employment or admission purposes.

The district shall provide copies of records:

1. When the refusal to provide copies effectively denies access to the records by a parent or eligible student.
2. At the request of the parent or eligible student when the district has provided the records to third parties, by prior consent of the parent or eligible student.
3. At the request of the parent or eligible student when the district has forwarded records to another school where the student seeks or intends to enroll.

The fee for copies provided pursuant to this policy shall not exceed \$.25 per page, and no charge shall be made for research and retrieval.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience shall be from 10¢ to 35¢ per page (actual search, retrieval and copying cost) plus postage if involved.

## **Content and Custody of Records/Information**

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 tests scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations, and reports of serious or recurrent behavior patterns.

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 educational records.

All requests for inspection and review of student education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each student's record.

The principal is the official custodian of student records in his or her building.

## **Access to Education Records**

A parent/guardian ("parent") has the right to inspect and review their child's education files. However, if a student is 18 years old or older ("eligible student"), the student may inspect or review his or her own records and provide written consent for disclosure of such



records and personally identifiable information therein. If an eligible student is a dependent for federal income tax purposes, the parents/guardians are also entitled along with the student to access the student's educational records, without written consent from the eligible student.

During inspection and review of student records by a parent or eligible student and when requested by them, the principal will provide personnel necessary to give explanations and interpretations of the student records.

In all cases where access to student records is requested, except as provided by this policy, a written request to see the files must be made by the parent or eligible student. The principal, upon receipt of the written request, shall provide access to inspect and review the records and set a date and time for such inspection and review. In no case will the date set be more than three working days after the request has been made.

The parent or eligible student shall examine the student's records in the presence of the principal and/or other person(s) designated by the principal.

The record itself shall not be taken from the school building. However, upon request, a copy of the record shall be provided within a reasonable time to the parent or eligible student.

If for any valid reason such as working hours, distance between record location sites or health, a parent or eligible student cannot personally inspect and review a student's education record, arrangements shall be made for the parent or eligible student to obtain copies of the record.

When a record contains information about other students, the parent or eligible student shall have access only to that portion of the record referring to the specific student.

### **Requests to Amend Education Records**

A parent or eligible student may ask the district to amend a record they believe is inaccurate, misleading or otherwise violates the privacy rights of the student by writing to the school principal or appropriate school official clearly identifying the part of the record they want changed and specifying why it is inaccurate, misleading or otherwise violates the privacy rights of the student. The request to the principal to amend a student's records must be made in writing within a reasonable period of time from the point the records were first examined.

If the principal, after consulting with any other person having relevant information, decides not to amend the record as requested by the parent or eligible student, the principal shall notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures shall be provided to the parent or eligible student when notified of the right to a hearing.

A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The response to the request shall be mailed within 10 school days. The hearing shall be held in accordance with the following:

- a. The hearing will be held within 15 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.
- b. The hearing will be conducted by a principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not be the principal who made the initial decision nor shall it be anyone with a direct interest in the outcome of the hearing.
- c. Parents or eligible students 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.
- d. The official designated above shall make a decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent or eligible student of that decision by certified mail.
- e. 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.
- f. The decision shall include a statement informing the parents or eligible student of their right to place in the student records 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 school district. If the student record is disclosed by the school to any other party, the explanation shall also be disclosed to that party.

### **Requesting Records from Other School Districts**

When a student transfers to this school district from another district, the receiving school shall request the student's records from the transferring district if the records have not already been forwarded to the receiving school.

## **Requesting and Receiving Information and Records 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 protecting public safety and the safety of the student. Such information may be obtained from the judicial department of 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.

## **Transferring Records to Other School Districts**

Student records, including disciplinary records, may be transferred without consent to officials of another school system, or post-secondary institution that has requested the records and in which the student seeks or intends to enroll. The district will provide a copy of the record to the eligible student or student's parents, if so requested.

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 Federal Education Rights and Privacy Act of 1974 ("FERPA").

## **Disclosure Without Written Consent**

The school district shall disclose personally identifiable information from student records without written consent of the parent or eligible student only to:

1. Other school officials working within the school system who have legitimate educational interest in the information for use in furthering a student's academic achievement or maintaining a safe and orderly learning environment. This disclosure may include the disclosure of disciplinary information regarding conduct that posed a significant risk to the safety or well being of the student or others. For purposes of this policy, a "school official" is a person employed by the district as an administrator, supervisor, teacher or support staff member; a person or company with whom the district has contracted to perform specialized tasks (such as attorneys, auditors, consultants and health care providers); or a volunteer serving on an official committee or assisting another school official in performing his or her tasks. School officials for purposes of this policy include, but are not limited to:
  - a. A member of the Board of Education
  - b. A person certified by the state and appointed by the Board to an administrative, supervisory, or instructional position
  - c. A person certified by the state and employed by the Board as a temporary substitute for administrative, supervisory or instructional personnel
  - d. A person employed by the Board to perform a special task such as secretary, clerk, attorney or auditor
  - e. Teachers working in the school at which the student is enrolled 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 learning environment.
  - f. A "legitimate educational interest" shall be defined as a school official's need to know when:
    - g. It is necessary to perform appropriate tasks that are specified in his or her position description or by a contract agreement;
    - h. The information will be used within the context of official district business and not for purposes extraneous to the official's area of responsibility;
    - i. The information is relevant to the accomplishment of some task or to a determination about the student; and
    - j. The use of the information is consistent with the purposes for which the data are maintained.
2. Officials of another school or school system or post-secondary institution in which the student seeks or intends to enroll. In this case, disciplinary information may be included. Parents and eligible students shall have the right upon request to obtain copies or records transferred under this provision.
3. Authorities named in the Family Educational Rights and Privacy Act and accompanying federal regulations. These include: comptroller general of the United States, secretary of education, director of NIE, assistant secretary of education, state educational authorities, and authorities investigating or providing emergency service involving the health and safety of students. In a health or safety emergency, information shall be released only if:
  - a. Warranted by the seriousness of the threat to the health or safety of the student or other persons
  - b. It is necessary and needed to meet the emergency
  - c. Persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency
  - d. Time is an important and limiting factor in dealing with the emergency

4. 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 trial. Such information shall only include disciplinary and attendance information and shall only be shared upon 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.
5. In connection with a student's application for or receipt of financial aid.
6. Accrediting institutions to carry out their accrediting functions.
7. Testing and research organizations with which the district has entered into a written agreement or contract as long as confidentiality is maintained and such organizations are required to destroy records after they no longer are needed.
8. Anyone if required by a court order or subpoena. The school shall make a reasonable effort to inform the parent or eligible student prior to complying with the subpoena or court order. The district will not provide such notice if the subpoena is issued by a federal grand jury or any other law enforcement purpose where the court has ordered non-disclosure of the existence or contents of the subpoena or information furnished.
9. Representatives of the United States armed forces for recruitment purposes only. Names, addresses and home telephone numbers of secondary school students will be released to military recruiting officers within 90 days of the request unless a parent/guardian or eligible student submits a written request that such information not be released.
10. Parents of students over 18 years of age who continue to claim the student as a dependent for federal income tax purposes.

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

### **Disclosure With Written Consent**

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

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

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

All signed consent forms shall be retained by the school district.

### **Disclosure of Disciplinary Information to School Personnel**

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

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

It is appropriate for instructional staff members to request disciplinary information from the principal or designee on students in their classrooms if there is concern that the student poses a threat to the safety of other students or school officials.

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, unless such communication is in accordance with one of the exceptions designated in this policy.

### **Disclosure to Military Recruiting Officers**

Names, addresses and home telephone numbers, as well as directory information, of secondary school students will be released to military recruiting officers within 90 days of the request unless a parent/guardian or eligible student submits a written request that

such information not be released. Reasonable and customary actual expenses directly incurred by the district in furnishing this information will be paid by the requesting service.

