



Student Rights & Code of Conduct

DISTRICT POLICIES & REGULATIONS

A guide to **Student Rights** and the **Code of Conduct** for students in Poudre School District



2026-2027

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Esta guía se puede obtener en español en la oficina de su escuela.

This handbook is available online in Spanish. To order a printed copy of the Student Rights & Code of Conduct booklet, contact your school’s administrative office.

Introduction

Welcome to the 2026-2027 school year! The Poudre School District is committed to providing academic and extracurricular activities for students in a safe environment with minimal disruptions and an atmosphere of mutual respect. This handbook provides information to students and their families of their rights and obligations regarding various educational opportunities offered by the District, the rules governing confidentiality and inspection of education records, and the District's policies and procedures relating to safety, discipline, and student conduct. Parents and guardians are encouraged to review this Student Rights and Code of Conduct booklet with their children and to support its implementation by our schools.

NOTE: District policies may be subject to change during the school year. The entire up-to-date text of any policy and/or regulation is available on the district's website or upon request from the principal's office at the school or from the district administration office located at: Poudre School District R-1, 2407 Laporte Avenue, Fort Collins, CO 80521.

School Safety

School safety is a community effort and PSD relies on students, staff, parents and community members working with us to help keep our campuses safe places for learning. Our mantra is: "If you see something, say something." That goes for anyone in our buildings or on our campuses including parents, volunteers and business leaders. We encourage everyone to report suspicious activity or safety information to school administrators for follow up. The district has three ways to report the things that negatively impact the experiences of students, staff and community members in our district. Safety concerns can be reported through Safe2Tell, the statewide Colorado program which provides the opportunity for anyone to provide anonymous tips about safety at schools. Information can be provided by [clicking this link to Safe2Tell](#) or by visiting its website <https://safe2tell.org/>, App or hotline at (877) 542-SAFE (7233). All information is anonymous and passed onto the appropriate personnel in the district for follow-up. Sexual harassment can be reported by [clicking this link to the district's Title IX platform](#) or by visiting www.psdschools.org>programs and services>student support services. Negative experiences, such as discrimination, can be reported by [clicking this link to the district's Incident Reporting platform](#) or by visiting www.psdschools.org>programs and services>student support services>harassment and discrimination incident report platform. Keeping our schools safe places for learning requires that we work together as a community to speak up when something doesn't seem right and actively participate in reporting suspicious behaviors, activities or rumors in a proactive manner.

Nondiscrimination

Poudre School District is committed to the policy that no otherwise qualified individual shall be denied access to, 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, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, pregnancy, family composition, marital status, veteran status, age, disability or the need for special education services.

Poudre School District R-1 does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, age or disability in access or admission to, or treatment or employment in, its programs or activities.

This notice is provided as required by Title VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and Colorado law. Questions, complaints, or requests for additional information regarding these laws may be forwarded to the designated compliance officer listed below or directly to the U.S. Department of Education, Office for Civil Rights, 1244 North Speer Blvd., Suite 310, Denver, Colorado 80204.

Compliance Officers

Title IX/ADA/Title VI/Section 504:
Shayna Seitchik & Kirsten Espinoza
Compliance, Prevention, & Response Coordinators
nondiscrimination@psdschools.org

Address & Phone
2407 Laporte Avenue
Fort Collins, CO 80521
(970) 490-3333

Title VII:
Lauren Hooten, Chief of Staff
HRcompliance@psdschool.org

Questions
Please direct any questions you have regarding our Student Rights and Code of Conduct booklet to your child's school principal.

Student Rights and Responsibilities

Tobacco-Free and Marijuana-Free District (ADC)

In order to promote the general health, welfare and well-being of students and staff, use of any tobacco product and use of marijuana by students, staff and members of the public is prohibited on all District property. Use of any tobacco product and use of marijuana by students and staff is also prohibited at all District or school-sanctioned activities or events off District property. Possession of marijuana by students, staff and members of the public is prohibited on all District property, and possession of any tobacco product by students is also prohibited on all District property.

Signs shall be posted in prominent places on District property to notify all individuals that the use of tobacco products and marijuana is prohibited in accordance with state law and District policy.

Students who use or possess tobacco products in violation of this policy shall be subject to disciplinary measures including revocation of privileges, exclusion from extracurricular activities, detention and, for repeated violations, suspension or expulsion from school. In accordance with state law, this policy shall not require the expulsion of any student solely for use of any tobacco product. Students who use or possess marijuana in violation of this policy shall be subject to the consequences specified in District Policy JICH.

As required by Colorado law, primary caregivers are permitted to administer medical marijuana in a nonsmokeable form to students on District property and at District or school-sponsored activities and events in accordance with the terms and conditions specified in District Policy JLCD. Notwithstanding any provision of this Policy ADC to the contrary, students shall not be considered in violation of this Policy ADC and shall not be subject to discipline for acting in compliance with Policy JLCD.

Employees found to be in violation of this policy shall be subject to appropriate disciplinary action.

Members of the public found to be in violation of this policy may be requested to leave the District property where the violation occurs.

For purposes of this policy, the following definitions apply:

1. **“District property”** shall mean all property owned, leased, rented or otherwise used or contracted by the District or one of its schools, including but not limited to the following:
 - a. All interior portions of any building used for instruction, administration, support services, maintenance or storage, and any other structure used by the District.
 - b. All District grounds surrounding any building specified in paragraph 1(a) above over which the District is authorized to exercise dominion and control. Such grounds shall include any playground, athletic field, recreation area and parking area.
 - c. All vehicles used by the District for the purpose of transporting students, staff, visitors or any other persons.
2. **“Tobacco product”** shall mean cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and: (a) any other 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 e-liquid, vape juice, vaping oil and similar products; or (b) any device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, pipe, vape pen or other device used to inhale a vaporized liquid. “Tobacco product” does not mean any product that has been approved by the appropriate federal agency as a tobacco use cessation product.
3. **“Use”** shall mean the lighting, chewing, inhaling, smoking, ingesting, applying to the skin or public display of any tobacco product or marijuana.

Student Conduct on School Buses (EEAEC)

The privilege of riding a school bus is contingent upon a student's observance of the Student Code of Conduct, District policies, and established regulations for student conduct at bus stops and when using bus services.

Students are subject to the District's Student Code of Conduct and to the bus operator's directions at all times in connection with their school bus usage. The operator of a school bus shall be responsible for the safety of the students on the bus during the time they are on board and while they are entering or leaving the vehicle. The Transportation Department or school administrator may suspend a student's bus-use privilege in accordance with accompanying District regulations and upon direct authorization of the director of transportation or authorized designee.

Principals/site managers are responsible for student supervision at schools while children are waiting for the bus. Parents/guardians are responsible for student supervision while students wait at bus stops. Principals/site managers and the Transportation Department will collaborate to address student conduct.

Student Conduct on School Buses (EEAEC-R)

This regulation governs students who ride Poudre School District buses. Students are responsible for knowing and following these rules.

■ At the Bus Stop

1. Students must be at the bus stop no later than five (5) minutes before the bus is scheduled to arrive.
2. Students must be out of the roadway on the sidewalk, the shoulder of the road, or other safe location out of the roadway as the bus approaches the stop.
3. If a student causes damage to personal or public property at a bus stop, the student and the student's parents/guardians/caregivers will be responsible for the damage.

■ On the Bus

1. Students must cooperate with the bus operator and follow directions the first time they are given.
2. Students must stay seated and face forward with their feet in front of them. They must display courtesy and respect for other passengers.
3. Students must keep their noise level down. Screaming or other loud distractions will not be permitted. Students must be silent at railroad crossings.

■ Consequences for Student Conduct in Violation of District Policy and Student Code of Conduct

Discipline for student conduct in violation of District policy and the Student Code of Conduct on school buses is cumulative and progressive. A warning may be given for one type of prohibited conduct and a suspension may be given for another type of prohibited conduct. The Transportation Department and school administrators may suspend riding privileges at any time, even after a first report, depending on the nature and severity of the infraction.

Generally, the following procedures will be followed:

1. The bus operator will give a verbal warning to the student or students who are misbehaving. All verbal counseling will be documented by the bus operator.
2. If the student's conduct continues, the Transportation Department will issue a written warning sent to the student's parent/guardian/caregiver and will take appropriate steps to contact the student's parents/guardians/caregiver. The Transportation Department will also provide notice of the written warning to the school administrator.
3. At the discretion of the Transportation Department and school administrator, the student may be issued a

suspension from riding privileges for one (1) to five (5) days if the student continues to exhibit the prohibited conduct. The Transportation Department and school administrators will take appropriate steps to contact the student's parent/guardian/caregiver before the suspension.

4. Students who fail to respond to the above-described discipline may be suspended from bus riding privileges for a period of time to be determined by the Transportation Department and school administrator.

Note: Student behavior at the bus stop and on the bus is subject to the District Code of Conduct, and violations may subject students to discipline besides loss of bus privileges, including suspension and/or expulsion.

■ Bus Transportation After School Dismissal

1. After school is dismissed for the day, buses will pick up students according to the transportation routing schedule set annually by the director of transportation. Buses will leave the school no earlier than five (5) minutes after the final dismissal bell.
2. Students are required to provide appropriate identification through the current approved District system(s) when entering and exiting the bus.
3. Buses will not return to school to pick up students arriving late at the loading zone.

■ Student Assignment to Bus Stops

1. All eligible students that have applied and were approved will be assigned to a bus stop by the Transportation Department. Students must be picked up and dropped off at their assigned stops.
2. Students who want to bring a guest on the bus or to get off at a stop other than the one to which they are assigned must bring a note to the school office from a parent/guardian/caregiver requesting this service. Requests will be honored provided students comply with this policy and the Student Code of Conduct and the bus is not over capacity. The principal or designee will issue a bus pass to be given to the bus operator by students requesting this service. Bus operators will accept only official bus passes issued by the school office or the Transportation Department; they will not accept notes from parents/guardians/caregivers.

■ Unsafe Items

1. In accordance with Colorado Department of Education (CDE) regulations, items brought on the bus by students will be subject to review by the bus operator who will determine if such items would endanger the lives, health, or safety of the passengers or bus operators. Bus operators are authorized to refuse transportation of items they determine to be unsafe.
2. Items not allowed on buses include firearms, explosives, flammables, knives or other sharp instruments, weapons, scooters, skateboards, longboards, animals (except as required by law and Policy ADG), glass containers or other items that can break or shatter, tobacco products, vape pens, alcohol, unauthorized drugs (as defined in Policy JICH), coolers over eight quarts in size, laser pointers, and any other items, including large instruments and/or projects, that cannot be held on the student's lap or stored in a sports bag or backpack.

■ Severe Weather

Students should expect and dress for delays in bus service during severe weather.

Electronic Monitoring and Surveillance (ECAF)

The Board of Education recognizes its continuing responsibility to ensure the District's proper and efficient operation, to protect District property, to maintain and improve student conduct and to ensure the health, welfare and safety of students, staff and other persons at District facilities, in and around District buildings, and on District transportation vehicles. Toward this end, the Board supports the administration's use of video and audio-visual cameras at District facilities, in and around District buildings, and on District transportation vehicles, as well as the monitoring of communications across District tools, services, and infrastructure, in accordance with this policy and governing law. The superintendent or superintendent's

designee(s) shall select or otherwise approve prior to their acquisition such video and audio-visual cameras, other recording or monitoring devices, and related equipment and services. No such system or service shall be connected to a District network without the approval of the Chief Technology Officer or designee.

■ Use of Cameras

Video and audio-visual cameras may be used to monitor and record students, staff and other persons at District facilities, in and around District buildings, and on District transportation vehicles on a year-round basis at any and all times, whether or not school is in session and whether or not the facilities, buildings and/or transportation vehicles are in use. Audio-visual cameras may be used to monitor and record students, staff, and other persons only if sufficient notice is given to reasonably inform them of the monitoring and recording. Sufficient notice may be given through a posted sign.

Neither video cameras nor audio-visual cameras may be used in restrooms, locker facilities or other areas where students, staff, and/or other persons have a reasonable expectation of privacy.

Students, staff, and other persons are prohibited from the unauthorized use of, and from tampering with or otherwise interfering with, the District's video and audio-visual cameras and related equipment.

Notices shall be posted at appropriate locations where video and/or audio-visual cameras may be used at District facilities, in and around District buildings, and on District transportation vehicles that persons in such areas are subject to video and/or audio-visual monitoring and recording at any time.

■ Telephone Monitoring and Recording

Communications over the District's telephone system may be monitored and/or recorded at any time in compliance with applicable state law.

Telephone recordings are and shall remain the property of the District. Authorization to listen to such recordings may be granted to District officials demonstrating a legitimate need to do so, as determined by the superintendent, director of student safety & emergency management, or their designee(s), in accordance with governing law and, where applicable, District Policies GBJ – Personnel Records and Files and JRA/JRC – Student Records/Release of Information on Students. Authorization to listen to such recordings may be granted to individuals who are not authorized District officials only as required by law.

Listening to telephone recordings by individuals who are not authorized District officials may only be permitted at the Support Services Complex unless otherwise authorized by the superintendent, director of student safety & emergency management, or their designee(s), or unless otherwise required by law. A written log shall be maintained of individuals listening to telephone recordings, including the date of listening, reasons for listening, date the recording was made, parties to the telephone communication (to the extent known), and signature of listener(s).

■ Use, Storage and Security Of Recordings

Video, audio, and audio-visual recordings may be used as evidence that a student, staff member, or other person has engaged in behavior that violates the criminal code, District policies/regulations, and/or District or school rules.

Video and audio-visual recordings from District facilities and from in and around District buildings will be maintained in their original form for at least seven (7) calendar days after the initial recording. Video and audio-visual recordings from District transportation vehicles will be maintained in their original form for at least seven (7) calendar days after the initial recording. Audio recordings of District telephone communications shall be maintained in their original form for at least seven (7) calendar days after the initial recording. After such periods the video, audio and audio-visual recordings may be deleted, erased or recorded over unless an incident has occurred in which a recording may be relevant to an investigation by District or law enforcement personnel, in which case the recording will be maintained in its original form at least until the investigation and any resulting legal proceedings and/or disciplinary action is finally concluded.

Video, audio and audio-visual recordings shall be stored and secured to ensure confidentiality. The superintendent or director of student safety & emergency management shall determine the District officials who may be granted unsupervised physical access to such recordings from some or all locations at District facilities, in and around District buildings and on District transportation vehicles.

■ Student Education Records

The District will comply with all laws regarding student education records applicable to video, audio, and audio-visual recordings. Recordings considered part of a student's education record will be maintained in accordance with established procedures governing access, review, and release of such records.

■ Viewing Video and Audio-Visual Recordings

Video and audio-visual recordings are and shall remain the property of the District. Such recordings may not be viewed by any person, including District officials granted unsupervised physical access to the recordings, except as permitted or required by law and this policy. Authorization to view recordings may be granted to individuals demonstrating a legitimate need to do so, as determined by the superintendent, director of student safety & emergency management, or their designee(s), in accordance with governing law and, where applicable, District Policies GBJ – Personnel Records and Files and JRA/JRC – Student Records/Release of Information on Students.

Requests by individuals who are not authorized District officials under governing law or District Policies GBJ or JRA/JRC to view recordings that were made at District facilities or in and around District buildings shall be presented in writing to the director of student safety & emergency management or authorized designee within seven (7) calendar days after the date of the requested recording. Requests by individuals who are not authorized District officials under governing law or District Policies GBJ or JRA/JRC to view records made on District transportation vehicles shall be presented in writing to the director of transportation or authorized designee within seven (7) calendar days after the date of the recording. Such written requests must include an explanation of why the requesting individual wishes to view the recording(s) at issue. Only the portion of the recording concerning the specific incident at issue shall be made available for viewing.

The viewing of recordings by individuals who are not authorized District officials may only be permitted at school buildings, in the transportation office, or at the Support Services Complex unless otherwise authorized by the superintendent or superintendent's designee(s), or unless otherwise required by law. All viewings shall include the director of student safety & emergency management, the director of transportation and/or the building principal, or their designee(s).

A written log will be maintained of individuals viewing recordings, including the date of viewing; reasons for viewing; date the recording was made; District facility and area of facility, District building and area in or around building, or District vehicle where the recording occurred (including name of driver); and signature of viewer(s).

Subpoenas, warrants, or other legal records requesting access to video or audio-visual recordings will be submitted or forwarded immediately to the District's Records Department for processing.

School-Sponsored Student Publications (IHAAA)

The purpose of school-sponsored student publications shall be to provide students with guided instructional experiences in reporting, writing, editing, and understanding English and responsible journalism. School newspapers have the additional purpose of disseminating school-related information among the members of the school community.

The Board encourages students to freely and creatively express their views in school-sponsored publications subject to the limitations of this policy, which shall serve as a publications code, and governing law. To protect the rights of all members of the school community and to promote the educational purposes of the schools, students shall be prohibited from publishing:

1. Expression which is obscene.

2. Expression which is libelous, slanderous, or defamatory under state law.
3. Expression which is false as to any person.
4. Expression which creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, the material and substantial disruption of the orderly operation and discipline of the school and school activities.
5. Expression which violates the rights of others to privacy.
6. Expressions which are in violation of lawful school regulations designed to maintain an educational environment conducive to learning and/or prevent disruption of school operations.

The publications instructor shall direct and control the learning experience that the publication is intended to provide, and shall teach and encourage responsible expression and professional standards of English and journalism. The publications instructor may directly assign work to students or, in the alternative, may make student editors responsible for determining the news, opinion, and advertising content of the publication subject to review and approval by the publications instructor, the provisions of this policy and governing law.

The publications instructor shall provide direction and supervision to students in developing editorial policy guidelines which address the publication's philosophy and operating procedures including, but not limited to, sensitive issues such as profanity, advertising, confidentiality, invasion of privacy, deaths within the school community, and letters to the editor. The editorial policy shall be reviewed and revised yearly by the publications instructor.

All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press, as may be allowed under this policy, is not an expression of the District or of District policy, and that the District and its employees are immune from civil or criminal action based on any expression made or published by students in such cases.

■ Time, Place, and Manner of Distribution

The principal shall coordinate with the publications instructor regarding the time, place and manner of distributing school-sponsored publications to reduce any conflict with school instructional time and/or reduce any disruption of the orderly operation of the school that might be caused by the distribution of school-sponsored publications.

■ Review Procedures

Any member of the administration, faculty, or staff of a school in Poudre School District R-1 who has knowledge or reasonable suspicion of the publication, intended publication, distribution, or intended distribution of any school-sponsored publication which contains prohibited expression as listed above shall notify the publications instructor as soon as possible of such fact, together with all supporting information known to the notifying person. In the event the publications instructor is unable or unwilling to address the matter to the satisfaction of the notifying person, that person may present his or her concerns to the principal or principal's designee.

Whenever a matter comes before the principal or principal's designee for resolution, an informal hearing shall be scheduled as soon as reasonably possible. At the hearing, the students involved, the publications instructor, and such other persons as the principal or designee deems appropriate may be present.

All parties involved shall have the opportunity to present their views. However, they shall not have the right to representation by legal counsel or to call or cross-examine witnesses.

Thereafter, the principal or principal's designee shall notify all parties in writing of his or her decision. If the decision is that all or any part of the expression is prohibited under the terms of this policy, the decision shall specify the rule or standard which has been violated.

If the decision of the principal or principal's designee is not acceptable to any of the parties involved, they may appeal

the decision to the superintendent or superintendent's designee by written request, which must be received by the superintendent or designee by the close of the business day following the date of the principal's/designee's decision.

The Board of Education may review a decision by the superintendent or superintendent's designee if it deems such review necessary or desirable, and if a written request setting forth the appealing party's position is received by the secretary of the Board within two school days of the date of the superintendent's/designee's decision.

Compulsory Attendance Ages (JEA)

Every child who is six years old on or before August 1 and is under the age of 17 years is required to attend public school, with such exceptions as provided by law. It is the responsibility of the parents to ensure attendance. For the purposes of this policy, "parent" is defined in Colorado law as the mother or father of a child or any other person having custody of a child.

As authorized by law, the parent of a child who began attending preschool or kindergarten at five or six years of age may notify the child's school of the parent's wish that the child not advance to first grade in the following school year. A school that receives such notice will honor the request and retain the child in their current grade level for the following school year. The school may request a meeting with the student's parents to discuss the benefits and harms of retention.

Student Attendance/Tuancy (JH/JHB)

State law requires parents/caregivers to ensure that every child under their care and supervision receives adequate education and training and, if of compulsory attendance age (see District Policy JEA – Compulsory Attendance Ages), attends school. Communication and collaboration between the school and parents/caregivers regarding attendance is intended to maintain student safety and increase student success. Excessive absences disrupt continuity in the learning process and social adaptation. Accordingly, students are required to satisfy all academic requirements and attend school as stated in this policy.

■ Definitions

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

- **"Habitually Truant"** means a student who is at least the age of six on or before August 1 of the school year in question and under the age of seventeen years having four total days of unexcused absences from public school in any one calendar month or ten total days of unexcused absences from public school during the reported school year.
- **"Tardiness"** means a student entering classes after the scheduled start time without proper excuse
- **"Unexcused Absence"** is an absence from school without a valid and verifiable excuse by the parent/caregiver that is consistent with this policy or the student leaves school or a class without permission of an authorized employee.

■ Excused Absences

The following will be considered excused absences:

1. A student whose absence is approved by an authorized school administrator. This should be prearranged prior to the absence when possible.
2. A student whose prearranged absence is approved for appointments or circumstances of a serious nature that cannot be taken care of outside school hours.
3. A student who is temporarily ill or injured.
4. A student who is absent for an extended period due to a physical disability or a mental or behavioral health disorder, or a student whose temporary absence is due to behavioral health concerns.

5. A student who is pursuing a work-study program under the supervision of the school and in compliance with the Colorado Youth Employment Opportunity Act of 1971.
6. A student who is attending any District-sponsored activity with advance approval of the school administration.
7. A student who is excused by a parent/caregiver for a religious or cultural observance.
8. A student who is in the custody of a court or law enforcement authorities, or who is ordered to appear in court.
9. A student whose absence is due to suspension.
10. A student whose absence is due to expulsion; however, when a student is expelled, the parent/caregiver is responsible for ensuring the student meets the compulsory school attendance requirements or exceptions under Colorado law through the alternative education program offered by the District, an independent or parochial school, or home instruction during the period of expulsion.
11. A student who is excused from school for a therapy, medical, legal, or victim services appointment related to harassment or discrimination per District Policy JBB – Harassment or Discrimination of Students and AC-R1 – Harassment and Discrimination Investigation Procedures for Students, or for behavioral or mental health concerns related to harassment or discrimination.

The District may require proof regarding the above exceptions for an absence to be considered excused, including written statements from a health care provider.

■ Unexcused Absences

Each unexcused absence will be entered on the student's record. School employees must notify each student's parent/caregiver of the student's unexcused absences in a timely manner to allow the parent/caregiver to address the absence.

In accordance with law, the District may impose appropriate penalties for a student's nonattendance due to unexcused absences. The District must take into account a student's McKinney-Vento status when determining if a penalty is appropriate (see District Policy JFABD – Students Experiencing Housing Insecurity for limitations on penalizing McKinney-Vento status students). The District attendance officer and school administrators will communicate the District's and school's rules and procedures related to unexcused absences to students and their parents/caregivers. Students and parents/caregivers may petition their school principal for exceptions, which must be approved by the assistant superintendent's office.

■ Truancy

A student will be considered "truant" if they are absent from school without excuse as provided under this policy. In order to reduce the incidents of truancy, parents/caregivers of all students will be notified in writing at the beginning of each school year of their obligation to ensure that their children of compulsory attendance age attend school. Parents/caregivers will be required to furnish the school with a telephone number or other means of contacting them during the school day.

The District will establish a system of monitoring individual excused and unexcused absences. When a student fails to report on a regularly scheduled school day and school employees have received no indication that the parent/caregiver is aware of the absence, school employees (or volunteers under the direction of school personnel) will make a reasonable effort to notify the parent/caregiver by telephone.

Appropriate District employees will make all reasonable efforts to meet with the student's parent/caregiver to review and evaluate the reasons for the student's truancy. A plan must be developed for a student who is declared habitually truant, with the goal of assisting the student to remain in school. As appropriate, the student's parent/caregiver must participate with District employees in the development of the plan.

As provided by law, judicial proceedings may be initiated to enforce Colorado's compulsory attendance law with respect to students determined to be habitually truant.

■ Make-up Work

Make-up work will be provided by the school for any class in which a student has an excused absence or has been suspended from school unless otherwise determined by the school principal or unless the absence is due to the student's expulsion from school. Make-up work will be allowed following an unexcused absence or with the goal of providing the student an opportunity to keep up with the class and an incentive to attend school. However, this work may receive only partial credit, as authorized by law.

It is the student's responsibility to pick up permitted make-up assignments on the day the student returns to class. There will be one day allowed to make up work for each day of absence unless a student has an accommodation for an extension of time.

Unless otherwise permitted by the school principal, make-up work will not be provided during a student's expulsion from school. Rather, the District will offer alternative education services to the expelled student in accordance with state law. The District will determine the amount of credit the expelled student will receive for work completed in such an alternative education program.

■ Tardiness

Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy students to uninterrupted learning, penalties will be imposed for excessive tardiness. Parents/caregivers will be notified of all penalties regarding tardiness.

A student detained by another teacher or administrator will not be considered tardy, provided that the student is given a pass to enter the next class. Teachers must honor passes presented in accordance with this policy.

■ Appeals

Appeals regarding the District's application of this policy with respect to any student must be made to the assistant superintendent's office. If the appeal is not satisfactorily resolved by the assistant superintendent's office, the matter may be appealed to the superintendent, whose decision will be final. Open/Closed Campus (JHCA)

All schools, except the comprehensive senior high schools, shall operate under a closed-campus policy. Students who are subject to the closed-campus requirement under this policy shall not be permitted to leave the campus during the school day without permission.

Open-campus is a privilege, not a right, of senior high school students, and shall be subject to regulations adopted by the principal of each high school.

All visitors to any school must check in at the administrative office immediately upon arrival. Unauthorized visitors will be asked to leave school property and may be cautioned that in the future they may be cited for trespassing. Uncooperative visitors may be referred to the appropriate law enforcement agency by the building administration.

