

Weld RE-4 School District Student Code of Conduct & Annual Notifications

Table of Contents

	<u>Page</u>
Student Discipline and Discipline of Students with Disabilities	1
Compulsory Attendance.....	2
Student Attendance Policy	2
School Closure	3
Suspension and Expulsion	3
Expulsion Prevention	9
Student Dress	10
Tobacco-Free Schools.....	10
Discipline of Habitually Disruptive Students	12
Discipline of Students with Disabilities.....	13
Student Involvement with Drugs and Alcohol	16
Weapons in School.....	18
Gang-Related Activity	19
Searches.....	20
Nondiscrimination/Equal Opportunity	21
Nondiscrimination/Equal Opportunity (Complaint and Compliance).....	23
Nondiscrimination/Equal Opportunity (Designation of Compliance Officer)...	26
Use of Physical Intervention and Restraint.....	27
Sexual Harassment	31
Student Complaints and Grievances	32
Bullying Prevention and Education	33
Appropriate Use of District and Personal Technology by Students	35
Students with Food Allergies.....	37
Annual Notifications	38

All policies listed are subject to changes and updates by the Board of Education throughout the year. Please check the District’s website at www.weldre4.org or visit the District Administration Office at 1020 Main Street, Windsor, during regular business hours for the most up to date policies.

STUDENT DISCIPLINE Policy JK

Effective student discipline helps the student develop positive self-discipline and socially acceptable behavior. Also, it is a prerequisite for accomplishing learning goals. Students are expected to respect the rights of others as outlined in the District's Conduct and Discipline Code and to conduct themselves in a manner which allows other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruptions. All policies and procedures for handling general and major student discipline problems shall be designed to achieve these broad objectives.

The Board, in accordance with applicable law, has adopted a written student conduct and discipline code based upon the principle that every student is expected to follow accepted rules of conduct and to show respect for and to obey persons in authority. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. The code shall be enforced uniformly, fairly and consistently for all students.

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

Corporal punishment shall not be administered to any student by any District employee. However, to maintain a safe learning environment, District employees may, within the scope of their employment and consistent with applicable law, use physical intervention and restraint with students in accordance with this policy and accompanying regulation. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with Board policy JK-A and accompanying regulation JK-A-R.

The District's Conduct and Discipline Code shall consist of this policy and all Board adopted policies and Board-approved regulations cross-referenced in this policy, including Board Policies JICA, Student Dress; JKD/JKE, Suspension and Expulsion; ADC, Tobacco Free Schools; JICH Student Involvement with Drugs and Alcohol; JICFA, Gang-Related Activity; JF and JF-R School Admissions; JE, Student Attendance; JJI, Athletic Training Rules; JIHA, Searches; JKG and JKG-R, Discipline of Habitually Disruptive Students; JICDA, Student Conduct; JICE, Student Publications (and Distribution of Literature); JICE-R, School Publications Code; JICI, Weapons in School; JICF, Secret Societies; JICK, Prevention of Bullying; JK-A, Use of Physical Intervention and Restraint; JK-A-R, Regulation of Use of Physical Intervention and Restraint; JKB, Discipline of Students with Disabilities; JKDA/JKEA, Suspension of Expulsion Prevention; and all local school rules and regulations related to student discipline that are consistent with District policy. The "Code of Conduct" rules shall not infringe upon constitutionally protected rights, shall be clearly and specifically described, and shall be printed and made available to students and parents/guardians.

All District policies, regulations, and individual school rules governing student discipline shall, at a minimum, be provided to each student upon enrollment at the elementary, middle and high school levels and shall be posted or kept on file at each school in the District. The District shall take reasonable measures to ensure each student is familiar with the code. In addition, any significant change in the code shall be distributed to students and parents/guardians, and posted in each school.

Suspension and expulsion procedures are outlined in Policies JKD/JKE and JICH.

Immunity for Enforcement of Discipline Code

All employees of the District shall be required to administer and enforce district and school discipline policies and regulations in a consistent manner at all times.

An act of a teacher or other employee shall not be considered child abuse if the act was performed in good faith and in compliance with Board policy and procedures. A teacher or any other person acting in good faith and in compliance with the discipline code adopted by the Board shall be immune from criminal prosecution or civil liability unless the person is acting willfully or wantonly.

Discipline of Students With Disabilities.

Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with the requirement of Board Policy JKB, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and any other applicable law and/or District Policy.

COMPULSORY ATTENDANCE

Policy JEA

Every child who has attained the age of six years on or before August 1 and is under the age of 17 is required to attend public school with such exceptions as provided by law. It is the parent's responsibility to ensure attendance. Attendance officer(s) designated by the Board shall monitor and enforce the law.

STUDENT ATTENDANCE

Policy JE

Students in the Re-4 School District are expected to be present as assigned and to be engaged in the District's educational process on a regular basis. Regular and punctual attendance is an important factor in determining student achievement and success.

Attendance is primarily the responsibility of the student and his or her parents or guardians. It is the obligation of every parent or guardian to ensure that every child under his or her care and supervision, who is of compulsory attendance age, attends school as may be required by Colorado statutes, Board of Education policies, and school regulations.

Every child who has attained the age of six years on or before August 1 and is under the age of 17 years shall attend public school during each school year, except as may be provided for in state statutes, Board policy, or school regulations.

At the beginning of each school year and upon enrollment of a student during the year, parents, guardians, and legal custodians shall be notified of their obligations to ensure their child's school attendance.

The Board of Education appoints the principal or his or her designee of each school as attendance officer for their respective school. The attendance officer shall counsel with students and parents investigate the causes of nonattendance, and report to the Board regarding compulsory school attendance. The attendance officer will initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this policy.

The attendance officer, in consultation with the Superintendent of Schools, will initiate judicial proceedings to enforce compulsory attendance pursuant to Colorado statutes. The maximum number of unexcused absences a student may incur before judicial proceedings are initiated to enforce compulsory attendance is eight during any calendar year or school year.

Absences due to suspension or expulsion may be considered unexcused for the purpose of determining academic credit. Absences due to suspension or expulsion will be considered excused for the purpose of calculating the number of absences prior to initiating judicial proceedings and for the purpose of classifying a student as "habitually truant."

A student shall be considered "habitually truant" who has four or more unexcused absences from school in any one month or ten unexcused absences during any school year. Each school is authorized to establish procedures concerning students who are habitually truant. These procedures shall include, at a minimum, the principal or designee notifying the student's parents, guardian, or legal custodian, in writing, of the student's absences and of the fact that the student is "habitually truant" and scheduling a meeting with all concerned to develop a plan addressing the reasons for the student's absences, ways to improve the student's attendance, and consequences for further unexcused absences.

The following shall be considered excused absences:

1. A student who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance.
2. A student who is enrolled for the minimum period required by law in an independent or parochial school which provides a basic academic education.
3. A student who is absent for an extended period due to physical, mental, or emotional disability.
4. A student to whom a current age and school certificate or work permit has been issued under Colorado law.
5. A student who is in the custody of a court or law enforcement authorities.
6. A student who is pursuing a work-study program under the supervision of a public school.
7. A student who is being instructed at home, as provided by Colorado law.
8. A student who has an individualized education plan which may outline alternative attendance requirements.

An unexcused absence shall be any absence that is not found within the foregoing exceptions listed in this policy. Senior class "ditch-days" or "senior trips" (not executed as part of an educational activity approved by the administration) are prohibited by the Board.

Penalties for unexcused absence shall be administered at the school site, and may include, but are not limited to, the initiation of judicial proceedings to enforce compulsory attendance after eight unexcused absences during any calendar year or school year, and the imposition of academic penalties rationally related to classes missed while unexcused.

SCHOOL CLOSURE EBCE

The Superintendent is empowered to close the schools, dismiss them early, or to delay a school day start in event of hazardous weather or other emergencies which threaten the safety, health or welfare of students or staff members. It is understood that the Superintendent will take such action only after consultation with appropriate authorities. The Board shall ratify the closing at its next regular meeting.

Parents, students, and staff members shall be informed early in each school year as to how they shall be notified in event of emergency closings, early dismissals, or delayed starts.

SUSPENSION AND EXPULSION Policy JKD JKE

1. Definitions

- A. "Expulsion" means the exclusion of a student from attending school and participating in school activities for a specified period of time not to extend beyond one calendar year, unless student contact with the School District is otherwise authorized by the school principal or District administration.
- B. "Habitually Disruptive Student" means a student who three or more times during the school year has caused a material and substantial disruption in the classroom, while on school district property, at a school-sanctioned or district-sanctioned activity or event, or while being transported in a District-approved vehicle.
- C. "Informal Hearing" means notice to the student of what he or she has been accused of doing and an opportunity for the student to explain his or her position regarding the incident constituting grounds for discipline. There need be no delay between the time notice is given and the time of the hearing. An informal hearing does not include representation by counsel, the ability to confront and cross-examine witnesses, or to call witnesses to verify the student's version of the incident.
- D. "Parent" means a student's parent, legal guardian, or legal custodian of students under 18 years of age; if the student is 18 years or older, it refers to the student.
- E. "Student With Disabilities" means a student for whom a determination of disability has been made by a properly constituted Individualized Education Plan (IEP) or §504 team in accordance with state and federal laws governing the education of children with disabilities.
- F. "Suspension" means the exclusion of a student from attending school and participating in school activities for a specified and limited period of time as set forth under "Suspension from School," below, unless student contact with the School District is otherwise authorized by the school principal or the District administration.

A "Classroom Suspension" means the exclusion of a student from the classroom by a teacher when the student has caused a material and substantial disruption.

2. Due Process Policy

It is the policy of the Board of Education to provide due process of law to students through written procedures consistent with law for the suspensions, expulsions and denials of admission.

In matters involving student misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

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

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

1. the student's age;
2. the student's disciplinary history;
3. the student's eligibility as a student with a disability;
4. the seriousness of the violation committed by the student;
5. the threat posed to any student or staff; and
6. the likelihood that a lesser intervention would properly address the violation.

The Board hereby directs the superintendent to periodically review current procedures and develop new procedures for adoption by the Board, if necessary, which are consistent with this policy. The Board further directs the superintendent to provide copies of the District's Conduct and Discipline Code, as defined in Policy JICDA and JK, annually to each student and to post or keep on file copies of the Conduct and Discipline Code in each school in the District.

3. Grounds for Suspension or Expulsion

In addition to those grounds set forth in Policy JICDA, according to Colorado Revised Statutes 22-33-106 (1)(a-g) and 3(e) and 22-12-105 (3), students enrolled in the District may be suspended or expelled for the following conduct while in school buildings, on district property, when being transported in vehicles dispatched by the district or one of its schools, during school-sponsored or district-sponsored activity or event; off school property when the conduct has a reasonable connection to school or any District curricular or non-curricular activity or event.

- A. Continued willful disobedience or open and persistent defiance of proper authority.
- B. Willful destruction or defacing of school property.
- C. Behavior on or off school property which is detrimental to the welfare or safety of other students or school personnel, including behavior which creates a threat of physical harm to the student or to other students.
- D. Declaration as a habitually disruptive student.
- E. Repeated interference with the school's ability to provide educational opportunities to other students.
- F. The commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be robbery pursuant to C.R.S 18-4-301 or assault pursuant to C.R.S. 18-3-201, other than the commission of an act that would be third degree assault under C.R. S. 18-3-204 if committed by an adult.
- G. Possession of a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned events, without the authorization of the school or school district.