### **Disclosure to 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/guardian before the release of any non-directory information required for billing.

### **Disclosure to Criminal Justice Agencies**

The superintendent or designee is authorized by law to share disciplinary and attendance information 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 trial. 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.

### **Disclosure to the Colorado Commission of 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.

### **Disclosure to Other Parties**

Except as noted in this policy, student records will not be released to other individuals and parties without a written request and authorization of the parent or eligible student.

Personal information will only be released to a third party with the assurance it will be kept confidential.

### **Disclosure of Directory Information**

The school district may disclose directory information 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. The parent or eligible student has the right to refuse to permit the designation of any or all of the categories of information—provided such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than the end of the second full week of school. Directory information which may be released may include: the student's name, 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 (meaning the period of time during which a student attends an educational institution and not specific daily records of student attendance), degrees and awards received, the most recent and previous education agency or institution attended by the student, grade level, enrollment status, and other similar information. Student telephone numbers and addresses will not be disclosed pursuant to Colorado law.

### **Waivers**

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

Revised: November 12, 2007

Adopted: December 10 2007

LEGAL REFS.: 20 U.S.C. §1232g (Family Educational Rights and Privacy Act of 1974)

34 C.F.R. §99.1 et seq. (regulations)

20 U.S.C. 7908 (military recruiter information contained in No Child Left Behind Act of 2001)

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 (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. 26-4-531 (districts who contract to receive federal funds for health services for students receiving medicaid benefits may share information as allowed by parent/guardian)  
C.R.S. 24-72-205(5) (fee for copying public record)

CROSS REFS.: JK, Student Discipline, and subcodes  
JLCA, Student Health Services and Requirements  
JRCA, Sharing of Student Records/Information between School District and State Agencies

## NONDISCRIMINATION/EQUAL OPPORTUNITY INTERPERSONAL/ HUMAN RELATIONS (AC)

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

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation, and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial and ethnic groups.
3. To consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which he lives.
5. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or discrimination in violation of district policy.

### Annual Notice

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

The notice shall be disseminated to persons with limited English language skills in the person's own language, as applicable. It shall also be made available to persons who are visually or hearing impaired.

The notice shall appear on a continuing basis in District media containing general information, including but not limited to recruitment materials, application forms, vacancy announcements, student conduct and discipline handbook, shareholder newsletters notices, District newsletters and annual notices to parents and the community.

### Designation of Responsible Employee

The Board of Education shall designate an individual as the responsible employee, as the District's compliance officer, to coordinate school district compliance with Section 504 of the Rehabilitation Act and its administrative regulations and Title IX and its administrative regulations, and ADA compliance activities. Contact information for the District compliance officer is contained in Board of Education Exhibit AC-E-1, Cherry Creek School District No. 5 Notice of Nondiscrimination/Equal Opportunity, and on the District's website at [cherrycreekschools.org](http://cherrycreekschools.org).

The designee shall be responsible for continuing surveillance of District educational programs and activities with regard to compliance.

### **Harassment is Prohibited**

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

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

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

### **Reporting Harassment**

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

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

All allegations of employee harassment shall be reported to an immediate supervisor or to the building or District compliance officer.

### **Interim District Action**

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

### **District Investigation**

The District shall take appropriate action to investigate allegations of harassment, to end unlawful harassment that exists, to prevent the recurrence of unlawful harassment and to prevent retaliation against the individual making the report and anyone participating in the investigation of such allegations, as well as to restore lost educational opportunities to the harassed student or employment opportunities to staff.

In addition, any student or employee who engages in harassment of another student or employee shall be disciplined according to applicable District policies. Steps shall also be taken to ensure that victims of, and witnesses to, harassment are protected from retaliation. Further, students or employees who knowingly file false harassment complaints or give false statements in an investigation shall be subject to discipline, up to and including suspension/expulsion for students and termination of employment.

Appropriate law enforcement officials shall be notified when an employee has reasonable cause to suspect that any student or employee has been subjected to abuse or other criminal conduct in accordance with Board Policy JLF.

No student, employee, or member of the public shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy. To the extent possible, all reports of harassment will be kept confidential.

### **Notice and Training**

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

The policy and grievance process shall be available to all students, staff, and members of the public through electronic or hard-copy distribution.

This policy and notice of nondiscrimination (AC-E-1) shall be incorporated into student and employee handbooks.

Students and staff members shall receive periodic training related to recognizing and preventing unlawful harassment, including review of groups protected under state and federal law, and how to recognize and report incidents of harassment. This training will include, but not be limited to:

- Awareness of groups protected under state and federal law and/or targeted groups, whether perceived;
- How to recognize and react to harassment; and

- Proven harassment prevention strategies.

LEGAL REFS: Title II of the Americans With Disabilities Act - 42 U.S.C. § 12101 et seq.  
 Title VI of the Civil Rights Act of 1964 (as amended in 1972) - 42 U.S.C. § 2000(d)  
 Title VII of the Civil Rights Act of 1964 - 42 U.S.C. § 2000(e)  
 Title VII Education Amendments of 1972 - 20 U.S.C. § 1681  
 29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)  
 29 U.S.C. § 701 et seq. (Section 504 of the Rehabilitation Act)  
 20 U.S.C. § 1701-1758 (Equal Employment Opportunity Act of 1972)  
 34 C.F.R. Part 100 through Part 110 (Civil Rights Regulations)  
 C.R.S. § 2-4-401 (Definition of Sexual Orientation)  
 C.R.S. § 18-9-121 (Bias-Motivated Crimes)  
 C.R.S. § 22-32-109(1)(II) (Board Duty to Adopt Written Policies Prohibiting Discrimination)  
 C.R.S. § 24-34-301 et seq. (Colorado Civil Rights Division)  
 C.R.S. § 24-34-401 et seq. (Discriminatory or Unfair Employment Practices)  
 C.R.S. § 24-34-402.3 (Discrimination Based on Pregnancy, Childbirth or Related Conditions)  
 C.R.S. § 24-34-601 (Unlawful Discrimination in Places of Public Accommodations)  
 C.R.S. § 24-34-602 (Penalty and Civil Liability for Unlawful Discrimination)

CROSS REFS: AC-E-1 - Notice of Nondiscrimination/Equal Opportunity  
 AC-R - Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)  
 AC-R-1 - Nondiscrimination on the Basis of Sex (Compliance with Title IX)  
 AC-R-2 - Sexual Discrimination and Harassment  
 AC-R-3 - Sexual Harassment (Grievance Procedure - Staff Members)  
 AC-R-4 - Sexual Harassment of Students  
 AC-R-5 - Sexual Harassment of Students (Grievance Procedure)  
 AC-R-6 - Nondiscrimination on the Basis of Ethnicity and Race  
 AC-R-7 - Nondiscrimination on the Basis of Handicap/Disability (Compliance with Section 504)  
 ACB - Nondiscrimination on the Basis of Ethnicity and Race (Ethnic Intimidation/Harassment)  
 JB - Equal Educational Opportunities

Adopted: January 12, 2009

Last Revised: November 12, 2018

## NOTICE OF NONDISCRIMINATION/EQUAL OPPORTUNITY (AC-E-1)

In compliance with Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq. and 42 U.S.C. § 2000e-2); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.); the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.); the Americans with Disabilities Act (42 U.S.C. § 1211 et seq.); and Colorado state law, Cherry Creek School District No. 5 does not unlawfully discriminate on the basis race, color, ancestry, creed, sex, gender, sexual orientation, religion, national origin, age, marital status, disability or need for special education services in admissions, access to, treatment or employment in educational programs or activities which it operates.