■ Elementary and Middle Schools

Elementary and middle school students may go home for lunch if the building principal or designee has received a written request from their parents/guardians. If a parent/guardian wishes to take other students to lunch, the school requires written permission slips from those students' parents/guardians.

Exceptions to the closed-campus policy are made when parents/guardians pick up their children and sign them out of the building at the school office. Students must sign back in if they return to school on the same day. No student will be dismissed early without permission from their parent(s) or legal guardian(s).

Student Dress (JICA)

The Board of Education recognizes that responsibility for the dress and appearance of students generally rests with individual students and their parent/caregiver. All students should be able to dress comfortably and in a manner that expresses their individuality, without feeling they may be disproportionately disciplined. School officials must enforce the dress code equitably, consistently, and in a manner that does not create disparities, reinforce stereotypes, or increase marginalization or oppression of any group. This dress code will not be more strictly enforced against students based on body size or shape, or on the basis of a protected class, as defined in Policy AC – Nondiscrimination/Equal Opportunity.

■ Definitions

- **“Apparel”** means clothing, articles worn as clothing, shoes, headwear, facial coverings, and accessories such as scarves, sunglasses, or jewelry.
- **“Cultural”** means a recognized practice or tradition of a certain group of people and is based on disability, race, ethnicity, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, or ancestry.
- **“Dress code”** means the set of parameters established within this policy that describes the standards for student attire.

■ General Principles

Districtwide standards on student apparel are intended to establish minimum standards of dress, prevent students from wearing apparel that is disruptive, and ensure the maintenance of safe and orderly schools. This dress code applies to all students on school grounds during the school day, on a District vehicle, and at a District or school sponsored activity or event, and off District property if connected to a District curricular or noncurricular activity or event.

Apparel must not endanger the student or interfere with their learning or the learning environment while the student is participating in classroom or other District- or school-sponsored activities. The school principal or designee will have the authority to determine if a student’s apparel violates this policy. Students’ hair/hairstyles will not be considered a cause for dress code violation.

■ Mandatory and Allowable Dress

1. Students must wear a top, bottom, and footwear;
2. Some courses may require adjustments to attire and hairstyle to ensure safety during academic activities;
3. Some courses and school-sponsored extracurricular activities may require specific attire that may be more restrictive or less restrictive than these requirements.

■ Unallowable Dress

1. Items that expose private parts of the body (genitals, nipples, or buttocks);
2. Items with sexually suggestive language or messages;
3. Items that promote conduct that is illegal, violent, or contrary to District policies regarding drugs, alcohol, tobacco, or secret societies/gang activity;
4. Items that depict hate speech or otherwise violate District policies on harassment or discrimination;
5. Items that are profane, vulgar, or obscene;
6. Items that make the students face unidentifiable, unless the item is a protective mask, clothing/headgear worn for religious purposes, or clothing/headgear worn for medical purposes.

■ Graduation Attire

The District will create and maintain graduation dress code guidelines to ensure the uniformity of students during graduation ceremonies. In addition to any required graduation regalia, a student may wear recognized objects of cultural significance as an adornment during any school’s graduation ceremony. Adornment that is likely to cause substantial

disruption or to materially interfere with the ceremony (aside from Tribal regalia) is not permitted. A substantial disruption is more than mere discomfort.

Tribal regalia may be worn at graduation by any student who is a descendant of Indigenous peoples of North America, a child or grandchild of an enrolled tribal member, or themselves an enrolled tribal member.

Any adornment must be worn by the student, and the student's hands must remain free. Full-sized flags are not permitted. Nothing in this policy permits students to wear adornments to graduation that are in violation of other District policies, including policies regarding hate speech, weapons, drugs, and drug paraphernalia.

Apparel worn under the required graduation apparel must be in compliance with this dress code policy.

■ Dress Code Enforcement

A student who violates this dress code will be notified of the violation and will be provided with three options: (1) wear their own alternative clothing, if available at school; (2) wear school-provided clothing; or (3) call a parent/caregiver to bring alternative clothing. A conference with the student's parent/caregiver may be held at the discretion of the principal or designee. Repeated or serious violations may result in disciplinary consequences, including suspension or expulsion if the nature of the offense could constitute grounds for suspension or expulsion under District Policy JKDA-JKEA – Grounds for Suspension/Expulsion of Students.

A student who wears or brings any item to a graduation ceremony that is not permitted under District policy will be approached by an administrator, who will ensure the student is in compliance with District policy before participating in the graduation ceremony by removing or covering up the impermissible item. Once the student is in compliance with District policy, they will be permitted to participate in the graduation ceremony.

Behavioral Threat Assessments (JICDD)

The District has the authority to conduct a behavioral threat assessment to identify, assess and manage potentially dangerous or violent situations and for behaviors occurring on District property, on the District computer network or District devices, on a District vehicle, at all District or school-sponsored activities or events, or off District property when such conduct has a reasonable connection to the District. This policy applies to students. Threat assessments for behaviors or situations involving staff or community members are not included in this policy.

■ Definitions

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

- **"Behavioral threat assessment"** is a proactive approach to identify, assess and provide appropriate interventions and resources for students who display behavior that elicits concern for the safety of themselves or others. It is not a criminal investigation, a checklist, or a disciplinary process. Rather, threat assessments offer schools a method to understand the whole picture surrounding a wide range of potentially violent situations and craft a plan to intervene appropriately.
- **"Behavioral threat assessment team"** is a multidisciplinary team that may vary depending on the needs of the school and District, and may include the following roles, as needed: behavioral threat assessment coordinator, school administrators, law enforcement, mental health professionals, teachers, school counselors.

■ Responsibilities of Employees and Parents/Caregivers

The safety of students, employees, the school, and community are a District priority. Employees who are aware of a student whose behavior, actions and/or communication may pose a threat either to that student or to others in the school or community must report the concern to an administrator. Parents or community members who are aware of a student whose behavior, actions and/or communication may pose a threat either to that student or to others in the school or community are encouraged to report the concern to a school administrator. The student should be evaluated in accordance with the

District's threat assessment procedures, subject to the behavioral threat assessment team's discretion.

■ Purpose and Process for Behavioral Threat Assessment

The purpose of a behavioral threat assessment is to:

1. Identify, assess, and manage threats: The behavioral threat assessment process is designed to recognize potentially dangerous or violent situations early;
2. Distinguish legitimate threats: The behavioral threat assessment process helps schools differentiate between non-credible threats and actual risks of targeted violence, ensuring appropriate responses.
3. Connect students to support: The ultimate goal is to link students with schools and community-based interventions, ideally within a comprehensive multitiered system of support that fosters a positive school climate and effective discipline practices.

A behavioral threat assessment may be conducted without consent from the student's parent/caregiver, but the District will provide notice and an opportunity to participate in the process. Parent/caregiver participation is not required for completion of a behavioral threat assessment and the District will proceed with an assessment and response based on information available at that time.

If information suggests the need for law enforcement assistance, the District will promptly request such assistance.

■ Students Supported with an IEP or 504 Plan

Behavioral threat assessments conducted for students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504) will be conducted in accordance with IDEA and Section 504.

■ Student Records

As addressed in District Policy JRA/JRC – Student Records/Release of Information on Students, the District must have written permission in order to release any information from a student's education record, unless an exception applies. However, as indicated in District policy and the Family Educational Rights and Privacy Act (FERPA), schools are permitted to disclose student records, including behavioral threat assessments, in certain circumstances without parental consent, including to appropriate officials if the disclosure is in connection with an emergency and knowledge of the information disclosed is necessary to protect the health or safety of the student or other persons, or if the disclosure is to state or local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code.

Bullying Prevention and Education (JICDE)

■ Statement of Purpose

The Board of Education recognizes the negative impact that bullying has on student health, welfare, and safety and the repercussions it can have on the learning environment at school. The Board supports a secure and positive 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 and other behaviors, as defined below, are prohibited on all District property, on all District vehicles, at all District or school-sponsored activities or events, on District-owned and –issued devices, and off school property when such conduct has a reasonable connection to the District.

Prohibited Behavior by Students, Employees, and/or Volunteers:

1. Bullying;
2. Retaliating against those reporting bullying; and
3. Making knowingly false accusations of bullying behavior.

■ Definitions

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

- **“Bullying”** means to willfully cause physical, mental, or emotional harm to any student or to use coercion or intimidation to influence and/or obtain control over another person. This can occur through written, verbal, or electronically transmitted communications (i.e., cyberbullying) or by means of a physical act or gesture. This includes, but is not limited to, such expression, act, or gesture directed toward a student on the basis of that student’s academic performance, on the basis of the student’s weight, height, or body size, or on the basis of a protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity, whether such characteristic(s) is actual or perceived.
 - For the purposes of this policy, bullying may occur between two or more students or between adults and students. However, harassing conduct between two adults is addressed separately from this policy in Policy GBAA – Harassment or Discrimination of Employees.
 - There are three general types of bullying: physical, verbal, and relational. Physical bullying occurs when there is physical contact and it results in harm to a student or is unwelcomed; it also includes damage to property (e.g., hitting, kicking, spitting, giving a wedgie, or breaking something they own). Verbal bullying is harmful written or verbal communication (e.g., name-calling or threatening another student). Relational, or social, bullying occurs when a student’s relationships or social status are harmed (e.g., spreading rumors or anonymously posting private or unflattering information online).
 - Bullying usually consists of three components that differentiate it from other forms of aggression or conflict. Bullying behavior is:
 1. Unwanted;
 2. Repeated or likely to be repeated; and
 3. Marked by an imbalance of physical, social, or socio-economic power (e.g., physical strength/size, access to private information, or perceived social status). Power imbalances can change over time and in different situations, even if they involve the same students.
- **“Cyberbullying”** is when students use technology to bully someone, verbally or relationally. Cyberbullying can happen off school grounds, on a personal device, and without connection to any school or District curricular or non-curricular activity or event. However, it may still be within the scope of the District’s ability to respond when it affects a student’s welfare, their ability to access their education, and/or the behavior has a nexus, or connection, to the school or District. The District will respond to any report of cyberbullying that:
 - Involves bullying during online instruction;
 - Involves bullying on District-owned and –issued devices; or
 - Any instance that has a nexus to the school or District.
- **“Conflict”** means a disagreement or argument between two or more people in which all sides express their views. This occurs when individuals hold equal power in a relationship but have different points of view. Mean behavior and conflict are not bullying in and of itself.
- **“Harassment”** Bullying may be considered or include acts of harassment when the behavior directed at a student is based on a protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity. This may include acts that could be considered micro-aggressions when they are repeated despite the student engaged in the acts being made aware that the behavior is not acceptable. In those circumstances, the behavior

is subject to District Policy JBB – Harassment or Discrimination of Students and the process and procedures in District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students or District Regulation AC-R3 – Sex-based Harassment Investigation Procedures. Harassment is not in and of itself bullying.

- **“Retaliation”** means intimidating, threatening, coercing, or discriminating against an individual by the District, a student, or an employee or other person authorized by the District because the individual raised a good-faith concern about or participated in good faith in an investigation on an act of bullying. Retaliation can also include knowingly making false accusations of bullying or acting to influence the investigation of, or the response to, a report of bullying.
- **“Teasing”** means mocking or making fun of someone playfully. Signs that teasing may be bullying are when the teasing is hostile, the student teasing intends to hurt the student being teased, and/or the student being teased is harmed by the behavior. Teasing may be bullying when there is an imbalance of power.
- **“False accusations of bullying”** means claims made by an individual or group of individuals with the purpose of causing harm to another individual and which are false.

■ Reporting

Any student who believes they have been a target of bullying and/or other behaviors prohibited by this policy (i.e., retaliation or making knowingly false accusations of bullying behavior), or who has witnessed such bullying and/or other prohibited behaviors, is strongly encouraged to immediately report it to an administrator, school counselor, teacher or other employees at their school. Any parent/caregiver who believes their student has been a target of bullying or other prohibited behaviors under this policy is strongly encouraged to immediately report it to an administrator, school counselor, teacher or other employees at their student’s school.

All District employees and authorized volunteers who have any incident of bullying reported to them, observe potential bullying behavior, or otherwise have reason to believe it is occurring must promptly forward the report(s) and/or other information to the school principal or principal’s designee for appropriate action.

■ Prevention and Intervention

The District will maintain a comprehensive District-wide program to address bullying at all school levels and will ensure that the program is consistently applied across all students and employees. Procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior are contained below and in Policy AC-R1 – Harassment and Discrimination Investigation Procedures for Students. The program is aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents/caregivers, families, and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To engage in restorative practices proactively to develop relationships, encourage a positive school climate, and address conflict. Mediation in response to bullying situations should be avoided.
3. To support positive school climate efforts that clearly define, teach, and reinforce prosocial behavior. This includes intentional efforts to promote positive relationships between employees and students as well as students with other students.

■ Goals Related to District Employees:

1. To train employees in taking proactive steps to prevent bullying from occurring. This includes but is not limited to, training on the District’s policy, how to recognize and intervene in bullying situations, and positive school climate practices.
2. To designate a team of persons at each school who advise the school administration on the severity and frequency of bullying. This team may include, but need not be limited to, school resource officers, social workers, school psychologists, health professionals, mental health professionals, school counselors, teachers, administrators, parents/caregivers, and students.

■ Goals Related to Students:

1. To provide students engaged in bullying with education on acceptable behavior, discussions, counseling, and appropriate negative consequences. In instances that result in disciplinary action or negative consequences, educational interventions should still be applied, as appropriate.
2. To support targets of bullying through a layered continuum of supports that includes, but is not limited to, individual counseling and supports that may be short in duration or ongoing.
3. To survey students' impressions of the severity and frequency of bullying behaviors in their school, as well as include students in the development, creation, and delivery of bullying prevention efforts as developmentally appropriate.
4. To provide resources for students that include, but are not limited to, age-appropriate, evidence-based social and emotional behavioral learning as well as information on the recognition, intervention and prevention of bullying behaviors. The program will help develop peer support networks, social skills, and confidence for all students.

■ Goal Related to Families and Community Members:

1. To foster a productive partnership with parents/caregivers, families and community members in order to help maintain a bullying-free environment across all settings.
2. To empower parents/caregivers to report concerns about bullying to the District. The District will make allow for multiple avenues for reporting and account for barriers to reporting such as language access and time constraints during work hours.

■ Investigating and Responding

All District employees and authorized volunteers who witness student bullying in any such circumstance must immediately take appropriate action to stop the bullying, as prescribed by the District and the school principal, and must promptly report the bullying to the principal or principal's designee for appropriate action. Each principal or designee must ensure that all reports and other information involving student bullying in any such circumstance are promptly and thoroughly investigated, and that appropriate action is taken. Reports of bullying will be investigated per the procedures contained in Policy AC-R1 – Harassment and Discrimination Investigation Procedures for Students.

The District is obligated to follow state reporting procedures, and report required data on bullying to the state.

If the target of bullying is a student with a disability who has an Individualized Education Program under the Individuals with Disabilities Education Act (an "IEP") or a Plan under Section 504 of the Rehabilitation Act of 1973 (a "Section 504 Plan"), the investigation shall include a determination of whether the student's receipt of a free appropriate public education ("FAPE") under the IEP or Section 504 Plan may have been affected by the bullying. If it is determined that a student's receipt of FAPE under an IEP or Section 504 Plan may have been affected by bullying, the District shall promptly convene the student's IEP team or Section 504 team to determine whether and to what extent: (a) the student's educational needs have changed; (b) the bullying impacted the student's receipt of FAPE; and (c) different or additional services are needed to ensure the student's ongoing receipt of FAPE. If different or additional services are needed, the student's IEP or Section 504 Plan shall be promptly revised and implemented.

■ Supports and Referrals

As part of the District's comprehensive program to address bullying, District procedures that will be implemented at all schools will be developed with the aim toward accomplishing the following goals:

- Initiate efforts to change the behavior of students engaged in bullying behaviors through intervention and support;
- Support targets of bullying, so that the District and not the target of bullying can respond without the student feeling compelled to respond on their own; and

- Support witnesses of bullying.

A student who engages in any act of bullying or retaliation is subject to appropriate disciplinary action, up to and including suspension or expulsion. In addition, the principal or designee must consider other actions that may be appropriate in response to student bullying, including but not limited to:

- Implementing educational opportunities and programming to inform students that bullying is prohibited, teach students about behaviors that constitute bullying, and advise them how to report and the response and consequences for engaging in bullying activity.
- Holding conferences with the parents/caregivers of students who continue to engage in bullying after intervention by District personnel, in order to develop cooperative strategies to address the students' behavior.
- Holding training and professional development to assist school employees in being alert to student bullying, taking appropriate action when bullying occurs, and creating an atmosphere where bullying is not tolerated at school or school-related activities.

Student Distribution of Non-School Materials (JICEC)

Students shall have the right to distribute non-school materials on school property, or at school-sponsored activities or events, in accordance with governing law and subject to the terms of this policy. As used in this policy, "non-school materials" are defined as documents and other items (regardless of whether such items include written, pictorial, audio, digital or other communicative content) that are not owned by the District, are not used in connection with a District curricular or extracurricular program, and are not otherwise sanctioned by the District or one of its schools. Violations of this policy shall be grounds for student discipline and/or denial of future requests to distribute non-school materials on school property or at school-sponsored activities or events.

Student distribution/posting of non-District communications that is not covered by this policy but involves the use of District property and/or resources shall be governed by District Policy KHC.

■ Prohibited Distribution

Students are prohibited from distributing non-school materials on school property or at school-sponsored activities or events that in themselves or in the manner they are distributed:

- create or threaten to create substantial disruption of District or school operations, or of any District or school class, program, activity or event;
- create or threaten to create substantial disruption of the learning environment of any District or school class, program, activity or event;
- cause or threaten to cause injury to persons or property;
- are obscene, defamatory or violate any person's privacy rights; or
- advocate or encourage the violation of any federal, state or local law, or the violation of any District policy or regulation.

■ Distribution Approval Process

Students who wish to distribute more than 10 items or copies of non-school materials on school property must notify the school principal or principal's designee of their request at least three school days in advance of the planned distribution date and provide an example or copy of the materials they wish to distribute. The principal or principal's designee shall respond in writing to such requests within three school days.

In each case where non-school materials are not approved for distribution on school property, the principal or principal's designee shall provide a written explanation of why the materials are not approved under the terms of this policy.

In each case where non-school materials are approved for distribution on school property, the principal or principal's designee shall provide written direction governing the time, place and manner of the distribution in accordance with the following terms and conditions:

■ Time

Distribution of non-school materials may occur for 30 minutes before school, and/or during regularly scheduled lunch periods, and/or for 15 minutes after school. Distribution of non-school materials at other times during the school day is considered to be substantially disruptive of school operations.

■ Place

Distribution of non-school materials shall occur at locations on school property designated by the principal or principal's designee, except that in no event may any such distribution occur in a classroom or other location where District curricular or extracurricular activities are taking place.

■ Manner

No student shall be in any way coerced or otherwise compelled to accept any non-school materials being distributed.

All leftover non-school materials that are not distributed and all distributed non-school materials that have been discarded on or near school property shall be promptly placed in a recycling bin or trash receptacle, or removed from the school and its environs.

No District employee or student shall interfere with the distribution of non-school materials that is being conducted in accordance with the terms of this policy.

■ Appeals

Decisions of the school principal or principal's designee under this policy may be appealed in writing to the appropriate assistant superintendent of school services within 10 days after the decision is made. The decision of the assistant superintendent shall be final.

Secret Societies/Gang Activity (JICF)

The Board of Education is committed to keeping District schools and activities free from threat or harmful influence of any secret society or gang. Therefore, it is prohibited for students to be involved in, promote, or otherwise indicate membership in secret societies or gangs on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to the District.

■ Definitions

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

- **"Gang"** means a group of three or more individuals with a common interest, bond or activity characterized by criminal or delinquent conduct, engaged in either collectively or individually.
- **"Delinquent Conduct"** means conduct of a juvenile contrary to any federal or state law, any county or municipal ordinance except traffic offenses, or any lawful order of a court.
- **"Secret Society"** means a group that possesses secret rites among its members and/or or deals with private matters known only to one or a few and kept from others. Secret society includes any secret fraternity or sorority.

District employees must not infer that a student is a member of a secret society or gang solely because of ethnic background, race, color, religion, socioeconomic status, or any other protected class under District Policy AC – Nondiscrimination/Equal Opportunity.

The superintendent or designee will maintain communication with law enforcement authorities and other community agencies to share information and provide mutual support in the District's effort to keep District schools and activities free from threat or harmful influence of any secret society or gang, as permitted by law.

School administrators shall contact parents/caregivers regarding a student's possible gang or secret society involvement, and may take disciplinary actions as needed.

Student Conduct Involving Drugs and Alcohol (JICH)

Poudre School District promotes a healthy environment for students by providing education, support and decision-making skills regarding alcohol, drugs and other controlled substances. To accomplish this goal, District employees will cooperate with law enforcement, social services and other agencies and organizations, parents/caregivers, and any other recognized community resources committed to reducing the incidents of unauthorized use of drugs and alcohol by students.

■ Definitions:

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

- **"Analogue"** is a substance that has a stimulant, depressant, hallucinogenic or other effect on a person similar to that of a drug or controlled substance.
- **"Drugs"** are all substances defined under state or federal law as "drugs" or "controlled substances," as well as analogues, counterfeit drugs and substances falsely represented as being drugs.
- **"Authorized drugs"** are defined as over-the-counter and prescription drugs, including vitamins and other dietary supplements, that are properly possessed and used by the person for whom they are intended or prescribed in accordance with all applicable District policies and regulations, including but not limited to District Policy JLCD–Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management.
- **"Unauthorized drugs"** are all drugs not defined as authorized drugs, including analogue substances.
- **"Distributing," "giving" or "selling"** (referred to collectively as "distributing" or "distribution") mean a student's involvement in the exchange of drugs for anything of value, including but not limited to money, commodities or services. There need be no use or intent to use the drugs involved in the sale.

■ Prohibitions, Education, and Enforcement

Student possession of drug paraphernalia and possession, use, distribution, or being under the influence of alcohol, unauthorized drugs, or analogue substances are prohibited on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to the school or District.

District and school employees will provide age-appropriate education to students on the detrimental impacts of alcohol and drugs and equip students with decision-making strategies and skills to minimize the use, abuse and distribution of these products.

Enforcement of this policy will be done equitably, equally, and consistently. No student will be subjected to a more severe consequence based on the student's race, color, creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, family composition, age or disability.

As required by Colorado law, primary caregivers are permitted to administer medical marijuana in a non-smokeable form to students on District property and at District or school-sponsored activities and events in accordance with the terms and conditions specified in District Policy JLCDB – Administering Medical Marijuana to Qualified Students on District Property. Notwithstanding any provision of this policy to the contrary, students will not be considered in violation of this policy and will not be subject to discipline for acting in compliance with District Policy JLCDB. Student possession, use, and distribution of alcohol will be addressed under District Policy JKDA/JKEA – Grounds for Suspension/Expulsion of Students.

School administrators and employees will follow the District's procedures on referrals, consultations, and cooperation with law enforcement.

■ Possession, Use, Under the Influence, or Purchase of Unauthorized Drugs

A student who is in possession of, under the influence of, used, or purchased unauthorized drugs on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to the school or District may be subject to discipline, up to and including expulsion.

A student's conduct will be reviewed pursuant to this policy and the factors outlined in District Policy JKD/JKE – Suspension/Expulsion of Students. Aggravating circumstances may result in a different disciplinary consequence.

Disciplinary progressions for these offenses reset when a student advances to a new school level (elementary to middle and middle to high school). For middle-high schools or K-8 schools, disciplinary progressions for these offenses reset in 6th and 9th grade.

■ First offense

The student will be suspended from school for five school days upon the first offense within the student's current school level. Up to four days of the suspension may be deferred if the steps below are successfully completed.

A parent/caregiver conference will be held to discuss the student's options. The school principal or designee will develop with the parent/caregiver and the student a procedure that will outline the responsibilities of the parent/caregiver, the student, and the school to keep any further offenses from occurring. The student will be given the opportunity to participate in an appropriate drug and alcohol program, counseling, or both at the student's school. Participation and completion of the program or counseling is required to maintain deferral of the remaining suspension days.

■ Second Offense

The student will be suspended from school for ten school days upon the second offense within the student's current school level. Up to five school days of the suspension may be deferred. A parent/caregiver conference will be held to discuss the student's options. The school principal or designee will develop with the parent/caregiver and the student a procedure that will outline the responsibilities of the parent/caregiver, the student, and the school in an effort to keep any further offenses from occurring. The student will be given the opportunity to participate in an appropriate drug and alcohol program, counseling, or both at the student's school. Participation and completion of the program or counseling is required to maintain deferral of the remaining suspension days.

■ Third Offense

The student will be considered for expulsion upon the third offense within the student's current school level. The student will be given the opportunity to complete any of the following:

- A District supported alcohol and/or drug education intervention program. Any fee for the District supported alcohol and/or drug education intervention program will be paid by the District, excluding indirect costs like transportation; or
- A non-District supported alcohol and/or drug education intervention program selected by the student and the student's parent/caregiver. The non-District supported program must be equivalent in content and length to the District program and must be agreed to by the student, the student's parent/caregiver and the building administrator. Any fees associated with a non-District supported program will be the sole responsibility of the student and the student's parent/caregiver.

If the student elects to participate in one of these options, a written agreement will be completed with the superintendent or designee, the school principal or designee, the student, and the student's parent/caregiver. If the student is 18 years of age or older, the student may sign the agreement without their parent/caregiver. The agreement must contain a provision

that the remaining school days of suspension and recommendation to expel will be reinstated for the offense if the student fails to comply with the terms of the agreement. If the student successfully complies with the terms of the agreement, their discipline record will not reflect an expulsion. The student's parent/caregiver may be asked to provide a written release to the District so that District employees can access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.

If the student and the student's parent/caregiver do not enter into a written agreement, the procedures regarding suspension/expulsion of students in District Policy JKD/JKE – Suspension/Expulsion of Students and JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students will be followed.

■ Fourth Offense

The student will be recommended for expulsion upon the fourth offense and all subsequent offenses within the student's current school level.

■ Distribution of Drugs

The District perceives distribution of drugs to be a more serious offense because the act of distributing affects more than the individual student. Therefore, a student will be considered for expulsion for distribution of any drugs on the first and any subsequent offenses.