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

As used in this paragraph, "dangerous weapon" is as defined in Policy JICI.

- H. The use, possession or sale of a drug or controlled substance as defined in C.R.S. 18-18-102(5) on school grounds, in a school vehicle or at a school activity or sanctioned event.
- I. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.
- J. Failure to comply with the immunization requirements, as specified in Part 9, Article 4, Title 25, C.R.S. Any suspension or expulsion for such failure to comply shall not be recorded as a disciplinary action but may be noted in the student's permanent record with an appropriate explanation.

- K. Pursuant to C.R.S. 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or to school district officials or personnel.
- L. According to C.R.S. 22-33-106(2), subject to the district's responsibilities under the Exceptional Children's Education act and applicable federal law (see policy JKB Discipline of Students with Disabilities), the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program.
 - i. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
 - ii. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.
- M. Other violations of District Policy, including but not limited to the District Discipline and Conduct Code.

4. Suspension From School

- A. Delegation of Authority. The Board delegates to any school principal of the District and their designees the power to suspend a student for up to five school days for grounds 3 (A through E) listed above and to suspend for up to ten school days for grounds 3(F through H), listed above.

The Board hereby delegates to the superintendent or his/her designee the authority to extend a suspension for up to ten additional school days, and another ten days if necessary in order to present the issue of expulsion to the next meeting of the Board, but the total period of suspension shall not exceed 25 school days.

- B. Procedure for Suspension. The following procedures shall be followed in the suspension of students:
 - i. Informal Hearing. Prior to the student's removal from school, the student shall receive an informal hearing before the school principal or principal's designee unless an emergency requires immediate removal of the student, in which case an informal hearing shall be held as soon as practicable after removal.
 - ii. Notice to Parents. If possible, the principal or designee shall immediately, by phone or by personal contact, inform the parent of the student's suspension and shall immediately confirm such notification in writing by mail, which notification shall contain a brief statement of the grounds for the suspension, the period of the suspension, and the time and place for the parent to meet with the suspending authority to review the suspension.
 - iii. Transfer of Custody. A suspended student shall be required to leave the school grounds immediately after the parent(s) and the principal or designee have determined the best way to transfer custody of the student to the parent.
 - iv. Alternative to Suspension. In lieu of suspension, the principal or designee may, in his/her discretion, permit the student to remain in school on the condition that the student's parent attends 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 the student's parent does not agree or fails to attend class with the student, the principal or designee shall suspend the student in accordance with this policy. This alternative to suspension shall not be used if expulsion proceedings have been or are to be initiated, or if the principal or designee determines that the student's presence in school, even if accompanied by a parent, would be disruptive to the operations of the school or be detrimental to the learning environment.
 - v. Any student suspended for more than ten days shall be given the opportunity to request a review of the suspension before the superintendent or his or her designee. If a review is requested, the suspension shall remain in effect pending the review. The decision of the superintendent or his/her designee regarding the suspension shall be final.
 - vi. A suspended student shall not be readmitted to school until the student's parent has met with the principal or designee, or, in the discretion of the school principal or designee, the parent has substantially agreed to

review the suspension with the principal or designee. However, the student may be readmitted if the principal or designee cannot contact the parent or if the parent repeatedly fails to appear for the scheduled meeting.

- vii. The principal or designee shall provide an opportunity for the student to make up school work during the period of suspension to allow the student to reintegrate into the educational program following the suspension. The principal may award appropriate credit for the assigned make-up work.

5. Expulsion or Denial of Admission From School

- A. Authority. Unless otherwise determined by the Board in any particular case, the Board delegates the power to expel and deny admission of students to the superintendent provided that at the next meeting of the Board the superintendent shall report on each case acted upon, briefly describing the circumstances and the reason for the action given.
- B. The decision of the superintendent may, upon the written request of the student or parent(s) within ten calendar days after receipt of the superintendent's decision, be appealed to the Board. Failure to request an appeal within ten calendar days shall result in a waiver of the right to appeal, and the superintendent's decision shall become final.
- C. When the student is beyond the compulsory attendance age, recommendation for expulsion may be avoided by a mutual agreement between the parent and building principal that the parent withdraw the student from school.
- D. Procedures for Expulsion or Denial of Admission:
 - i. A principal may recommend to the superintendent that a student be expelled from or denied of admission to school.
 - ii. A principal recommending expulsion or denial of admission of any student shall make such recommendation in writing to the superintendent, setting forth his/her specific reasons for the recommendation.
 - iii. If the superintendent believes that there is a reasonable basis to support the principal's recommendation, he/she shall schedule the matter for a hearing and, in advance of the hearing, shall notify the parents or guardians of the child, in writing, as to the following matters: (a) the time and place of the hearing; (b) the fact that the principal is recommending expulsion or denial of admission; (c) a statement of the basic facts on which the expulsion or denial of admission recommendation is based and a statement of the statutory and policy authority for the recommended expulsion or denial of admission; (d) a statement that the student and his/her parent may be present at the hearing and hear all information against him/her; that the student will have an opportunity to present relevant information in his/her own behalf, and that the student may be accompanied and represented by an attorney or other representative if he/she so chooses; and (e) a statement that failure of the student and his/her parent to attend said hearing or to be otherwise represented at said hearing will constitute a waiver of any further rights of the student in respect to the matter of the student's expulsion or denial of admission.
 - iv. If no hearing is requested by the student and his/her parent, the superintendent may take action based upon the oral and written recommendation of the principal.
 - v. No continuance of the hearing shall be granted except at the request of the student and his/her parent for good cause or in the event of an unavoidable emergency; and in any such case the continued hearing shall be set as soon as possible from the date of the original hearing.
 - vi. The hearing shall be conducted by the superintendent or by his or her designee acting as a hearing officer, except that in those cases where the Board has determined not to delegate the authority to expel or deny the admission of any student in which case the Board shall conduct the hearing.
 - vii. At the hearing, technical rules of evidence shall not be applicable and the superintendent or Board may consider and give appropriate weight to such credible information as deemed appropriate; provided, that a

recitation of any such information shall appear in the record and the student and his/her parent shall be informed of the nature of such information. In addition, the following procedures shall apply:

- (a) Testimony which is repetitious, irrelevant, immaterial, scandalous, or impertinent may be limited.
- (b) Testimony of witnesses shall be presented under oath.
- (c) The student, his/her parent, or his/her representative may question witnesses and may present testimony or evidence for consideration by the superintendent but may not question the superintendent.
- (d) An audio recording of the proceeding shall be kept so as to enable a transcript of the testimony to be prepared for purposes of an appeal.
- (e) If a hearing officer conducts the hearing, the hearing officer will make specific factual findings and will promptly submit to the superintendent those findings and a recommendation regarding the expulsion or denial of admission.
- (f) The superintendent will review the hearing officer's factual findings and recommendation, or if the superintendent or Board conducts the hearing, the superintendent or Board will make factual findings. The superintendent or Board shall render a written decision which includes findings of fact sufficient in content to apprise the student, his/her parent, or a reviewing court of the factual basis for the decision. The written decision shall be rendered within five school days following the hearing, and shall be delivered to the student and his/her parent by personal delivery or by certified mail. In the event of an order of expulsion or denial of admission, the decision of the superintendent shall include information for appeal to the Board and the decision of the Board shall include information for appeal to the court, as appropriate.

E. If an appeal of the superintendent's decision to the Board is properly requested, the Board shall review the record created at the hearing, the findings and recommendation of the superintendent, and the superintendent's decision. The student may be represented by counsel at the appeal. Representatives of the District and the parents may make brief statements to the Board but no new evidence shall be presented unless such evidence was not reasonably discoverable at the time of the hearing. The Board shall make a final determination regarding the expulsion or denial of admission of the student and shall inform the student and his or her parent of the right to judicial review.

F. Post-Expulsion Matters.

- i. If a student between the ages of seven and 17 is expelled for the remainder of a school year, the parent(s) of the student shall be responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion. The District encourages all parents to provide for their student's education if the student is expelled for any period.
- ii. Upon expelling a student, the District shall provide information to the student's parent concerning the educational alternatives available to the student during the period of expulsion. If the parent chooses to provide a home-based educational program for the student, the District shall assist the parent in obtaining appropriate curricula for the student. Upon request of a student or student's parent, the District shall provide for any student who is expelled from the District educational services deemed appropriate for the student by the District.
- iii. If a student is expelled for the remainder of the school year and the student is not receiving educational services through the District, the District shall contact the student's parent 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 after the student is enrolled in another school district, or in an independent or parochial school, or if the student is committed to the Department of Human Services or is sentenced pursuant to the Children's Code contained in Article 2 of Title 19 of the Colorado Revised Statutes.

1. Classroom Suspension

- A. Authority. A teacher may immediately remove a student from the teacher's classroom for one day if the student's behavior:
1. violates the code of conduct adopted by the Board;
 2. is dangerous, unruly, or disruptive; or
 3. seriously interferes with the ability of the teacher to teach the class or other students to learn.

A student with a disability may be removed from class and placed in an alternative educational setting only to the extent authorized by state and federal laws and regulations.

B. Procedures for Classroom Suspension:

The teacher initiating a one-day classroom suspension shall provide the principal or designee with assignments and other course work to be completed by the student during the period of suspension.

- i. As soon as practicable, the building principal or designee shall notify the student's parent/guardian, in writing, that the student was removed from class. The written notice shall specify the class from which the student was removed, the duration of the removal, and the basis for the removal as stated by the teacher. The notice shall provide an opportunity for the parent/guardian to attend a student-teacher conference regarding the removal. If the student's removal from class is also subject to disciplinary action (i.e., suspension or expulsion) for the particular classroom misconduct, the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.
 - ii. The teacher may develop a behavior plan approved by the principal after a student's first one-day classroom suspension during any grading term (quarter, trimester or semester) and shall develop a behavior plan approved by the principal after a student's second one-day classroom suspension during any grading term. The behavior plan shall indicate that upon the third removal from class during a grading period for causing a material and substantial disruption, a student may be officially removed from the teacher's class for the remainder of the grading term. The teacher shall provide a copy of the behavior plan, as well as a copy of each revision thereto, to the student and the student's parent.
 - iii. For any student removed from the classroom for the remainder of a grading term as provided in subparagraph ii. above, the teacher responsible for the removal shall provide the principal or designee with a lesson plan, assignments, other course work, quizzes, and exams for the remainder of the grading term so as to allow the student to complete and receive credit for the course. The principal shall be responsible for determining the appropriate educational placement of the student. The principal's decision regarding placement is final.
 - v. Classroom suspensions may count as suspensions for purposes of declaring a student as "habitually disruptive," in accordance with District Policy and regulations.
 - vi. A teacher's ability to impose classroom suspensions of special education students shall be subject to governing law and the District's policies and regulations concerning suspension/expulsion of students with disabilities.
- C. Removal from class under this policy does not prohibit the district from pursuing or implementing additional disciplinary measures, including but not limited to detentions, suspensions, or expulsions for the conduct or behavior for which the student was removed, in accordance with District policy concerning student suspensions, expulsions and other disciplinary interventions.