Complaint procedures for Title IX and Section 504 have been established for students, parents, employees and members of the public, as detailed in the Cherry Creek School District Section 504 Guidebook, Chapter IX, District Section 504 Grievance Procedures. The following person(s) have been identified as the designated employee(s) to coordinate compliance activities for the district:

Stephanie Davies  
 District Compliance Officer  
 Office of Legal Resources  
 4700 S. Yosemite St.  
 Greenwood Village, CO 80111  
 720-554-4471

Complaints regarding violations of Title VI (race and national origin), Title IX (sex/gender), Section 504/ADA (handicap or disability) may be filed with the Office for Civil Rights, U.S. Department of Education, Region VIII, Federal Office Building, 1244 North Speer Boulevard, Suite 310, Denver, CO 80204. Complaints may also be filed by email at [ocr.denver@ed.gov](mailto:ocr.denver@ed.gov) or using OCR's electronic form at: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>. Questions may be directed to OCR by telephone at: 303-844-5695. Complaints regarding violations of Title VII (discrimination in employment), the ADA (disability in employment), and the ADEA (prohibiting age discrimination in employment) may be filed with the Federal Office of the Equal Employment Opportunity

Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

Originally Approved by Superintendent Mary F. Chesley, June 25, 2009.

Amended and Approved by Superintendent Dr. Harry C. Bull, Jr., June 15, 2016

Revised: October 15, 2018

## **SEXUAL HARASSMENT OF STUDENTS (AC-R-4)**

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

A learning environment that is free from sexual harassment shall be maintained. It shall be a violation of policy for any staff member to harass students or for students to harass other students through conduct or communications of a sexual nature.

The following definition shall apply as sexual harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment.

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 or demeaning implications
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades or similar personal concerns

Student should report all incidents of sexual harassment to the building administrator, the building level compliance officer, or other trusted adult. Students may file an informal or formal grievance of sexual harassment through use of the accompanying grievance procedure. If the alleged harasser is the principal with whom a grievance routinely would be filed, the student may file the grievance with the principal's supervisor.

All matters involving sexual harassment complaints shall remain confidential to the extent possible.

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

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

Adopted: February 8, 1999

## **SEXUAL HARASSMENT OF STUDENTS GRIEVANCE PROCEDURE (AC-R-5)**

1. Students who believe that they have been subjected to sexual harassment will report the incident to the principal, another building administrator, another trusted adult staff member, or the appropriate district level administrator who supervises the principal. Any report of sexual harassment from a student received by any staff member will be forwarded to the building principal for investigation. If the alleged harasser is the building principal, an alternate administrator will be designated by a district level administrator to investigate the report.
2. Upon receiving a report, the principal/designee will confer with the student who has allegedly been harassed as soon as is reasonably possible, which shall not be any more than two business days from receiving the report, to obtain a clear understanding of the basis of the complaint and to discuss what action the student is seeking.
3. At the initial meeting with the student, the principal/designee will explain the avenues for informal and formal action and provide a description of the grievance procedure. The principal/designee will also explain that whether or not the student files a formal grievance or otherwise requests action, the district is required by law to take steps to correct the harassment and to prevent recurring harassment or retaliation against anyone who makes a harassment report or participates in an investigation.



The principal/designee will also explain to the student that any request for confidentiality will be honored so long as doing so does not preclude the school from responding effectively to the harassment and preventing future harassment.

4. Following the initial meeting with the student, the principal/designee will attempt to meet with the alleged harasser to obtain a response to the reported harassment and will investigate the matter, including interviews with identified witnesses. The principal/designee will complete the investigation within fourteen (14) days of the initial meeting with the student, unless otherwise agreed.
5. Within seven (7) days of completing the investigation, the principal/designees will determine whether the matter should proceed formally or informally on the basis of the investigation. If the student requests that the matter be resolved in an informal manner, and the principal/designee agrees that the matter is suitable for such resolution, the principal/designee may attempt to resolve the matter informally through conciliation.
6. If the student requests a formal grievance process, the principal/designee will transfer the record to the Associate Superintendent of Educational Operations or his/ her designee, for formal resolution within seven (7) days of completing the investigation and so notify the parties of the commencement of the formal resolution process.
7. After reviewing the record made by the principal/designee, the Associate Superintendent of Educational Operations or designee may gather additional evidence necessary to decide the case. Unless otherwise agreed, within fourteen (14) days of receiving the record, the Associate Superintendent of Educational Operations or designee will announce any sanctions or other action deemed appropriate.
8. Whether or not a formal grievance was filed, the district will take all steps necessary to end the harassment, to make the victim 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.
9. Parties will be notified in writing by the Associate Superintendent of Educational Operations of the final outcome of the investigation and all steps taken by the district.
10. At any time, the student making a report of sexual harassment may request that the district conclude the informal process and begin the formal grievance process.

Originally Approved by Superintendent Robert D. Tschirki, February 8, 1999.

Revised June 16, 2014

LEGAL REFS: 34 C.F.R. § 106.8

20 U.S.C. § 1681 (Title IX of the Educational Amendments of 1972)

## **NONDISCRIMINATION ON THE BASIS OF ETHNICITY AND RACE (AC-R-6)**

A learning and working environment free from ethnic harassment and intimidation shall be provided for all staff members and students regardless of race, color, ancestry, religion or national origin.

It shall be a violation of Board policy as well as state law for any staff member or student to harass or intimidate any other staff member or a student because of that person's race, color, religion, ancestry or national origin.

Individuals or groups are in violation of Policy ACB if, on school grounds, at school-sanctioned activities, or in vehicles dispatched by the District, they:

1. Make demeaning remarks directly or indirectly, (whether written or oral), including epithets, slurs, insults, name-calling, and racial "jokes" based on a person's race, color, religion, ancestry, or national origin which are addressed to an individual or group of individuals.
2. Threaten with physical harm or actually harm a person on the basis of that person's race, color, religion, ancestry, or national origin.
3. Display written or visual material or deface school property or materials in such a manner as to demean the race, color, religion, ancestry, or national origin of an individual or group.
4. Damage, deface or destroy private property of any person on the basis of that person's race, color, religion, ancestry, or national origin.
5. Commit other acts of harassment or intimidation that may be in violation of the Colorado Ethnic Intimidation Act of 1991, if, with the intent to intimidate or harass, an individual engages in the following actions which shall include: Ethnic Intimidation shall include:
  - a. Conduct which knowingly causes bodily injury to another person.
  - b. Conduct or speech which knowingly places another person in fear of imminent lawless action directed at that person or his property.

- c. Conduct or speech which is likely to produce bodily injury to another person or damage to his property.
- d. Conduct which knowingly causes damage to or destruction of the property of another person.

Any incident believed to constitute ethnic intimidation shall be reported promptly to the building principal or supervisor for investigation and further action which may include reporting the incident to law enforcement authorities and a recommendation for expulsion of any student exhibiting such conduct.

Students or staff members who believe that they have been the subject of ethnic intimidation or harassing or discriminatory behavior will report the incident immediately to the principal, immediate supervisor, or designee. Confidentiality regarding all reports shall be maintained whenever possible. Reports about ethnic intimidation or harassment or discriminatory behavior shall be investigated in a prompt and timely manner by the principal or designee.

Any student who is found to be in violation of Policy ACB by engaging in conduct described above will be required to attend a meeting with his/her parent(s) or guardian(s) and the school principal or designee to clarify school expectations of the student's behavior. The student will be subject to appropriate disciplinary action.

Any staff member who violates Policy ACB by engaging in conduct described above and/or who witnesses and fails to report conduct as described above will be subject to appropriate disciplinary action.

Approved by Superintendent Monte C. Moses, November 8, 1999.

## **NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY (AC-R-7)**

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

The Board of Education shall designate an individual as the responsible employee to coordinate district compliance with Section 504 and the ADA. See AC-E-1.