Student Conduct Involving Weapons (JICI)

The Board of Education has determined that student possession, use and/or threatened use of a dangerous weapon, which for the purposes of this policy includes a knife regardless of blade length, is detrimental to the welfare and safety of students, employees and the community.

Student possession, use and/or threatened use of a dangerous weapon without the authorization of the school or the District, is prohibited on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to school.

In accordance with federal law, expulsion for no less than one full calendar year shall be mandatory for a student who is determined to have brought a firearm as defined below to school or to have possessed a firearm at school, regardless of age. The superintendent may modify the length of this federally required expulsion in writing on a case-by-case basis.

The Board of Education determines that extra precautions are important and necessary to provide for student safety. Therefore, student possession, use and/or threatened use of a dangerous weapon in violation of this policy is grounds for suspension or expulsion.

This policy and all policies related to suspension and expulsion must be enforced equitably across schools and across protected classes, as defined in Policy AC – Nondiscrimination/Equal Opportunity.

■ Definitions

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

“Dangerous weapon” means:

1. A firearm, whether loaded or unloaded;
2. Any device designed to propel projectiles by spring action or compressed air; This includes pellet and BB guns and applies regardless of whether the device is operational;
3. Any knife, regardless of blade length; or
4. Any object, device, instrument, material or substance, whether animate or inanimate, used or intended to be

used to inflict death or serious bodily injury.

“Firearm” means:

1. Any weapon (including a starter gun) that will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device, as defined below.

“Destructive device” means:

1. Any of the following with an explosive, incendiary, or poison gas mechanism: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of those in the preceding list;
2. Any type of weapon that will or that may be readily converted to expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; or
3. Any combination of parts either designed or intended for use in converting any device into a “destructive device” (as previously defined) and from which a “destructive device” (as previously defined) may be readily assembled.

Firearm Facsimile

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, on District vehicles, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school without the authorization of the school or District is prohibited. Students who violate this policy provision may be subject to disciplinary action, including but not limited to suspension and/or expulsion, in accordance with District policy concerning student suspensions, expulsions and other disciplinary interventions.

A student may seek prior authorization from the 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 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 is final and not subject to appeal.

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.

■ Confiscation and Surrender of Weapons

School administrators, officials and employees may confiscate any weapons or other articles detrimental to the health, safety or welfare of students and/or employees, and may submit the weapon or article to the appropriate law enforcement agency.

If a student inadvertently brings a weapon prohibited by this policy on District property, in a District vehicle, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school without intent to use the weapon (excluding a firearm), the student can surrender the weapon to an administrator without facing disciplinary consequences. Surrendered weapons will only be returned directly to the student’s parent/caregiver.

Any student with a firearm at school for any reason will face disciplinary consequences. Repeated incidents of a student surrendering a weapon may result in disciplinary consequences.

All students are encouraged to report to District staff or through Safe2Tell if they are aware that another student has a dangerous weapon on District property, in a District vehicle, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school.

■ Referral to Law Enforcement

District personnel shall refer any student to law enforcement who brings a firearm or other dangerous weapon on District property, in a District vehicle, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school, without authorization of the school or the District.

Searches (JIH)

The District prioritizes the health, safety and welfare of students, staff, and members of the community. When appropriate to ensure the safety and welfare of students, staff, and members of the community, school administrators or designees may search a student, a student's personal effects, student lockers, desks or other student storage areas, or automobiles under the circumstances outlined below and may immediately take possession of any illegal or unauthorized materials discovered in the search. A search may be conducted off school grounds at a District curricular or non-curricular activity or event. The student's parent/caregiver will be notified of any search conducted under this policy as soon as is reasonably possible.

A student's failure to permit lawful searches and seizures as provided in this policy will be considered grounds for disciplinary action in compliance with District policies.

■ Definitions

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

- **"Unauthorized"** means any item dangerous or detrimental to the health, safety or welfare of students or school personnel; disruptive of any lawful function, mission or process of the school; or any item described as unauthorized in then-current school rules or District policies.
- **"Reasonable suspicion"** is based on facts provided by a reliable informant or personal observations which cause the employee to believe that search of a particular person, place, or thing would lead to the discovery of evidence of a violation of District policy, school rule, state or federal laws. Reasonable suspicion is satisfied when two conditions exist: (1) the search is justified at its inception, meaning there are specific and articulable facts and reasonable inferences for suspecting that the search will reveal evidence that the student has violated District policy, school rule, or state or federal law; and (2) the search is reasonably related in scope to the circumstances that justified the search and the search is not excessively intrusive in light of the student's age, gender, and nature of the offense. Reasonable suspicion requires more than a mere hunch.

■ Canine Inspections

The District may allow the use trained dogs to identify the scent of drugs, explosives, and other illegal or unauthorized materials. Trained dogs are permitted to sniff student lockers, desks, and other school-owned student storage areas; student vehicles parked on District property; and a student's person or personal effects when the student is on District property, on a District vehicle, or at a District or school-sponsored activities or events. An alert from a dog can constitute reasonable suspicion for a search.

■ Lockers, Desks, or Other Student Storage Area Searches

Student lockers, desks, or other school owned-student storage areas are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the contents and security of their lockers, desks, or other student storage areas. General inspections of the contents of the locker, desk, or other student storage area may be conducted by a school administrator or designee for any reason at any time without notice, without student consent, and without a search warrant.

■ Automobile Searches

Each school retains the authority to patrol its student parking lots. In addition, the interiors and trunks of all vehicles parked by students on school or District property may be searched upon reasonable suspicion that they contain items or substances illegal for students to possess or items or substances which District policy or regulations prohibit from being on school property. Failure to allow the search of a vehicle's interior or trunk under these circumstances will be considered grounds for disciplinary action.

■ Personal Searches

A student's person and/or personal effects in the student's possession (e.g., purse, backpack, etc.) may be searched whenever a school administrator or designee has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials and/or whenever a school administrator or designee has reasonable suspicion to believe that personal effects not in the student's possession contain illegal or unauthorized materials. A student's failure to permit lawful searches as provided in this section will be considered grounds for disciplinary action.

A safety check and/or personal search may also be conducted on a daily and/or ongoing basis as a component of a student's safety plan. The search requirement will be documented in the safety plan, communicated to the student's parent/caregiver, and reviewed and/or adjusted as a part of the safety plan on a regular basis according to District procedures.

If a safety check and/or search of a student's person or personal belongings is conducted, it will be conducted in private in the presence of an administrator or designee and at least one other District employee. If a safety check is ongoing, the student will be initially asked for their preference on a trusted administrator or designee to be present. Such request will be honored to the extent possible, provided limitations may occur due to day-to-day circumstances.

If the school administrator or designee has reasonable suspicion to believe that a more intrusive search is warranted beyond the removal of outer clothing such as a coat, jacket, shoes or socks, the search must be referred to and conducted by a law enforcement officer, in accordance with the current standard operating procedures, and the school administrator or designee must not participate in the search. In addition, if a school employee has reasonable suspicion to believe that a student is in possession of a weapon, law enforcement or a school resource officer must be immediately contacted to conduct or be present at the search, if possible, in accordance with the current standard operating procedures.

■ Use of Metal Detectors

School administrators or designees are authorized to use stationary or handheld metal detectors to search individuals in accordance with state and federal law in the following situations:

1. When a school administrator or designee has a reasonable suspicion that weapons or other illegal or unauthorized materials are in the possession of students or adults at school or in other District facilities;
2. When there has been a pattern of weapons or other illegal or unauthorized materials found at school or in other District facilities; or
3. When violence involving weapons has occurred at school or other District facilities.
4. Any search of a student's person as a result of the activation of the detector will not be conducted in front of other students, will be conducted as privately as possible, and will be in accordance with applicable laws on personal searches.

■ Evidence Seized in a Search

Any item found in the course of a search conducted in accordance with this policy and determined to be evidence of a violation of District policy, school rules, or federal, state or local laws must be immediately seized and tagged for identification. Such evidence must be kept in a secure place by a school administrator or designee. If necessary, such evidence may be secured by law enforcement in accordance with the standard operating procedures between the District and law enforcement agencies. Otherwise, the evidence will be maintained by a school administrator or designee until it is

no longer needed as evidence in a school disciplinary matter. After that time, the parent/caregiver of the student from whom the item was seized may be informed that they can pick up the seized item. Alternatively, the administrator or designee may choose to dispose of the item at their sole discretion.

Interscholastic Athletic Training and Personal Conduct Rules (JJ)

Participation in Poudre School District interscholastic athletic programs is a privilege, not a right. Student athletes serve as representatives of their schools and teams, and may be viewed as role models by younger students. In addition, student health and fitness must be maintained on a year-round basis to meet the demands of interscholastic athletic competition. For these reasons, student athletes are required to comply with the standards set by these training and personal conduct rules.

■ General Rules

These rules shall apply to all students who participate in any Poudre School District interscholastic athletic program. In addition to these rules, students participating in interscholastic athletics are subject to and required to comply with all policies and regulations in the Poudre School District Code of Conduct. Student athletes shall not be eligible to participate in athletic practices or competitions during any period of suspension or expulsion under the Code of Conduct.

Student athletes are also subject to and required to comply with the Bylaws adopted by the Colorado High School Activities Association and with their coach's team rules, and are required to exercise good sportsmanship at all practices and competitions. A student athlete who fails to comply with these requirements as determined by a coach, School District administrator or competition official shall be subject to suspension from practices and/or competitions, and for more serious violations shall be subject to removal from the team.

■ Rules Concerning Controlled Substances, Alcohol and Tobacco

A student athlete's unlawful or otherwise improper use or possession of controlled substances, alcohol and/or tobacco reflects poorly on the student's school and team and sets a bad example for other students, regardless of when the use or possession occurs. In addition, a student athlete's use of controlled substances, alcohol and/or tobacco may adversely affect the student athlete's health, fitness and athletic performance and may result in injury, regardless of when the use occurs. Accordingly, students participating in any Poudre School District interscholastic athletic program shall not, regardless of the quantity involved: (1) use or possess any beverage containing alcohol; (2) use or possess tobacco or tobacco products; or (3) use or possess any controlled substance, including steroids, in any manner that is contrary to law or Poudre School District policies and regulations.

The foregoing rules shall be in effect for Poudre School District interscholastic athletes on a year-round basis, including weekends, summers, vacations and holidays, whether the student athlete is on or off School District property and whether or not the student athlete is at the time participating in any school-sponsored activity or event.

The following consequences for violation of the rules concerning controlled substances, alcohol and tobacco are applicable to all Poudre School District students in interscholastic athletics throughout the time they are enrolled in grades 9 through 12.

■ Consequence for First Violation:

Suspension from 30% of interscholastic competitions for which the student athlete is otherwise eligible and in which the student athlete is otherwise able to participate, beginning in the season when the first violation occurs (including regular season and post season/playoff competitions) and continuing into any subsequent season of the same or a different sport if the full suspension cannot be served during the season when the first violation occurs. During all periods of their suspension, student athletes must participate in practices and otherwise remain in good standing with each team from which they are suspended in order to be eligible to return after their suspension.

■ Consequence for Second Violation:

Suspension from 50% of interscholastic competitions for which the student athlete is otherwise eligible and in which the student athlete is otherwise able to participate, beginning in the season when the second violation occurs (including regular season and post season/playoff competitions) and continuing into any subsequent season of the same or a different sport if the full suspension cannot be served during the season when the second violation occurs. During all periods of their suspension, student athletes must participate in practices and otherwise remain in good standing with each team from which they are suspended in order to be eligible to return after their suspension.

■ Consequence for Third Violation:

The student athlete will lose the right to participate in all interscholastic athletics for the remainder of his/her high school career.

If the suspension carries over into a subsequent season of the same or a different sport, the student athlete must successfully complete that subsequent season in order to be considered as having served the portion of his/her suspension applicable to that subsequent season.

The foregoing rules concerning controlled substances, alcohol and tobacco, including the consequences for violation of those rules, are hereby incorporated into the coach's team rules for every sport at every school within the Poudre School District interscholastic athletic program, and are uniformly applicable to all team members.

Student Discipline and Rights of Students with Disabilities/Procedures Regarding Discipline of Students with Disabilities (JK)

The objective of disciplining any student is to maintain a safe school environment, help the student develop and maintain self-control, learn respect for others, and adopt socially acceptable behavior. All policies and procedures regarding student discipline will be designed to achieve these broad objectives. The District will address a student's disruptive behavior in a manner that allows other students to learn in an atmosphere which is safe, conducive to the learning process and free from unnecessary disruptions.

The Board, in accordance with state law and in consultation with school administrators, has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow the code of conduct. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. Restorative practices will be considered in appropriate circumstances and may be utilized to address the consequences of student misconduct, as determined by the District.

The District will emphasize best practices in building positive and inclusive learning environments for all students. When enforcing code of conduct violations, students and their parent/caregiver will be informed of the conduct and how it violates the code of conduct or other District policies. To the extent practicable and within budgetary constraints, the District will develop and implement plans for the appropriate use of prevention, intervention, restorative practices, peer mediation, counseling and/or other approaches to help students avoid unacceptable behavior and minimize their exposure to exclusionary discipline and the criminal and juvenile justice system.

■ Definitions

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

- **"Behavioral intervention plan"** is a plan that may be developed for students supported with an IEP that addresses the behaviors that are not appropriate for school and specific ways the school will try to reduce those behaviors by teaching the student more appropriate ways to get their needs met. A BIP is based on a functional behavioral assessment.

- **“Restorative practices”** involves practices that emphasize repairing the harm to victims and/or the school community caused by a student’s misconduct.
- **“Serious bodily injury”** means bodily injury which involves: (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

■ Expulsion Prevention

Expulsion should generally be the last step taken after other attempts to address behaviors of students. Prior to recommending expulsion of any student, the Board or its designees must consider the six factors identified in District Policy JKD/JKE – Suspension/Expulsion of Students, as well as whether alternative remedies are appropriate and whether excluding the student from school is necessary to preserve the learning environment. The District will provide students who are identified as at risk of suspension or expulsion with the necessary support services to help them avoid expulsion. In doing so, District employees will work with the student’s parent/caregiver. Supports may be provided through agreements with appropriate local governmental agencies, community-based organizations, and higher education institutions.

The District’s failure to identify a student for participation in an expulsion prevention program, to provide support services, or to remediate a student’s behavior will not be grounds to prevent school administration from proceeding with appropriate disciplinary measures and will not be grounds for the student or student’s parent/caregiver to challenge any disciplinary action that may be taken against the student. However, a recommendation for expulsion may be challenged where a lesser intervention would have properly addressed the violation under JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students.

■ Disciplinary Information

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 employees informed of situations that could pose a risk to the safety and welfare of others.

Any teacher or counselor to whom disciplinary information is reported must maintain the confidentiality of the information and will not communicate it to any other person, unless that person has a legitimate reason to know the information as permitted under the Family Educational Rights and Privacy Act (FERPA) and related privacy laws. The principal or designee is required to inform the student and the student’s parent/caregiver when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student’s parent/caregiver may challenge the accuracy of disciplinary information.

■ Discipline of Students with Disabilities

Students with disabilities who engage in conduct that violates the code of conduct may be disciplined in accordance with their Individualized Education Programs (IEPs) or Section 504 plan, any behavioral intervention plan, and this policy.

Nothing in this policy prohibits an IEP or Section 504 team from establishing consequences for disruptive or unacceptable behavior as a part of the student’s IEP, Section 504 plan 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 is not required to receive educational services or accommodations.

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. Any unilateral removal for a behavioral issue is considered a disciplinary removal and counts toward a disciplinary change of placement; this is covered

in District Policy IHBA – Abbreviated School Day.

Upon the eleventh school day of suspension or removal when such suspension or removal does not result in a disciplinary change of placement, for a student with an IEP educational services will 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. For a student with a Section 504 plan, accommodations will be provided to ensure student access to education upon the eleventh day of removal. District employees, in consultation with at least one of the student's teachers, will determine the educational services or accommodations to be provided to the student with an IEP or Section 504 plan 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, for a student with an IEP, educational services will 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 their IEP goals. When a student with a Section 504 plan is expelled or subject to a removal that results in a disciplinary change of placement, the Section 504 team will determine how to ensure the student can access education.

Prior to expulsion or other disciplinary change in placement, the student's parent/caregiver will be notified of the decision to take such disciplinary action and of their procedural safeguards. This notification will 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, members of the student's IEP or Section 504 team, including the student's parent/caregiver, will review all relevant information in the student's file, including the student's IEP or Section 504 plan, any teacher observations, and any related information provided by the parent/caregiver, to determine whether the student's behavior was a manifestation of the student's disability.

The team will 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 or Section 504 plan. If the answer to either of these two questions is "yes," the student's behavior will be deemed to be a manifestation of the student's disability.

■ **Disciplinary Action for Behavior that is not a Manifestation**

If the team determines that the student's behavior was not a manifestation of the student's disability, disciplinary procedures will be applied to the student in the same manner as applied to students without a disability. As stated above, the student will receive educational services during the period of expulsion or other disciplinary change of placement.

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

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

If the team determines that the student's behavior is a manifestation of the student's disability, expulsion proceedings or other disciplinary change of placement will be discontinued. However, the student may be placed in an alternative setting for up to 45 school days as discussed below or the student's placement may be changed for educational reasons as determined by the IEP team, Section 504 team, or as otherwise permitted by law.

If the student has an IEP, 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 will: (1) conduct an FBA of the student, unless an FBA has already been conducted; and (2) implement a BIP for the student. If a BIP has already been developed, the IEP team will review it and

modify it as necessary to address the student's behavior. If the student has a Section 504 plan, the Section 504 team will determine if an FBA is appropriate.

■ Placement in an Alternative Setting for 45 School Days

The District may remove a student with a disability to an interim alternative setting for not more than 45 school days without regard to the manifestation determination if the student, while at school, on school premises, or at a school activity or event:

1. Carried or possessed a weapon;
2. Possessed or used illegal drugs;
3. Sold or solicited the sale of a controlled substance; or
4. Inflicted serious bodily injury on another.

The District may also remove a student to an interim alternative setting as described above if a hearing officer or court of appropriate jurisdiction so orders, if there is a finding that maintaining the current placement of such child is substantially likely to result in injury to the child or to others. An interim alternative setting may include homebound, online classes, or placement at a different school site.

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. If the student has an IEP, the student's IEP team will determine the educational services to be provided to the student in the alternative setting. If the student has a Section 504 plan, the Section 504 team will determine how to ensure accommodations are provided.

■ Students Suspected of being a Student with a Disability

If the District has "knowledge" of a student's disability at the time the student's conduct occurred, the student is provided the same rights and process as a student who has been identified as a student with a disability.

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

- the student's parent/caregiver has expressed concern in writing to a District administrative employee, or the student's teacher, that the student is in need of special education and related services;
- the student's parent/caregiver has requested an evaluation; or
- the student's teacher or other District employee 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 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 will remain in the District's determined educational placement, which can include suspension or expulsion.

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

Detention of Students After School Hours (JKB)

A school administrator or designee may detain a student for disciplinary reasons after school hours as an alternative to exclusionary discipline such as a suspension. Reasons for discipline include violation of the code of conduct and behavior that is disruptive, as per District Policy JK – Student Discipline and Rights of Students with Disabilities/Procedures Regarding Discipline of Students with Disabilities. The parent/caregiver must be notified of the detention one school day prior to the student's detention.

Students who serve a detention after school must never be left alone during their detention. Their supervision must be provided or arranged for by an administrator or designee.

Disciplinary Removal from Classroom (JKBA)

Teachers may initiate the disciplinary removal of students from their classrooms for willful behavior that causes a material and substantial disruption of the class. Any removal under this policy is considered an in-school suspension unless the student is removed for the rest of the grading period, in which case the removal may be treated the same as the student dropping the class.

■ Definitions

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

- **“Disciplinary removal”** means the removal of a student from the teacher’s classroom to another location at the school after the day on which the disruptive behavior occurs.
- **“Willful behavior”** means behavior that is done consciously and purposefully, where the student knows or shows reckless disregard for whether they will cause a material and substantial disruption.
- **“Material and substantial disruption”** means behavior that causes a serious interference with the orderly operation of the school or the school’s ability to provide educational opportunities to the student or others, including behavior detrimental to the welfare or safety of others.

The duration of the student’s removal will be from one to three days except for as described below.

For a student at the secondary level, the principal or designee may remove the student from the class until the end of the grading term for a third or subsequent incidence of such behavior. The number of incidents is calculated based on the grading term for the class (i.e., hexter, quarter, semester). With respect to all disciplinary removals of students from a teacher’s classroom, the following rules and procedures apply:

1. Teachers may issue office referrals to students and otherwise exclude them from class activities without having the incident classified as a disciplinary removal under this policy, in accordance with school rules. All disciplinary removals under this policy must be documented in student discipline files and may be counted toward declaring the student habitually disruptive under District Policy JKC – Discipline of Habitually Disruptive Students.
2. Prior to imposing a disciplinary removal, the teacher must consult with the principal or principal’s designee to ensure that it is an appropriate consequence for the student’s behavior. If the principal or principal’s designee determines it is not an appropriate consequence, they will determine the appropriate consequence. If removal is the appropriate consequence, the teacher and the principal or principal’s designee must determine the duration of the contemplated removal in accordance with this policy. In case of disagreement, the principal or principal’s designee will make the final determination.
3. Prior to imposing a disciplinary removal, the teacher and the principal or principal’s designee must advise the student of the reason for and the duration of the contemplated removal, and have a discussion with the student about the student’s behavior, including whether the student’s behavior was willful and if there is any other relevant context.
4. The first time a student receives a disciplinary removal during the grading term for the class, the teacher and the principal or principal’s designee must develop a behavior plan for the student in consultation with the student and their family. The second time a student receives a disciplinary removal during the grading term for the class, the teacher and the principal or principal’s designee must review and if necessary, revise the student’s behavior plan. The teacher and principal or principal’s designee will also assess whether the student’s conduct is a direct result of the school’s failure to implement the behavior plan, and if so, will not remove the student.

For a student at the secondary level, the behavior plan after a second removal must include a statement that

if the student receives a third or subsequent disciplinary removal during the grading term for the class, the removal may remain in effect through the end of the grading term. A student cannot be removed for the remainder of the grading term unless they have received a previous behavior plan with this written disclosure. In case of disagreement regarding the content of a behavior plan, the principal or principal's designee will make the final determination.

5. As soon as possible after imposing a disciplinary removal, the principal or principal's designee must contact the student's parent/caregiver to request their presence at a conference with the student, teacher and principal or principal's designee to discuss the student's behavior, the disciplinary removal and the behavior plan developed for the student. The parent/caregiver will receive a copy of each behavior plan developed or revised for the student.
6. Students who receive disciplinary removals will be given assignments and other coursework to be completed during the period of their removal. For disciplinary removals through the end of the grading term, students will have the opportunity to complete and receive equivalent credit for the course from which they were removed.
7. The principal of each school must establish one or more locations at their school where students on disciplinary removal from teachers' classrooms can go during the period of removal. Such location(s) must be appropriately supervised and must be suitable for students to do the schoolwork they are assigned.
8. The ability to impose a disciplinary removal of a student with a disability will be subject to governing law and to the terms and conditions of the student's IEP or Section 504 plan. Removal of a student with a disability from class is addressed in District Policy IHBA – Abbreviated School Day.

Discipline of Habitually Disruptive Students (JKC)

■ Definitions

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

- **“Habitually disruptive student”** as defined under Colorado law, means a student who has caused a material and substantial disruption on school grounds, at a District-sanctioned activity or event or in a District vehicle three or more times during the course of a school year.
- **“Material and substantial disruption”** means behavior that causes a serious interference with the orderly operation of the school or the school's ability to provide educational opportunities to the student or others, including behavior detrimental to the welfare or safety of others.

■ Intervention Procedures

1. The student and their parent/caregiver must be notified in writing of each disruption counted towards declaring the student as habitually disruptive, and must be notified in writing and by telephone or other means of the definition of “habitually disruptive student” and the potential consequences of being designated as a habitually disruptive student.
2. After the first or second disruption counted towards declaring the student as habitually disruptive, a behavior plan may be developed by the principal or designee with the assistance of the student's teacher(s) and any other District employees involved. The principal or designee will encourage and solicit the full participation of the student's parent/caregiver in the development of any such behavior plans.
3. If a behavior plan is developed, it should address the student's disruptive behavior and the goal of keeping the student in school, as well as the goals, objectives, and timelines for modifying the disruptive behavior. The plan should also inform the student of the consequences in the event they continue to engage in disruptive behavior in violation of the plan. Such consequences may include discipline, including suspension or expulsion, as provided in the student conduct code or as provided by the rules and regulations of the school.
4. The student and their parent/caregiver and the school employee responsible for carrying out the behavior plan

should be provided a copy of the plan, and a copy should also be placed in the student's file.

5. Further instances of disruptive behavior that cause a material and substantial disruption will be handled in accordance with the behavior plan, if one has been developed.

■ Consequences for a Student who is Determined to be a Habitually Disruptive Student

Once a student is identified as habitually disruptive under this policy, the principal or designee will review the student's records, including prior incidents and any existing behavior plans. Based on this review, the principal or designee may then authorize a suspension or initiate expulsion proceedings.

Suspension/Expulsion of Students (JKD/JKE)

In matters involving student behavior that may or will result in the suspension or expulsion of a student, a parent/caregiver must be notified and involved to the greatest practicable extent in the disciplinary procedures. In all cases of suspension or expulsion, students will be afforded due process of law through written procedures consistent with law for the suspension or expulsion of students and the denial of admission outlined in District Policy JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students.

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

The District, through the Board or its designees will consider all 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.

A student will not be expelled or denied admission unless the District, through the superintendent or designee, considers whether alternative remedies are appropriate and whether excluding the student from school is necessary to preserve the learning environment.

For a student in preschool, kindergarten, first grade, or second grade, the District, through the Board or its designees must make an additional finding that failure to remove the student from the school building through suspension or expulsion would create a safety threat that otherwise cannot be addressed and document any alternative behavioral and disciplinary interventions that it uses before suspending or expelling the student.