6. Crimes of Violence or Unlawful Sexual Behavior

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute a crime of violence or unlawful sexual behavior as defined by state law, if committed by an adult the Board of Education or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel, and whether educating the student in the school may disrupt the learning environment, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel.

If the Board determines that the student should not be educated in the school, the District may take appropriate disciplinary action, including instituting procedures 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 or district court proceedings, in which case it shall be the responsibility of the District to provide the student with an appropriate alternative education program as specified in state law. The time that a student spends in an alternate education program shall not be considered a period of suspension or expulsion.

As used in this policy, the phrase "crime of violence" has the meaning set forth in C.R.S. 18-1.3-406 and the phrase "unlawful sexual behavior" has the meaning set forth in C.R.S. 16-22-102 (9).

8. Students of Special Education Students.

Any discipline of students identified as students with disabilities under the IDEA or Section 504 shall be conducted in accordance with the provisions of Policy JKB concerning the discipline of students with disabilities.

9. Communication of Disciplinary Information.

The principal shall communicate discipline information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor who receives such information shall maintain the confidentiality of the information and does not have the authority to communicate the information to any other person. The student and his/her parent may challenge the accuracy of the disciplinary information by making a written request for review to the superintendent or his/her designee.

10. Other Disciplinary Interventions

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

As another intervention and alternative to suspension, the principal or designee may permit the student to remain in school with the consent of the student's teachers if the parent/guardian attends class with the student for a period of time specified by the principal or designee. If the parent/guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the accompanying regulations.

This alternative to suspension shall not be used if expulsion proceedings have been or are about to be initiated or if the principal or designee determines that the student's presence in school, even if accompanied by a parent/guardian, would be disruptive to the operations of the school or be detrimental to the learning environment.

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

**EXPULSION PREVENTION
Policy JKDA JKEA**

District personnel shall enforce the provisions of the student code of conduct so that students demonstrating unacceptable behavior and their parents, guardians, or legal custodians understand that such behavior shall not be tolerated and shall be dealt with according to the code.

It is the belief of the Board that available interventions and prevention services should be explored to help student who are at risk of expulsion before expulsion becomes a necessary consequence. The principal of each school shall work with the professional staff to identify students who are at risk of suspension or expulsion. Among those students who may be at risk are those who have been or are likely to be declared habitually truant or habitually disruptive or who are likely to be declared habitually disruptive.

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

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

In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student. Support services may be provided through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations and institutions of higher education.

The failure of the School District to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures which are not limited to suspension and/or expulsion.

STUDENT DRESS Policy JICA

The Board of Education recognizes that students have the right to express themselves by their manner of dress and personal appearance. District-wide standards on student attire are intended to help students maintain focus and attention on learning to reduce discipline problems, and to improve school order and safety. Such student expression may not be allowed to disrupt the classroom environment or maintenance of safe and orderly school operations. Student dress that is deemed by a school principal or designee to be disruptive or potentially disruptive to the classroom environment, or the maintenance of a safe and orderly school, shall be prohibited.

Any student deemed in violation of the dress code shall be required to either change into appropriate clothing or make arrangements to have appropriate clothing brought to school immediately. In this case, there shall be no further penalty. If the student cannot obtain appropriate clothing, the student may be subject to disciplinary actions, including being sent home from school until the student is dressed appropriately for school. Consequences for repeated dress code violations may include suspension or other disciplinary action in accordance with Board policy concerning student suspensions, expulsions, and other disciplinary interventions.

School-specific rules concerning student dress consistent with these principles shall be established by the school administration to insure that student dress meets appropriate standards of cleanliness, healthfulness, order and safety, and does not disrupt the educational process. For purposes of this policy, "student dress" includes, without limitation, hair color or style.

TOBACCO-FREE SCHOOLS Policy ADC

Whereas the Use of Tobacco Products is detrimental to the well-being of students and staff, the following prohibitions are placed on its use and/or possession in school facilities, on district property, during district or school-sponsored activities or in school-owned transportation at all times.

Use of any Tobacco Products by staff, teachers, students, and visitors in or on any district property or at any district- or school-sponsored activity is prohibited.

Students shall not be in possession of any Tobacco Products while in school facilities, on school district property, during district- or school-sponsored activities or in school-owned transportation at any time.

"Tobacco Product" means:

- a. any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff and chewing tobacco; and
- b. any electronic or manual 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, vapor pen, vaporizer, or pipe.
- c. "Tobacco Product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product, and that is possessed or being used by a person legally permitted to purchase such tobacco use cessation product.

"Use of any Tobacco Product means "lighting, chewing, smoking, inhaling, vaporizing, ingesting or application of any Tobacco Product."

"School property" means all property owned, leased, rented, or otherwise used or contracted for by a school or the school district and shall include school grounds over which the school exercises control including, but not limited to, areas surrounding any buildings, playgrounds, athletic fields, recreation areas, and parking areas.

"School facilities" includes, but is not limited to, all indoor and outdoor facilities used to provide educational services, library services, routine health care services, athletic or recreation services, and daycare or early childhood development services to children as well as facilities used for administration, support services, maintenance or storage and the grounds surrounding those facilities that are under the District's ownership or control.

"School-owned transportation" means all vehicles owned, leased, or rented by the school or school district used for transporting students, staff, visitors, or other persons.

Signs regarding this prohibition and the consequences of a violation will be displayed in prominent places on all school property This policy will be published in all employee and student handbooks, and will be posted on bulletin boards in school facilities.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property or a district- or school-sponsored activity. Employees found to be in violation of this policy will be subject to appropriate disciplinary action in accordance with personnel policies.

Any student who violates this policy is subject to the consequences described below. The sequence of consequences that follow will occur during the student's tenure in each of the three building levels (K-5, 6-8, 9-12) that exist in the school district. The student returns to a first offense consequence only when he or she advances to a new building level.

1. For the first offense, the student shall be suspended from classes for one day and a letter shall be sent to his or her parents notifying them of the violation. This suspension may be in school or out of school.
2. For the second offense, the student shall be suspended from school for two days and a letter shall be sent to his or her parents notifying them of the violation. Before the student is readmitted to school, a conference will be held with the student, parents and a building administrator.
3. For the third and subsequent offense(s), the student shall be suspended from school for a minimum of two days and a maximum of 5 days and a letter shall be sent to his or her parents notifying them of the violation. Before the student is readmitted to school, a conference will be held with the student, parents, and a building administrator.
4. Notwithstanding other provisions of this policy, a student may be recommended for expulsion by the building principal at

any time (1) if the offense is deemed to be behavior that is detrimental to the welfare of other students or of school personnel, including behavior that creates a threat of physical harm to the child or the other children; (2) for the fourth and subsequent violations of this policy if the smoking violation(s) is (are) deemed by the building principal to be a pattern of continued willful disobedience or open and persistent defiance of proper authority; or (3) if the student distributes, dispenses, sells, gives, or exchanges a Tobacco Product on school district property, during district- or school- sponsored activities, in school-owned transportation or off school district property when such conduct has a reasonable connection to school or any district curricular or non-curricular activity or event or when such conduct interferes with the operations of the District or the safety or welfare of students or employees.

Exemptions-

Pursuant to state law no exemption shall be granted pursuant to this policy.

DISCIPLINE OF HABITUALLY DISRUPTIVE STUDENTS Policy JKG

A remedial discipline plan may be developed in accordance with Regulation JKG-R for any student who has been suspended one or two times during any school year causing a material and substantial disruption in the classroom, on School District property, at a school-sanctioned or District-sanctioned activity or event, or while being transported in a District-approved vehicle.

Any student who causes a material and substantial disruption in the classroom, on School District property, at a school-sanctioned or District-sanctioned activity or event, or while being transported in a District-approved vehicle three or more times in any one school year may be declared a habitually disruptive student and may be subject to suspension or expulsion in accordance with District Policy JKD/JKE, Suspension and Expulsion (And Other Disciplinary Interventions); Regulation JKG-R; and state law.

For purposes of this policy, disruptive behavior means behavior on the part of the student that requires suspension, and, in the view of the principal or designee, has caused a serious interference with the orderly operation of the school or with the school's ability to provide educational opportunities to the student or others, is behavior that is detrimental to the welfare or safety of others or is behavior that is prohibited by the District's Conduct and Discipline Code.

Disruptive behavior by a student identified as a student with a disability under the IDEA or Section 504 shall be dealt with in accordance with the student's IEP or Section 504 plan. A student with a disability shall be subject to expulsion as a habitually disruptive student only if a determination has been made by the student's IEP or Section 504 team that the disruptive behavior is not a manifestation of the student's disability.

DISCIPLINE OF HABITUALLY DISRUPTIVE STUDENTS Policy JKG-R

Definitions:

1. "Habitually Disruptive Student" means a student who three or more times during any school year has caused a material and substantial disruption in the classroom, or on school District property, at a school-sanctioned or District-sanctioned activity or event, or while being transported in a District approved vehicle.
2. "Parent" means a student's parent, legal guardian, or legal custodian of students under 18 years of age; if the student is 18 years or older, it refers to the student.

Reporting Requirements:

1. The student and his or her parent shall be notified in writing of each disruption that is counted toward declaring the student as habitually disruptive and shall be notified in writing and by telephone or other means of communication of the definition of "habitually disruptive student" and the corresponding discipline imposed on such students.
2. The principal or designee shall prepare a brief written summary of any disruption that occurs. The student and his or her parent shall be given a copy of the summary which is to be placed in the student's file. The student may submit a written response to the incident report which will be attached to the written summary.

3. If the principal or designee determines that the student has not engaged in disruptive behavior, as defined in this policy and policy JKG, the records of the student's involvement in the incident shall be modified to reflect an accurate description of the incident and the incident shall not be considered disruptive behavior for purposes of this policy.

Remedial Discipline Plans:

1. After a student has been suspended for the first or second time during any school year for causing a material and substantial disruption, a remedial discipline plan may be developed for the student by the principal or designee, with the assistance of the student's teacher(s) and any other school personnel involved, as well as the student and his or her parent(s).
2. The principal or designee shall make reasonable efforts to meet with the student, and his or her parent, and any school personnel whom the principal or designee deems necessary to attend in order to develop the remedial discipline plan.
3. The purpose of the meeting will be to address the reasons for the student's disruptive behavior, and to develop a written remedial discipline plan if appropriate. The remedial discipline plan shall address the student's disruptive behavior, his or her educational needs, and the goals, objectives, and timelines for modifying the disruptive behavior so as to keep the student in school. The plan also shall inform the student of the consequences in the event he/she continues to engage in disruptive behavior in violation of the plan. Such consequences may include discipline, including suspension or expulsion, as provided in the District discipline code or as provided by the rules and regulations of the school.
4. The remedial discipline plan shall be written in the form of a contract and signed by the student and his or her parent.
5. If the student and his or her parent fail to attend the meeting after the principal or designee have made reasonable attempts to schedule and provide notice of the meeting to the student and his/her parent, then the principal or designee may conduct the meeting and establish the remedial discipline plan with those people present at the meeting.
6. The student and his or her parent, and the school personnel responsible for implementing the remedial discipline plan shall be provided a copy of the remedial discipline plan and a copy shall be placed in the student's file.
7. Further instances of behavior that causes a material and substantial disruption will be dealt with in accordance with the remedial discipline plan.