The district's Section 504 and ADA compliance officer ("compliance officer") shall be responsible for carrying out the Section 504 and ADA Nondiscrimination/Equal Opportunity Complaint and Compliance Process and timeline. See AC-R. The compliance officer shall also be responsible for the continuing surveillance of district programs and activities with regard to compliance with Section 504 and the ADA and all pertinent regulations, including the development of all necessary procedures and regulations.

The compliance officer shall annually notify students, employees and members of the public regarding the district's policy and grievance procedures and of his/her name or title, office, address and telephone number. See AC-R and AC-E-1. Notification shall be by posting and/or other means sufficient to reasonably provide such notice.

The superintendent or designee shall notify applicants for admission, students, parent/guardians, sources of referral of applicants for admission, employees and applicants for employment, and members of the public that it does not discriminate on the basis of disability in the programs or activities which it operates and that it is required by Section 504 and the ADA not to discriminate in such a manner. The notification shall be made in the form and manner required by law or regulation. See also AC-R and AC-E-1.

Originally Approved by Superintendent Mary F. Chesley, January 12, 2009

Revised by Superintendent Mary F. Chesley, November 14, 2011

Revised June 16, 2014

LEGAL REFS.: 29 U.S.C. Section 701 et seq. (Section 504 of the Rehabilitation Act)  
 42 U.S.C. Section 12101 et seq. (Americans with Disabilities Act)  
 34 C.F.R. 104 et seq.

## **CHERRY CREEK SCHOOL DISTRICT #5 CIVIL RIGHTS AND ETHNIC INTIMIDATION GRIEVANCE PROCEDURE**

In compliance with Title VI & VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Sexual Harassment Policy 1981; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act 1990; and the Federal Racial Incidents and Harassment Against Students at Educational Institutions Policy 1994, the Cherry Creek School District ("District") does not discriminate on the basis of race, color, ancestry, creed, sex, gender, sexual orientation, religion, national origin, marital status, disability, or need for special education services in admissions or access to, or treatment of, or employment in, educational programs or activities which it operates.

A grievance procedure for violation of the above-mentioned civil rights laws, acts, and policies, and the Colorado Ethnic

Intimidation Act, has been established for students, parents, and employees. A grievance may be initiated by a student, a parent, or an employee, or by a group of people acting collectively, or by parents acting on behalf of students. The District is committed to resolving grievances in the most expedient manner and, therefore, complainants are encouraged to follow the steps outlined below.

### **STEP 1**

Talk with the designated building or District Equity Compliance Officer or trusted Administrator employed by the District when there are concerns that a violation may have occurred.

An aggrieved person or persons may initiate the grievance procedure by meeting to discuss allegations or violations to the civil rights laws or the Colorado Ethnic Intimidation Act with the Building Equity Coordinator when there is an alleged building complaint, and with the District Equity Compliance Officer when there is an alleged District complaint, or the complainant may meet and discuss the complaint with any other trusted Administrator employed by the District.

In the event the aggrieved person is not satisfied with the resolution of the complaint at Step 1, they may file an official grievance in accordance with Step 2.

### **STEP 2**

File an official grievance.

An official grievance with the District is a written complaint by an aggrieved person or persons, submitted to the Building Equity Coordinator or District Equity Compliance Officer (Stephanie Davies, Office of Legal Resources, Educational Services Center, 4700 S. Yosemite St., Greenwood Village, CO 80111) as soon as the alleged violation occurs. A written complaint should be filed with the Building Equity Coordinator when the activity complained of occurred at the local building level and with the District Equity Compliance Officer when the activity complained of was at the District level.

Complainants are encouraged to file grievances in a timely manner. Most civil rights laws require the complainant to file this document within 180 days of the last alleged offense. The District encourages prompt and timely reporting of any complaint. Excessive delays may impair a full and accurate investigation. Complainants should be specific in stating that:

There has been an alleged violation of any applicable provisions under the Federal Civil Rights laws, acts or policies or the Colorado Ethnic Intimidation Act, or the District nondiscrimination policies, regulations and/or specific school procedures. The complaint should include names, dates, places and a detailed description of the alleged violation.

OR

The aggrieved person has been a victim of any act prohibited by the applicable provisions of the federal civil rights laws, acts or policies of the Colorado Ethnic Intimidation Act, or the District nondiscrimination policies, regulations or specific school procedures, or treated inequitably by reason of any act or condition which is contrary to the established equity policies, regulations or practices affecting students or employees. The complaint should include names, dates, places and a detailed description of the alleged violation.

### **STEP 3**

Building or District will conduct a thorough investigation.

The Building Equity Coordinator and/or District Equity Compliance Officer, whichever is appropriate, shall conduct a thorough and complete investigation of the alleged violation(s) without violation of due process rights of the alleged victim(s), the alleged perpetrator(s), or witnesses.

The Building Equity Coordinator or District Equity Compliance Officer will, within 45 working days from receipt of the grievance, acknowledge in writing, to the complainant, receipt of the grievance and advise the grievant of the investigative process. Upon completion of the investigation, the District will advise the complainant in writing, of any corrections to any identified instance of non-compliance and appropriate remedies.

### **STEP 4**

Complainant's right to appeal.

Either the complainant or any alleged perpetrator has the right to appeal any decision made by the Building Equity Coordinator to the District Equity Compliance Officer and any decision of the District Equity Compliance Officer to the Superintendent or designee. The parties will be provided a written decision by the person to whom the appeal is directed.

Stephanie Davies  
Equity Compliance Officer/Assistant Legal Counsel  
Educational Services Center  
4700 S. Yosemite St.

### **Civil Rights Agencies Grievance Process**

While the District encourages all persons to follow the above steps in filing grievances, this process does not have to be followed. Parents, acting as guardians for minor children, students, and employees who allege inequitable treatment or ethnic intimidation, or sexual harassment may initiate a direct complaint to the federal or state civil rights agencies or local police departments for ethnic intimidation complaints (addresses listed below).

Complaints regarding violations of Title VI (race, national origin), Title IX (sex/gender), Section 504, ADA (handicap or disability), Racial Incidents and Harassment Against Students at Educational Institutions Policy (race, color or national origin), may be filed directly with the Office for Civil Rights, U.S. Department of Education, Region VIII, Federal Office Building, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints may also be filed by email at [ocr.denver@ed.gov](mailto:ocr.denver@ed.gov) or using OCR's electronic form at the OCR website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>. Questions may be directed to OCR by telephone at: 303-844-5695.

Complaints regarding violations of Title VII (employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Avenue, Suite 510, Denver, CO 80203 or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202, and complaints regarding the Colorado Ethnic Intimidation Act (race, color, ancestry, national origin, religion, and age) may be filed directly with local police departments.

The District is an equal opportunity educational institution and does not unlawfully discriminate on the basis of race, color, ancestry, creed, sex, gender, sexual orientation, religion, national origin, marital status, age, handicap or disability in admission or access to, or treatment or employment in, its educational programs or activities.

### **COLORADO DEPARTMENT OF EDUCATION SECTION 504/ADA OFFICE FOR CIVIL RIGHTS COMPLAINT PROCESS**

An individual person or an organization may file a complaint with the Office for Civil Rights (OCR) of the United States Department of Education. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred.

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices.

- Name and address (a telephone number is helpful, but not required).
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
- The name and location of the institution that committed the alleged discriminatory act(s).
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.
- The above-referenced information shall be mailed to:

U.S. Department of Education  
Office for Civil Rights, Region VIII  
Federal Office Building  
1244 Speer Blvd., Suite #310  
Denver, CO 80204-3582

- Complaints may also be filed by email at [ocr@ed.gov](mailto:ocr@ed.gov) or using OCR's electronic form at OCR's website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

A recipient may not retaliate against any person who has made a complaint or any person who has participated in the complaint process.