■ Other Disciplinary Interventions/Alternatives to Suspension

The principal or designee may consider the following alternatives to out-of-school suspension to address a student's misconduct, in accordance with applicable law. The use of such interventions will vary, depending upon the facts and circumstances of each individual case. Such interventions may include:

- Restorative conversations and practices
- Counseling
- Mental health support
- Referral to the juvenile assessment center for counseling or other services
- Participation in a behavioral or safety plan

- Detention
- Permitting the student to remain in school on the condition that the student's parent/caregiver attend class with the student for a period of time established by the principal or designee.
 - The principal or designee shall consult with the student's teachers and obtain their consent before implementing this alternative. If this alternative becomes disruptive when used, the school shall immediately terminate this option and suspend the student in accordance with District policy. If the student's parent/caregiver does not agree or fails to attend class with the student, the principal or designee shall suspend the student in accordance with District policy.
- Other approaches to address the student's misconduct that do not involve an out-of-school suspension or expulsion and minimize the student's exposure to the criminal and juvenile justice system

These alternatives to suspension will not be used if expulsion proceedings have been or will be initiated, or if the principal or designee determines that the student's presence in school, even if accompanied by a parent/caregiver would be disruptive to the operations of the school or be detrimental to the learning environment of other students.

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

■ Delegation of Authority

1. Students in third grade and higher grade levels: The Board of Education delegates to the school principal, or designee by written authority of the principal, the power to suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S. §§ 22-33-106(1)(a), (1)(b), (1)(c), (1)(c.5), (1)(e) or (1)(f), or not more than 10 school days on the grounds stated in C.R.S. §§ 22-33-106(1)(d), unless expulsion is mandatory under law.
2. Students in preschool through second grade: The Board of Education delegates to the school principal, or designee by written authority of the principal, the power to suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in District Policy JKDA-JKEA – Grounds for Suspension/Expulsion of Students. The student may be excluded for more than three school days if the principal or designee determines that a longer period of suspension or an expulsion is necessary to resolve the safety threat or expulsion is mandatory under law.
3. The Board of Education delegates to the superintendent, or designee by written authority of the superintendent, the authority to suspend a student, in accordance with District Policy JKDA-JKEA – Grounds for Suspension/Expulsion of Students, for another 10 school days, plus an additional 10 school days as necessary in order to present the matter to the Board of Education, but the total period of suspension must not to exceed 25 school days.

■ Expulsion Authority

1. The Board of Education may conduct a hearing at which the question of expulsion is determined. See District Policy JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students.
2. Unless otherwise determined by the Board of Education, the Board delegates to the superintendent the authority to deny admission or to expel students for any period not extending beyond one (1) year any student whom the superintendent, in accordance with the limitations imposed by the School Attendance Law of 1963 (C.R.S. § 22-33-101 through -110), determines does not qualify for admission to or continued attendance at the public schools of the District.

3. The decision of the superintendent may, upon the written request of the student or the student's parent/caregiver, be appealed to the Board of Education.

■ Information to Parents/Caregivers

Within five school days of expelling a student, the District will notify the student and the student's parent/caregiver of the student's opportunity to receive educational services for expelled students.

Upon request of a student or the student's parent/caregiver the District will provide any educational services that are deemed appropriate by the District for any student who is expelled from the District. The services provided will be designed to provide a second chance for the student to succeed in achieving an education. The District will determine the amount of credit the student will receive towards graduation for the educational services provided.

The District is not required to provide additional educational services to any student who is suspended or expelled while receiving educational services until the period of suspension or expulsion is completed. The District may provide support services for a student who is expelled through agreements with local governmental agencies and managing state agencies. If a student is expelled for the remainder of the school year and the student is not receiving educational services, the District will contact the student's parent/caregiver at least once every 60 days until the beginning of the next school year to determine whether the student is receiving educational services. The District need not contact the student's parent/caregiver after the student is enrolled in another school district or in an independent or nonpublic school, or if the student is committed to the Department of Human Services or is sentenced pursuant to the Children's Code.

■ Expulsion for Unlawful Sexual Behavior or Crime of Violence

When a petition is filed in juvenile court or district court that alleges a student enrolled in the District and at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior as defined in C.R.S. § 16-22-102(9), or a crime of violence, as defined in C.R.S. § 18-1.3-406, if committed by an adult, the District will receive basic identification information along with the details of the alleged delinquent act or offense.

Once the Board receives the information, the Board or its designee will determine whether the student has exhibited behavior that is detrimental to the safety or welfare 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 employees.

The Board delegates to the superintendent or superintendent's designee the authority to make this determination.

If the District determines that the student's behavior was detrimental and would negatively impact the school as described above, the District may proceed to suspend or expel the student. Alternatively, the District may delay consideration of the student's suspension or expulsion pending the outcome of the juvenile court or district court proceedings, during which time the District will provide the student with an appropriate alternate education program. The student will not be permitted to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the District may proceed to expel the student. The time that a student spends in an alternate education program will not be considered a period of suspension or expulsion. If the student is expelled, the student may not re-enroll at the same school as the victim of the offense, as stated in the following section.

■ Student Prohibited from Enrollment at Same School as Victim

A student who has been expelled for behavior detrimental to the welfare or safety of others; robbery; assault; possession of a firearm or dangerous weapon; or the use, possession, or sale of drugs and has been convicted or adjudicated as a juvenile

delinquent, received a deferred judgment, or placed in a diversion program for such conduct 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. This does not apply to an offense that constitutes a crime against property. If the student cannot be placed in another school, the school may provide the expelled student with a schedule that avoids contact with the victim or the victim's immediate family members.

■ Reports

Each building principal must annually, in the manner and by the date specified by the State Board of Education, submit a written report to the Board of Education concerning the learning environment in their schools. The report will contain, at a minimum, the information required by law in addition to any information deemed necessary by the Colorado Department of Education.

The Board of Education must annually compile the principals' reports from each school in the District and submit its compiled report to CDE, as required by law. The Board's compiled report must also include the average size of each school in the District, calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school. The Board's compiled report must also be made available to the public, but not in such a way as to disclose confidential personally identifiable student information in violation of state or federal law.

The superintendent must provide regular reports on each expulsion and denial of admission to the Board in compliance with state law.

Procedures Regarding Suspension/Expulsion of Students (JKD/JKE-R)

■ Suspension Procedure

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

1. **Discipline Notice.** The principal or designee at the time of contemplated action must give the student and/or parent/caregiver notice of the contemplated action. The notice will include the following basic information:
 - A statement of what the student is accused of doing; and
 - The basis for the allegation.

This notice should sufficiently inform the student of the basis for the contemplated action.

2. **Due Process Meeting.** The student will have an opportunity to explain their alleged conduct and surrounding circumstances. The school principal or designee may allow the student to call witnesses or may personally call the accuser or other witnesses. In the event of contradictory statements, the school authorities should attempt to ascertain the facts before disciplinary action is taken.

The notice can be given at the same time as the meeting. The notice and due process meeting should happen before the student is removed from school, unless an emergency requires immediate removal. An emergency includes a continuing danger to people or property or an ongoing threat of disrupting the academic process. If the student is removed prior to the due process meeting because of an emergency, the meeting should be set as soon as practicable.

3. **Notification following Suspension.** If a decision is made to suspend a student, the student and student's parent/caregiver will be notified immediately. The principal or designee shall also send a letter to the parent/caregiver and the student explaining the action taken, stating the days during which the suspension will be in effect and inviting the parent/caregiver, to meet with the principal or designee for the purpose of discussing the matter.
4. **Removal from School Grounds.** A suspended student will be required to leave the school grounds immediately

after the parent/caregiver and the principal or designee have determined the best way to transfer custody of the student to the parent/caregiver. Law enforcement authorities may be involved in removal of students in accordance with state law, when there are reasonable grounds to believe that the student has committed a delinquent act by violation of any statute, county or municipal ordinance, or by lawful order of the juvenile court.

5. **Readmittance.** The principal or designee will make a reasonable effort to meet with the parent/caregiver of the student during the period of suspension. A suspended student will not be readmitted to school until the student's parent/caregiver has met with the principal or designee to discuss the nature of the suspension or if, in the judgment of the principal or designee, the parent/caregiver, has substantially agreed to review the suspension.

The school will not extend the period of suspension because of the failure of the principal or designee to meet with the parent/caregiver. If the principal or designee cannot contact the parent/caregiver or if the parent/caregiver repeatedly fails to appear for scheduled meetings, the student may be readmitted.

6. **Make-Up Work.** The school will provide an opportunity for the student to make up schoolwork during the period of suspension for full credit, to allow the student to reintegrate into the educational program following suspension.
7. **Damages to Property.** The principal has the right to assess damages to school property caused by the student and collect for the Board a reasonable sum as established by the District, from the student and/or the parent/caregiver. The District will not require the sum to be collected prior to the student's readmittance.
8. **Recommendation for Additional Action.** Any student conduct requiring additional action beyond the building administrator's initial period of suspension is to be reported to the appropriate assistant superintendent with a complete report and, if warranted, a recommendation for expulsion.

■ Expulsion Procedure

1. **Expulsion Notice.** The student and the student's parent/caregiver will be given written notice of the reasons alleged for the contemplated action, which must be one or more of those set forth as grounds for expulsion under District policy and state law.
2. **Hearing Request.** If the student and the student's parent/caregiver wish to request a hearing regarding the expulsion, they must do so within the timeframe noted in the notice of hearing. Failure to request a hearing within the specified timeframe will result in a waiver of the right to a hearing.
3. **Records.** At least two school days prior to the expulsion hearing, all records the school intends to use as supporting evidence must be provided to the student or the student's parent/caregiver. If a record is discovered or made available after the deadline, the record must be provided to the student or the student's parent/caregiver as soon as possible.
4. **Conduct of Hearing.**
 - **Hearing officer.** If a hearing is requested by the parent/caregiver, the hearing will be conducted by a hearing officer who does not have a conflict of interest regarding the student or any alleged victim. The hearing officer must be trained on how to serve impartially, including avoiding prejudgment of the facts at issue and conflicts of interest in compliance with state law and the Department of Education requirements.
 - **Burden of Proof.** The District has the burden to prove, based on a preponderance of the evidence, that the student's actions constitute grounds for expulsion and that the student was provided due process. The hearing officer makes this determination.
 - **Student's representation.** At the expulsion hearing, the student may be represented by counsel or may choose to have an advocate. If a student is represented by counsel, the student or student's parent/caregiver must notify the superintendent or designee of this fact by phone or in writing at the time the expulsion hearing is requested. Failure by the student or student's parent/caregiver to provide timely notification of

attorney representation will result in a continuance of the hearing and corresponding extension of the period of suspension to allow the District to arrange for legal counsel.

- **Witnesses.** At the expulsion hearing, the student will have an opportunity to call witnesses and question any witness called by the administration. The school administration may call witnesses and question any witnesses called by the student. The hearing officer may limit the number of witnesses called based on consideration of the competence, relevance and/or cumulative nature of their testimony.
 - **Evidentiary standards.** Testimony and information will be presented under oath. However, formal rules of evidence will not apply. The hearing officer may consider the context when determining the appropriate weight to give testimony and evidence presented.
 - **Audio recording.** An audio recording of the hearing must be made by the District. Preparation of any transcript will be at the expense of the party requesting the transcript.
 - **Interpretation.** At a student or parent/caregiver's request, the District will provide interpretation services into the student or parent/caregiver's primary language.
 - **Student written statement.** At an expulsion hearing concerning alleged student conduct for which expulsion is mandatory under state law (see District Policy JKDA/JKEA – Grounds for Suspension/Expulsion of Students), a written statement prepared by the student concerning the conduct may only be used as evidence if one of the following applies:
 - If the statement is signed by the student, and the student's parent/caregiver was present when the student signed;
 - If the statement is signed by the student, and reasonable attempts to have the parent/caregiver present when the student signed were unsuccessful; or
 - If the statement is signed by the student, and both the student and their parent/caregiver expressly waived the requirement that a parent/caregiver be present upon the student signing the statement, pursuant to C.R.S. 22-33-106.3(2).
 - This provision only applies to instances of alleged student conduct for which expulsion is mandatory under state law; it does not apply where expulsion is mandatory under District policy but not state law.
- 5. Findings of Fact, Recommendation, and Decision.** The District-appointed hearing officer will make specific findings and a recommendation regarding the expulsion to the superintendent. The superintendent will review the hearing officer's findings and recommendation and issue a written decision within five business days after the hearing is conducted. The written decision will be provided to the student and the student's parent/caregiver in the parent/caregiver's primary language.
- 6. Appeal.** A student who is denied admission or expelled has ten business days after the decision of the superintendent for the student and the student's parent/caregiver to appeal the decision to the District Board of Education. The written request for appeal must state the grounds for appealing the superintendent's written decision. The superintendent or designee may address matters raised in the request for appeal through a written response, which will be included in the record to be considered by the Board. Failure to request an appeal within 10 business days after the effective date of the expulsion will result in a waiver of the right to appeal, and the superintendent's written decision will become final, unless the Board, in its sole discretion, grants an extension for good cause shown.

If an appeal is properly requested, the Board will hear the appeal at the next regularly scheduled meeting that is at least seven days after the request is received. The Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the suspension and expulsion; the transcript of the testimony, if requested and paid for by a party; the hearing exhibits; the hearing officer's findings and recommendation; the superintendent's written decision; and other documents concerning

the expulsion. The student may be represented by counsel at the appeal. If the student will be represented by counsel, the student must notify the District in the written request for appeal. Representatives of the District and the parent/caregiver 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. The Board will determine how much time will be allowed for the District and the student to make statements.

The Board will make a final determination regarding the expulsion of the student and will inform the student and his or her parent/caregiver of the right to judicial review.

If a student between the ages of six and seventeen is expelled for the remainder of the school year, the parent/caregiver of the student will be responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion.

- 7. Information to Parent/Caregiver.** Upon expelling a student, the District will provide information to the student's parent/caregiver concerning the educational alternatives available to the student during the period of expulsion. If the parent/caregiver chooses to provide a home-based educational program for the student, the District will assist the parent/caregiver obtaining appropriate curricula for the student.
- 8. Readmittance to School.** No student will be readmitted to school after an expulsion until a meeting has taken place between the principal or designee and the student's parent/caregiver to review the expulsion or until, in the discretion of the principal or designee, the parent/caregiver of the expelled student has substantially agreed to review the expulsion with the principal or designee. However, if the principal or designee cannot contact the parent/caregiver of such student or if such parent/caregiver repeatedly fails to appear for scheduled meetings, the principal or designee may readmit the student. The purpose of the readmittance conference is to answer questions about the expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student.

A student who has been expelled will 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:

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

If the District has no actual knowledge of the name of the victim, the expelled student will be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

■ Procedure for Suspension, Expulsion, or Placement in an Alternative Education Program for Students Charged with Crimes of Violence and Unlawful Sexual Behavior

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

1. The superintendent or designee will make a preliminary determination whether it will proceed with suspension or expulsion, based on the following factors:
 - Whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of other students or school personnel.
 - 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 school of the District, the District may suspend

or expel the student, in accordance with the procedures set forth in this regulation.

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 an online program authorized by state law or a home-based education program, will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program will not be considered a period of suspension or expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated a delinquent juvenile, the superintendent or designee may proceed to suspend or expel the student following the procedures set forth in this regulation.
5. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the Board or its designee for the purposes set forth in this regulation but will remain confidential unless the information is otherwise available to the public by law.

Grounds for Suspension/Expulsion of Students (JKDA/JKEA)

■ Students in Third Grade and Higher Grade Levels

Students in third grade and higher grade levels may be subject to suspension or expulsion for engaging in the following types of conduct while on District property, connected locally or remotely to the District computer network, in a District vehicle, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event:

1. Willful destruction or defacing of District property.
2. Commission of any act which, if committed by an adult, would be considered robbery, first-degree assault or second-degree assault, as defined by state law.
3. Violation of District policies regarding conduct involving weapons, drugs, alcohol, and harassment or discrimination.
4. Continued willful disobedience or open and persistent defiance of proper authority exercised reasonably, including deliberate refusal to obey a member of the District staff.
5. Behavior on or off school property that is detrimental to the welfare or safety of one or more other students, District employees or other persons, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students.
6. Engaging in behavior that materially disrupts school or District operations.
7. Violation of criminal law that materially disrupts school or District operations or is detrimental to the welfare or safety of one or more other students, District employees or other persons.
8. Intentional injury, serious bodily injury, or death to one or more District employees, students or other persons.
9. Threats of serious bodily injury or death to one or more District employees, students or other persons; threats to damage or destroy District property or the property of one or more District employees, students or other persons; and threats to disrupt school or District operations.
10. Repeated interference with a school's ability to provide educational opportunities to other students.
11. Making a false accusation of criminal activity against an employee of the District to law enforcement authorities or District officials or staff.
12. Being declared a habitually disruptive student.
 - For purposes of this Policy, "habitually disruptive student" under Colorado law, means a child who has caused a material and substantial disruption three times or more during the course of the school year on

school grounds, in a school vehicle or at a school activity or sanctioned event. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

- The student and the parent/caregiver shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive and the student and parent/caregiver shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent/caregiver of the definition of “habitually disruptive student.”

According to C.R.S. 22-33-106(2), subject to the District’s responsibilities under the Exceptional Children’s Education Act and applicable federal law, the following may be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease that makes it so the child with the disability or disease cannot attend without harming the welfare of other students.

■ Students in Preschool Through Second Grade

Students in preschool, kindergarten, first grade, or second grade may only be subject to suspension or expulsion for engaging in the following types of conduct while on District property, in a District vehicle, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event:

1. Violation of the District’s policy on student conduct involving weapons.
2. Violation of the District’s policy on student conduct involving drugs and alcohol.
3. Conduct that endangers the health or safety of others.

The above conduct is only grounds for suspension or expulsion if the District determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed and the District has considered the factors set forth in District Policy JKD/JKE – Suspension/Expulsion of Students.

Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management (JLCD)

This policy governs the terms and conditions under which medicine may be administered to students, except that administration of medical marijuana is covered under District Policy JLCDB – Administering Medical Marijuana to Qualified Students on District Property.

Student possession, use, distribution, gift, purchase, exchange, sale, or being under the influence of medicine inconsistent with the terms of this policy will be addressed as a violation of District Policy JICH -Student Conduct Involving Drugs and Alcohol.

■ Definitions

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

- **“Emergency-use epinephrine”** means a portable, disposable drug delivery device or product approved by the Federal Food and Drug Administration that contains a premeasured, single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.
- **“Medicine”** includes prescription medicine and nonprescription medicine.
- **“Nonprescription medicine”** includes but is not limited to over-the-counter medicine, homeopathic medicine, herbal medicine, vitamins and nutritional supplements.
- **“Non-laboratory additive detection test”** means a product that is intended or designed to detect the presence

of an additive to a synthetic opiate or an immediate precursor to a synthetic opiate.

- **“Non-laboratory synthetic opiate detection test”** means a product that is intended or designed to detect the presence of a synthetic opiate.
- **“Opioid antagonist”** means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose.
- **“Opioid-related Drug Overdose Event”** means an acute condition, including a decreased level of consciousness or respiratory depression, that: (1) results from the consumption or use of a controlled substance or another substance with which a controlled substance was combined; (2) a layperson would reasonably believe to be caused by an opioid-related drug overdose event; and (3) requires medical assistance.

■ Rules Applicable to All Students and to All Medicine Except Medical Marijuana

Whenever reasonably possible, students should take medicine outside of school and school-sponsored activities. Medicine will only be administered to a student at school or a school-sponsored activity when it is necessary to do so. In such cases, the medicine may be administered by the student’s parent/caregiver or by a District employee as set forth in this policy and the accompanying regulation. A student at least 18 years old may self-administer medicine (excluding medical marijuana and controlled substances) as set forth in this policy and in the accompanying regulation.

All medicine to be administered at school or a school-sponsored activity must be furnished by the student’s parent/caregiver, and must be delivered by the student’s parent/caregiver to an individual in the school office designated to receive it, unless alternative arrangements have been made and approved in advance by the school nurse or as otherwise permitted in this policy.

A written request to administer medicine to a student, and a full release of the District and its employees from claims arising out of administering the medicine, must be signed and submitted by the student’s parent/caregiver in order for medicine to be administered by a District employee to any student at school or a school-sponsored activity. The request and release must include a signature from a health care provider (MD, NP, PA, or DO). A separate written request and release must be signed and submitted for each medicine to be administered, and for each change in the dosage, time(s) and/or manner of administration. The required documentation may be incorporated as part of a student Health Plan, Section 504 Plan, IEP, or authorization for extended field trip or other school-sponsored activity.

Verbal requests to administer medicine to a student may be honored only when: (1) made to the school nurse by the student’s parent/caregiver, (2) prior delivery of the required written request and release is not reasonably possible under the circumstances, and (3) the school nurse can confirm that the verbal request is legitimately from the student’s parent/caregiver and can confirm with the student’s prescribing health care provider. The required written request and release, and any required written authorization and directions signed by a health care provider, must be submitted before the medicine is administered to the student a second day

■ Additional Rules Applicable to Prescription Medicine

If it is necessary for a student to take prescription medicine at school or a school-sponsored activity, it must be furnished in the original pharmacy labeled container. The student’s name, name of the medicine, dosage, name of prescribing health care provider, date the prescription was filled, and expiration date must be printed on the medicine container’s pharmacy label.

Prescription medicine must be administered by a school nurse, or by a District employee to whom the nurse has properly delegated this task as authorized under the Nurse and Nurse Aide Practice Act (nurse’s designee), including training on the administration of the medication, a high school student who is authorized to carry and self-administer medicine under this policy, and a student authorized to carry and self-administer asthma, food allergy and anaphylaxis medication under this policy. Each nurse’s designee must be approved by the building principal. Prescription medicine must be administered by school employees only in accordance with written authorization and directions signed by the prescribing health care

provider (which authorization and directions will not include the pharmacy label on the medicine container).

■ Additional Rules Applicable to Nonprescription Medicine

If it is necessary for a student to take nonprescription medicine at school or a school-sponsored activity, it must be furnished in the original container labeled by the pharmaceutical company or other commercial distributor of the medicine.

Nonprescription medicine must be administered by a school nurse or by the nurse's designee, a high school student who is authorized to carry and self-administer medicine under this policy, and a student authorized to carry and self-administer asthma, food allergy and anaphylaxis medication under this policy. Each nurse's designee must be approved by the building principal.

Nonprescription medicine must be administered by District employees only in accordance with written authorization and directions signed by the treating health care provider.

Authorization to Possess and Self-Administer Medicine Except Medical Marijuana and Scheduled/Controlled Medications

A high school student or middle school student on certain school-sponsored international trips who needs to take medicine at school or a school-sponsored activity may be authorized to possess and self-administer the student's medicine, except medical marijuana or scheduled/controlled medications, in accordance with the following terms and conditions:

1. The student is subject to and will comply with the rules set forth above, unless otherwise amended in this section.
2. Before the student may possess and self-administer medicine at school or a school-sponsored activity:
 - A written request, and a full release of the District and its employees from claims arising out of the student possessing and self-administering the medicine, must be signed and submitted by the student's parent/caregiver.
 - Any required written authorization and directions signed by a health care provider must be submitted.
 - The school nurse and building principal must determine that the student has the ability to properly self-administer the medicine, and that the student is sufficiently mature and responsible to safely possess and self-administer the medicine at school or a school-sponsored activity in compliance with applicable District policies and regulations.
 - The school nurse and building principal must determine that the student's possession or self-administration of the medication does not pose a significant risk of harm to the student or to other students.
3. The student is only authorized to possess and self-administer a one-day dose of medicine at school or a school-sponsored activity, unless more than a one-day dose is authorized by the school nurse due to the duration of a particular school-sponsored activity. This paragraph does not apply to a high school student who requires and possesses an insulin pump or other medical device that delivers dosages of prescribed medication over a period of time that exceeds one day.
4. The student must always maintain the security of their medicine so that it may not be taken by or otherwise fall into the possession of another person.
5. Possessing and self-administering medicine at school is a privilege granted to students that may be lost if not exercised responsibly and safely, as determined by the school nurse and building principal.

■ Asthma, Food Allergy, and Anaphylaxis Health Management

Authorization to Self-Carry

A student with asthma, a food allergy, other severe allergies or a related life-threatening condition may possess and self-administer prescribed medication to treat such conditions at school, at a school-sponsored activity or while being

transported in a school vehicle, in accordance with Colorado law and the following terms and conditions:

1. Before the student may possess and self-administer the prescribed medication:
 - The student's parent/caregiver must submit a written medical authorization signed by the prescribing health care practitioner that includes the name, purpose, prescribed dosage, frequency and length of time between dosages of the medication to be self-administered; and confirmation from the health care practitioner that the student has been instructed and is capable of self-administering the prescribed medication.
 - The student must demonstrate to the school nurse and to the student's health care practitioner (or practitioner's designee) the skill level necessary to use the medication and any device used to administer the medication as prescribed, including but not limited to: (1) the ability to identify the correct medication; (2) demonstration of the correct administration technique; (3) knowledge of the dose required; (4) the frequency of use; and (5) the ability to recognize when to take the medication. In addition, a written treatment plan for managing the student's asthma, food allergy or anaphylaxis episodes and for the student's medication use must be developed by the school nurse in collaboration with the student's health care practitioner. The treatment plan is effective only for the school year in which it is approved or until a new treatment plan is developed, whichever period is shorter. New treatment plans must be developed for each subsequent school year in which the Act's requirements and the terms and conditions specified in this section are met.
 - A written contract must be developed and signed by the school nurse, the student, and the student's parent/caregiver that assigns levels of responsibility to the parent/caregiver, the student, and District employees. The contract must accompany orders for the medication from the student's health care practitioner and must specify that noncompliance with the contract terms may result in withdrawal of the privilege of possessing and self-administering the prescribed medication.
 - The contract must include requirements that the student must: (1) be able to demonstrate competency in taking the medication; (2) be able to demonstrate asthma/allergy management and self-care skills; (3) notify a school official if emergency medication has been administered or when having more difficulty than usual with the student's medical condition; and (4) be expressly prohibited from allowing another person to use the student's medication.
 - The contract must include requirements that the student's parent/caregiver will: (1) provide written orders for the medication from the student's health care practitioner; (2) provide written authorization for the student to possess and self-administer the medication; and (3) provide assurance that the medication container is appropriately labeled by a pharmacist or health care practitioner, that the medication device contains the medication, that the medication has not expired, that backup medication will be provided to the school for emergencies, and that the status of the student's asthma/allergy is reviewed with the student on a regular basis.
 - The contract must include requirements that the school nurse will: (1) review with the student the correct technique for use of the medication device; (2) be advised regarding the time and dosages specified in the written orders for the medication from the student's health care practitioner; (3) be advised regarding the appropriate use of the medication; (4) provide assurance that the status of the student's asthma/allergy is reviewed with the student on a regular basis; (5) notify school employees on a need-to-know basis that a student has asthma or a life-threatening allergy and has permission to possess and self-administer medication for that condition; and (6) assign one or more school employees to make a 911 emergency call if the student has an exposure that results in the need to use epinephrine.
 - The student's parent/caregiver must sign and submit a written statement releasing the District, school and any associated entity, and all employees and volunteers of the District, school and any associated entity, from liability (except with respect to willful and wanton conduct or disregard of the criteria of the treatment plan).