Discipline of Habitually Disruptive Students:

1. If a student engages in behavior that causes a material and substantial disruption three or more times in a school year, the principal or designee shall, after receiving the student's file, record of prior incidents, and any remedial discipline plans which may have been developed, inform the student and the parent, in writing that the student is being recommended for expulsion as an habitually disruptive student.
2. The principal or designee shall initiate proceedings for expulsion of the student, in accordance with District Policy JKD/JKE, Suspension and Expulsion (And Other Disciplinary Invention).

Students with Disabilities:

All incidents of material and substantial disruption caused by a student identified as a student with disabilities shall be reported by the principal or designee to the student's primary special education provider. Such incidents shall be dealt with in accordance with the section concerning discipline of students with disabilities in Policy JKB.

DISCIPLINE OF STUDENTS WITH DISABILITIES

Policy JKB

Students with disabilities are neither immune from a School District's disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with the requirements of this policy, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and any other applicable law or District policy.

Nothing in this policy shall prohibit 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 during Periods of Disciplinary Removal

A “disciplinary change of placement” occurs when a student is removed from school for more than 10 consecutive school days or subjected to a series of removals that total more than 10 school days in a school year and constitute a pattern of removal under governing law. Prior to a disciplinary change in placement, the student’s parents shall be notified of the decision to take such disciplinary action and of their procedural safeguards. If the student is eligible for services under the IDEA, parents also shall be provided with a copy of the District’s IDEA procedural safeguards hand-out. This notification shall occur not later than the date on which such decision is made.

Students with disabilities may be suspended from school *without receipt of educational services* 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. To the extent the District provides educational services to students without disabilities during such short periods of disciplinary removal, the District will do the same for students with disabilities.

For students who are eligible for services under the IDEA, educational services will be provided starting on the eleventh (11th) school day of disciplinary removal in a given school year. Such educational services shall be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP. Where the proposed removal does not constitute a disciplinary change of placement (e.g., where a suspension takes the student beyond the 10 day mark, but is not part of a pattern of removal), school personnel, in consultation with at least one of the student’s teachers, shall determine the educational services to be provided. Where the proposed removal constitutes a disciplinary change of placement (e.g., where the student is being expelled or the suspension at-issue is part of a pattern of removal), the student’s IEP team shall determine the educational services to be provided.

For students with disabilities who are not eligible for services under the IDEA (i.e., Section 504 students), there is no requirement that the District provide educational services during expulsions or other disciplinary changes of placement. However, educational services will be provided consistent with those provided to non-disabled students.

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, relevant members of the student’s IEP or Section 504 team, including the student’s parents, shall review all relevant information in the student’s file, including the student’s IEP or Section 504 plan, any teacher observations, and any relevant information provided by the parents, to determine whether the student’s misconduct was a manifestation of the student’s disability.

The team shall determine: (1) whether the student’s misconduct was caused by, or had a direct and substantial relationship to, the student’s disability; or (2) whether the student’s misconduct 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 shall be deemed to be a manifestation of the student’s disability.

Special Note for Section 504 students currently engaged in the use of illegal drugs or alcohol: Under Section 504, the District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against a student with a disability who is currently engaged in the use of illegal drugs or alcohol to the same extent that such disciplinary action is taken against students without disabilities. Accordingly, a manifestation determination need not be held for a Section 504 student if the misconduct at-issue involves the use or possession of illegal drugs or alcohol and the student is currently engaged in the use of illegal drug alcohol.

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 shall be applied to the student in the same manner as applied to nondisabled students.

As stated above, if the student is eligible for services under the IDEA, the student shall receive educational services during the period of expulsion or other disciplinary change of placement so as 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. Additionally, the student shall receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

If the student is not eligible for services under the IDEA (i.e., he/she is a Section 504 student), educational and behavioral intervention services will be provided consistent with those provided to non-disabled students.

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, and the student will be returned to the placement from which he was removed. However, the student may be placed in an alternative setting for up to 45 school days as discussed in the section below, or the student's placement may be changed for educational reasons as determined by the IEP or Section 504 team or as otherwise permitted by law.

Additionally, for IDEA-eligible student, within a reasonable amount of time after determining that the student's behavior is a manifestation of the student's disability, the student's IEP team shall: (1) conduct 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 shall review it and modify it as necessary to address the student's behavior.

Placement in an Alternative Setting for 45 School Days

Under the IDEA, school personnel 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:

1. the student carried a weapon to school or a school function;
2. the student possessed a weapon at school, on school premises, or a school function;
3. the student knowingly possessed or used illegal drugs at school, on school premises, or at a school function;
4. the student knowingly sold or solicited the sale of a controlled substance at school, on school premises, or at a school function;
5. the student inflicted serious bodily injury on another person while at school, on school premises, or at a school function;
or
6. a hearing officer or court of appropriate jurisdiction so orders.

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

Protections for Students Not Determined Eligible for Special Education Services under the IDEA

Students who have not been identified as eligible for services under the IDEA shall be subjected to the same disciplinary measures applied to IDEA-eligible students if the District had "knowledge" of the student's disability before the behavior that precipitated the disciplinary action occurred.

The District is deemed to have knowledge of the student's disability if, *prior to the misconduct at issue*:

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

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

If the District did not have knowledge that the student is a child with a disability prior to the misconduct at issue, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behavior.

If a request for an IDEA evaluation is made during a disciplinary period of removal, the evaluation will be expedited. Until the evaluation is completed, the student shall remain in the District's determined educational placement, which can include suspension or expulsion without educational services.

STUDENT INVOLVEMENT WITH DRUGS AND ALCOHOL
Policy JICH

Through its health and science curricula, the District has adopted and implemented at all grade levels a program to prevent the use of illicit drugs and alcohol. This program, a developmentally-based education and prevention program, addresses the legal, social, and health consequences of drug and alcohol use and techniques for resisting peer pressure to use illegal drugs and alcohol.

Definitions

“Controlled substances” means all substances defined under the Uniform Controlled Substances Act of 1992, C.R.S. § 18-18-101, et. seq., as “drugs” or “controlled substances,” as well as counterfeit drugs and substances falsely represented as being drugs including, but not be limited to, opiates, narcotics, cocaine, anabolic steroids, amphetamine and other stimulants, barbiturates, depressants, hallucinogenic or mind-altering substances, marijuana, inhalants, anabolic steroids, and any other controlled substances defined by law or legal drugs, as defined herein, when used by a person for whom they are not intended in a manner that is not intended and is violative of the law and District Policy.

“Legal drugs” means over-the-counter and prescription drugs, including vitamins and other dietary supplements or chemical substances 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 or administering medications to students.

“Illegal drugs” means all drugs not defined herein as legal drugs.

“Drug paraphernalia” means any machine, instrument, tool or device as defined in the Uniform Controlled Substances Act of 1992, C.R.S. § 18-18-426.

“To possess” or “to be in possession” means to have controlled substances, illegal drugs, drug paraphernalia, or alcohol on ones’ personal property, or in an automobile or other vehicle, locker, desk or other storage area on district property as defined in this policy.

“Distributing,” “dispensing,” “selling,” “giving,” and “exchanging” shall include any means by which illegal drugs or alcohol are transferred from one person to another regardless of whether there is use or intent to use the drugs or alcohol involved in the transfer.

Because the unlawful possession and use of illegal drugs and/or alcohol is wrong and harmful to students, using, possessing, distributing, selling, giving, exchanging and being under the influence of illegal drugs or alcohol is prohibited on District property, at a school sponsored or district-sponsored activity or event, or while being transported in vehicles dispatched by the District or one of its schools at any time during the calendar year, and off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event or at any time or place when such conduct interferes with the operations of the district or the safety or welfare of students or employees.

Compliance with the standards of conduct set forth in this policy and the accompanying regulations is mandatory for all students.

The regulations which shall guide the enforcement of this policy shall be in keeping with applicable laws and shall be observed by all school personnel. Appropriate procedures shall be followed by all Weld County Re-4 personnel in working with students who may at any time during the calendar year have engaged in any of the following activities on district property during a school-sponsored or district-sponsored activity or event, when the student is being transported in vehicles 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 on non-curricular activity or event:

1. Use or be under the influence of illegal drugs or alcohol.

2. Possess controlled substances, illegal drugs or alcohol, regardless of quantity.
3. Be engaged in acts of, selling, purchasing, exchanging or distributing illegal drugs or alcohol, regardless of quantity or drug paraphernalia.

Disciplinary action, as set forth below, will be taken in cases involving students who use, possess, distribute, dispense, sell, give, exchange, or are under the influence of illegal drugs or alcohol on district property during a school-sponsored or district-sponsored activity or event, when the student is being transported in vehicles 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. Students must receive due process in connection with any suspension or expulsion, as expressed in Policy JKD/JKE.

I. Students who use, possess, or are under the influence of, illegal drugs or alcohol or who possess or sell drug paraphernalia on district property during a school-sponsored or district-sponsored activity or event, when the student is being transported in vehicles 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 shall be handled in the following manner:

A. First Offense:

The student will be suspended according to Policy JKD/JKE for up to five (5) days. If the student and parent choose, work will be given to the student so that he/she does not fall behind.

1. Middle School students in violation of Policy JICH will also be suspended from participation in and attendance at all school extracurricular activities, including weekends, for a period of fifteen (15) school days.
2. High School students in violation of the Policy JICH shall also be suspended from participation in and attendance at all school extracurricular activities, including weekends, for a period of fifteen (15) school days.
3. A parent conference will be held.
4. Information concerning drug and alcohol counseling and rehabilitation and re-entry programs will be given to students and parents.
5. Violation of federal or state law will be grounds for referral to law enforcement authorities.
6. Additional suspension or expulsion proceedings may be initiated in serious cases, as determined at the discretion of the District administration.

B. Second and Subsequent Offenses:

1. A recommendation for expulsion according to Policy JKD/JKE will result upon second and subsequent offenses within any four (4) year period unless circumstances are such that the Board elects to impose lesser punishment.
2. Records of student drug or alcohol offenses noting date, type of offense, and discipline imposed shall be kept at the local school. Such records will be forwarded to the next District school the student attends.

3. Violation of federal or state law will be grounds for referral to law enforcement authorities.

- II. Students who distribute, dispense, sell, give, or exchange controlled substances, illegal drugs or alcohol or drug paraphernalia on district property during a school-sponsored or district-sponsored activity or event, when the student is being transported in vehicles 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 will be handled in the following manner.
- The student will be suspended from school in accordance with the procedures set forth in policy JKD/JKE.
 - The principal or designee will conduct a conference with parent and/or police representative.
 - The principal shall recommend expulsion for up to a calendar year, pursuant to the procedures of policy JKD/JKE. The sale, purchase or distribution of illegal drugs shall be grounds for mandatory expulsion. The sale or distribution of alcohol is also grounds for expulsion up to a calendar year.
 - Violation of federal or state law will be grounds for referral to law enforcement authorities.
- III. The school administration will cooperate fully with local law enforcement, social services or other agencies and organizations when investigations and searches related to illegal drug offenses are in progress and to reduce the incidents of illegal use of drugs, controlled substances and alcohol by school-aged youth.
- IV. Students and parents will be given a copy of the standards of conduct and sanctions regarding student involvement with drugs and alcohol.
- V. A biennial review of the District's alcohol and drug program will be conducted to determine its effectiveness and to ensure consistent enforcement of sanctions.
- VI. Information about the elements of the District's alcohol and drug program, including the results of the biennial review, is available to the public in the District Office.