Revised: September 2018

### **NETWORKED ELECTRONIC INFORMATION RESOURCES (EHC)**

The Board recognizes that telecommunications and other new technologies, including the Internet, a global computer network referred to as the World Wide Web, are dramatically increasing the ways information may be accessed and communicated by members of

society. The access to electronic information has great potential for altering instruction and enhancing student achievement. Moreover, electronic research skills are fundamental preparation for citizens and future employees in the age of information and communication and should be used in the educational environment as a learning resource to educate and to inform.

Telecommunications, electronic information sources, and networked services significantly alter the learning environment by opening classrooms to a broad array of current world wide information resources. The Board supports student and staff access to these rich information resources along with the development of appropriate skills to apply such resources.

The Board believes the educational opportunities inherent in these tools far outweigh the possibility that users may procure material not consistent with the educational goals of the District. However, the Internet and electronic communications are fluid environments in which users may access materials and information from many sources. Staff members, students, and other authorized users, which may include but not be limited to, volunteers, or vendors, shall take responsibility for their own use of District computers and computer systems to avoid contact with material or information that violates this policy.

The Board expects that staff will blend thoughtful use of such information throughout the curriculum, target the information to the curriculum, and provide guidance and instruction to students in the appropriate use of such resources. Staff will consult Board Policies IMB/IMB R, addressing the teaching of controversial issues, the guidelines for selecting instructional materials contained in Board Policies IJ/IJK, and will honor the goals contained therein.

In order to match electronic resources as closely as possible to the approved District curriculum, District staff will, as much as possible, review and evaluate resources in order to offer materials which comply with Board guidelines listed in Board Policies IJ and IJK governing the selection of instructional materials. Access to the District's networked electronic information resources will be designed in ways which point students to those sources which have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others which have not been evaluated by staff, they shall be provided with guidance in the appropriate selection and use of information. In this manner, staff will provide clear direction for students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum.

Students may be granted access to the District's computers and networked electronic resources only after signing the Cherry Creek School District Acceptable Use Agreement. The agreement contains acceptable use policies and guidelines outlining standards for behavior and communication which for students who are minors (persons under 18 years of age) includes parental permission to use the networked electronic resources. Students may pursue electronic research independent of staff supervision only if they have been granted parental permission.

It is recommended that students, staff members and other authorized users receive instruction appropriate to the resources being accessed prior to using the District's computers and networked electronic information resources. This may include, but is not limited to, training in technical skills required to use the network and education in ethical uses of networked electronic resources.

Use of District computers and the District electronic communication systems must be consistent with the educational objectives of the Cherry Creek School District. Transmission of any material in violation of any federal or state law or regulation is prohibited.

The following guidelines shall apply to all use of the District's computers and District electronic communication systems::

### **Blocking or filtering obscene, pornographic and harmful information**

To protect students from material and information that is obscene, pornographic or otherwise harmful to minors, as defined by the Board, software that blocks or filters such material and information has been installed on all District computers having Internet or electronic communications access. However, none of these systems are foolproof and do not guarantee protection against users accessing inappropriate materials. Blocking or filtering software may be enabled or disabled by a supervising teacher or school administrator, as necessary, for purposes of bona fide research or other educational purpose being conducted by staff members over the age of 18.

Cherry Creek School District does not and cannot control Internet content or access thereto, some of which may be deemed offensive by some; therefore, the school District shall not be responsible for any material or information accessed on the Internet by any user and shall not be responsible for the impact or effect of the information on the user. Use of any information obtained via District computers or the District's electronic communication systems is at the user's own risk.

Cherry Creek School District specifically denies any responsibility for the accuracy or quality of information obtained through District computers or the District's electronic communication systems, and it exercises no control whatsoever over the content of the information residing on or passing through the system. Personal products and services not related to school District business should not be purchased through the system.

Any financial obligations arising from unauthorized use of the system for the purchase of products or services are the responsibility of the user. Files stored on District servers, electronic mail and use of District computers and the District's electronic systems are not private, and may be subject to inspection and/or monitoring.

### **No expectation of privacy**

District computers and the District's electronic communication systems are owned by the District and are intended for educational purposes and District business at all times. Staff members, students and other authorized users 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 computers and District electronic communication systems, including, but not limited to, all Internet and electronic communications access and transmission/receipt of materials and information.

All material and information accessed/received through District computers and the District's electronic communication systems shall remain the property of the school District. Users should not expect that files which are stored on District servers or on devices attached to District computers, or other information that is accessed via the District's electronic communication systems, including electronic mail, will be private.

### **Public Records**

Electronic communications sent and received by District employees may be considered a public record subject to public disclosure or inspection under the Colorado Open Records Act. All employee electronic communications shall be monitored in accordance with relevant state and federal laws and applicable school board policy to ensure that all public electronic communication records are retained, released, archived and destroyed in accordance with applicable statutory and policy requirements.

### **Unauthorized and unacceptable uses**

Staff members, students and other authorized users shall use District computers and computer systems in a responsible, efficient, ethical and legal manner.

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

No District employee, student or other authorized user shall access, create, transmit, retransmit or forward material or information or software:

- 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 with regard to race, color, sex, religion, national origin, age, marital status, disability or handicap
- 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, including but not limited to copyrighted material and material protected by trade secret
- that contains personal information about themselves or others protected by confidentiality laws
- that allows an employee to impersonate another or transmit through an anonymous remailer without express authority from the administration and that is related to a legitimate job duty or educational purpose
- that runs port scans, network scans, network monitors, or uses any scanning tool or program on or from the District electronic communication systems, unless there is prior approval from the systems administrator and is related to a legitimate job duty or educational purpose
- that utilizes keyloggers, password-cracking programs, hacking software, or to engage in file-sharing of any kind unless such file-sharing is authorized as part of legitimate job-related duties or educational purpose. For purposes of this policy, "hacking" is defined as "to gain access to a computer, computer file or network, illegally or without authorization; or to view, alter, steal, damage or destroy computer data without authorization."
- that accesses fee services without specific permission from the system administrator Security

Security on District computer systems is a high priority. Staff members, students or other authorized users who identify a security problem while using the Internet, or the District's electronic communication systems must immediately notify a building adminis-

trator, or designee. Staff members and students should not demonstrate the problem to other users. Logging on to the Internet or electronic communications as a system administrator is prohibited.

Staff members and students shall not:

- use or attempt to use another person's password or any other identifier without appropriate, express consent as determined by the District
- gain or attempt to gain unauthorized access to District computers or computer systems, computer data or files
- read, alter, delete or copy or attempt to do so, electronic communications of other system users without express consent, or in a manner that is deemed to be inappropriate as determined by the District

Any staff member, student or other authorized user identified as a security risk, or as having a history of problems with other computer systems, may be denied access to the Internet and District electronic communication systems.

### **Electronic Communications for a Public Audience**

The use of District electronic communication systems is limited to educational and school business. Personal blogs, wikis, podcasts or other electronic communications or online discussions that do not pertain to educational or school District business should not be accessed through or from District electronic communication systems.

Electronic communication for a public audience and forms of online discussion including, but not limited to, blogs, wikis, bulletin boards, podcasts, chatrooms, listservs, or other electronic mailing lists being used in the furtherance of school District business or educational programming are considered to be an extension of the classroom and/or District operations, and are subject to all applicable school board policies and regulations.

Staff members who use the above-referenced forms of electronic communications for educational purposes in their classrooms are to comply with the following:

1. Ensure there is a signed parent/guardian permission form for each student to use these forms of District electronic communication systems.
2. Instruct students on safety issues and appropriate use of these types of District electronic communications systems.
3. Monitor and review the content of these communications on a regular basis to ensure that applicable school board policies are being followed.