2. Immediately after being administered emergency use epinephrine at school, at a school-sponsored activity or while being transported in a school vehicle, the student will be sent to the school nurse. The school must promptly make a 911 emergency call and authorized school employees must provide for appropriate follow-up care.

■ Student Food Allergies and Anaphylaxis Management

Student food allergies and anaphylaxis in the District's schools will be managed in accordance with the following terms and conditions:

1. The District will make available on its website and at each of its schools the standard form developed by the Colorado Department of Public Health and Environment that allows the parent/caregiver of a student with a known food allergy to provide the student's school with information as specified in Colorado law regarding the allergy.
2. Each school must have a plan in place for communication with emergency medical services. The plan must include the provision of information on student food allergy forms to emergency medical responders.
3. The parent/caregiver of each student who is not authorized to possess and self-administer medication for the student's food allergy or anaphylaxis will provide the school with a supply of the student's prescribed medication for use in the event of an anaphylactic reaction. All emergency medications must be stored in a secure location at the school that is easily accessible for designated employees.
4. The school nurse and building principal will identify certain employees at each school who will receive emergency anaphylaxis treatment training. Such employees must include those directly involved during the school day with students who have known food allergies. The training must, at a minimum, provide the school employees with: (1) a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis; (2) the ability to recognize symptoms of anaphylaxis; (3) the ability to respond appropriately in the event of a student suffering an anaphylactic reaction; and (4) the ability to administer self-injectable epinephrine to a student suffering an anaphylactic reaction.
5. The school nurse is responsible for the development and implementation of a student Health Plan for each student with the diagnosis of a potential life-threatening food allergy. If a student has an IEP or Section 504 Plan, the school nurse will be part of that team or work with the team regarding the Health Plan. Such Health Plans must include, as appropriate: (1) consideration of information provided by the student, student's parent/caregiver and student's health care provider, including but not limited to information provided on the Food Allergy Form; and (2) reasonable steps to reduce the student's exposure to agents at school and school-sponsored activities that may cause anaphylaxis.
6. The health services coordinator must develop, periodically review and revise as necessary or appropriate administrative guidelines to help ensure that student food allergies and anaphylaxis in the District's schools are properly managed. District employees interacting with students who have food allergies must comply with such administrative guidelines.

■ Use of Stock Emergency-Use Epinephrine

If supplies and funding are available, the District will maintain a stock supply of emergency-use epinephrine for use in emergency anaphylaxis events that occur on school grounds (excluding school buses). Any administration of stock emergency-use epinephrine to a student by a District employee must be in accordance with applicable state law, including applicable State Board of Education rules.

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

■ Use of Opioid Antagonists

If funding and supplies are available, the District will maintain a stock supply of opioid antagonists to assist an individual who is at risk of experiencing an opioid-related drug overdose event. The opioid antagonists may be stored on school grounds, on a school bus, or both.

Administration of an opioid antagonist by a District employee to a student or other individual must be in accordance with applicable state law. Prior to administration of an opioid antagonist, a District employee must receive appropriate training that includes risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opioid antagonist. Such training will be developed by the health services coordinator.

A District employee may furnish opioid antagonists on school grounds or on a school bus to any individual, including a student. A District employee acting in accordance with this policy and the law is not subject to civil liability or criminal prosecution, as specified in Colorado law.

The school principal's designee may provide training to students prior to furnishing opioid antagonists to a student. It will not be considered a violation of District policy for a student to possess or administer an opioid antagonist on school grounds, on a school bus, or at any school-sponsored event.

Synthetic Opiate Detection Tests, and Non-Laboratory Additive Detection Tests

If funding and supplies are available, the District may maintain a supply of non-laboratory synthetic opiate detection tests, non-laboratory additive detection tests, or both. A District employee may furnish non-laboratory synthetic opiate detection tests, non-laboratory additive detection tests, or both to any individual. Guidelines for the maintenance and furnishing of synthetic opiate detection tests, and non-laboratory additive detection tests will be developed and maintained by the Student Services Department.

It will not be considered a violation of District policy for a student to possess a non-laboratory synthetic opiate detection test or non-laboratory additive detection test on school grounds, on a school bus, or at any school-sponsored event.

Administering Medicine to Students (JLCD-R)

These regulations shall have no applicability to medical marijuana or to administering medical marijuana to students. Administration of medical marijuana is covered under Policy JLCDB (Administering Medical Marijuana to Qualified Students on District Property).

■ Storage of Medicine

Medicine to be administered to students at school shall be stored in the office or similar area at each school in a clean, locked cabinet, drawer, or other appropriate container reserved and used exclusively for the storage of medicine and inaccessible to students. If refrigeration is required, the medicine shall be stored either: (a) in a locked refrigerator reserved and used exclusively for the storage of medicine and inaccessible to students; or (b) in an impervious secondary container in a food storage refrigerator, separated from food and inaccessible to students.

At the end of each school year, all medicine in storage at each school shall be returned to the parent or guardian who furnished it or shall be appropriately disposed of by the school nurse or nurse's designee.

■ Health Care Provider Authorization and Directions

Health care provider authorization and directions for administering medicine to a student must be in writing and signed by the health care provider, and must specify: (a) the student's name; (b) name of the medicine; (c) purpose of the medicine; (d) dosage; (e) time(s) the medicine is to be administered; (f) manner of administration; (g) anticipated number of days the medicine needs to be administered at school and/or school-sponsored activities; and (h) possible side-effects of the medicine.

■ Safety Precautions

Before medicine is administered to any student, the school nurse or District employee to whom the nurse has properly delegated this task as authorized under the Nurse Practice Act shall take necessary steps to ensure that: (a) a current request to administer medicine and release signed by the student's parent/guardian is on file; (b) written authorization and directions for administering the medicine signed by the student's health care provider is on file; (c) the correct student is receiving the medicine; (d) the correct medicine is being administered to the student; (e) the correct dose of medicine is being administered; (f) the medicine is being administered at the correct time; (g) the medicine has not expired; and (h) the medicine is being administered in the correct manner.

An error in administering medicine to a student includes but is not limited to giving medicine to the wrong student, giving the wrong medicine to a student, giving the wrong dose of medicine to a student, giving more than one dose of medicine to a student, giving medicine to a student in an incorrect manner, giving medicine to a student at the wrong time, forgetting to give a student medicine at the required time, and/or forgetting to document that medication was given to a student.

Errors in administering medicine to a student must be promptly reported to the school nurse and to the student's parent or guardian, and must be documented on a Medication Error Report form. The completed form must be submitted to the health services coordinator. Poison control or 911 shall immediately be called in the case of errors that involve administering medicine to the wrong student, administering the wrong medicine to a student, or administering an overdose of medicine. These records shall be maintained by the District until the year of the student's twenty-first birthday.

■ Recordkeeping

An individual record shall be kept for each student of every medicine administered to the student, which shall include: (a) the name of the medicine; (b) the date and time the medicine was administered; (c) the dosage administered; (d) the manner the medicine was administered; (e) any unusual reactions or responses of the student; and (f) the name of the person administering the medicine.

Administering Medical Marijuana to Qualified Students on District Property (JLCDB)

This policy governs the conditions under which medical marijuana may be administered to students. Administration of medical marijuana to qualified students must be in accordance with this policy. Administration of all other prescription and nonprescription medications to students must be in accordance with applicable law, District Policy JLCD – Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management and District Policy JLCD-R – Administering Medicine to Students.

Colorado law requires school districts to allow the administration of medical marijuana to students on school grounds under certain circumstances, so long as it does not jeopardize the District's receipt of federal funding.

■ Definitions

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

- **“Designated location”** means a location identified in writing by the District in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.
- **“Medical marijuana”** means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent, used for a purpose that constitutes medical use.
- **“Medical use”** means the administration of marijuana to address the symptoms or effects of a student's debilitating medical condition, which may be authorized only after a diagnosis of the student's debilitating medical condition by a physician.
- **“Permissible form of medical marijuana”** means non-smokeable products such as oils, tinctures, edible

products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the District when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the superintendent or designee, who may authorize such a request after consultation with appropriate medical personnel chosen by the District.

- **"Primary caregiver"** means the qualified student's parent or guardian, or a licensed physician or licensed nurse employed by the student's parent or guardian. Any primary caregiver seeking access to school or District property, a school bus or school-sponsored event for purposes of this Policy must comply with District Policy KI – Visitors to Schools and all other applicable policies.
- **"Qualified student"** means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.
- **"Volunteer"** means a District employee that volunteers at their own discretion to administer a permissible form of medical marijuana to the qualified student in compliance with this Policy and the written plan developed by the District.

■ Permissible Administration of Medical Marijuana to a Qualified Student

Medical marijuana may be administered in a designated location by a school employee who has volunteered to do so, or a qualified student's primary caregiver. Each of the following parameters must be met for administration of medical marijuana:

1. The qualified student's parent or legal guardian has provided the school with a copy of the student's valid, signed recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana. The principal or designee will make a copy of the original state of Colorado written authorization for medical marijuana to be administered to the student. The authorization will be maintained with the student's confidential medical records together with the written request signed by the student's parent or legal guardian and the principal designee.
2. The qualified student's parent or legal guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the District from liability for any injury that occurs pursuant to this policy.
3. The qualified student's primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student.
4. The District determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students.
5. The District may store the medical marijuana in a locked container at a location of its choosing, provided it remains quickly accessible during a medical emergency. Alternatively, the primary caregiver may remove any remaining medical marijuana from school grounds, buses, or events immediately after administering it to the qualified student.
6. If a permissible form of medical marijuana is stored on site, any amount remaining must be retrieved by the parent or legal guardian at a time coordinated with the school nurse. If the parent or legal guardian fails to remove the permissible form of medical marijuana within a reasonable amount of time after being contacted, the District will dispose of all permissible forms of medical marijuana.
7. The District prepares, with the input of the qualified student's parent or legal guardian, a written plan that

identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the qualified student (if capable), and the qualified student's parent or legal guardian.

■ Additional Parameters

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or District property, a school bus, or at a school-sponsored event to administer medical marijuana.

This policy does not apply to school grounds, school buses, or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Student possession, use, being under the influence, purchase, or distribution of medicine inconsistent with the terms of this policy will be dealt with as a violation of District Policy JICH - Student Conduct Involving Drugs and Alcohol.

If the District can demonstrate a reasonable, documented expectation of lost federal funding based on federal guidance or grant requirements directly as a result of implementing this policy, this policy will be immediately suspended and the District will comply with any federal guidance and/or directives related to this policy. The District will post notice of such policy suspension and prohibition in a conspicuous place on its website.

Under no circumstances may a student possess or self-administer medical marijuana in any form on any District property or District vehicle, or at any District or school-sponsored activity or event.

Failure of the primary caregiver or student to strictly comply with the terms and conditions of this Policy may result in loss of permission to administer the permissible form of medical marijuana to the qualified student on District property and at District or school-sponsored activities and events.

School nurses are not obligated to assist or supervise the volunteer who elects to administer the permissible form of medical marijuana to the qualified student. Nurses, like all other District employees, have the sole discretion to decide if they personally want to volunteer to administer permissible forms of medical marijuana to qualified students and all such decisions must be strictly voluntary. Volunteers will not be designated under a nurse's license to carry, administer, direct, or assist in the administration of the permissible form of medical marijuana to the qualified student.

Given the statutory provision that no school employee can be required to volunteer to administer the permissible form of medical marijuana, no employee, including administrators, must pressure, demand, direct, or require another school employee to volunteer to administer permissible forms of medical marijuana for a qualified student. Likewise, no person, including any parent or guardian, must pressure, demand, or threaten any employee to become a volunteer administrator of permissible forms of medical marijuana. All employees have the sole discretion to decide if they personally want to volunteer to administer permissible forms of medical marijuana and all such decisions must be strictly voluntary. If the designated volunteer(s) identified in the written plan is unavailable to administer the permissible form of medical marijuana to the qualified student, the District is not obligated to and will not provide an alternative person to administer the permissible form of medical marijuana.

Medically Necessary Treatment in School Setting (JLCDC)

The provision of medically necessary treatment to students by private health-care specialists must be done in accordance with this policy. If medically necessary treatment requires administration of prescription and/or nonprescription medications to students, such administration must be in accordance with applicable law and the District's policy concerning the administration of medications to students. This policy does not address medical treatment provided by first responders in an emergency.

■ Definitions

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

- **“Medically necessary treatment”** means treatment recommended or ordered by a Colorado licensed health-care provider acting within the scope of the health-care provider’s license.
- **“Medically necessary team”** includes District staff, the student’s parent/caregiver, and individuals invited by the parent/caregiver who convene a meeting to discuss a request for medically necessary treatment on school grounds. The team includes the school principal or administrator, a general education teacher, an assistant director of Integrated Services or Student Services, and other staff who are appropriate based on the request, including members from the student’s IEP or Section 504 team.
- **“Private health-care specialist”** means a health-care provider who is licensed, certified, or otherwise authorized to provide health-care services in Colorado, including pediatric behavioral health treatment providers pursuant to the state medical assistance program, C.R.S. 25.5, articles 4, 5, and 6, and autism services providers who provide treatment pursuant to C.R.S. 10-16-104(1.4). In no event may a school district or administrative unit staff member be recognized as a private health-care specialist for the purposes of this policy.

■ Notice to Parents/Caregivers

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. sec. 794, as amended (“Section 504”), and Title II of the Americans with Disabilities Act of 1990 (“ADA”) provide rights and protections to students to access medically necessary treatment required by the student to have meaningful access to the benefits of a public education, or to attend school without risks to the student’s health or safety due to the student’s disabling medical condition.

Treatment that may be considered medically necessary treatment for a student, as defined in this Policy, but is not required by the student in order to have meaningful access to the benefits of a public education, or to attend school without risks to the student’s health or safety is not covered by this Policy and may be addressed separately.

■ Determination Whether Medically Necessary Treatment Must be Provided on School Premises

1. A student’s parent/caregiver may submit a request for medically necessary treatment on school grounds using the District’s form. Once the completed form has been received, the District will schedule the medically necessary team meeting as soon as reasonably practicable, and no later than 30 calendar days.
2. It will be the responsibility of the medically necessary team to determine whether any medically necessary treatment must be provided to the student within the school setting in order for the student to access their education, pursuant to Section 504 and Title II of the ADA.
3. When making the determination whether medically necessary treatment must be provided within the school setting, the student’s medically necessary team will invite the private health-care specialist who ordered or recommended the medically necessary treatment to attend the meeting at which the issue will be discussed. The invitation will include the option for the private health-care specialist to submit information in writing that can be reviewed at such meeting. The invitation will be given not less than ten calendar days in advance of the meeting.
4. Nothing in this policy will be construed to prevent the District from using its own staff, if qualified, or contracting with a qualified provider of its choice to provide medically necessary treatment that a student’s IEP team or 504 team has determined must be provided in the school setting pursuant to Section 504 or Title II of the ADA.
5. Nothing in this policy will be construed to require the District to permit a third party to determine or provide special education or related services in the school setting in a way that interferes with the District’s obligations and authority under federal law.
6. After the medically necessary team meeting, the IEP or 504 team will convene a meeting, if needed, to discuss how FAPE will be provided.

■ Access to School Setting by Private Health-Care Specialists

1. Access to provide medically necessary treatment. A private health-care specialist may be granted access to school or District property to provide medically necessary treatment in accordance with the determination of the student's medically necessary team, and as applicable, the IEP team, or 504 team, and subject to the District's Policy KI – Visitors to Schools and all other applicable policies and procedures, and subject to the provisions of regulation JLCDC-R – Authorizing Private Health-care Specialists to Provide Medically Necessary Treatment in School Setting.
2. Access to solely observe student or collaborate with school employees. A private health-care specialist may be granted access to school or District property to observe the student in the school setting or collaborate with school personnel regarding the student, without providing direct treatment to the student, in accordance with the determination of the student's Medically Necessary team, IEP team, or 504 team, and subject to District Policy KI – Visitors to Schools and all other applicable policies and procedures. Nothing in this policy prohibits or restricts District staff, as applicable, from observing the student at the same time as the private health-care specialist.

Permission to provide medically necessary treatment on school premises may be limited or revoked if the private health-care specialist violates this policy or District Regulation JLCDC-R – Authorizing Private Health-Care Specialists to Provide Medically Necessary Treatment in School Setting, or demonstrates an inability to responsibly follow the requirements of the District.

■ Appeal

If the medically necessary team determines that no medically necessary treatment is required to be provided in the school setting pursuant to Section 504 and/or Title II of the ADA, the team will provide notice to the student's parent/caregiver that the student has a right to appeal such determination. Such appeal must meet, at a minimum, the following requirements:

- The parent/caregiver must provide written notice of the request to the assistant superintendent's office within ten school days of the medically necessary team determination. The District will hold an appeal hearing within ten school days of the request for an appeal from the parent/caregiver or student.
- The District will give the parent/caregiver and student notice of the date, time, and place, reasonably in advance of the appeal hearing.
- The appeal hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
- The District will give the parent/caregiver and student a full and fair opportunity to present evidence relevant to the issue of whether the medically necessary treatment as ordered or recommended by a private health-care specialist is required to be provided in the school setting pursuant to Section 504 and/or Title II of the ADA. The parent/caregiver or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney. If the parent/caregiver or eligible student is represented by an attorney, the parent/caregiver or eligible student must provide notice to the District of such representation at least five school days prior to the hearing.
- The individual conducting the hearing will make a decision in writing within a reasonable period of time after the appeal hearing.
- The decision must be based solely on the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision. If the decision seeks to overturn the team's determination, the individual conducting the hearing will remand the matter back to the appropriate team with recommendations for reconsideration.

■ Reporting

Each school will designate a particular staff member to report the following to the superintendent or designee on a regular basis: the name of the requesting student, the student's request, and the outcome of the request, whether accepted or

denied.

Authorizing Private Health-Care Specialists to Provide Medically Necessary Treatment in School Setting (JLCDC-R)

A private health-care specialist may be permitted to come onto the premises of any District school for the purpose of providing medically necessary treatment to a student if it has been determined by the student's IEP team or 504 team that such medically necessary treatment must be provided to the student within the school setting pursuant to section 504 of the "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended ("Section 504"), and Title II of the federal "Americans with Disabilities Act of 1990" ("ADA").

Such treatment will not occur on school premises unless the following minimum requirements are met:

1. The District prepares, with the input of the private health-care specialist and the student's parent/guardian, a written plan that identifies the form, designated location(s), treatment plan for administration from the private health-care specialist, and any additional protocol regarding administration of medically necessary treatment to the student, which may include implementing a background check for the private health-care specialist, requirements that the private health-care specialist be appropriately supervised by the employing agency, or other protocol(s) if deemed necessary by the District. The written plan must be signed by the school administrator, the student (if capable), the private health-care specialist, and the student's parent/guardian.
2. The District provides a representative who has the authority and responsibility to work with the parents and private health-care specialist to schedule and/or cancel the private health-care specialist's visits to the school to provide medically necessary treatment.
3. The student's parent signs a parental consent form to any medically necessary treatment in the school setting.
4. The private health-care specialist signs a Confidentiality Affidavit certifying that they will comply with the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), and shall not read any documents or file materials pertaining to any student other than the qualifying student.
5. The private health-care specialist provides a certificate of insurance of General Liability, Auto Liability, and Professional Liability insurance that meets the District's requirements as determined by the District's director or records & risk management.
6. The private health-care specialist provides proof of Colorado licensure.
7. The private health-care specialist signs an Assumption of Risk form waiving any and all claims and demands for relief concerning any physical or emotional harm, injury, or damage to the private health-care specialist caused by the student and/or any other student.

After the medically necessary treatment begins, the treatment is subject to the following conditions:

1. At all times, through implementation of this regulation and associated policy, all parties shall strive to avoid disruption to the learning environment of all students, avoid disruption to the student's access to special education services, and maintain the integrity of all students' instructional programs.
2. The private health-care specialist must give at least two weeks' advance notice of any additional visits to the school to work with the student that were not mentioned in the written plan.
3. The District has sole discretion to deny an additional visit, or reschedule or modify any planned visit, if the visit to the school would interfere with the school's necessary activities, schedule of school staff, or scheduling priorities. Except in an emergency, the private health-care specialist and the student's parent/guardian will be given two weeks' advance notice of any rescheduling or modification of an existing visit.
4. The student's parent/guardian will be solely responsible for compensating the private health-care specialist

for medically necessary treatment, and the District will have no financial obligation to the private health-care specialist for fees, expenses, or any other associated cost. If the private health-care specialist offers suggestions, professional observations, opinions, advice, or consultation to and for District staff, the District will not be obligated to pay any associated fee or charge.

5. The private health-care specialist must follow all applicable provisions of state and federal law and District policies at all times the private health-care specialist is on District premises.
6. The District will not exercise supervisory control over the content or nature of private health-care specialist's medically necessary treatment of the student. However, if requested, the District is entitled to advance discussion and review of the content and nature of such services in order to coordinate the medically necessary treatment with other classroom and school activities.
7. Permission for the private health-care specialist to administer medically necessary treatment to a student, and to remain on District property, may be limited or revoked if the private health-care specialist violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Screening/Testing of Students (JLDAC)

Parents/caregivers and eligible students have the right to review any survey, assessment, analysis, or evaluation administered or distributed by a school to students whether created by the District or a third party. For purposes of this policy, "eligible student" means a student 18 years of age or older or an emancipated minor. Any survey, assessment, analysis, or evaluation administered or distributed by a school to students will be subject to applicable state and federal laws protecting the confidentiality of student records. This policy does not cover parental/caregiver consent for special education evaluations or services. Those requirements are governed by separate state and federal laws.

Parents/caregivers will have the right to review, upon request, any instructional material used as part of the educational curriculum for the student.

■ Survey, Assessment, Analysis or Evaluation of Students for which Consent is Required

Except as otherwise permitted by law, students will not be required to submit to a survey, assessment, analysis, or evaluation that is intended to reveal the below information, without prior written consent by the parent/caregiver or eligible student. This requirement applies whether the information is personally identifiable or not:

1. Political affiliations or beliefs of the student or student's family;
2. Mental or psychological conditions of the student or the student's family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom the student has a close family relationship;
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians and members of the clergy;
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 student's family; or
9. Social security number.

Additionally, proposed activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or otherwise providing the information to others for that purpose, must not occur unless the parent/caregiver or eligible student has provided prior written consent regarding such activity.

■ Notice of Survey, Assessment, Analysis, or Evaluation

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

1. Records or information that may be examined and required in the survey, assessment, analysis, or evaluation;
2. The means by which the records or information will be examined, reviewed, or disseminated;
3. The means by which the information is to be obtained;
4. The purposes for which the records or information are needed;
5. The entities or persons, regardless of affiliation, who will have access to the information; and
6. A method by which a parent/caregiver can access or examine the records or information.

■ Exceptions to this Policy

Nothing in this policy:

1. Prevents a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, assessment, analysis or evaluation without obtaining consent as long as such participation is not otherwise prohibited by law;
2. Prevents a District employee from reporting known or suspected child abuse or neglect as required by state law;
3. Limits the ability of a health professional that is acting as an agent of the District to evaluate an individual child;
4. Limits the District's ability to administer a suicide risk assessment or threat assessment; or
5. Requires parental notice or consent for a survey, assessment, analysis, or evaluation related to educational products or services for or to students or educational institutions. These products and services include, but are not limited to, the following:
 - college or other postsecondary education recruitment or military recruitment activities;
 - book clubs, magazines and programs providing access to low-cost literary products;
 - curriculum and instructional materials used by District schools;
 - tests and assessments used by District schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students;
 - the sale by students of products or services to raise funds for school-related or education-related activities; and
 - student recognition programs.

■ Physical Screenings

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, will be tested during the school year by the school nurse, educational audiologist and/or audiology support staff, teacher, principal or other qualified person authorized by the District, as required by law. The parent/caregiver will be informed when there is a need identified by the screening. This provision will not apply to any student whose parent/caregiver objects on religious or personal grounds.

A parent/caregiver or eligible student can opt the student out. The District or school will provide prior notice of any non-emergency invasive physical examination or any physical screening that is:

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

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

■ Treatment/Testing for Behavior Issues

District employees are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/caregiver describing the recommended testing and how any test results will be used. Prior to conducting any such testing, employees must obtain written permission from the parent/caregiver or eligible student in accordance with applicable law. Employees are encouraged to discuss concerns about a student's behavior with the parent/caregiver, and such discussions may include a suggestion that the parent/caregiver speak with an appropriate health care professional regarding any behavior concerns that school employees may have.

■ Annual Notification of Rights

At the beginning of each academic year, the District will inform parents/caregivers and eligible students of their rights under this policy.

Student Vehicle Use and Parking (JLIE)

When parked on District property, all student-driven vehicles must be parked in designated student lots. No vehicles may be driven on school grounds except in designated parking areas and roadways.

Student-driven vehicles must remain parked while students are scheduled to be in class, unless the student has been excused from school. Students must not congregate or loiter in parked cars or parking lots during the school day.

A student's ability to bring a motor vehicle onto school premises is a privilege that may be revoked. Parking privileges may be revoked for irresponsible or dangerous vehicle use. This includes speeding, reckless maneuvers, or transporting passengers on the vehicle's exterior. This conduct may also be grounds for suspension or expulsion as permitted by District policy.

A student who brings a student-operated motor vehicle onto school premises consents to allow a search of the vehicle when there is reasonable suspicion the search will yield evidence of illegal or unauthorized materials as defined in Policy JIH - Searches. Refusal by a student, parent/caregiver, or vehicle owner to allow a search of a student-operated motor vehicle on school premises when requested shall be cause for revoking the privilege of bringing any motor vehicle onto school premises by the student. Such revocation is not subject to a hearing or appeal. Refusal of a search may also be grounds for suspension or expulsion as permitted by District policy.