WEAPONS IN SCHOOL

Policy JICI

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

Dangerous weapons

Using, possessing or threatening to use a dangerous weapon on District property, when being transported in vehicles dispatched by the District or one of its schools, during a school-sponsored or District-sponsored activity or event, and off school property when the conduct has a reasonable connection to school or any District curricular or non-curricular event without the authorization of the school or the School District is prohibited. An exception to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of firearms.

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

- a. A firearm.
- b. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.

- c. Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- d. Knives, including any fixed-blade knife with a blade that exceeds three inches in length; or any spring loaded knife or pocket knife with a blade exceeding three and one-half inches in length.
- e. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury including, but not limited to, a slingshot, bludgeon, nun chucks, brass knuckles or artificial knuckles of any kind.

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

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

Firearm facsimiles

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

A student may seek prior authorization from the building principal to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property for purposes of a school-related or non-school related activity. A student's failure to obtain such prior authorization is a violation of this policy provision and may result in disciplinary action, including but not limited to suspension and/or expulsion, in accordance with District policy concerning student suspensions, expulsions and other disciplinary interventions. The principal's decision to deny or permit a student to carry, bring, use or possess a firearm facsimile that could reasonably be mistaken for an actual firearm on school property shall be final.

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

Recordkeeping

The District shall maintain records which describe the circumstances involving expulsions of students who bring weapons to school including the name of the school, the number of students expelled and the types of weapons involved as required by law.

Referral to law enforcement

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

GANG-RELATED ACTIVITY Policy JICFA

The Board of Education desires to keep District schools, events, and students free from the influence of gangs and gang related activity. Such activity is detrimental to the safety and welfare of students and school personnel and threatens to disrupt the educational process.

The principal of each school or principal's designee shall maintain supervision of school premises, school vehicles, and school-related activities to deter gang activity, confrontations, and intimidation of students.

The superintendent of schools or superintendent's designee shall develop open lines of communication with law enforcement authorities in order to share information and provide mutual support in the enforcement of this policy and to further its purposes.

The term "gang" as used in this policy shall refer to all groups of individuals that exist without the sponsorship or authorization of the school or District and who share a common interest, bond, or activity characterized by anti-social, criminal or delinquent conduct engaged in collectively or individually.

The Board prohibits the presence on school premises, in school vehicles, and at school-related activities of any apparel (including clothing), jewelry, accessory, notebook, emblems, or badges which by virtue of color, arrangement, trademark, or other attribute denotes membership in gangs or gang-related activity.

Gestures, signals, or graffiti which connote gang membership or activities are prohibited in school buildings, on school grounds, at school activities, and in school vehicles.

Subject to the approval of the superintendent or designee, principals may establish additional standards for their schools not inconsistent with District policy and state law. Such standards shall be published and made available to students and parents.

Gang graffiti shall be removed, washed down, or painted over as soon as discovered.

The superintendent or superintendent's designee may provide inservice training to help school personnel identify gang activities and manifestations of such in order to recognize and respond appropriately to gang behavior in schools.

The District will inform students of the dangers of gang membership, design activities to promote nonviolent conflict resolution, and promote positive school behavior. Disciplinary action for violation of these standards may include that apparel be removed or changed before reentering class, parent conferences, in-school suspension, and other proportionate disciplinary interventions and consequences as may be established by the building principal. Parents will be notified of violations of this policy. More severe disciplinary actions may be taken including suspension, expulsion or referral to law enforcement for repeated or serious violations of this policy, including violations that threatened the safety of any student or staff member.

A copy of this policy and any significant changes hereto, shall be distributed to each student and his or her parents, guardian, or legal custodian and to each new student and his or her parents, guardian, or legal custodian.

SEARCHES Policy JIHA

GENERAL STATEMENT

In order to maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, desks or storage areas, or student automobiles, under the circumstances described below, and may seize any illegal, unauthorized, or contraband materials discovered in the search.

PERSONAL SEARCHES

A student's person and/or personal effects, such as a purse, book bag, back pack, etc., may be searched whenever a school authority has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.

In such situations, the scope of the search and measures adopted must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Searches of the person of a student may include a search of the student's pockets or any object in the student's possession. Searches of the person of a student which require a "pat down" or which require removal of clothing other than a coat, jacket, or equivalent exterior clothing shall not be conducted by school personnel. If necessary, such searches shall be referred to and conducted by law enforcement officers.

Except in situations presenting a significant risk to the safety or welfare of students or school personnel or property, personal searches of a student shall be conducted in a private room by a building administrator or their designee and another witness, one of whom shall be of the same sex as the student.

LOCKER/DESK/STORAGE AREA SEARCHES

All lockers, desks, storage, and similar areas provided for student use on school premises are school property and remain at all times under the control of the school. Student use of such areas is subject to the right of school authorities to open or enter into the same and inspect the contents for any reason at any time without notice or student consent.

No student shall lock or impede access to any locker, desk or storage area except with a lock provided or approved by school authorities. Unapproved locks or impediments will be removed and destroyed. Students assume full responsibility for the security of their lockers, desks and storage areas and any loss of or damage to the contents therein.

Under normal circumstances, students shall be notified of the pending search and given the option to be present at the search. However, if, in the opinion of school or law enforcement officials, it is expedient not to notify the student whose locker, desk or storage area is to be searched, the principal or his/her designee has the authority to proceed without such notification.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or rules of the school. Under normal circumstances, the student shall be notified of the pending search and given the option to be present at the search. However, if, in the opinion of school or law enforcement officials, it is not expedient to notify the student whose automobile is to be searched, the principal or his/her designee has the authority to proceed without such notification. The principal or his/her designee will attempt to notify the parent or guardian of the student whose automobile has been searched that a search has taken place and the results of that search.

NONDISCRIMINATION/EQUAL OPPORTUNITY Policy AC

The District is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry and other categories protected by law. Accordingly, no otherwise qualified student, employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation, disability or other status protected by law. Discrimination against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law.

This policy and regulation shall be used to address all concerns regarding discrimination and harassment, except those regarding sexual harassment which are addressed in policies GBAA and JBB.

In keeping with these statements, the following shall be objectives of this school district:

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial and ethnic groups.
3. To consider carefully, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which he or she lives.
5. To initiate a process of reviewing all policies and practices of this school district in order to achieve the objectives of this policy to the greatest extent possible.

6. To investigate and resolve promptly any complaints of -discrimination and harassment.
7. To investigate and appropriately discipline staff and students found to be responsible for incidents of harassment or discrimination in violation of district policy.

Annual notice

The district shall issue a written notice prior to the beginning of each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard to race, color, sex (which includes marital status), sexual orientation, religion, national origin, ancestry, creed, disability or any other status protected by law. With respect to employment practices, the district shall also issue written notice that it does not discriminate on the basis of age or genetic information. The announcement shall also include the title, address, email address and telephone number of the person designated to coordinate Title IX and Section 504 and ADA compliance activities.

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

The notice shall appear on a continuing basis in all district media containing general information, including: teachers' guides, school publications, the district's website, recruitment materials, application forms, vacancy announcements, student handbooks, school program notices, summer program newsletters and annual letters to parents.

Harassment is prohibited

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

All district employees and students share the responsibility to ensure that harassment does not occur at any district school, on any district property, at any district or school-sanctioned activity or event, or off school property when such conduct has a nexus to the school, or any district curricular or non-curricular activity or event.

For purposes of this policy, harassment is any unwelcome, hostile and offensive verbal, written or physical conduct based on or directed at a person's race, color, national origin, ancestry, creed, religion, sex, sexual orientation, disability or other protected status that: (1) results in physical, emotional or mental harm, or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile or threatening environment; or (3) substantially disrupts the orderly operation of the school. Board policy on sexual harassment (GBAA for employees and JBB for students) will apply to complaints alleging sexual harassment.

Harassing conduct may take many forms, including, but not limited to:

1. verbal acts and name-calling;
2. graphic depictions and written statements, which may include use of cell phones or the Internet; and
3. other conduct that may be physically threatening, harmful or humiliating.

Reporting discrimination and harassment

Any student who believes he or she has been a victim of discrimination or harassment in violation of District policy, or who has witnessed such discrimination or harassment, shall immediately report it to an administrator, counselor, teacher or the district's compliance officer and file a complaint as set forth in the regulation which accompanies this policy.

Any employee, applicant for employment or member of the public who believes he or she has been a victim of discrimination or harassment, or who has witnessed such discrimination or harassment, shall file a complaint with either an immediate supervisor or the district's compliance officer.

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

District action

All district employees who witness discrimination or harassment shall take prompt and effective action to stop it, as prescribed by the district.

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

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

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

Any student or employee who engages in discrimination or harassment in violation of District policy shall be disciplined according to applicable District policies, and the district shall take reasonable action to restore lost educational or employment opportunities to the individual(s) caused by the discrimination or harassment.

In cases involving potential criminal conduct, the compliance officer shall determine whether appropriate law enforcement officials should be notified.

Notice and training

To reduce discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy to all district schools and departments. The policy and complaint process shall be referenced in student and employee handbooks and otherwise available to all students, staff and members of the public through electronic or hard-copy distribution.

Students and district employees shall receive periodic training related to recognizing and preventing discrimination and harassment. District employees shall receive additional training related to handling reports of discrimination and harassment. The training will include, but not be limited to:

- awareness of groups protected under state and federal law and/or targeted groups;
- how to recognize and react to discrimination and harassment; and
- proven harassment prevention strategies.

NONDISCRIMINATION/EQUAL OPPORTUNITY (Complaint and Compliance Process) Policy AC-R

The district is committed to providing a working and learning environment that is free from discrimination and harassment on the basis of a person's race, color, sex, religion, national origin, ancestry, creed, age, marital status, sexual orientation, disability, or any other status protected by law. The district shall promptly respond to concerns and complaints of discrimination and/or harassment;

take action in response when discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

The district has adopted the following procedures to promptly and fairly address concerns and complaints about discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. "Compliance officer" means an employee designated by the Board to receive complaints of alleged discrimination and harassment. The compliance officer shall be identified by title, address, telephone number and email address. See Exhibit AC-E-1. If the designated individual is not qualified or is unable to act as such, the superintendent shall designate an administrator who shall serve until a successor is appointed by the Board.

2. "Aggrieved individual" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, an employee of the district, or member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting discrimination or harassment.

Compliance officer's duties

The compliance officer shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting discrimination or harassment. The compliance officer's duties shall include providing notice to students, parents/guardians of students, employees and the general public concerning the compliance process, providing training for district staff regarding the prohibition of discrimination/harassment in all district programs, activities and employment practices, disseminating information concerning the forms and procedures for the filing of complaints, ensuring the prompt investigation of all complaints, coordinating hearing procedures, and identifying and addressing any patterns or systemic problems that arise during the review of complaints. The compliance officer may delegate any or all of the foregoing responsibilities as necessary and/or appropriate under the circumstances.