### **Supervision**

It is acknowledged that not all staff and student access to the Internet can or will be supervised; however, any action by a user that is determined by the Cherry Creek School District to constitute an inappropriate use of the District computers or the District's electronic communication systems, or to improperly restrict or inhibit other members from using District computers or the District's electronic systems is strictly prohibited and may result in termination of privileges and/or disciplinary action. Disciplinary action for students will be in accordance with existing discipline policies and may include suspension and/or expulsion. Appropriate legal authorities will be contacted if there is any suspicion of illegal activity by a user. Users must specifically agree not to access, submit, publish or display over the District computers or the District electronic systems any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material. Users must further agree to use District computers and/or the District electronic communication systems in accordance with all copyright laws. Copying, saving or redistributing copyrighted material is not allowed and users should assume material is copyrighted unless explicitly noted.

### **Confidentiality**

Users of District computers and the District electronic communication systems shall only access, receive, transmit or retransmit material regarding confidential student, parent/guardian or District employee information in accordance with applicable state and federal confidentiality laws and school board policy. If material is not legally protected, but is of a confidential or sensitive nature, great care shall be taken to ensure that only those with a "need to know" are allowed access to the material.

Disclosure of confidential student records, including disclosure via electronic mail or other telecommunication systems, is governed by the Family Education Rights and Privacy Act (FERPA). Therefore, the sharing of student records or other confidential information with persons or agencies outside the school District via email is prohibited without prior written consent of the student's parent/guardian, unless disclosure is under an exception to FERPA identified in school board policy JRC, Student Records/Release of Information on Students and its accompanying regulation, JRC-R. Student records and other confidential information may be shared with other District staff members via email as long as the staff member with whom the records are shared has a legitimate educational interest in the student and the records are shared for a legitimate educational purpose.

Any student records maintained on District technology, including on the electronic mail system or in any other electronic format are

part of the student's record and, as such, are available for parent/guardian review and must be maintained in accordance with FERPA requirements. It is imperative that staff members who share confidential student information via electronic communications understand the correct use of the technology, so that confidential records are not inadvertently sent or forwarded to the wrong party. Staff members who use email to disclose student records or other confidential student information in a manner inconsistent with FERPA requirements may be subject to disciplinary action.

### **Vandalism**

Vandalism will result in cancellation of privileges and may result in school disciplinary action 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 software or hardware. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software. The District reserves the right to monitor all activity on the system.

### **Unauthorized software**

Staff members and students are prohibited from using or possessing any software that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees owed to the software owner. Staff members, students or other authorized users may not load software on a District computer that is not owned or authorized for use by the school District.

### **Privilege of use**

Staff and student use of the District computers and the District's electronic communication systems, including but not limited to, use of the Internet and email communications, demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools, including knowledge of and compliance with, applicable copyright laws. Staff and student use of the Internet and electronic communications is a privilege, not a right. Failure to follow the use procedures contained in this policy will result in the loss of the privilege to use these tools and may result in school disciplinary action and/or legal action. The school District may deny, revoke or suspend access to District technology or close accounts at any time.

The Board of Education shall require that all communications between its employees and students be appropriate and in accordance with state law. All electronic or any other communications by employees to students at any time shall be expected to be professional, acceptable in content to any reasonable person, and limited to information that is school-related or is acceptable to both student and parent.

The Board is aware that the reputations and careers of students and educators have been damaged due to inappropriate communications between parties. Therefore, it is the intent of the Board to make all employees and students aware of the expectations and procedures of the school District in regard to proper use of all electronic communication devices and computers if used to communicate with one another. This requirement is not intended to limit the use of technology as an effective teaching tool.

Employees shall be required to comply with all policies, procedures, and practices established by the Board and administration regarding direct communications with a student, and any failure to do so may result in disciplinary action, up to and including termination of employment. Extreme circumstances may constitute willful neglect of duty. Should an employee's failure to comply also violate state or federal law, the Superintendent or his/her designee shall report such violation to the proper authorities.

### **School district makes no warranties**

The Cherry Creek School District makes no warranties of any kind, whether expressed or implied, related to the use of District computers and computer systems, including access to the Internet and electronic communications systems, or that such access and services will be error free or uninterrupted. 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 school District shall not be responsible for any damages, losses or costs a staff member suffers in the use, operation, or inability to use District computers, or the Internet and District electronic communications systems. This includes loss of data and service interruptions. Use of any information obtained via the Internet and District electronic communications systems is at the user's own risk.

Proposed: June 9, 1997  
Adopted: August 11, 1997  
Revised: January 9, 2012

LEGAL REFS.: 47 U.S.C. 254(h) (Children's Internet Protection Act of 2000)  
47 U.S.C. 231 (Child Online Protection Act of 1998)  
20 U.S.C. 6801 et. seq. (Elementary and Secondary Education Act)  
C.R.S. 22-87-101, et. seq. (Children's Internet Protection Act)  
C.R.S. 24-72-204.5 (monitoring electronic communications)

CROSS REFS.: EGA, Electronic Mail



## STUDENT USE OF THE INTERNET AND ELECTRONIC COMMUNICATIONS (JS)

The Internet and electronic communications (including but not limited to e-mail, chat rooms, file-sharing and other forms of electronic communication) have vast potential to support curriculum and student learning. The Board of Education believes these resources 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, pornographic 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 implemented or 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, pornographic, 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:

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

- That is not related to district education objectives
- 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 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

- That is 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 impersonates another or transmits through an anonymous remailer
- That accesses fee services without specific permission from the system administrator
- That accesses another individual's Internet or electronic communications account without written permission from that individual
- That runs port scans, network scans, network monitoring, keyloggers, password-cracking programs, hacking software or unauthorized file-sharing. Hacking is defined as "to gain access to a computer, computer file or network illegally or without authorization; or to view, alter, steal, damage or destroy computer data without authorization"

## **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 staff member is prohibited.

Students shall not:

- Use another person's password or any other identifier
- Gain or attempt to gain unauthorized access to district technology or computer 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 devices may be denied access to the Internet and electronic communications.

## **Use of Personal Computers**

Students may be allowed to connect their own personal computers and/or electronic communication devices to the CCSD Network at any time or through any means, including wireless or telecommunications, for legitimate educational or other purposes deemed appropriate by the district.

Students shall have no expectation of privacy once they have been authorized to connect to the district's electronic network.

The school district is not responsible for any loss or damage to the student's computer while it is connected to the CCSD Net, including but not limited to losses or damage caused by hardware failure, data loss or the incurring of a virus.

## **Use of Electronic Communications for a Public Audience**

The use of district computers is limited to educational and school business. Personal blogs, wikis, podcasts or other electronic communications or online discussions that do not pertain to school or district educational assignments or educational programming should not be accessed from district computers or through the district's electronic networked resources.

Electronic communications for a public audience and forms of online discussion including, but not limited to, blogs, wikis, bulletin boards, podcasts, chatrooms, listservs, or other electronic mailing lists being used for district educational programming are considered an extension of the classroom or educational programming and are subject to all applicable school board policies and regulations.

Students must have written parent/guardian permission to access the Internet through district electronic networked resources in order to participate in any educational or classroom related blog, wiki, podcast, or other electronic communication or online discussion that are accessible through the district's electronic networked resources.

## **Safety**

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 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 software or hardware. This includes, but is not limited to, the uploading or creation of computer viruses and the use of encryption software.

## **Unauthorized software**

Students are prohibited from using or possessing any software that has been downloaded or is otherwise in the user's possession without appropriate registration and payment of any fees owed to the software owner.

#### Assigning student projects and monitoring student use

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

#### **Student use as a privilege**

Use of the Internet and electronic communications demands personal responsibility and an understanding of the acceptable and unacceptable uses of such tools. Student use of the Internet and electronic communications is a privilege, not a right. Failure to follow the use procedures contained in this policy will result in the loss of the privilege to use these tools and may result in school disciplinary action 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 expressed 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 quantity of information received. The school 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.