Each school is authorized to patrol student parking lots, visually inspect student motor vehicles, and use dogs trained to alert at the scent of drugs, explosives and other illegal or unauthorized materials for the purpose of maintaining safety in the parking lots and schools.

Principals may adopt additional parking and driving regulations as necessary for the proper operation of their schools and programs.

Student Records/Release of Information on Students (JRA/JRC)

■ General Provisions

Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data and medical information; 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 District (should one exist)

that are created by that unit for the purpose of law enforcement.

Nothing in this policy shall prevent administrators, teachers or other staff from disclosing information derived from personal knowledge or observation.

A record of requests to inspect, review and/or copy a student's education records or personally identifiable information, and a record of the disclosure of such records and information including the legitimate interests permitting such disclosure, shall be maintained as a part of each student's record. Notwithstanding the foregoing, request/disclosure records are not required with respect to requests from or disclosures to: (a) the parent or eligible student; (b) District officials in accordance with this policy; (c) a party with written consent from the parent or eligible student; (d) a party seeking directory information; or (e) a party seeking or receiving education records or personally identifiable information pursuant to a judicial order or lawfully issued subpoena legally mandated to be kept confidential.

■ Access to Records

A parent or guardian has the right to inspect and review the student's education records. If a student is 18 years of age or older the student may inspect his/her own records, and the student's written permission shall be required in order for the parent or guardian to inspect the records. (Such student 18 years of age or older shall be known as an "eligible student.") However, if an eligible student is a dependent for federal income tax purposes, parents/guardians are entitled, along with the student, to have access to student education records.

The building principal shall provide such personnel as necessary to give explanations and interpretations of the education records when requested by parents/guardians or eligible students.

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

Original education records shall not be taken from District or school buildings. Unless otherwise provided by law or District policy, one (1) copy of a student's education record(s) shall upon request be provided within a reasonable time to the parent/guardian or eligible student at a cost not to exceed 25 cents per page. In order to preserve the integrity of test materials and to comply with copyright law, however, copies of test protocols and/or completed test instruments or question booklets shall not be provided.

■ Requesting Records from Other Schools/Districts

When a student transfers to the Poudre School District from another district, the principal or designee of the receiving school shall request the student's education records from the transferring district if the records have not already been forwarded to the receiving school.

■ Transferring Records to Other Schools/Districts

Student education records, including disciplinary records, may be transferred without parent/guardian or eligible student consent to officials of another school, school district, or postsecondary institution in which the student seeks or intends to enroll, or has enrolled. The District shall, upon request of the parent/guardian or eligible student, provide them with a copy of the records transferred.

■ Requesting and Receiving Information and Records from State Agencies

Within the bounds of state law, District personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and the safety of students and staff. Such information may be obtained from any state or local agency that performs duties and functions under the Colorado Children's Code.

District personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained.

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 and state law, including the Federal Education Rights and Privacy Act of 1974 ("FERPA"), Colorado Open Records Act, and Colorado Children's Code.

■ Requests to Amend Education Records

A parent/guardian or eligible student who believes that information contained in the student's education records is inaccurate, misleading or violates the student's privacy or other rights may request that the District amend the records. Such requests shall initially be submitted in writing to the building principal. The amendment request must be received by the building principal within 10 school days of the date that the student records were first examined, unless additional time is granted by the District for good cause shown.

If the principal denies the request to amend, the principal shall notify in writing the parent/guardian or eligible student of the decision and advise them of their right to appeal such decision. Such request for an appeal must be received by an assistant superintendent of school services within 10 school days after the date of the principal's notification of denial unless additional time is granted by the District for good cause shown. This appeal must be answered in writing and sent to the parent/guardian or eligible student within 10 school days.

If the assistant superintendent denies the appeal, the parent/guardian or eligible student shall be notified of the decision and advised of their right to request a formal hearing.

If the first two steps have not resulted in the requested amendment, the parent/guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing and received by the Superintendent of Schools within 10 days after the date of the assistant superintendent's denial of the appeal. The response to the request must be mailed within 10 school days. The hearing will 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/guardian or eligible student by certified mail.
- b. The hearing will be conducted by a principal or administrative official designated in writing by the superintendent. The official conducting the hearing shall not have a direct interest in the outcome of the hearing.
- c. A parent/guardian or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by an individual of their choice at their own expense, including an attorney.
- d. The designated hearing official shall issue a decision in writing within 10 school days following the conclusion of the hearing, and shall notify the parent/guardian or eligible student of that decision by certified mail.
- e. The decision of the hearing 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 parent/guardian or eligible student of their right to place in the student's challenged education 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 District. If the education record is disclosed by school officials to any other party, the explanation also shall be disclosed to that party.

■ Disclosure with Written Consent

Except as specified in Section 8 of this policy or as otherwise provided by law, written consent shall be required before student education records and/or personally identifiable information contained therein is disclosed to parties other than the parent/guardian or eligible student. Such written consent shall be given by the parent/guardian or eligible student and shall contain the following:

- a. the date of the consent;
- b. specification of the records or information to be disclosed;
- c. the purpose of the disclosure; and
- d. the identity of the party or class of parties to whom the disclosure may be made.

If the parent/guardian or eligible student so requests, the District shall provide them with a copy of the records disclosed. Parent/guardian or eligible student consent shall only be valid for the specific disclosure for which the written consent 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 written consent for disclosure of education records or personally identifiable information contained therein.

All signed consent forms shall be retained by the District.

■ Disclosure Without Written Consent

The District may disclose student education records or personally identifiable information contained therein without written consent of the parent/guardian or eligible student under any of the following circumstances:

- a. The disclosure is to a District official having a legitimate educational interest in the education record or the personally identifiable information contained therein. A "District official" for purposes of this policy is a person employed by the District as an administrator, supervisor, instructor or support staff member; a person serving on the Board of Education; a person or company with whom the District has contracted to perform specialized tasks (such as attorneys, auditors, school resource officers, consultants and health care providers); or a parent/guardian, student or volunteer serving on an official committee or assisting another District official in performing his or her tasks.
 - (1) For purposes of this policy, a District official is determined to have a "legitimate educational interest" if disclosure to the official is: (a) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (b) used within the context of official District business and not for purposes extraneous to the official's areas of responsibility; (c) relevant to the accomplishment of some task or to a determination about the student; and (d) consistent with the purposes for which the data are maintained.
- b. The disclosure is to officials of another school, school system, or institution of postsecondary education in which the student seeks or intends to enroll, or has enrolled.
- c. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state educational authorities.
- d. The disclosure is in connection with a student's application for, or receipt of, financial aid.
- e. The disclosure is to state or local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent/guardian or eligible student.
- f. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
- g. The disclosure is to accrediting organizations to carry out their accrediting functions.
- h. The disclosure is to comply with a judicial order or lawfully issued subpoena. Unless otherwise specified in

the order or subpoena, the District shall inform the parent/guardian or eligible student prior to complying with the subpoena or court order.

- i. The disclosure is in connection with an emergency, if knowledge of the information disclosed is necessary to protect the health or safety of the student or other persons.
- j. The disclosure is of “directory information” under the conditions specified in this policy.

■ Directory Information

For purposes of this policy, “directory information” is information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed. “Directory information” includes, but is not limited to, the student’s name, photograph, audio and/or video recordings, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, honors and awards received, and the most recent educational agency or institution attended. The District may disclose directory information without written consent of the parent/guardian or eligible student; however, student telephone numbers and addresses will not be disclosed without the express written permission of the parent/guardian. The parent or eligible student has the right to refuse to permit the disclosure of any or all of the categories of directory information specified above, provided such refusal is in writing and received in the office of the principal of the school where the student is in attendance no later than September 1 (or the next school day thereafter if September 1 is a Saturday, Sunday or legal holiday).

■ Disclosure to Military Recruiting Officers

Names, addresses, and home telephone numbers of secondary students will be released to military recruiting officers within ninety (90) days of the request, unless a 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 or eligible student before the release of any non-directory information required for billing.

■ Alumni Directories

Directory information for alumni directories may include the student’s name, major activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent and previous education agency or institution attended by the student. Directory information for alumni directories may also include the addresses of former students. Telephone numbers and addresses of current students will not be disclosed pursuant to Colorado law.

The District shall continue to honor requests to opt out of the disclosure of directory information made by or on behalf of a former student while the student was in attendance at a District school, unless the former student rescinds the opt-out request. When a former student is contacted to update and verify data to be contained in an alumni directory, the former student may request that no information be published, and such request shall be honored.

■ Annual Notification of Rights

At the beginning of each academic year the District will notify all parents/guardians and eligible students of their rights pursuant to this policy. Copies of this policy and relevant forms may be obtained from the School Services office any time during normal business hours. Complaints regarding violations of rights accorded parents/guardians and eligible students pursuant to the Family Rights and Privacy Act may be submitted to the U.S. Department of Education. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U. S. Department of Education, 400 Maryland

Avenue, SW, Washington, DC 20202-4605.

Use of Restraint and Seclusion

District Policy JKA governs the manner in which physical intervention, restraint, seclusion and time-out are handled with respect to PSD students. Policy JKA has been drafted in accordance with Colorado's Protection of Persons from Restraint Act, specifically including C.R.S. § 26-20-111 (Use of restraints in public schools - certain restraints prohibited). Policy JKA can be found on the District's website at <https://www.psdschools.org/sites/default/files/PSD/policies/JKA.pdf>.

As provided by rule of the State Board of Education at 1 C.C.R. 301-45, § 2620-R-2.07, the process for filing a complaint regarding the use of restraint or seclusion with respect to a District student is set forth on the District's website at <https://www.psdschools.org/student-restraint-and-seclusion>.

Nondiscrimination/Equal Opportunity Policies

Nondiscrimination/Equal Opportunity (AC)

Poudre School District is committed to providing a safe learning and working environment where all members of the School District community are treated with dignity and respect. The District is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of a protected class, and is committed to the policy that no otherwise qualified individual shall be denied access to, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any District program or activity on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, pregnancy, family composition, marital status, veteran status, age, disability, or need for special education services. For employees or applicants, protected class also includes genetic information. The District does not discriminate on the basis of a protected class in access or admission to, or treatment or employment in, its programs or activities.

This policy defines prohibited conduct and guides individuals to the specific regulation governing the applicable reporting and response processes. Supportive measures and prompt response times are required components of all regulations. Complaints will be addressed by the following regulations:

- **Complaints of harassment or discrimination against students:** District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students
- **Complaints of harassment and discrimination against applicants or employees:** District Regulation AC-R2 – Harassment and Discrimination Investigation Procedures for Employees or Applicants for Employment
- **Complaints of sexual harassment (Title IX) against students, applicants or employees:** District Regulation AC-R3 – Sexual Harassment Investigation Procedures

The following policies further address harassment and bullying:

- **District Policy GBAA** – Harassment of Employees
- **District Policy JBB** – Harassment or Discrimination of Students
- **District Policy JICDE** – Bullying Prevention and Education

■ Definitions

For purposes of this policy and the policies listed above, unless otherwise noted in those policies, these terms or phrases have the following meanings:

- **"Bullying"** is any written or oral expression, physical or electronic act or gesture, or a pattern thereof, that is intended to willfully cause physical, mental, or emotional harm to any student or to use coercion or intimidation

to influence and/or obtain control over another person. District Policy JICDE – Bullying Prevention and Education, has more information. If the bullying is based on a student's protected class, the behavior may constitute harassment or discrimination. Bullying based on a student's protected class that meets the definition of harassment or discrimination under District Policy JBB – Harassment or Discrimination of Students should be addressed through District Regulation AC-R1 - Harassment and Discrimination Investigation Procedures for Students.

- **“Complainant”** means a student or their parent/guardian on the student's behalf, employee, or community member alleged to have experienced discrimination or harassment when participating in or attempting to participate in a District education program or activity. A complainant may or may not be the reporting party.
- **“Compliance officer”** means the District employee who is responsible for coordinating and overseeing the District's discrimination and harassment prevention and response efforts. Among other responsibilities, the compliance officer will coordinate and oversee the District's discrimination and harassment investigation, consultation, recordkeeping, monitoring, and training processes. To facilitate this work, all District employees must inform the compliance officer of all reports and complaints raising discrimination and harassment issues implicating this policy. The compliance officer may appoint a designee to perform any of their assigned duties, including performing the investigation and issuing the report.
- **“Discrimination”** occurs when an individual is denied or limited in the ability to participate in or benefit from the District's services, activities, or opportunities on the basis of any protected class. Discrimination does not require discriminatory intent and can result from implicit bias.
- **“Harassment”** against employees or applicants for employment is defined in District Policy GBAA – Harassment of Employees.
- **“Harassment or discrimination”** against students is defined in District Policy JBB – Harassment or Discrimination of Students.
- **“Protected class/classes”** include race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, pregnancy, family composition, marital status, veteran status, age, disability or need for special education services. For employees or applicants, protected class includes genetic information.
 - **“Creed”** means all aspects of religious beliefs, observances or practices, as well as sincerely-held moral and ethical beliefs as to what is right and wrong, and/or addresses ultimate ideas or questions regarding the meaning of existence, as well as the beliefs or teachings of a particular religion, church, denomination or sect. A creed does not include political beliefs, association with political beliefs or political interests, or membership in a political party.
 - **“Gender expression”** means an individual's way of reflecting and expressing the individual's gender to the outside world, typically demonstrated through appearance, dress, and behavior.
 - **“Gender identity”** means an individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth.
 - **“Transgender”** means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.
 - **“Marital status”** means a relationship or a spousal status of an individual, including, but not limited to, being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated, or a relationship or a spousal status of an individual who has had or is in the process of having a marriage or civil union dissolved or declared invalid.
 - **“National origin”** refers to the country where a person was born, or, more broadly, the country from which a person's ancestors came.
 - **“Race”** includes hair texture, hair type, hair length, or a protective hairstyle that is commonly or historically

associated with race.

- **“Protective hairstyle”** includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and head wraps.
- **“Religion”** means all aspects of religious observance, belief and practice. A person does not have to be a member or follower of a particular organized religion, sect or faith tradition to have a religion.
- **“Sexual orientation”** means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- **“Reporting party”** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any District student, employee, or community member may be a reporting party.
- **“Respondent”** means a student, employee, or other individual who has been reported to have engaged in alleged harassment or discrimination.
- **“Retaliation”** is intimidating, threatening, coercing, or discriminating against an individual by the District, a student, or an employee or other person authorized by the District because the individual raised a good-faith concern about or participated in good faith in an investigation of discrimination or harassment. Retaliation includes charges against a student for code of conduct violations related to the incident for the purpose of punishing a student for making a report or otherwise interfering with a student’s rights under this policy. The District will investigate and respond to an allegation of retaliation.
- **“Sex-based Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **“Sexual Harassment”** under Title IX is a form of sex discrimination and means conduct on the basis of sex that satisfies one or more of the following:
 - An employee of the District conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
 - Sexual assault, dating violence, domestic violence, or stalking.
 - Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - Dating violence meaning violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
 - Domestic violence means felony or misdemeanor crimes committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - Stalking means engaging in a course of conduct directed at a specific person that would cause a

reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

- **"Supportive measures"** are non-disciplinary, non-punitive individualized services offered to the complainant or respondent as appropriate, as reasonably available, without fee or charge, to restore or preserve equal access to education, protect student and employee safety, or deter harassment and discrimination. Supportive measures may be provided regardless of whether a complaint has been filed. Supportive measures may include, but are not limited to:
 - Counseling;
 - Extensions of deadlines or other course-related adjustments;
 - Extra time for homework or tests;
 - The opportunity to resubmit homework or retake a test;
 - Remedying an impacted grade;
 - Excused absences, including for any therapy, medical, legal, or victim's services appointment associated with the report;
 - The opportunity for home instruction;
 - Modifications to class schedules; and
 - Restrictions on contact between affected students, including the parties to a complaint of harassment or discrimination.
- **"Title IX Coordinator"** means the employee designated by the District to coordinate its efforts to comply with Title IX of the Education Amendments. The Title IX Coordinator retains ultimate oversight over the District's responsibilities and ensures the District's consistent compliance with its responsibilities under Title IX.
- **"Designated administrator"** means an employee designated by a compliance officer at each school or site to whom the compliance officer(s) has delegated certain responsibilities to receive and respond to complaints and reports of harassment or discrimination.

■ Harassment, Discrimination, and Retaliation Prohibited

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

■ Reporting Harassment and Discrimination

All District employees and students share the responsibility to ensure that harassment and discrimination do not occur at any District school, or any District property, at any District or school-sanctioned activity or event, or off school property when such conduct has a nexus (link or connection) to the school.

Any student or parent/guardian of a student who believes they have been a target of harassment or discrimination as defined in District policy, or who has witnessed harassment or discrimination, is encouraged to immediately report it to an administrator, counselor, teacher, through the District's online reporting form, or the District's compliance officer(s) and file a complaint as set forth in the regulations that accompany this policy.

■ District Action

All District employees who witness harassment or discrimination must take prompt and effective action to stop the harassment or discrimination, including reporting the harassment or discrimination to the appropriate school or District employee.

The District's response to allegations of harassment or discrimination will include:

- Promptly and impartially investigating allegations of harassment or discrimination;
- Promptly taking effective action to stop harassment or discrimination when it is determined by a preponderance of the evidence (more likely than not) that incidents of harassment or discrimination have occurred, taking steps to prevent it from happening again, and remedying the effects of harassment or discrimination;
- Taking steps to protect anyone participating in good faith in an unlawful discrimination report, complaint or investigation from retaliation;
- Providing regular updates to all parties regarding the investigation;
- Implementing supportive measures during the investigation; and
- Referring reports and complaints that appear to involve criminal law violations to law enforcement authorities.

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

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

■ Compliance Officers

The District's compliance officers are responsible for District compliance with this policy. For District students/members of the public, the compliance officers for harassment or discrimination, including under Title IX, Title VI, Americans with Disabilities Act (ADA) and Section 504:

Compliance, Prevention, & Response Coordinator

2407 LaPorte Avenue
Fort Collins, Colorado 80521
Phone: (970) 490-3333
Email: nondiscrimination@psdschools.org

For District employees/applicants for employment:

Chief of Staff
2407 LaPorte Avenue
Fort Collins, Colorado 80521
Phone: (970) 490-3333
Email: HRCompliance@psdschools.org

■ Annual Notice and Training

The District will issue a written notice prior to the beginning of each school year that advises students, parents, employees, and the general public that the educational programs, activities, and employment opportunities offered by the District are offered without regard to protected class.

The announcement will also include the name, address, email address, and telephone number of the person(s) designated to coordinate Title IX, Section 504, ADA, and other nondiscrimination compliance activities.

Communications regarding this policy notice will be written in simple and age-appropriate language. When possible, the notice will be disseminated to persons with limited English language skills in the person's own language. The policy and implementing regulations will be prominently posted on the District's website in plain language, and made available to all

students, parents, and employees through electronic or hard-copy distribution.

Training materials regarding sex-based harassment are available to the public on the District's website. Students and District employees will receive periodic training related to recognizing, reporting, and preventing discrimination and harassment. District employees must receive additional training related to handling reports of discrimination and harassment.

■ Reporting to Federal or State Agency

In addition to, or as an alternative to, filing a harassment or discrimination complaint to this policy and the accompanying regulations, an individual may file a complaint with the U.S. Department of Education, Office for Civil Rights, Federal Office of Equal Employment Opportunity Commission, or the Colorado Civil Rights Division at the addresses below:

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

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

Federal Office of Equal Employment Opportunity Commission (EEOC)

303 E. 17th Ave., Suite 410
Denver, CO 80203
Phone: (303) 800-669-4000
Fax: (303) 866-1085
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122

Colorado Civil Rights Division (CCRD)

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

Harassment and Discrimination Investigation Procedures for Students (AC-R1)

The District must take appropriate action to promptly and impartially investigate allegations of harassment or discrimination; promptly take effective action to stop harassment or discrimination when it is discovered and take steps to prevent a reoccurrence; remedy the effects of harassment or discrimination; impose appropriate disciplinary action or other consequences on offenders in a case-by-case manner; take steps to protect anyone participating in good faith in a harassment or discrimination report, complaint or investigation from retaliation; and protect the privacy of all those involved in harassment or discrimination reports and complaints as required by law. Reports and complaints that appear to involve criminal law violations will also be referred to law enforcement authorities. This policy is separate from and in addition to the procedures for Title IX investigations incorporated into District Regulation AC-R3 – Sexual Harassment Investigation Procedures.

■ Reporting Discrimination and Harassment

Any individual who experiences or witnesses acts of harassment or discrimination in the District's program or activities is encouraged to promptly report the incident to an administrator, compliance officer, and/or by completing the District's online reporting form. Reports of harassment or discrimination may be made in writing, in person, by phone, by email, or through the online reporting form.

Any employee who receives information about an incident or who witnesses harassment, discrimination, or retaliation must

report the incident to their supervisor, the compliance officer, or through the District's online reporting form.

The District shall not use a student report of harassment or discrimination, whether verbal or in writing, or information revealed in any investigation or disciplinary proceedings of the report, as the basis for, or a consideration in, investigating or exacting any disciplinary response for a school violation by the reporting student or complainant related to the reported incident for any of the following:

- Engaging in reasonable self-defense against the respondent;
- Consensual sexual activity;
- Drug or alcohol use;
- Late arrival or truancy;
- Unauthorized access to facilities;
- Talking publicly about the alleged harassment or discrimination; or
- Expressing a trauma symptom.

However, nothing in this regulation prohibits a school or the District from disciplining a student who knowingly makes a false complaint of harassment or discrimination or disciplining a student when necessary to ensure the safety of any student or employee. A finding of no harassment or discrimination does not on its own constitute a false complaint.

■ Supportive Measures and Accommodations

The District must offer accommodations and supportive measures, as defined in District Policy AC – Nondiscrimination/ Equal Opportunity that are designed to protect the safety of all students and that preserve and restore equal access to education for the student. Students may make a request for supportive measures to their administrator, compliance officer, or designee. A student is not required to file a formal report or wait for the investigation process to conclude before being provided supportive measures.

Additional accommodations are available for students with disabilities depending on their disability-related need for an accommodation or supportive measure in response to discrimination or harassment. Accommodations are determined on an individual basis.

■ General Procedure

Upon receiving an allegation that, if proven true, constitutes harassment or discrimination under this policy, the designated administrator will meet with the complainant as soon as is reasonably possible, typically within two (2) school days, following the District's receipt of the complaint in order to discuss supportive measures, obtain a clear understanding of the nature of the complaint, and to discuss what action the complainant may be seeking.

- During this initial conference, the designated administrator will explain:
- The options for resolution, including informal and formal resolution procedures;
- The District's obligation to take steps to prevent recurrence of harassment or discrimination, and to remedy the effects of harassment or discrimination;
- Available supportive measures and additional accommodations available for students with disabilities; and
- That any request for confidentiality will be honored so long as doing so does not preclude the District from responding effectively to prohibited conduct and preventing future prohibited conduct.

The District will not rely solely on a criminal investigation by a law enforcement agency in lieu of responding to a report of harassment or discrimination promptly and effectively.

■ Informal Resolution Procedure

If the complainant and respondent consent to informal action and the designated administrator believes that the matter is suitable for such resolution, the designated administrator may attempt to resolve the matter informally through mediation, counseling, restorative practices, or other non-disciplinary means. Informal resolution may only be used if all parties are students and provide consent, which must be documented in writing by the designated administrator. Informal resolution may not be used if the underlying offense involves sexual assault or other acts of violence. No party will be compelled to resolve a complaint of harassment or discrimination informally, and either party may request an end to an informal process at any time.

If all parties feel a resolution has been achieved through informal resolution, no further compliance action must be taken. However, within five (5) school days, the designated administrator will prepare a written report for the parties detailing the agreement, including any steps the District will take to prevent future harassment or discrimination.

■ Formal Resolution Procedure

If informal resolution is inappropriate, unavailable, or unsuccessful, the designated administrator will engage in the formal resolution process. The designated administrator will promptly proceed with a fair, impartial and prompt investigation.

Upon institution of an investigation, the investigator must provide the parties with written notice of the complaint or report. The written notice must include a reference to the specific section of the policy allegedly violated, and the conduct constituting the alleged violation. All questions related to the investigation will be directed to the individual conducting the investigation.

Both parties have an equal opportunity to be heard and to provide evidence obtained through the course of the investigation. The investigator will interview the parties and any witnesses, review any available relevant evidence, and consider patterns of misconduct as relevant evidence. Both parties will have the same opportunity to have an advisor or other person present during any part of the investigative process. During interviews and meetings, the advisor may not speak for the party and must limit their role to consulting with and advising the party. The District will establish and maintain procedures regarding the extent to which an advisor may participate in the proceedings. Any restrictions on advisor(s) must apply equally to both parties.

During the course of the investigation, both parties will be provided with regular written updates about the status of the investigation to both parties and their parents/guardians at each stage of the investigation, but at least every fifteen (15) workdays.

Upon concluding the investigation, the designated administrator must prepare a written report within sixty (60) calendar days after the report. The designated administrator will apply the preponderance of the evidence standard, which is a determination of whether it is more likely than not that the conduct occurred. The investigator shall provide concurrent notification to the parties of the outcome of the investigation and any findings. The decision must also include a written determination regarding responsibility, explain how and why the designated administrator reached the conclusions outlined in the report, detail any supportive measures or disciplinary actions already taken, and recommendations for future disciplinary measures.

This deadline may be extended for good cause and with prior written notice to the complainant and to the respondent of the delay and the reason for the delay or may extend the deadline at the request of a law enforcement agency.

■ Appeal

Should the complainant or respondent disagree with the findings, they may appeal the decision by submitting a written letter of appeal to the designated administrator within five (5) school days after receiving notification of the final outcome of the investigation. Grounds for appeal are limited to the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination was made, that could affect the

outcome of the matter; or

- A conflict of interest or bias for or against the parties that affected the outcome of the matter.

The written appeal should include any additional evidence to be considered and state with specificity the disagreements with the decision. The compliance officer or designee shall review the evidence and will notify the parties in writing of a final decision within ten (10) school days after receiving the written appeal. The compliance officer's or designee's decision will be final.