Complaint procedure

An aggrieved individual is encouraged to promptly report the incident as provided in Board policy and this regulation. All reports received by teachers, counselors, principals or other district employees shall be promptly forwarded to the compliance officer. If the compliance officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the superintendent.

Any aggrieved individual may file with the compliance officer a complaint charging the district, another student or any school employee with discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint shall be encouraged to use the form in AC-E-2.

All complaints shall include a detailed description of the alleged events, the date(s) the alleged events occurred and names of the parties involved, including any witnesses. The complaint shall be made as soon as possible after the incident.

The compliance officer shall confer with the aggrieved individual and/or the alleged victim of the discrimination or harassment as soon as is reasonably possible, but no later than 5 school days following the district's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 5 school days following the initial meeting with the aggrieved individual and/or alleged victim, the compliance officer shall attempt to meet with the individual alleged to have engaged in the prohibited conduct and, if a student, his or her parents/guardians in order to obtain a response to the complaint. Such person(s) shall be informed of all allegations that, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the compliance officer shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the victim and the individual alleged to have engaged in conduct prohibited by district policy have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer shall also explain that whether or not the individual files a written complaint or otherwise requests action, the district is required by law to take steps to correct the discrimination or harassment and to prevent it from recurring, as well as to take steps to prevent harassment or

retaliation against anyone who makes a report or participates in an investigation. The compliance officer shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the district from responding effectively to prohibited conduct and preventing future prohibited conduct.

Informal action

If the aggrieved individual and/or the individual alleged to have engaged in conduct prohibited by district policy requests that the matter be resolved in an informal manner and/or the compliance officer believes that the matter is suitable to such resolution, the compliance officer may attempt to resolve the matter informally through mediation, counseling or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party shall be compelled to resolve a complaint of discrimination or harassment informally and either party may request an end to an informal process at any time. Informal resolution shall not be used to process complaints against a school employee and shall not be used between students where the underlying offense involves sexual assault or other act of violence.

Formal action

If informal resolution is inappropriate, unavailable or unsuccessful, the compliance officer shall promptly investigate the allegations to determine whether and/or to what extent, discrimination or harassment in violation of district policy has occurred. The compliance officer may consider the following types of information in determining whether discrimination or harassment occurred:

- a. statements by any witness to the alleged incident,
- b. evidence about the relative credibility of the parties involved,
- c. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others,
- d. evidence of the aggrieved individual and/or alleged victim's reaction or change in behavior following the alleged prohibited conduct,
- e. evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct,
- f. evidence and witness statements or testimony presented by the parties involved,
- g. other contemporaneous evidence, and/or
- h. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the compliance officer, including:

- a. the degree to which the conduct affected one or more student's education or one or more employee's work environment,
- b. the type, frequency and duration of the conduct,
- c. the identity of, and relationship between, the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
- d. the number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct,
- e. the age of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
- f. the size of the school, location of the incident and context in which it occurred, and
- g. other incidents at the school.

The compliance officer shall prepare a written report containing findings and recommendations, as appropriate, and submit the report to the superintendent within 5 school days following the termination of the informal resolution process or a determination that information resolution would be inappropriate. The compliance officer's report shall be advisory and shall not bind the superintendent or the district to any particular course of action or remedial measure. Within 5 school days after receiving the compliance officer's findings and recommendation, the superintendent or designee shall determine any sanctions or other action deemed appropriate, including, if appropriate, recommendations to the Board for disciplinary or other action.

To the extent permitted by federal and state law, all parties, including the parents/guardians of all students involved, shall be notified in writing by the superintendent of the final outcome of the investigation and any remedial action take, if applicable, within 5 school days following the superintendent's determination.

Hearing procedure for Section 504 complaints

In addition to utilizing the complaint process described above, if a complaint involves a student's identification, evaluation, or educational placement under Section 504 of the Rehabilitation Act, the student's parent(s) or legal guardian(s) also have the option of requesting an impartial due process hearing.

An impartial due process hearing may be requested by filing written notice with the district's compliance officer. Upon receiving a written request for a hearing, the district's compliance officer will select an impartial hearing officer to decide the matter.

The district-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the student's parents/legal guardians and district. The hearing shall be informal, and formal rules of evidence shall not apply. The parties may be represented by legal counsel, and they may present testimony and other evidence as they so choose. . The hearing shall be closed to the public.

Within ten (10) school days after the conclusion of the hearing, the hearing officer shall make a written recommendation to the superintendent based upon evidence presented at the administrative hearing. Within 10 days of receiving the hearing officer's recommendations, the superintendent or designee shall determine and take any action deemed appropriate.

Any party not satisfied with a decision made by the superintendent may present his/her concerns to the Board. Any action taken by the Board shall be final.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a district policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. This process shall apply, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

Outside agencies

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex/gender), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

NONDISCRIMINATION/EQUAL OPPORTUNITY (Notice of Non-discrimination and Designation of Compliance Officer) Policy AC-E-1

The District is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. To that end, no otherwise qualified student, employee, applicant for employment or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any district program or activity on the basis of race, color, national origin, ancestry, creed, religion, sex (which includes marital status), sexual orientation,

disability, or other status protected by law. Discrimination against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law.

Any person who has a question, concern, or complaint related to the District's non-discrimination policies and/or its efforts to ensure equal educational opportunities should contact one of the District's designated on-discrimination/equal opportunity compliance officers.

For student-related inquiries, including complaints of discrimination or harassment in violation of ADA, Section 504 and/or Title IX, please contact:

Director of Exceptional Student Service
1020 Main Street, Windsor, CO 80550
970-686-8000
Jonpaul.burden@weldre4.org

For employment-related inquiries, including complaints of discrimination or harassment in violation of the ADA, Section 504 and/or Title IX, please contact:

Director of Employee and Business Services
1020 Main Street, Windsor, CO 80550
970-686-8000
Nikki.schmidt@weldre4.org

USE OF PHYSICAL INTERVENTION AND RESTRAINT Policy JK-A

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

Physical intervention

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

Within the scope of their employment, district employees may use reasonable and appropriate physical intervention with a student to accomplish the following:

1. to quell a disturbance threatening physical injury to the student or others.
2. to obtain possession of weapons or other dangerous objects upon or within the control of the student.
3. for the purpose of self-defense.
4. for the protection of persons against physical injury or to prevent the destruction of property which could lead to physical injury to the student or others.

Under no circumstances shall a student be physically held for five or more minutes unless the provisions regarding restraint contained in this policy and accompanying regulation are followed.

Restraint

Restraint is defined by state law and this policy as any method or device used to involuntarily limit a student's freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals and seclusion. Restraint, however, does not include the holding of a student for less than five minutes by a district employee for the protection of the student or others; brief holding of a student by one adult for the purpose of calming or comforting the student; minimal physical contact for the purpose of safely escorting the student from one area to another; or minimal physical contact for the purpose of assisting the student in completing a task or response.

District employees shall not use restraint as a punitive form of discipline or as a threat to control or gain compliance of a student's

behavior. District employees are also prohibited from restraining a student by use of a mechanical restraint or chemical restraint, as those terms are defined by applicable State Board of Education Rules and this policy's accompanying regulation.

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

Exceptions

The restraint provisions in this policy and accompanying regulation shall not apply:

1. to peace officers as defined by C.R.S. 16-2.5-101 *et seq.* who are acting within the scope of their employment or in accordance with C.R.S. 16-3-109; or
2. when the district is engaged in transporting a student from one facility or location to another, and it is within the scope of the district's powers and authority to effect such transportation.

USE OF PHYSICAL INTERVENTION AND RESTRAINT Policy JK-A-R

A. Definitions

In accordance with the State Board of Education Rules for the Administration of the Protection of Persons from Restraint Act, the following definitions apply for purposes of this regulation and accompanying policy (JK-A).

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals and seclusion.
2. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint" does not include:
 - a. holding of a student for less than five minutes by a staff person for the protection of the student or others;
 - b. brief holding of a student by one adult for the purpose of calming or comforting the student;
 - c. minimal physical contact for the purpose of safely escorting a student from one area to another;
 - d. minimal physical contact for the purpose of assisting the student in completing a task or response.
3. "Mechanical restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of the student's body. "Mechanical restraint" does not include:
 - a. devices recommended by a physician, occupational therapist or physical therapist and agreed to by a student's IEP team or Section 504 team and used in accordance with the student's IEP or Section 504 plan;
 - b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan;
 - c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan; or
 - d. positioning or securing devices used to allow treatment of a student's medical needs.
4. "Chemical restraint" means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical restraint" does not include:
 - a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
 - b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
5. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:

- a. placement of a student in residential services in the student’s room for the night; or
- b. time-out.
- 6. “Time-out” is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.
- 7. “Emergency” means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.
- 8. “Bodily injury” means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901(3)(c).
- 9. The term “State Board Rules” refers the Colorado State Board of Education Rules for the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45, §§ 2620-R-1.00 et seq.
- 10. “Parent” shall be as defined by the State Board Rules.

B. Basis for use of restraint

Restraints shall only be used:

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

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

When restraints are used, school personnel shall ensure that:

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

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

D. Proper administration of specific restraints

- 1. Chemical restraints shall **not** be used by school staff.
- 2. Mechanical restraints shall **not** be used by school staff.
- 3. Physical restraint may be used in an emergency. However:
 - a. a person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student;
 - b. a restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised; and
 - c. a student shall be released from physical restraint within fifteen (15) minutes after the initiation of the restraint, except when precluded for safety reasons.

4. Seclusion may be used in an emergency. However:
 - a. relief periods from seclusion shall be provided for reasonable access to toilet facilities; and
 - b. any space in which a student is secluded shall have adequate lighting, ventilation and size. To the extent possible under the specific circumstances, the space should be free of injurious items.

E. Notification requirements

1. If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff shall notify, in writing, the student's parents and the student (if appropriate) of:
 - a. the restraint procedures (including types of restraints) that might be used;
 - b. the specific circumstances in which restraint might be used; and
 - c. the staff who may be involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification provided, school personnel shall ensure that the meeting is convened.
3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

F. Documentation and review of specific incidents of restraint

1. The district shall ensure that a review process is conducted for each incident of restraint. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint. The steps of the review process are described below.
2. First, any time that restraint is used, the school principal or designee shall verbally notify the student's parents as soon as possible but no later than the end of the school day that restraint was used.
3. Within one (1) school day, the staff involved shall submit a written report regarding the incident to school administration.
4. Within two (2) school days, appropriate school staff shall meet to review the incident. This review shall include, but not be limited to:
 - a. review of the incident, including review of the written report submitted by the staff involved and any related documentation to ensure the use of alternative strategies; and
 - b. recommendations for adjustment of procedures, if appropriate.
5. A written report based on the findings of the staff review described in paragraph F.4 above shall be e-mailed, faxed or mailed to the student's parents within five calendar days of the use of restraint. The written report of the use of restraint shall include:
 - a. the antecedent to the student's behavior if known;
 - b. a description of the incident;
 - c. efforts made to de-escalate the situation;
 - d. alternatives that were attempted;
 - e. the type and duration of the restraint used;
 - f. injuries that occurred, if any; and
 - g. the staff present and staff involved in administering the restraint.
6. A copy of the written report shall be placed in the student's confidential file.
7. If requested by the district or the student's parents, the district shall convene a meeting with parents to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

G. General review process

1. The district shall ensure that a general review process is conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the district is properly administering restraint, identifying additional

training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.