Revised: December 12, 2011

Adopted: January 9, 2012

LEGAL REFS.: 47 U.S.C. 254(h) (Children's Internet Protection Act of 2000)  
47 C.F.R. Part 54, Subpart F (Universal Support for Schools and Libraries)  
20 U.S.C. 6751 et seq. (Enhancing Education Through Technology Act of 2001)  
C.R.S. 22-87-101 et. seq. (Children's Internet Protection Act)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity  
EGA, Electronic Mail  
EGAD, Copyright/Royalties  
EHC, Networked Electronic Resources  
EHCA, Web and Internet Publishing  
JB, Equal Educational Opportunities  
JICDA, Conduct and Discipline Code  
JICJ, Student Use of Electronic Communication Devices

## **VISITORS TO SCHOOLS (KI)**

The Board of Education encourages parents/guardians and other citizens of the district to visit classrooms, activities and functions to observe the work of the schools. The Board believes that there is no better way for the public to learn what the schools are actually involved in and doing.

Visits by persons interested in the schools who do not reside within the district shall be permissible.

In order to ensure that no unauthorized persons enter buildings with wrongful intent, all visitors to the schools shall report to the school office when entering, shall show proper identification and indicate the reason for being at the school. Visitors shall sign in and wear name tags or be issued a pass to carry which will identify them as visitors. This will not apply when parents/guardians have been invited to a classroom or assembly program.

To promote the general health, welfare and well being of all who enter school property, and pursuant to state law, smoking, chewing or any use of tobacco products by staff, students, or visitors is prohibited on all school property.

The district shall notify the public in an appropriate manner that persons violating the criminal law by using, selling or distributing any controlled substance on school grounds, on school buses transporting students or within 1,000 feet of the perimeter of the school grounds shall be subject to enhanced criminal penalties.

Adopted: October 10, 2000

LEGAL REF.: C.R.S. 18-9-112, as amended  
C.R.S. 18-112-105.5  
C.R.S. 18-18-407(2)  
C.R.S. 22-32-109.1(7) (open school policy is a required part of school safety plan)

CROSS REF.: ADC, Tobacco-Free Schools  
ECA, Security/Access to Buildings  
KFA, Public Conduct on School Property

## **VISITORS TO SCHOOLS (KI-R)**

The primary function of every school is to provide and maintain a suitable educational environment. Therefore certain limitations, restrictions and guidelines are established to maintain order, protect the health, safety and welfare of students, and to insure minimum disruption of the educational process and function of the schools.

These regulations will not apply to nor be applicable to regular or periodically scheduled parent/teacher conferences, open houses, "back-to-school" nights, accreditations, officially designated committee visits or other similar scheduled parent/teacher/school events.

To insure the least disruption to the educational process and the highest and best parent/teacher communications, the following procedures will be applicable to all non-expected parent visits to a student's classroom:

1. The visitor must check into the office to make his presence in the building known and must indicate the purpose of the visit.
2. Every effort will be made to accommodate the requested visit. However the request may be denied and another date suggested in the event the date and time of the visit conflicts with scheduled or proposed exams, field trips, special projects or other school events which could be disrupted by the inclusion of an outside visitor.
3. Visits to classroom activities normally should be limited to not more than four hours but may be extended under exceptional, unusual or emergency circumstances. Additionally, visits on successive or continuous days may be denied unless unusual, exceptional or emergency circumstances dictate the appropriateness of such visits.
4. Request for visits may be denied where based upon past visits, circumstances or conditions, it reasonably can be anticipated that future visits of the same type will be unreasonably disruptive, create hindrance or delay, or otherwise negatively impact the educational process.

Any time a school or classroom visit is deemed by the principal to be a disturbance, disruptive to the educational process, a threat or danger to students or faculty or otherwise interfering with a student's or teacher's ability to participate fully in the learning process, the principal may terminate the visit and request the visitor to leave the premises.

If a visitor fails or refuses to leave the premises after being requested to do so by the principal, the principal will be entitled to assistance from the central administration office.

Under such circumstances as the principal may deem appropriate, the principal may monitor any individual's visit to the school or classroom either personally or by a designee which may include a teacher, parent or representative from the central administrative office.

Issued July 1987

## **ASSESSMENT AND EVALUATION FOR STUDENT PERFORMANCE IMPROVEMENT (IKA)**

### **I. Evaluation of Instructional Programs for Performance Improvement**

The ongoing evaluation of educational programs is essential for improvement of student academic performance and to fulfill the District Mission: To inspire every student to think, to learn, to achieve, to care.

## **A. District Programs**

To implement evaluation of District educational programs, the Assistant Superintendent of Performance Improvement will appoint a member of the administrative staff to be responsible for evaluation of District programs. This administrator in turn will:

1. Initiate, develop, and maintain Districtwide group assessment and testing programs.
2. Collaborate and assist with studies conducted or sponsored by local, state, or national civic or professional organizations, or accrediting associations.
3. Collaborate with principals, teachers, instructional administrators, and curriculum committees to evaluate District educational programs.

The Assistant Superintendent of Performance Improvement through the office of performance improvement shall be responsible for obtaining data regarding educational quality and improvement of student academic performance. Such data shall provide information to evaluate the effectiveness of the total educational program.

Information from districtwide assessments shall be used by principals, teachers, guidance counselors, curriculum committees, and other resource personnel in designing curriculum and programs to meet the needs of students and improve student performance. It also shall be used as a basis for counseling with parents concerning the progress of their children. Districtwide assessment procedures should be varied and include, but not be limited to, locally developed tests and assessments, surveys, interviews, nationally normed tests, observations, and performance-based assessments.

Data from District sources (e.g., student attendance, grades, course history, etc.) should be linked with assessment data to help interpret assessment and evaluation results and plan instructional, budgetary, or program changes to increase student performance.

The District assessment and evaluation program shall be under periodic review by the administration, the office of performance improvement, and members of the teaching staff. A three-to-five year assessment and evaluation plan shall be developed, with the recommended assessment program for each succeeding school year reviewed annually by the Board.

District indicators of educational quality and student achievement shall be prepared so that the data are consistent for comparison purposes within the District from year to year and with other school districts to the extent required by rules of the State Board of Education. Results of the District assessment and evaluation program shall be published annually and reviewed by the Board.

## **B. School Programs**

The evaluation of school improvement programs and accountability for improvement is the responsibility of building administrators and staff. Each building administrator should develop an evaluation design to accompany school accountability and improvement goals to insure that programs are carefully assessed. A new program should be evaluated at a reasonable point in time to discern the effectiveness of the program.

The Superintendent will provide District and outside resources, advice, and services to building administrators and staff as may be required to do an effective job of program evaluation.

## **C. Guiding Principles for Evaluation of Instructional Programs**

All program evaluation activities should focus on enhancing student performance and progress. Individuals should use data wisely in decision making, to improve student achievement. The following principles should guide the evaluation of instructional programs and the use of results.

1. Multiple indicators are needed to obtain a full picture of the quality of education.
2. Effective curriculum and instruction require ongoing assessment.
3. Indicators of educational quality should be understandable and usable.
4. Assessment and evaluation are integral parts of instruction.
5. Multiple levels (District, school, classroom) of data collection are needed to obtain a complete picture of education quality.

## **II. Assessment and Evaluation of Students for Performance Improvement**

The Board, Superintendent, instructional administrators, principals, and teachers are committed to assessment and evaluation of student performance necessary to fulfill the District Mission: To inspire every student to think, to learn, to achieve, to care. The primary purpose of assessment and evaluation is to provide students and their parents with information needed for continuous progress toward meeting the highest level of performance on state standards, and District curricular objectives. In addition, assessment information assists teachers, instructional administrators, the Board of Education, and the community in understanding the quality of education in the District as it relates to student growth and achievement.

## **A. State Assessment Systems**

The District shall administer standardized assessments pursuant to state and federal law requiring students to take standardized assessments in a number of instructional areas.