■ Disciplinary Action or Other Consequences

If the designated administrator concludes that District policy has been violated, appropriate disciplinary action or other consequences will be imposed, which may include warning, exclusion, progressive discipline, suspension, expulsion, transfer, termination, remediation, education, or training. Consequences to third parties may include cancellation of a contract, total ban upon the individual's future presence on District property, or other appropriate measures.

Nothing in this regulation shall be construed to prohibit discipline of a student or staff member for conduct which, although it does not rise to the level of harassment or discrimination as defined in District Policy JBB – Harassment or Discrimination of Students, otherwise violates one or more of the District's policies.

■ Resources

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

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

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

Colorado Crisis Services: 1-844-493-TALK (8255); or text "TALK" to 38255

Sexual Assault Victim Advocate Center Hotline: 970-472-4200

Behavioral Health Urgent Care and Crisis Stabilization Unit: 970-494-4200, ext. 4

■ Outside Agencies

In addition to or as an alternative to filing a complaint pursuant to this regulation, a person may file a discrimination complaint with outside agencies as identified and listed in District Policy AC – Nondiscrimination/Equal Opportunity.

Sexual Harassment Investigation Procedures (AC-R3)

The District is committed to fostering and maintaining a safe, nondiscriminatory learning and working environment that is free from sex- based discrimination, including sexual harassment. It is a violation of District policy for any employee to harass another employee or a student or for a student to harass another student or employee through conduct or communications of a sexual nature, or to retaliate against anyone that reports sex-based discrimination or harassment or participates in a harassment investigation. Further, the District does not discriminate on the basis of sex in its educational programs, activities, operations, and employment decisions consistent with Title IX of the Education Amendments of 1972 ("Title IX") and other applicable state and federal law.

■ Definitions

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

- **"Complainant"** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- **"Consent"** is defined by Colorado law. Consent for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not sufficient to constitute consent. Submission under the influence of fear shall not be sufficient to constitute consent. A determination regarding the existence of consent is made based on the totality of the circumstances.

Any conduct of a sexual nature directed toward a student by a District employee shall be presumed to be unwelcome and nonconsensual and is strictly prohibited by District policy.

- **“Decision-maker”** means an individual trained to assess the relevant evidence, including party and witness credibility, and decide if the District has met the burden of proof (preponderance of the evidence) showing the respondent is responsible for the alleged sexual harassment. The decision maker may not be the Title IX Coordinator or the investigator.
- **“Education program or activity”** means locations, events, or circumstances over which the district exercises substantial control over both the complainant and respondent and the context in which the sexual harassment occurs.
- **“Formal complaint”** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.
- **“Investigator”** means an individual trained to objectively evaluate the credibility of parties and witnesses, synthesize all available evidence - including both inculpatory and exculpatory evidence - and take into account the unique and complex circumstances of each situation. The investigator may be the Title IX Coordinator, but cannot be the decision-maker.
- **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **“Title IX Coordinator”** means the employee designated by the District to coordinate its efforts to comply with Title IX of the Education Amendments. The Title IX Coordinator retains ultimate oversight over the District’s responsibilities and ensures the District’s consistent compliance with its responsibilities under Title IX. The District’s Title IX Coordinator is:

Compliance, Prevention, & Response Coordinator

2407 LaPorte Avenue
Fort Collins, Colorado 80521
Phone: (970) 490-3333

Email: nondiscrimination@psdschools.org

■ Reporting Sex Discrimination, Including Sexual Harassment

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be submitted to the District’s Title IX Coordinator, the school’s Deputy Title IX Coordinator, or a District employee, via the District’s online reporting form, in person, mail, telephone, or electronic mail, using the District’s Title IX complaint form, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Reports concerning the Title IX Coordinator may be submitted to the superintendent and complaints concerning the superintendent may be submitted to the Board of Education. Reports of sexual harassment as defined in this Regulation will be addressed as described herein. Reports of conduct that does not meet the definition of sexual harassment under Title IX may still be addressed as described in District Regulations AC-R1 – Harassment and Discrimination Investigation Procedures for Students or AC-R2 – Harassment and Discrimination Investigation Procedures for Employees or Applicants for Employment.

The Title IX Coordinator or designee must promptly contact the complainant to discuss the availability of supportive measures and explain to the complainant the process for filing a formal complaint. Supportive measures may be provided with or without the filing of a formal complaint.

■ Filing a Formal Complaint

A complainant, or a parent/guardian with the legal right to act on the complainant’s behalf, may file a formal complaint.

Complaints must be filed in writing and signed by the complainant. Complaints may also be filed and signed by the Title IX Coordinator. Completed forms must be filed with the Title IX Coordinator. If a complaint is given to a District employee, the District employee will promptly forward the complaint to the Title IX Coordinator. The complainant will receive assistance as needed in filing a complaint.

Retaliation against the complainant, respondent, or any person who filed a complaint, participated or assisted in an investigation, is prohibited. Examples of prohibited retaliation would include attempts to intimidate, threaten, coerce, or discriminate against any individual who filed a complaint or participated in an investigation. Individuals found to have engaged in retaliatory behavior will be subject to disciplinary measures.

The District may remove a respondent from the District's education program or activity on an emergency basis only if the District determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of the sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following removal. Any emergency removal must be made in compliance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

The District may place an employee respondent on administrative leave during the pendency of this process.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

■ Dismissal of Formal Complaint

Once a formal complaint is received, the Title IX Coordinator or designee will first determine if the alleged conduct occurred in the District's education program or activity. If the alleged conduct is not part of the education program or activity, or did not occur in the United States, the formal complaint must be dismissed under this Regulation. A dismissal does not prohibit the complainant from pursuing other remedies under state or federal law or District policy, nor does it prohibit the District from addressing the allegations in any manner the District deems appropriate. If the complaint is dismissed, the District may follow the procedures in District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students or AC-R2 – Harassment and Discrimination Investigation Procedures for Employees or Applicants for Employment, to investigate the alleged conduct. The District may also offer supportive measures as appropriate.

The Title IX Coordinator or investigator may dismiss the formal complaint if the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations contained within the formal complaint; the respondent is no longer enrolled or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations contained within the formal complaint.

Upon mandatory or permissive dismissal, the District must send written notice of such dismissal and the reasons for dismissal simultaneously to the parties.

■ Investigation of Formal Complaint

If the Title IX Coordinator or designee determines the alleged conduct falls under this Regulation, the investigator will begin the investigation in a reasonably prompt manner. The Title IX Coordinator or designee will promptly contact the complainant and respondent to discuss available supportive measures.

At the initiation of the investigation, the investigator must provide written notice of the allegations to the parties involved and provide sufficient time to prepare a response before conducting any initial interviews.

The investigator must apply a presumption that the respondent is not responsible for the alleged conduct during the course

of the investigation. No disciplinary sanctions or other actions that are not supportive measures may be imposed against the respondent until completion of the investigation and determination of responsibility. The investigator will not ask questions about or investigate the complainant's prior sexual history, and will prevent the complainant from being subjected to such questions from others whenever feasible unless otherwise permitted under Title IX.

The investigator must adhere to all timeframes. A temporary delay or limited extension of the timeframes during the investigation may be requested by either party or the investigator for good cause. If a timeframe is delayed or extended, the investigator will notify the complainant, respondent, and decision-maker of the delay and reason in writing.

The investigator will, as appropriate:

- Request the complainant to provide a written statement regarding the nature of the complaint;
- Request for respondent to provide a written statement;
- Request for witnesses identified during the course of the investigation to provide a written statement;
- Interview of the complainant, respondent, or witnesses. The investigator will provide an equal opportunity for the parties to present witnesses; and
- Collect and objectively evaluate documentation and all evidence or information deemed relevant to the investigation.

Prior to completion of the investigative report, the investigator must send to each party the evidence gathered as part of the investigation in an electronic format or a hard copy. The parties will have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

After finalizing the report, the investigator will provide a copy to the complainant and respondent and will wait 10 days before providing the report to the decision-maker. The investigator's report must be advisory and must not bind the decision-maker to any particular course of action or remedial measure.

■ Decision

The decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The decision-maker must provide each party with the answers and allow for additional, limited follow-up questions from each party.

The decision-maker will apply the preponderance of the evidence standard when making a decision and must notify the complainant and respondent simultaneously in writing of the decision. The decision must include a written determination regarding responsibility, explain how and why the decision-maker reached the conclusions outlined in the report, and detail any recommended disciplinary measures to be taken in response to the conduct. The decision of the decision-maker in no way prejudices either the complainant or the respondent from seeking redress through state or federal agencies, as provided in law.

■ Appeal

The investigation is closed after the decision-maker issues a decision, unless either party appeals the decision within 10 days by making a written request to the decision-maker. The grounds for an appeal are limited to the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If a party files an appeal, the District will notify the other party in writing. The decision-maker for the appeal may not be the same decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator.

Once an appeal has been filed, both parties will have 10 days to submit a written statement in support of, or challenging, the outcome. The decision-maker(s) for the appeal will issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall be provided to both parties simultaneously.

■ Informal Resolution

If a formal complaint has been filed, at any time prior to reaching a decision, the parties may choose to participate in an informal resolution process, such as mediation. Both parties must voluntarily consent in writing to the informal resolution process. This informal resolution process will not be available to resolve allegations that an employee sexually harassed a student. The District will follow the process for informal resolution outlined in District Regulations AC-R1 – Harassment and Discrimination Investigation Procedures for Students or AC.

■ Notice and Training

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the District shall provide notice of these procedures to all District schools and departments. The Regulation must be prominently posted on the District's website, referenced in the Student Rights & Code of Conduct and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

District employees will receive periodic training related to handling reports of sexual harassment. Training materials are available to the public on the District's website.

Nondiscrimination on the Basis of Disability (ACE)

Poudre School District is committed to the 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, 20 U.S.C. § 794 ("Section 504") and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. ("ADA"). Section 504 and the ADA provide that no 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 otherwise 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 prohibition against discrimination includes a prohibition against harassment.

■ Nondiscrimination with Respect to Students

The District shall provide a free, appropriate public education to each of its students as provided by law. The District shall not discriminate against any student on the basis of disability, including but not limited to exclusion from curricular or extracurricular programs, services or activities.

■ Nondiscrimination in Employment

The District shall not discriminate against any qualified individual on the basis of disability in regard to job recruitment, application procedures or hiring; advancement in or termination of employment; job training, compensation or benefits; or other terms, conditions or privileges of employment. The District shall make reasonable accommodations to the known physical or mental limitations of any otherwise qualified individual with a disability who is a job applicant or employee, unless the District can demonstrate that the accommodation would impose an undue hardship on District operations or would require modification of the essential functions of the job at issue.

■ Nondiscrimination with Respect to Parents, Guardians and Members of the Public

The District shall make reasonable accommodations as required by law for members of the public who seek to participate in or enjoy the benefits of District programs, services or activities. The District shall also make reasonable accommodations as

required by law for parents/guardians to attend their children's curricular and extracurricular programs and activities, and to participate on the same basis as parents/guardians who are not disabled in school-related matters concerning their children such as parent-teacher conferences, IEP meetings, Section 504 meetings, disciplinary hearings, and the like.

■ Section 504/ADA Coordinators

The director of student services shall serve as the District Section 504/ADA coordinator with respect to District students and members of the public, and may be contacted at 1630 South Stover Street, Fort Collins, Colorado 80525; phone (970) 490-3033. The executive director of human resources shall serve as the District Section 504/ADA coordinator with respect to District employees, and may be contacted at 2407 Laporte Avenue, Fort Collins, Colorado 80521; phone (970) 490-3620. The District Section 504/ADA coordinators shall ensure compliance with applicable laws prohibiting discrimination on the basis of disability, shall formulate procedures and guidelines to implement and administer the terms of this policy, shall coordinate the impartial investigation of complaints and action taken based on such investigations, and shall monitor District operations and practices to ensure compliance with Section 504, the ADA and other applicable laws prohibiting discrimination on the basis of disability.

■ Resolution of Disability Discrimination Complaints

The following options for resolution of complaints alleging discrimination on the basis of disability are separate, distinct and voluntary. Neither the District nor any of its employees shall retaliate against any individual for exercising rights provided under Section 504 and/or the ADA, or for good-faith participation in the resolution of a disability discrimination complaint under this policy.

Individuals who believe they have been unlawfully discriminated against by the District on the basis of disability (or their parents/guardians, in the case of students under 18 years of age and individuals unable to advocate for themselves) may seek to resolve their complaints as set forth in this policy. Whether or not an aggrieved individual files a complaint or otherwise requests action, the District is required by law to investigate allegations of unlawful discrimination of which it is made aware and to take steps to properly address discrimination it determines has occurred. In cases where unlawful discrimination has occurred, the District shall take the necessary steps to prevent its reoccurrence.

An impartial due process hearing may be requested at any time to resolve complaints alleging discrimination on the basis of disability regarding a student's Section 504 identification, evaluation or educational placement in accordance with the procedure set forth below.

In addition to the grievance and impartial due process hearing procedures described below, complaints alleging discrimination on the basis of disability may at any time be submitted to mediation if agreed to by the complainant and the appropriate District Section 504/ADA coordinator, and/or may be filed with the United States Department of Education, Office for Civil Rights ("OCR"). Contact information for the Denver regional OCR office is: U.S. Department of Education, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, Colorado 80204; phone: (303) 844-5695; TDD: (877) 521-2172; e-mail: OCR.Denver@ed.gov.

■ Grievance Procedure

Step 1: The complainant should complete Form AC-E (available in the Department of Student Services, the Department of Human Resources, the office at each District school and on the District's website) and submit the completed Form to the school principal, the department director or the complainant's supervisor (as applicable). If the complainant is unable to complete the form because of a disability or other legitimate reason, the complainant may have another person complete the Form on his/her behalf or may orally provide the information called for in the Form to the appropriate District official. The District official to whom complaint information is orally submitted shall document it on the form, read the information back to the complainant and give the complainant an opportunity to correct the information read back. The principal/director/supervisor shall forward the form to the appropriate District Section 504/ADA coordinator.

If disability discrimination is being alleged against the principal/ director/supervisor, the form should be filed directly with the appropriate District Section 504/ADA coordinator, and the matter shall thereafter proceed as specified in Step 3. If disability discrimination is being alleged against one of the District Section 504/ADA coordinators, the form should be filed with the other District Section 504/ADA coordinator, and the matter shall thereafter proceed as specified in Step 3.

Complaints shall not be accepted more than ninety (90) calendar days after the alleged discrimination occurred, except that extensions may be granted upon a showing that the complainant was prevented from timely filing as a result of circumstances beyond his/her control.

Step 2: The District Section 504/ADA coordinator's designee shall promptly conduct an impartial investigation as necessary to determine the relevant facts, shall meet with the person(s) alleged to have engaged in the discrimination to get their account of the matter, and shall meet with the complainant to receive any additional evidence the complainant may wish to present and to attempt to equitably resolve the complaint. At the conclusion of such investigation and meeting(s), the District Section 504/ADA coordinator's designee shall render a written determination regarding the complaint and provide a copy to: (a) the complainant; (b) the person(s) alleged to have engaged in the discrimination; (c) the member of the superintendent's cabinet responsible for the school, department or program in which the alleged discrimination occurred; and (d) the appropriate District Section 504/ADA coordinator. The designee's written determination shall be completed and provided to the specified individuals within thirty (30) calendar days after the District Section 504/ADA coordinator's receipt of the complaint.

Step 3: If the complainant is not satisfied with the written determination of the complaint rendered by the District Section 504/ADA coordinator's designee at the conclusion of Step 2, the complainant may appeal that determination to the appropriate District Section 504/ADA coordinator within ten (10) calendar days after receiving it. The appeal should be in writing and describe with specificity the basis of each point of disagreement with the written determination. If the complainant is unable to file the appeal in writing because of a disability or other legitimate reason, the complainant may have another person do so or may orally describe the basis of each point of disagreement with the written determination to the District Section 504/ADA coordinator. In the event of an oral appeal, the District Section 504/ADA coordinator shall document the information provided, read it back to the complainant and give the complainant an opportunity to correct the information read back.

Step 4: The District Section 504/ADA coordinator shall promptly review the appeal, conduct further investigation and/or meet with the complainant as the coordinator deems necessary, and shall render a written decision concerning the appeal within thirty (30) calendar days after receipt of the appeal. Copies of the coordinator's written decision shall be provided to: (a) the complainant; (b) the person(s) alleged to have engaged in the discrimination; and (c) the member of the superintendent's cabinet responsible for the school, department or program in which the alleged discrimination occurred.

Step 5: If the complainant is not satisfied with the written decision concerning the appeal rendered by the District Section 504/ADA coordinator, the complainant may pursue any remedy or litigation authorized by law.

■ Impartial Due Process Hearing Procedure

A parent/guardian (or the student, if he/she is 18 years of age or older) may file a request with the director of student services for an impartial due process hearing to resolve a complaint alleging discrimination on the basis of disability regarding a student's section 504 identification, evaluation or educational placement. The request must state with specificity each issue the complainant wishes to have decided through the hearing process, and for each such issue must also state the remedy sought by the complainant. The request for an impartial due process hearing must be filed no later than five (5) months after the last date on which the alleged discrimination occurred, and should be in writing. If the complainant is unable to file the request in writing because of a disability or other legitimate reason, the complainant may have another person do so or may orally state to the director of student services each issue he/she wishes to have decided

through the hearing process, and for each such issue the remedy he/she is seeking. In the event of an oral request for hearing, the director of student services shall document the information provided, read it back to the complainant and give the complainant an opportunity to correct the information read back.

The complainant and the District each have the right to be represented by legal counsel at the impartial due process hearing and in connection with any prehearing matters. If the complainant will be represented by legal counsel at the hearing, he or she must notify the District of that fact at the time the hearing is requested. If the District will be represented by legal counsel at the hearing, it must notify the complainant of that fact within three (3) business days of receiving the hearing request. Parties who choose to be represented by legal counsel shall be responsible for the payment of all costs and legal fees charged by their counsel.

Upon the director of student services' receipt of an appropriate request for impartial due process hearing, the District shall retain an independent hearing officer who is knowledgeable about Section 504 and the ADA. The hearing officer shall coordinate with the parties to set a date, time and place for the hearing within thirty (30) calendar days of the initial request or as soon thereafter as reasonably practicable; shall advise the parties in advance regarding applicable hearing procedures and rules of evidence; and shall issue any prehearing orders deemed necessary or advisable.

The impartial due process hearing shall be recorded. Each party shall have the right to present witnesses, documents and other relevant evidence in support of their case. The independent hearing officer shall issue a written decision within ten (10) business days after the conclusion of the hearing that addresses each of the issues properly submitted. The hearing officer's decision shall: (a) be confined to matters concerning the student's section 504 identification, evaluation or educational placement; (b) be based solely on relevant evidence introduced at the hearing; (c) include a summary of the relevant evidence presented and the reasons for the decision rendered; and (d) be provided to all parties to the hearing, including the parents/guardian of each student. The hearing officer may not assess or award attorney fees related to the hearing.

After the independent hearing officer has issued his/her decision, the recording of the impartial due process hearing, all physical and documentary evidence and all other items comprising the record of the hearing shall be returned to the District.

Within thirty (30) calendar days of receipt of the independent hearing officer's written decision, either party may seek review of the decision in a court of competent jurisdiction, as authorized by law.

Harassment or Discrimination of Students (JBB)

The Poudre School District is committed to maintaining a learning environment for students that is free from harassment based on protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity. Harassment and discrimination by District employees, authorized volunteers, students and third parties are strictly prohibited.

Harassment or discrimination means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class, as defined in District Policy AC – Nondiscrimination/Equal Opportunity, which conduct or communication is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication need not be severe or pervasive to constitute harassment or discrimination and is a violation of District policy if:

- Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's access to an educational service, opportunity or benefit;
- Submission to, objection to, or rejection of the conduct or communication is used or explicitly or implicitly threatened to be used as a basis for educational decisions affecting the individual; or

- The conduct or communication has the purpose or effect of unreasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment.

Petty slights, minor annoyances, and lack of good manners do not constitute harassment or discrimination unless the slights, annoyances, or lack of manners, when taken in combination and under the totality of circumstances, meet the standard of harassment or discrimination as set forth in this policy.

Whether conduct constitutes harassment or discrimination is judged under the totality of the circumstances, which may include, but is not limited to:

- The frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment or discrimination;
- The number of individuals engaged in the conduct or communication;
- The type or nature of the conduct or communication;
- The duration of the conduct or communication;
- The location where the conduct or communication occurred;
- Whether the conduct or communication is threatening;
- Whether any power differential exists between the individual alleged to have engaged in harassment or discrimination and the individual alleging the harassment or discrimination;
- Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading;
- Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;
- Whether the conduct includes an act of physical violence;
- For harassment or discrimination based on race or color, whether the conduct or communication uses nicknames emphasizing stereotypes, racial slurs, or negative references to racial customs;
- For harassment or discrimination based on religion, comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti;
- For harassment or discrimination based on national origin or ancestry, comments regarding surnames, manner of speaking, customs, language or ethnic slurs;
- For harassment or discrimination based on sexual orientation, gender identity, gender expression, or transgender identity, name-calling and imitating mannerisms, and deliberately misusing a transgender student's chosen name, form of address or gender-related pronoun; or
- For harassment based on disability or need for special education services, comments or conduct that imitate manner of speech or movement, hostile or offensive acts, and/or interference with movement or access to necessary equipment.

For the purposes of this policy, harassment also includes the use of hate speech or drawing, displaying, or posting images or symbols of hate on school grounds or at a school-sponsored event or activity that are reasonably expected to be divisive or demeaning and that express animus or promote violence against a particular group or individual on the basis of a protected class and are reasonably expected to be disruptive to the learning environment. Examples include use of the "N" word, or displaying symbols such as confederate flags or swastikas.

Under Title IX of the Educational Amendments of 1972, sexual harassment is a form of sex discrimination and means conduct on the basis of sex. Sexual harassment is further defined in District Policy AC – Nondiscrimination/Equal Opportunity. Sexual harassment pursuant to Title IX is investigated under District Policy AC-R3. Sexual harassment that does not fall under the Title IX definition may still qualify as sex-based harassment under state law, in which case the District will investigate under

District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students.

All District employees, authorized volunteers and students share the responsibility to ensure that harassment or discrimination based on a protected class does not occur at any District school, on any District property, at any District or school-sponsored activities or 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 reasonable connection to school or any District curricular or non-curricular activity or event. Toward that end:

- Any student or parent/guardian of a student who believes they have been a target of harassment or discrimination as defined in District policy, or who has witnessed harassment or discrimination, is encouraged to immediately report it to as set forth in District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students or District Regulation AC-R3 – Sexual Harassment Investigation Procedures.
- All District employees who witness harassment or discrimination must take prompt and effective action to stop the harassment or discrimination and forward the report and/or other information to the administrator or compliance officer for appropriate action.
- If the target of harassment or discrimination is a student with a disability who has an Individualized Education Program under the Individuals with Disabilities Education Act (an “IEP”) or a Plan under Section 504 of the Rehabilitation Act of 1973 (a “Section 504 Plan”), the investigation shall include a determination of whether the student’s receipt of a free appropriate public education (“FAPE”) under the IEP or Section 504 Plan may have been affected by the harassment.

Remedial and/or disciplinary actions shall include measures designed to stop the harassment or discrimination, correct its negative impact on the affected student, and ensure that the harassment or discrimination does not recur. Steps shall also be taken to ensure that targets of and witnesses to harassment or discrimination are protected from retaliation for reporting harassment or discrimination or providing information in connection with a harassment or discrimination investigation.

If it is determined that a student’s receipt of FAPE under an IEP or Section 504 Plan may have been affected by harassment or discrimination, the District must promptly convene the student’s IEP team or Section 504 team to determine whether and to what extent: (a) the student’s educational needs have changed; (b) the harassment or discrimination impacted the student’s receipt of FAPE; and (c) different or additional services are needed to ensure the student’s ongoing receipt of FAPE. If different or additional services are needed, the student’s IEP or Section 504 Plan will be promptly revised and implemented.

The District will provide supportive measures and accommodations to affected students where appropriate as further identified in District Policy AC – Nondiscrimination/Equal Opportunity, District Policy AC-R1 – Harassment and Discrimination Investigation Procedures for Students, and District Policy AC-R3 – Sexual Harassment Investigation Procedures.

The District will train staff members to recognize and effectively deal with incidents of harassment or discrimination based on protected class. The District shall regularly review its compliance with this policy on the harassment of students and take necessary action where deficiencies are noted.

Information Technology (IT) Policies

Student Possession and Use of Personal Technology Devices (JICJ)

The Board of Education believes personal technology devices may be useful tools for students in the educational environment and can play a vital communication role during emergency situations. Student use of personal technology devices is limited during the school day, in order to reduce distractions, support learning, and promote safety. These limitations do not apply to any device used as an accommodation for a disability.

■ Definitions:

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

- **“Emergency situation”** means a situation that threatens loss of life, personal injury and/or damage to the personal property of the affected student. Reporting an emergency situation is an appropriate use of personal technology devices.
- **“Personal technology device”** or “PTD” means any privately-owned portable technology device, including, but not limited to, cell phones, tablets, laptops, personal locators/GPS monitoring devices, cameras, wearables (watches), audio and/or video recorders and players, and all other hand-held electronic communication and data storage devices.

■ Restrictions on Use of PTDs:

Students may only use PTDs on District property, on a District vehicle, at a District or school-sponsored activity or event, when:

1. The use does not pose a distraction or disruption to the learning environment. Distracting or disruptive PTD use includes any use that is contrary to law, District policy, or school rules;
2. During the instructional day, such use has a reasonable connection to school or any District curricular or non-curricular activity or event and such use is expressly authorized by the principal, designee, or instructional staff;
3. If in the classroom or participating in or attending education related activities, if such use is expressly authorized by the principal, designee, or instructional staff; and
4. If on a district vehicle, if the use does not interfere with or disrupt the safe operation of the vehicle.

Students may use a PTD beyond these parameters if there is an emergency situation and use of the PTD does not interfere with response to the emergency.

Students may not use any camera or video recording capability of a PTD in a bathroom or locker room, or anywhere else that would violate a person's reasonable expectation of privacy.

Use of Personal Technology Devices will be permitted as accommodations for a disability (under federal law) or for English learning, when included in applicable student plans as outlined in Colorado and federal law. Care should be taken to write such plans in a way that does not conflict with this policy or overly restrict the relevant use of technology to support necessary use.