2. The review shall include, but is not limited to analysis of:
 - a. written reports prepared pursuant to paragraph F including, but not limited to, analysis of the procedures used during any incidents of restraint, the preventative or alternative techniques tried, and staff compliance with documentation and review requirements contained in paragraph F above;
 - b. training needs of staff;
 - c. staff to student ratio; and
 - d. environmental conditions, including physical space, student seating arrangements, and noise levels.

H. Staff training

1. The district shall ensure that staff utilizing restraint in schools are trained in accordance with the State Board Rules.
2. Training shall include:
 - a. a continuum of prevention techniques;
 - b. environmental management;
 - c. a continuum of de-escalation techniques;
 - d. nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
 - e. methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
 - f. appropriate documentation and notification procedures as described in paragraphs E and F above.
3. Retraining shall occur at a frequency of at least every two years.

SEXUAL HARASSMENT Policy JBB

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

District's commitment

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

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

Sexual harassment prohibited

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of such conduct by a student is used as the basis for education decisions affecting the student.

3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a student's ability to participate in or benefit from an education program or activity or it creates a hostile or abusive educational environment. For a one-time incident to rise to the level of harassment, it must be severe.

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

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

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

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

Reporting, investigation and sanctions

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

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

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

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

Notice and training

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

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

STUDENT COMPLAINTS AND GRIEVANCES Policy JII.R

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

1. Conduct of an individual
2. Board policies and regulations
3. Civil rights
4. Curricular programs

Complaints must be initiated in writing, dated, and signed by the complainant. Forms for this purpose are available in the principal's office. Completed forms must be filed with the appropriate person as follows:

1. Conduct of an individual: Immediate supervisor of the individual. The building principal is the supervisor of the teachers; the superintendent or superintendent's designee is the supervisor of the principal and support staff members.
2. Board policies and regulations: superintendent or superintendent's designee.
3. Civil rights: Compliance officer, principal or superintendent, as set forth in Regulation AC-R.
4. Curricular programs: Principal, superintendent or superintendent's designee.

The following procedures shall apply to student complaints and grievances, except those involving civil rights claims, discrimination and/or harassment, which are governed by Regulation AC-R. When a complaint is filed in writing, a conference will be held with the complainant within five days. A written response will be given to the complainant within ten school days following the conference.

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

Appeals must be made in the following order: building principal, superintendent or superintendent's designee, Board of Education.

When an appeal has been filed in writing, a conference will be held with all parties involved within ten school days, or as soon thereafter as possible. A written response will be given to the complainant within ten school days following the conference.

If the appeal should reach the level of the Board of Education, a meeting with the Board will be scheduled within 20 school days after a written appeal has been filed, or as soon thereafter as possible. A written response from the Board will be given to the complainant within ten days following the conference.

BULLYING PREVENTION AND EDUCATION Policy JICDE

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

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

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

A student who engages in any act of bullying and/or a student who takes any retaliatory action against a student who reports in good faith an incident of bullying, is subject to appropriate disciplinary action including but not limited to suspension, expulsion and/or referral to law enforcement authorities.

In determining the appropriate action to be taken in response to incidents of student bullying, the principal or principal's designees shall consider multiple indicators of the bullying behavior's severity, which may include whether the bullying behavior is unwanted and aggressive; is repeated or has the potential to be repeated; involves a real or perceived power imbalance wherein the student

engaging in bullying behavior is using his or her power to control or harm others; involves making threats, spreading rumors, attacking someone physically or verbally; or excluding someone from a group on purpose.

Bullying behavior that constitutes unlawful discrimination or harassment shall be subject to investigation and discipline under related Board policies and procedures. Students targeted by bullying when such bullying behavior may constitute unlawful discrimination or harassment also have additional rights and protections under Board policies and procedures regarding unlawful discrimination and harassment.

Available interventions for the student who engaged in the bullying behavior or retaliatory action include, but are not limited to:

Imposing discipline, which may include classroom removal, detention, classroom suspension, counseling, participation in the district's restorative justice program or positive behavioral intervention support program, peer mediation, referral to law enforcement authorities, referral to a juvenile assessment center for counseling or other services, being placed on a remedial discipline plans, suspension, or expulsion.

In addition, the principal or principals designee may:

Meet with the student to develop strategies to conform the student's behavior to acceptable standards;

Hold a conference with the student's parents in order to develop cooperative strategies to conform the student's behavior to acceptable standards;

Separate the student from other students at school or from particular school programs or activities until the student can conform his or her behavior to an acceptable standard;

Withhold privileges (ie: recess, field trips, participation in extracurricular activities, etc.) until the student can conform his or her behavior to acceptable standards.

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

1. To send a clear message to students, staff, parents and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents and community members in order to help maintain a bully-free environment.
6. To support victims of bullying by means of individual and peer counseling.
7. To help develop peer support networks, social skills and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

Appropriate Use of District and Personal Technology by Students Policy JS

Introduction

Weld County School District RE-4 (“District” or “WSD”) is pleased to offer its students access to the District’s network, servers, computers, communication systems (i.e. e-mail, web sites, blogging, podcasting, VOIP and audience response systems and/or other emerging technologies), hardware, software, operating systems, and an array of other emerging technologies (hereafter referred to as “District Technology”) to promote educational excellence. Each student is responsible for her/his use of technology, whether personal (i.e. computers/laptops, cell phones, portable digital assistants (PDAs), wireless email devices, tablets and other digital devices) (hereafter referred to as “Personal Technology”) or District-provided. While using technology on or near school property, in school vehicles, and at school-sponsored activities, as well as using District Technology resources via off-campus remote access, each student is expected to act in an appropriate manner consistent with school, District, and legal guidelines. It is the joint responsibility of District and school personnel and the parent(s)/guardian(s) of each student to educate students about their responsibilities and to establish expectations when using and/or accessing technology.

Using the District Internet and Communications Systems

District Technology is provided to students to conduct research, complete assignments, and communicate with others to further their education. Use of, and access to, District Technology is a privilege, not a right; therefore, general rules of school behavior apply. Such use and/or access is provided to students who agree to act in a considerate and responsible manner. Just as students are responsible for good behavior in a classroom or a school hallway, they must also be responsible when using and/or accessing District Technology. Students must comply with District standards and honor this agreement to be permitted access and use of District Technology.

All digital storage on District Technology is WSD property, and network administrators may review files and communications to maintain system integrity and ensure that students are using District Technology responsibly. Students should not expect that files stored on, or sent via, District computers or servers will be private.

The educational value of technology integration in curriculum is substantial. Access to the Internet enables students to use extensive online libraries and databases. Families should be warned that some material accessible through the Internet might contain items that are illegal, defamatory, inaccurate, profane, sexually oriented, or potentially offensive to some people. While the intent is to make the Internet available to further educational goals and objectives, students may find ways to access these other materials as well. WSD does not condone or permit the use of this material and uses content filtering technology to protect, to the extent possible, against Internet access by both adults and minors to visual depictions that are obscene, child pornography or harmful to minors. Parents and guardians must be aware that content filtering tools are not completely fail-safe and while at school, direct supervision by school personnel of each student using a District computer or accessing the Internet through the District’s server is desired, but not always possible. Students are expected to use District Technology in a manner consistent with the rules below and will be held responsible for their intentional misuse and inappropriate access. WSD believes that the benefits of student access to the Internet in the form of information resources and opportunities for collaboration exceed any disadvantages. Ultimately, parents and/or guardians are responsible for setting and conveying the standards that their children should follow when using and/or accessing technology. If a student accidentally accesses inappropriate material, they should back out of that information at once and notify the supervising adult.

Proper and Acceptable Use of Technology by Students

District Technology must only be used and/or accessed in a manner that supports education and academic research and that is consistent with the educational mission and objectives of WSD. Additionally, Personal Technology must not be used in a manner that has a detrimental effect on the educational environment.

Activities that are permitted and encouraged include:

- school work;
- original creation and presentation of academic work;
- research on topics being studied in school;
- research for opportunities outside of school related to community service, employment, or further education.

Activities that are not permitted include but are not limited to:

- plagiarism or representing the work of others as one’s own including non-attributed use of Copyright ©, Registered ® and/or Trademark ™ materials;
- use of profane, obscene, and/or inappropriate language, images, and/or other materials;
- use of technology, District or Personal, to harass, intimidate, or bully others;
- use of District Technology to search, view, communicate, publish, download, store, or retrieve materials that are not related to school work, community service, employment, or further education (thus, searching inappropriate materials is not permitted);

- damaging or modifying District computers or networks;
- use of District Technology to install or utilize software or executable files that are not approved by the WSD Technology Department, and/or the installation of such software or executable files onto District Technology;
- intentional or neglectful transmission of viruses or other destructive computer files; hacking into District or external computers; intentionally bypassing District filters;
- use of USB, bootable CDs, or other devices to alter the function of a District computer or a network;
- connection of Personal Technology to the WSD data network for purposes other than to store or retrieve education-related data;
- use of District Technology to subscribe to any online services or to order any goods or services;
- use of personal email accounts, not District-provided email accounts, on the District network;
- unauthorized online sharing of any student's or staff member's name, home address, phone number, image, or other personal information;
- using District Technology for non-educational uses such as games, role-playing multi-user environments, gambling, junk mail, chain mail, jokes, or raffles;
- use of District Technology to participate in online chat rooms or instant messaging, unless specifically assigned by a teacher;
- use of District Technology for commercial purposes, personal financial gain, or fraud;
- use of technology, District or Personal, to cheat on homework, quizzes, or tests or to assist others in cheating;
- use of technology, District or Personal, to take an unauthorized photo or image and/or violate the privacy of others;
- use of technology, District or Personal, in any manner that is disruptive (this includes the obtrusive ringing or buzzing of technology during instructional time or other school-sponsored activities or events);
- any activity that violates board policy, a school rule, or a local, state, or federal law.

Students are expected to report harassment, threats, hate-speech, and inappropriate content to a teacher or administrator. If a student has any questions about whether a specific activity is permitted, he or she should ask a teacher or administrator.

Education about Appropriate Online Behavior (effective July 1, 2012)

The District has procedures and curriculum in place for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber bullying awareness and response.

Privacy and Security

Students must use and access District Technology responsibly and in a secure manner. They must not share their logins, passwords, or access with others. Students may only access District Technology using their assigned logins and passwords.

Online Assessments

Student assessments may be conducted through the use and/or access of District Technology. Normally, students will use District Technology as a part of their instructional day. Privacy and security, as defined above, along with confidentiality of assessment responses, are expected.

Vandalism

Any intentional act by a student that damages District Technology, or data stored on any District Technology, will be considered vandalism and will be subject to school rules and disciplinary procedures. Any intentional act that requires a person's time to investigate, repair, replace, or perform corrective work on District Technology or data is also considered vandalism.