### **1. Pencil and paper testing option**

It is the intent of the District to administer state assessments using technology. However, there are situations that may arise when it is deemed necessary for the District to determine that pencil and paper are necessary to complete the computerized portions of a state assessment. For students with disabilities, the use of pencil and paper instead of a computer to complete a state assessment shall be determined by the student's Individualized Educational Program (IEP) team or Section 504 team, in accordance with applicable law.

Factors that will be considered in making the determination to use a pencil and paper testing option include:

- the technological capacity and resources of the particular school/classroom;
- a student's previous experience with computerized and written assessments;
- whether the instructional methodology of the particular school/classroom is consistent with the use of computerized assessments or written assessments; and
- the logistics of administering the state assessment in different formats at a particular school or schools.

Prior to making this determination to use a pencil and paper testing option, the Superintendent or his/her designee shall consult with the school principal(s) affected by this determination, as well as the parent/guardian(s) of the student(s) enrolled in the District.

### **2. Parent/Guardian request for exemption**

A parent/guardian who wishes to exempt his or her child(ren) from a particular state assessment(s) shall make this request in accordance with this policy's accompanying regulation and in accordance with state law.

The District shall not impose a negative consequence upon a student or parent/guardian when the parent/guardian has requested an exemption from a state assessment(s).

The policy's exemption process only applies to state assessments and shall not apply to District or classroom assessments.

### **3. Sharing of student state assessment results with parents/guardians**

The Colorado Department of Education is required to provide diagnostic academic growth information for each student enrolled in the District and for each public school in the District based on the state assessment results for the preceding school years. This information shall be based on the state assessment results for the preceding school years. This information shall be included in each individual student's cumulative school record. Appropriate school personnel shall have access to the student's state assessment results and longitudinal academic growth information and shall share with and explain that information to the student's parents/guardians.

In accordance with state law and this policy's accompanying regulation, the District shall distribute an assessment calendar and related information to parents/guardians on an annual basis to inform them about the state assessments that the District plans to administer during the applicable school year.

## **B. Districtwide Assessment Systems**

A districtwide assessment and evaluation system should provide information to monitor how well the District Mission is being fulfilled. District assessment information should assist and support, not replace, teacher judgment in the evaluation and monitoring of student progress. The validity of teacher judgment should be strengthened and corroborated through school and District assessments, as well as through state and nationally developed tests. The districtwide assessment system shall enable District personnel to examine the consistency and validity of teacher judgments within and between schools.

The districtwide assessment system is a part of a broadly shared accountability system that includes students, teachers, parents, school administrators, and the Board, who are all responsible and accountable for student growth and performance.

In accordance with state law and this policy's accompanying regulation, the District shall distribute an assessment calendar and related information to parents/guardians on an annual basis to inform them about District assessments that the District plans to administer during the applicable school year.

### **1. Classroom and School-level Grading and Assessment Systems**

The District is committed in its instructional program to making achievement targets clear, recognizable, and possible for students. It shall emphasize intellectual achievement in its processes of evaluating student performance.

The administration and professional staff shall devise grading and assessment systems for evaluating and recording student progress on student learning goals, state standards and District curricular objectives. The records and reports of individual students shall be kept and communicated in forms which will be meaningful to parents and students in evaluating performance improvement, as well as to teachers.

Classroom and school assessment systems shall provide students with multiple opportunities to demonstrate knowledge and skills, using a variety of assessment techniques.

Although the Board recognizes that any grading and/or assessment system is inherently based on judgment, a quality control system is needed that uses policy and specific strategies to minimize human error or disagreement in the evaluation of student performance.

## **2. Guiding Principles for Student Assessment and Communicating Performance Improvement**

All student assessment activities should focus on enhancing student growth and performance. The following principles should guide the development and administration of student assessments and the use of results.

- a. Teachers must have a central role in the assessment of student performance and progress. Teacher judgment about student performance and progress is valid and reliable when it is based on data such as in-class performance, grades, homework, assessments, etc.
- b. Assessment should be part of an integrated system (curriculum, instruction, assessment, staff development) to make productive instructional changes and enhance student performance.
- c. Assessments at all levels (classroom, school, District) should meet appropriate technical standards of reliability, validity, and generalizability, and should be developmentally appropriate and sensitive to equity issues for all students, without lowering standards.
- d. District and school level assessments should support teachers' ongoing assessment and evaluation activities.
- e. Assessments should mirror the best instructional practices and curriculum, focusing on their essential parts.
- f. Students should be presented with opportunities to demonstrate performance in a variety of assessment formats. No single assessment should suffice as evidence of level of performance on proficiencies or curricular objectives.
- g. The assessment system should promote school and teacher consistency in assessing student achievement in a fair and comparable manner.

## **III. Definitions**

### Assessment

The gathering of data about students or program; the results of several assessments may be combined in an evaluation.

### Evaluation

The application of judgment to assessment information, comparing performance to the intended results.

Last Revised: January 9, 2012

Current Revision: February 8, 2016

LEGAL REF.: C.R.S. § 22-7-1006.3(1) (state assessment implementation schedule)  
C.R.S. § 22-7-1006.3(1)(d) (district must report to CDE the number of students who take the state assessment in a pencil and paper format)  
C.R.S. § 22-7-1006.3(7)(d) (state assessment results included on student report card if feasible)  
C.R.S. § 22-7-1006.3(8)(a) (policy required to ensure explanation of student state assessment results)  
C.R.S. § 22-7-1013(1) (district academic standards)  
C.R.S. § 22-7-1013(6) (policy required regarding the use of pencil and paper on state assessments)  
C.R.S. § 22-7-1013(7) (procedure required concerning distribution of assessment calendar to parents/guardians)  
C.R.S. § 22-7-1013(8) (policy and procedure required to allow parents to excuse their children from participation in state assessments)  
C.R.S. § 22-11-101 et seq. (Education Accountability Act of 2009)  
C.R.S. § 22-11-203(2)(a) (principal required to provide educators access to their students' academic growth information "upon receipt" of that information)  
C.R.S. § 22-22-504(3) (policy required to ensure explanation of student state assessment results and longitudinal growth information)

CROSS REFS.: JLDAC, Screening/Testing of Students  
LC, Relations with Education Research Agencies  
JRC, Student Records/Release of Information on Students

## STUDENTS WITH CHRONIC OR ACUTE HEALTH CONDITIONS (JLCDA)

The Board recognizes that many students are being diagnosed with potentially life-threatening chronic or acute health condition(s) such as but not limited to allergies to certain foods, insect stings or other environmental elements or events causing an acute reaction to an antigen (anaphylaxis) or other acute health conditions. To address these issues and meet state law requirements concerning the management of allergies and anaphylaxis among students, the Board sets forth the following requirements.

### **Development of Individual Healthcare Plan (IHP)**

The school nurse, or a school administrator in consultation with the school nurse, shall develop and implement a health care plan (plan) for each student with a diagnosis of a potentially life-threatening chronic or acute health condition(s). The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders. If a student is suspected as having and 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 incorporate or meet this requirement.

When deemed necessary by the school nurse or a school administrator in consultation with the school nurse, a licensed staff member will be selected as a delegate to perform in a student-specific selected situation a selected nursing task. In such circumstances, the IHP will reflect the delegation of the nursing task in accordance with applicable policy.

### **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 the applicable federal law shall meet this requirement.

### **Access to emergency medications**

Emergency medications for treatment of the student's life-threatening chronic or acute health condition or anaphylaxis shall be kept in a secure location accessible to designated school staff but inaccessible to students. 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 life-threatening chronic or acute health condition(s) or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with board policy JICA, Student Health Services and Requirements.

### **Staff Training**

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

Adopted: June 14, 2010

Revised: February 8, 2016

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. §12-38-132 (delegation of nursing tasks)

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 student's 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.: JICA, Student Health Services and Requirements











*Dedicated to Excellence*  
Cherry Creek Schools