Students who violate any of the foregoing rules are subject to one or more of the following consequences for each violation:

1. Confiscation of the PTD possessed or used in violation of the rules for a period of time to be determined by the principal or designee, up to and including the remainder of the school year. The return of confiscated PTDs may be conditioned on a meeting between the student's parent/caregiver and the principal or designee to discuss the violation and steps that may be taken to ensure future compliance with the rules in this policy. When confiscating a PTD, the principal or designee will consider any legitimate communication need of the student and may allow brief supervised use (such as to contact a parent/caregiver).
2. Receiving a failing grade with respect to any test or assignment during which the student possessed or used a PTD in violation of the rules in this policy should such use constitute academic dishonesty or cheating, as defined in District Policy JS – Student Use of District Information Technology.
3. Discipline, including suspension or expulsion from school.

Referral of the matter to law enforcement authorities when the student's PTD possession or use may involve a violation of the law.

Student Use of District Information Technology (JS)

District information technology supports the education of all students and is only authorized for education-related purposes. Student use of District information technology shall be in accordance with this policy, governing law, and other relevant District policies and regulations. A student agrees to follow the terms and conditions of this policy each time a student uses a District device, service, or network.

Student authorization to use District information technology may be suspended at any time it is in the District's best interest to do so, as determined by the District in its sole discretion. The District reserves the right to set and revise limits on usage, bandwidth, storage, and other usage parameters as determined to be necessary by the chief technology officer or designee. Student authorization to use District information technology will be terminated when the student ceases to be enrolled in a District school or program. Retention of student data derived from such use shall be handled in accordance with the District's records and retention policies and procedures.

■ Definitions

As used in this policy, these terms have the following meanings:

- **"District information technology"** means District computers, technology devices, and provisioned software tools and services, including email, curriculum resources and internet access.
- **"District technology device"** or "DTD" means all District purchased and issued tablets, cameras, audio/video recorders, audio/video players, and other hand-held electronic communication, computing and data storage devices. Computing devices include all District computers, laptops, computer systems and networks, computer hardware and associated peripheral equipment, including software purchased, licensed or developed by the District and installed or utilized on the device.
- **"Personal technology device"** or "PTD" means any privately-owned portable technology device, including, but not limited to, cell phones, tablets, laptops, personal locators/GPS monitoring devices, cameras, wearables (watches), audio and/or video recorders and players, and all other hand-held electronic communication and data storage devices. PTD use is addressed in District Policy JICJ – Student Possession and Use of Personal Technology Devices.
- **"Proprietary"** means when content is owned by someone or something else, through a trademark, patent, or a copyright.
- **"Academic dishonesty"** means engaging in a practice in relation to schoolwork that does not meet the requirements of the work, where the practice is not disclosed. It includes any material misrepresentation, concealment, or omission as to how the work was completed, such as use of materials not permitted for a test.
- **"Plagiarism"** means representing that work that is not the original creation of the student's is a student's own work. Plagiarism is a type of academic dishonesty.

Students may be issued DTDs to be used at school and away from school, which may be conditioned on the payment of a charge for District insurance covering such laptop computers and/or DTDs, unless the student qualifies for free or reduced lunch. Intentional or reckless student acts and omissions that result in damage or loss of DTDs may lead to loss or modification of the student's access to a DTD. School sites must work with students who have, for disciplinary reasons, restricted access to student technology to ensure they retain appropriate access to educational resources. Students will not be required to use PTDs to complete school assignments.

■ No Expectation of Privacy

DTDs are owned by the District and are intended solely for educational purposes. Students have no expectation of privacy when using District information technology. The District reserves the right to monitor, inspect, copy, review, isolate, store and/or remove (at any time and without notice) all usage of District information technology, including all internet and electronic communications access and transmission/receipt of materials and information. All material and information

accessed/received/created through District information technology remains the property of the District. Students will retain the authorship of any content they create via the use of District information technology.

■ Computer, Tools and Services Security

Student passwords for logging on to District computers, and for accessing District information technology, must be carefully guarded to ensure that they are used only by authorized persons. Students must not disclose their passwords to anyone besides their parent/caregiver, must not allow another person to gain access to District information technology through the use of their passwords unless expressly authorized by District technology support personnel, and must not use another person's password to gain access to District information technology unless expressly authorized by District technology support personnel. The chief technology officer or designee will prescribe requirements for password complexity and for the period of time a password may remain in effect before needing to be changed.

Students must not leave unattended any DTD or PTD if used to access District information technology without first locking or logging off of all applications through which the District's confidential student and/or personnel information may be accessed, and must not leave a DTD where it can be taken or used without authorization. Students must password protect their DTDs and PTDs if used to access District information technology.

■ Email

After an email is received in a student's inbox, the student may retain it in the inbox, save it in another folder or delete it. Email deleted from the student's inbox, saved email folders and sent items folder remains accessible through the student's account in the "deleted items" folder. The Information Technology Department may purge student email at the end of each school year, unless otherwise required by law or District policy, or as dictated by District needs.

■ Internet

Technology protection measures that block or filter internet material that is obscene, child pornography or otherwise harmful to minors, as provided by law, will be utilized on all District computers and PTDs through which students may gain internet access. District employees responsible for classes, programs or activities involving student internet access shall instruct the students, prior to allowing such access, regarding internet safety and appropriate online behavior. District employees responsible for classes, programs or activities involving student internet access will also assist the students to develop skills to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to search, evaluate and use information appropriate to their educational goals. The District may monitor students' online activity to verify that they are safely and appropriately using the internet. Despite these protections, it is possible that a student might encounter inappropriate material through internet access using the District's computers, PTDs and/or network. If this occurs, the student shall immediately back out of the site and notify a District employee.

■ Hardware, Peripherals, Software and Programs

Students may not connect or otherwise attach any hardware or peripheral equipment to a District computer or DTD unless expressly authorized by District technology support personnel. Students shall not directly or indirectly modify or circumvent the operating conditions set by the Information Technology Department on any District computer or DTD unless expressly authorized by District technology support employees.

■ Artificial Intelligence

The District acknowledges that some student use of Artificial Intelligence ("AI") tools may enhance the District's commitment to high-quality learning. Students are only permitted to use AI tools on assignments when clearly stated in the assignment or specified by the teacher. Students should cite their use of AI anytime they engage in its use. If a student is unsure whether AI can be used on an assignment, they should ask their teacher. Intentional misuse of AI on an assignment may constitute plagiarism and academic dishonesty.

In any use of AI, students should be mindful that AI tools are prone to "hallucinations," false answers/information, or

outdated, misleading and/or biased information. Students should always verify information provided by AI tools using reliable sources such as textbooks, scientific papers and reputable websites.

Students should not upload or input any personal, confidential, proprietary, or sensitive information into any AI tool accessed through District information technology. Examples include passwords and other personal information such as names, images of themselves, or social security, credit card or bank account numbers.

Specific acceptable and unacceptable uses of AI tools may vary based on new technological developments and students must follow the guidance of District administrators and classroom teachers.

■ Prohibited Uses

Students must not use District information technology to generate, send, receive or store communications, documents, data, images, video, software or other information that:

- Threatens the safety of themselves or others.
- Contain sexually-oriented content or pornography, in either written or picture form, that may be reasonably perceived as having the purpose or effect of stimulating erotic feelings (appealing to prurient interests);
- Direct profanity, obscenities or vulgar language toward another person or classification of persons;
- Promote violence or advocate unlawful acts;
- Concern the purchase or manufacture of weapons, controlled substances, or items that are not lawful to acquire or own;
- Harass, bully, threaten, defame, or promote violence against another person or any classification of persons under District Policy AC – Nondiscrimination/Equal Opportunity;
- Constitute plagiarism or other forms of academic dishonesty;
- Violate another person's confidentiality rights or disclose information regarding which another person has a reasonable expectation of privacy;
- Involve impersonation or electronic transmission through an anonymous proxy;
- Involve unauthorized access to District information technology;
- Involve unauthorized use or downloading of software, files or data;
- Violate federal, state or local law, including but not limited to criminal law and trademark, copyright or patent law;
- Violate District policy or regulation;
- Interfere with the normal operation or use of District information technology, or otherwise disrupt District operations; or
- Interfere with a school's ability to provide educational opportunities to students.

■ Consequences of Policy Violation

Students found to be in violation of this policy will be subject to consequences that may include the suspension, modification, or revocation of use privileges, detention, and suspension or expulsion from school.

Additional Policies

Choice/Open Enrollment (JFBA)

Poudre School District is committed to assuming a leadership role in supporting a culture of choice/open enrollment District-wide. The District's commitment to choice/open enrollment is grounded in the belief that parents know the learning style of their children and should have options from which to choose to meet their children's needs.

This policy applies only to District choice/open enrollment in kindergarten through 12th grade and does not apply to early childhood programming. Students residing within the District will be assigned to attend their neighborhood school in grades K-12 unless an application for choice/open enrollment is granted, or as otherwise provided in this policy and District Policy GE - Choice Enrollment of Children of District Employees. Students residing within and outside of the District who apply for choice/open enrollment in grades K-12 will be allowed to attend any District school or participate in any District program of their choice on a space-available basis, subject to the provisions of this policy, Policy GE, and governing law.

■ Definitions

As used in this policy, these terms have the following meanings:

- **"Choice/open enrollment"** means parent/guardian-initiated enrollment of a student in a K-12 District school or program other than the school or program in which the student is currently enrolled or to which the student is currently assigned ("choice school or program").
- **"Option school or program"** means a K-12 District school or program that does not have a neighborhood attendance area.
- **"Program"** means a District International Baccalaureate (IB) Program, Core Knowledge Program, Expeditionary Learning Program or Bilingual Program.

■ General Rules

Schools are responsible for checking student enrollment records to establish that every student is a resident of the school's neighborhood attendance area or has an approved authorization for choice/open enrollment.

Except as otherwise provided under this policy, students who reside within or outside the District and who accept a seat as determined by the student's order of priority under the Determining Availability of Space section below at a choice school or program will be granted admission for all grades served at the choice school or program without the need to reapply annually to remain at that choice school or program.

In the event of overcrowding of facilities at a choice school or program, students who reside outside of the District will be selected for reassignment at each grade level in reverse chronological order of their admission. If the facilities remain overcrowded after all students who reside outside of the District have been reassigned, students who reside within the District will be selected for reassignment at each grade level in reverse chronological order of their admission. A student may only be reassigned as provided in this paragraph if the student's parent/guardian is notified in writing of the reassignment prior to the deadline for the first round of School Choice Applications applicable to the following school year when the reassignment takes effect. Under no circumstances will students be reassigned as provided in this paragraph if they reside within the attendance area of the neighborhood school where they are enrolled.

If enrolled at a choice school or program, students must plan on remaining at the school for the remainder of the school year. Students who wish to return to their neighborhood school or attend a different school during the current school year will need to apply through the school choice process and acceptance will be determined by space availability. Students who leave a choice school or program during a current school year and wish to return the following school year must submit a new School Choice Application for the student to be considered to return. Students who move out of their original neighborhood attendance area during a school year can remain at that school without having to apply for school choice until they change levels (i.e., elementary school to middle school, middle school to high school).

In implementing its choice/open enrollment policy and applying it in particular circumstances, the District is not required to:

1. Make alterations in the structure of a requested school or make alterations to the arrangement or function of rooms within a requested school.
2. Establish and offer any particular program in a school if such program is not currently offered in the school.
3. Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and/or required levels of performance.
4. Create additional space in the requested school or program by changing resources or staffing allocations.
5. Enroll any nonresident student in any school or program after the pupil enrollment count day of the then-current school year.

An application for choice/open enrollment may be denied based on the following criteria:

1. There is a lack of space or teaching staff within a particular program or school requested. Space availability will be contingent upon District class size guidelines, subject availability, and enrollment projections. The District may reserve a reasonable number of spaces for students who move into a school's neighborhood attendance area during the school year or for students of District employees.
2. The requested school does not offer appropriate programs or does not offer a particular program requested.
3. The student does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.
4. The student has been expelled from any school or school district during the preceding 12 months or has engaged in behavior in another school district during the preceding 12 months that was detrimental to the welfare or safety of other students or of school personnel.
5. The student has graduated from the 12th grade of any school or has received a document evidencing completion of the equivalent of a secondary curriculum.
6. Enrollment/population projections at a particular school or schools show a substantial growth in the attendance area such that overcrowding is considered likely.

Approval of a choice/open enrollment application will be subject to the following requirements:

1. If enrolled at a choice school or program students must plan on remaining at that school for the remainder of the school year.
2. A student who wishes to enroll in a different choice school or program for the following school year or return to their neighborhood school during the current school year must submit a School Choice Application in accordance with this policy.
3. Approval of choice/open enrollment in a particular school or program for one child in a family does not guarantee that choice/open enrollment will be approved for any other children in the family to attend that same school or program of choice, except with respect to multiple birth siblings as otherwise provided under this policy.
4. Determinations regarding availability of space, eligibility and acceptance into a choice school or program will be based on each student's residence as of the first day of school in the school year in which the student wishes to begin attending the requested choice school or program.

■ Choice/Open Enrollment Process Applications

School Choice Applications must be submitted online through the District's website. Choice/open enrollment application information and dates will be posted on the District's website annually.

Except as otherwise provided in this paragraph, a parent/guardian must complete and submit a separate School Choice

Application for each school and for each child in the family who is applying for choice/open enrollment. A parent/guardian of multiple birth siblings (i.e., twins, triplets, etc.) must complete and submit a School Choice Application for each school or program and for each sibling applying for choice/open enrollment. Multiple birth siblings will be considered together when determining availability of space and eligibility, will only be admitted together and only if space is available for all of them and each is eligible, and will be placed on the waiting list together if space is not available for all of them.

A School Choice Application confirmation notice will be sent to the parent/guardian when an application is submitted.

Kindergarten students must register in the school serving their neighborhood attendance area even if an application is pending for their choice/open enrollment or transfer to another school or program to provide notice allowing the neighborhood school to provide for adequate staffing and other resources to serve those students whose applications are denied.

■ Determining Availability of Space

After the first round application period closes, a determination is made as to the number of spaces available for the following school year at each grade level served by the school or program. This determination is based on the projected enrollment of neighborhood students (if applicable) and the availability of programs, space and teaching staff.

Unless otherwise provided under this policy, the following new and currently enrolled students do not need to submit a School of Choice Application:

1. Students who reside within the attendance area of a neighborhood school and wish to attend that neighborhood school (this provision does not apply to option schools and programs, as defined in this policy). However, students enrolled in a school that is not their neighborhood school who wish to return to their neighborhood school during a current school year will need to submit a School of Choice Application.
2. Students who wish to enroll or return to their neighborhood school for the following school year.
3. Children of District employees (whether they live within or outside of the District) (this provision does not apply to option schools and programs). However, children of District employees who wish to attend a different school during the current school year will need to submit a School of Choice Application. This process is further described in District Policy GE - Choice Enrollment of Children of District Employees.
4. Students who intend to remain at their current choice school or program for the following school year do not need to reapply. However, students who wish to attend a school at the next level that is not their neighborhood school (elementary to middle school, middle school to high school) for the following school year will need to submit a School of Choice Application.
5. Children of an inbound active-duty military member, as further described in this policy.

For each grade level where the number of choice/open enrollment applicants exceeds the number of spaces available, the determination of space availability for each applicant will be made based on the following order of priority:

1. Students who reside within the attendance area of a neighborhood school and wish to return during the current school year or students who reside within the District who wish to continue attending a District program from elementary to middle school or middle school to high school for the following school year.
2. New student applicants who reside within the District whose sibling is currently attending or will be attending the requested school the following school year. Siblings must reside at the same residence. Multiple birth siblings will be considered together when determining availability of space.
3. Students whose parent/guardian is employed at the District (regardless of whether the student resides within or outside of the District), if applying to attend an option school or program for the following school year or if the student wishes to attend a different school during the current school year.

4. New student applicants who reside within the District and do not meet the criteria for number 1, 2 or 3.
5. Students who reside outside of the District who wish to continue attending a District program from elementary to middle school or middle to high school for the following school year.
6. New student applicants who reside outside of the District whose sibling is currently attending or will be attending the requested school the following school year. Siblings must reside at the same residence. Multiple birth siblings will be considered together when determining availability of space.
7. New student applicants who reside outside of the District and do not meet the criteria for numbers 5 or 6.

If the number of choice/open enrollment applicants exceeds the number of spaces available within any of the foregoing priority levels at any grade level, the order of priority within that level will be determined by a lottery.

■ Determining Eligibility

With respect to each choice/open enrollment applicant for whom space is available, eligibility will be determined based on the considerations specified within the **General Rules** set forth above.

The enrollment of every student with disabilities who resides outside the District is contingent upon the student's school district of residence entering into a written contract with the District for the payment of tuition to cover excess costs incurred in educating the student, as permitted by law. The tuition charge will be determined pursuant to guidelines developed by the Colorado Department of Education in accordance with applicable provisions of the Exceptional Children's Educational Act.

Whenever a choice/open enrollment applicant is determined not to be eligible to fill an available space, the next applicant in order of priority will be evaluated for eligibility.

■ Acceptance

After eligibility determinations have been made regarding the applicants for whom space is available in their school or program of choice, the applicants and their parents/guardians will be notified. Applicants who receive a seat offer from a requested school(s) must accept or reject the offered seat within the time specified on the District website. For each accepted applicant who rejects a seat offer or does not respond within the time specified, the next eligible applicant in order of priority will be notified.

The District reserves the right to rescind and/or amend any or all choice/open enrollments, including the reassignment of choice/open-enrolled students to their neighborhood schools or to other choice schools or programs with available space, if it determines that: (1) the choice/open enrollment was obtained through misrepresentation or nondisclosure of a material fact, or a representation in the application process that is determined to be inaccurate; (2) there is overcrowding of facilities in the choice school or program; (3) the choice school discontinues a particular program; (4) the choice school or program cannot meet the special needs of the student as determined by the individualized education program (IEP) team; (5) the student no longer satisfies the eligibility criteria or level of performance required by the choice school or program; or (6) for other reasons authorized by law and considered by the District to be in the best interest of the student and/or the school or program.

■ Waiting List

First round choice/open enrollment applicants who are notified that space is not available in the grade level of the choice school or program to which they have applied will be placed on a waitlist determined by their level of priority in accordance with their previously determined order of priority under the **Determining Availability of Space** section above.

Second round choice/open enrollment applicants who are notified that space is not available in the grade level of the choice school or program to which they have applied will be placed on a waitlist determined by their level of priority in accordance with their previously determined order of priority under the **Determining Availability of Space** section above and by the

date and time of when the application was submitted.

Waiting lists will be continually updated to ensure that the students are in the order of priority specified under the **Determining Availability of Space** section above.

Whenever space becomes available in a choice school or program that has a waiting list, applicants will be offered a seat at that time in order of their placement on the waiting list based on the considerations specified within the **Determining Eligibility** and **Acceptance** sections above. Waiting lists will be purged annually on the date stated on the District's website.

■ Children of an Inbound Active-Duty Military Member

The District will allow an inbound active duty military member to use the school liaison office address for the military installation to which the inbound active duty military member is or will be assigned in order to apply for open enrollment in a district school or program. No additional documentation of an inbound active duty military member's child's state address will be required to apply for open enrollment.

The District school or program in which the child of an inbound active duty military member is open enrolled will grant guaranteed automatic matriculation while the child remains in the District, including guaranteed automatic matriculation to the next grade, even if the next grade is in a different school level or building, in the same manner guaranteed automatic matriculation is provided to resident students. The District will also grant priority preference for the younger siblings of the child of an inbound active duty military member who is open enrolled for purposes of enrolling in subsequent school years.

■ Transportation

Students will be required to furnish their own transportation to the choice school or program in which they are enrolled unless otherwise notified or unless it is determined that transportation is necessary for the District to comply with the requirements of state and federal law, including state and federal laws concerning students experiencing homelessness and students with disabilities.

■ Athletics

Eligibility for participation in interscholastic athletics will be determined in accordance with the rules of the Colorado High School Activities Association.

■ Nondiscrimination

In implementing this policy, the District and its employees must not discriminate on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, age or disability.

■ Special Education Students

The District shall not inquire about an applicant's IEP or disability status until after the applicant has been admitted. If the student is admitted the IEP team may convene a meeting to determine if the IEP can be appropriately implemented at the choice/open enrollment school or program. The District shall consider the request for open enrollment to another school or program in accordance with applicable state and federal laws.

■ Appeals

Appeals regarding the application of this policy with respect to any student must be made to the superintendent, and the superintendent's decision and order (if any) is final.

Public Concerns/Complaints About Instructional Resources (KEC)

Educational materials which may be deemed by some as objectionable may be considered by others as having sound educational value or worth. Any concerned District resident or employee of the District may request reconsideration

of educational materials; however, the challenged material will not be removed from circulation while the District's reconsideration process occurs. The rights of students, parents, and teachers shall be respected. If complaints arise regarding educational materials, subject matter, or programs aired on the District's television station(s), they shall be handled by a fair and orderly process within a reasonable period of time. District personnel or the Board of Education, individually or collectively, who receive complaints shall not give formal consideration to such complaints until they have been addressed in the following manner:

1. If the complaint is lodged directly with the media specialist or a classroom teacher, an immediate dialogue between the teacher and the complainant is encouraged with the hope that the concern may be resolved at that level with no further action necessary.
2. If the complaint is lodged with other than the media specialist or classroom teacher or an administrator, the matter shall be referred immediately to the media specialist or classroom teacher and the building principal.
3. The first effort of a principal or other administrator in dealing with a complaint shall be to allow the media specialist or classroom teacher involved to seek resolution of the concern with or without the involvement of the principal as circumstances may indicate.
4. The District Media and Technology Support Center shall be notified of all requests for reconsideration regarding educational materials and may assist the media specialist or classroom teacher and/or principal by providing review and selection information.
5. If attempts at informal resolution of the complaint are unsuccessful, the complainant shall fill out the reconsideration form provided by the District, after which a hearing shall be held involving the complainant, the media specialist or classroom teacher, the principal or other administrators, and other appropriate parties. Every reasonable effort shall be made to settle the matter at this level.
6. If further consideration is necessary, the complaint shall be referred to the executive director of student achievement and professional development, and a decision shall be made as to whether temporary restrictions shall be placed on the use of the materials or subject matter pending resolution of the concern.
7. The executive director of student achievement and professional development shall select and chair a committee including appropriate representation of teachers, administrators, media specialists, and parents or other citizens. This committee shall hear all parties involved in the complaint and render to the complainant its decision in writing within 10 school days following the hearing.
8. The complainant shall be informed that any further consideration of the matter shall require arrangement with the superintendent, who will make final determination.

Textbooks or supplementary text materials previously approved by the Board shall not be included in these procedures but shall be referred to the appropriate instructional improvement committee which shall make recommendations through the action review committee to the Board concerning their continued use.

Visitors to Schools (KI)

All visitors to Poudre School District schools shall be subject to the terms of this policy. Failure to comply with the terms of this policy may result in the denial or withdrawal of the visitor's authorization to visit the school, and/or referral of the matter to law enforcement.

1. As used in this policy, "visitor" includes any person who is not a member of the student body and who is not a member of the regular school staff, and who comes upon school grounds and/or enters a school building.
2. School visitation by District employees who are not members of the regular school staff shall occur as determined by the District to be necessary or advisable.
3. School visitation by individuals who are not District employees is a privilege, not a right, which may be limited, denied or revoked by the District, principal, or principal's designee based on considerations of student and/or

staff safety, efficient school operations, maintenance of a proper educational environment, or failure to comply with the terms of this policy.

4. The District or school may authorize individuals who are not District employees to visit a school and/or to observe or participate in school activities, including but not limited to education-related activities, as deemed by the District or school to be necessary, appropriate or in the best interest of the District, the school, and/or one or more students or staff members at the school. The time(s) and duration(s) of such visits shall be determined by the District or school.
5. Notwithstanding the terms of paragraph 4 above and unless otherwise authorized by the appropriate assistant superintendent of school services, requests by individuals who are not District employees to observe classrooms or other areas of the school where education-related activities are in progress shall only be approved for: (a) the parents/guardian of a student in the classroom or area being visited; (b) relatives of a student in the classroom or area being visited; and (c) other visitors authorized by the student's parents/guardian whose observation is reasonably necessary for the student's benefit, as determined by the District or school. With respect to such requested observations:
 - No more than three (3) visitors shall be approved to observe at any one time, except in unusual circumstances as authorized by the appropriate assistant superintendent of school services.
 - Visitors approved to observe shall not interfere, distract or otherwise disrupt the education-related activities.
 - Approved observations by all visitors concerning a particular student shall be considered in the aggregate and shall be limited to the period of time one (1) day per week established by District or school rules, except in unusual circumstances as authorized by the appropriate assistant superintendent of school services.
6. All visitors to school buildings must enter only through designated doors and report directly to the school office immediately upon entering the building.
7. Upon reporting to the office all visitors must state their business to a school official, who may request any confirmation of the visitor's identity or business, documentation, or other information the official deems necessary in the interest of securing the safe and efficient operation of the school. If the visitor is deemed to have legitimate business at the school, he or she may be authorized access to those parts of the school building and grounds necessary for that business. In such cases, the visitor: (a) may be required to sign in and out; (b) may be required to wear an identification badge, which must be prominently displayed at all times the visitor is at the school and which must be returned before the visitor leaves the school; and (c) may be required to be accompanied by a District employee for some or all of the visit.

Public Concerns/Complaints Form (KEC-E)

(Must be filed within 60 days of incident)

School or site location of incident(s): _____

Date(s) of incident(s): _____

Description of your concern (attach information where necessary—please sign your name on all attachments):

Outcome you are requesting:

Name: _____ Telephone number: _____

Address: _____
Street City Zip Code

(Administrator) has reviewed your concern. The following action has been taken:

Date: _____ Administrator Signature: _____

Return to:

Office of Assistant Superintendents

Johannsen Support Services Center, 2407 Laporte Avenue, Ft. Collins, CO 80521



Mission

Educate...Every Child, Every Day

Vision

Poudre School District exists to support and inspire every child to think, to learn, to care, and to graduate prepared to be successful in a changing world.

Poudre School District

2407 LaPorte Avenue

Fort Collins, CO 80521

Phone: (970) 482-7420

Email: info@psdschools.org

Website: www.psdschools.org