Consequences of Misuse

Misuse of, or inappropriate access to, Personal or District Technology while on or near school property, in school vehicles, and at school-sponsored activities, including the misuse or inappropriate access of District Technology via off-campus remote access, may result in disciplinary action up to and including expulsion. This document shall be used in conjunction with WSD Board of Education policies. In addition, a student's use of District Technology may be suspended or restricted.

A school may temporarily hold (pending parental or same-day pick up) Personal Technologies that are used inappropriately. Personal Technologies that are portable and carried with a student are considered to be personal effects in a student's possession and thereby subject to WSD policies and school rules and regulations governing searches of such items. Students are required to turn portable Personal Technology over to school personnel when requested. Students who refuse to do so may be removed from class or other school activity, have committed insubordination and resisting authority in violation of policies for student discipline, and shall be subject to disciplinary action. Additionally, and in accordance with District policy and state law, students may be disciplined for any use of Personal Technology that has a detrimental effect on the welfare or safety of other students or of school personnel regardless of whether such use occurs on or off school property or entails the use or access of District Technology.

Individual schools may choose to have additional rules and regulations pertaining to the use of Personal Technology in their respective buildings.

Intentional unauthorized access and/or damage to District networks, servers, user accounts, passwords, or other District resources may be punishable under local, state, or federal law.

No Warranty

WSD does not expressly or implicitly warrant the District Technology it provides to students. Therefore, WSD is not responsible for any damage or loss incurred through use of District Technology including, but not limited to, damage or loss caused by non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data, and exposure to potentially harmful or inappropriate material or people. Use of District Technology and reliance on any information obtained via District Technology is at a student's own risk and the District specifically denies any responsibility for the reliability of such use or accuracy and quality of information obtained through the use of district Technology including District-provided Internet access. The student and his/her parent/guardian will indemnify and hold WSD harmless from any losses sustained as the result of misuse or inappropriate access of District Technology resources by the student.

Also, the District assumes no responsibility for loss or damage to the personal property of students including Personal Technology. If, pursuant to this policy, the Personal Technology of students is confiscated by school personnel, reasonable care will be taken of the item until either it is retrieved or after a reasonable period of time is discarded.

STUDENTS WITH FOOD ALLERGIES POLICY JLCDA

The Board recognizes that many students are being diagnosed with potentially life-threatening food allergies. To address this issue and meet state law requirements concerning the management of food allergies and anaphylaxis amount students, the Board sets forth the following requirements.

Health care plan

The school nurse, or a school administrator in consultation with the school nurse, shall develop and implement a health care plan (plan) for each student with a diagnosis of a potentially life-threatening food allergy. The plan shall address communication between the school and emergency medical services, including instructions for emergency medical responders. If a student qualifies as a student with a disability in accordance with federal law, the students Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

Reasonable accommodations

Reasonable accommodations shall be made to reduce the student's exposure to agents that may cause anaphylaxis within the school environment. If a student qualifies as a student with a disability in accordance with federal law, the students Section 504 plan, Individualized Education Program (IEP), and/or other plan developed in accordance with applicable federal law shall meet this requirement.

Access to emergency medications

Emergency medications for treatment of the student's food allergies or anaphylaxis shall be kept in a secure location accessible to designated school staff. Whenever possible and in a timely fashion, the students parent/legal guardian shall supply the school with the medication needed for treatment of the students food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance with Board policy JLCD Administration of Medications.

Staff training

The principal or equivalent school administrator, in consultation with the school nurse, shall determine the appropriate recipients of emergency anaphylaxis treatment training, which shall include those staff directly involved with a student who has a known food allergy during the school day. At a minimum, the trainings shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize symptoms of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.

ANNUAL NOTIFICATIONS (also posted on Weld RE-4 home page at www.weldre4.org)

Civil Rights

Weld County School District RE-4 is an equal opportunity educational institution and will not discriminate on the basis of race, color, national origin, sex, age and disability in its activities, programs or employment practices as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans With Disabilities Act, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973. Any person who has a question, concern or complaint related to the District's non-discrimination policies and/or its efforts to ensure equal educational opportunities should contact one of the District's designated non-discrimination/equal opportunity compliance officers. For student related inquires, including complaints of discrimination or harassment in violation of the ADA, Section 504 and/or Title IX, please contact: Director of Exceptional Student Services, 1020 Main Street, Windsor, CO 80550, 970-686-8000, jonpaul.burden@weldre4.org For employment-related inquires, including complaints of discrimination or harassment in violation of the ADA, Section 504 and/or Title IX, please contact: Director of Employee and Business Services, 1020 Main Street, Windsor, CO 80550, 970-686-8000, nikki.schmidt@weldre4.org or the Office of Civil Rights, U.S. Department of Education, Rocky Mountain Region, 1961 Stout Street, Denver, Colorado, 1-800-368-1019.

A.H.E.R.A.

Weld County School District RE-4 has completed the necessary inspection and management plans as required by the A.H.E.R.A. (Asbestos Hazard Emergency Response Act) legislation. The coordinator for the District is the Director of Maintenance and Operations. The Management Plans and Inspection Reports are available for each building at the District Administration Offices at 1020 Main Street, Windsor, Colorado, 80550 for review during normal business hours. A copying fee will be required if copies are reports or sections thereof are requested. Questions regarding this notification may be directed to the Director of Maintenance and Operations at (970) 686-8050.

Student Records Policy JRA

Student records are maintained in accordance with the Federal Family Educational Rights and Privacy Act of 1974 and the Colorado Open Records Law. The purpose of this policy is to assure parents and students (18 years and older), that they have access to their children's educational records and that each individual's right to privacy shall be protected by limiting access to and the transferability of educational records in accordance with applicable law.

Content and Custody of Records

In general, a student's education records are those records in all formats and media, including photographic and electronic, maintained by the School District, which are directly related to the student. Student education records may contain, but are not necessarily be limited to, the following information: personal identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations, and reports of serious or recurrent behavior patterns and any individualized education program (IEP).

Student records do not include records of instructional, supervisory, and administrative personnel which are in the sole custody of the maker thereof, and which are not accessible or revealed to any other person except a substitute and records and documents which are privileged under law. Student education records do not include records maintained by a law enforcement unit of the school or school district that are created by that unit for the purpose of law enforcement.

The building principal shall be the designated official custodian of the records of students in his/her building.

Access to Records

A parent or legal guardian shall be able to inspect and review the student's education files. However, if a student is 18 years or older ("eligible student"), the student may inspect his own education records and give written consent for disclosure of such records and personal identifiable information therein, and his written permission shall be necessary in order for his parent/legal guardian to access them, unless the eligible student is a dependent for income tax purposes or the disclosure is in connection with a health or safety emergency.

The building principal shall provide such personnel as are necessary to give explanations and interpretations of the student records when requested by the parent/legal guardian or the eligible student.

1. A request to see the file must be submitted on an official district form by the parent/legal guardian or eligible student to the principal of the school attended by the student, or in some instances, to the supervisor of student records.
2. The principal, upon receiving the request, will set a date and time for inspection and review of the records. In no case will the date set be more than three school days after the request has been made.
3. The parent/legal guardian or eligible student shall examine the file in the presence of the principal or another person permitted by policy and designated by the superintendent. Only the following certified personnel are designated by the superintendent: Director of Exceptional Student Services or designee, principal, assistant principal, counselor, or in case of inactive records, the supervisor of student records.

The record itself shall not be taken from the school building. However, upon request, one copy of the records shall be provided within a reasonable time to the parent/legal guardian or eligible student at a cost of \$.25 per page.

A record of all requests for inspection and review of education records and requests for copies of such records, as well as disclosure of personally identifiable information except as provided by law, shall be maintained as a part of each individual's record. Such request for records or information shall be made available to the parent/legal guardian or eligible student upon request in accordance with the requirements of this regulation.

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

Requests to Amend Education Records

Parents/legal guardians or eligible students who believe that information contained in the education records of a student is inaccurate or misleading or violates the privacy rights of the student may request that the District amend the records. A request to amend a student's records must be made in writing to the school principal within 10 school days of the date the records were first examined.

If the parent/legal guardian or eligible student challenges any part of the record, the principal (or in the case of psychological test data, the Director of Pupil Services or designee) should review the part of the record being challenged and may by mutual agreement with the person making the challenge destroy, delete or add the information in question.

If the principal denies the request to amend, the parent/legal guardian or eligible student may make a written appeal to the superintendent. This appeal must be answered by the superintendent in writing within 10 school days.

If the first two steps have not resulted in a formal change, then the parent/legal guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing and addressed to the superintendent of schools. The response to the request must be mailed within 10 school days. The hearing will be held in accordance with the following procedure:

- The hearing shall 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/legal guardian or eligible student by certified mail.
- The hearing will be conducted by a building principal or higher administrative official as designated in writing by the superintendent. The official conducting the hearing shall not have a direct interest in the outcome of the hearing.
- Parents/legal guardians or eligible students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
- The official designated above shall make a decision in writing within 10 school days following the conclusion of the hearing and shall notify the parent/legal guardian or eligible student of that decision by certified mail.
- The decision of the official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- The decision shall include a statement informing the parent/legal guardian or eligible student of their right to place in the student records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained as a part of the records as long as the record itself is maintained by the school district. If the student record is disclosed by the school to any other party, the explanation shall also be disclosed to that party.
- Disclosure Without Written Consent

The School District may disclose student education records or personally identifiable information contained therein without written consent of the parent/legal guardian or eligible student if the disclosure meets one of the following conditions:

- A. The disclosure is to a school official having a legitimate educational interest in the student education record or the personally identifiable information contained therein. In accordance with law, only those school officials who have a legitimate educational interest as described in this policy shall be permitted access to specific student education records.
 1. For purposes of this policy, a “school official” is a person employed by the district as an administrator, supervisor, teacher or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has outsourced services or functions it would otherwise use its own employees to perform; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.
 2. A school official has a “legitimate educational interest” if disclosure to the school official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official district business and not for purposes extraneous to the official’s areas of responsibility; (3) relevant to the accomplishment of some task or determination about the student; and (4) consistent with the purposes for which the data are maintained.
- B. The disclosure is to officials of another school, school system or postsecondary education institution in which the student seeks or intends to enroll or has enrolled for purposes related to student’s enrollment or transfer. Any records sent during the

student's application or transfer period may be supplemented, updated or corrected as necessary.

- C. The disclosure is to authorities identified in the Family Educational Rights and Privacy Act and accompanying federal regulations. These include: Comptroller General of the United States, Attorney General of the United States, Secretary of Education of the U.S. Department of Education, Director of the National Institute of Education, Assistant Secretary of Education, state and local educational authorities.
- D. The disclosure is in connection with a student's application for, or receipt of, financial aid as needed to determine the student's eligibility for aid, the amount of the aid, the conditions of the aid or to enforce the terms and conditions of the aid.
- E. The disclosure is to accrediting organizations for accrediting functions.
- F. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado's Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent or eligible student.
- G. 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.
- H. The disclosure is required to comply with court order or subpoena. The District shall make a reasonable effort to inform the parent or eligible student prior to complying with the subpoena or court order unless:
 - 1. The court order or subpoena prohibits such notification; or
 - 2. The parent is a party to a court proceeding involving child abuse and/or neglect or dependency matters and the court order is issued in the context of that proceeding.
- I. The disclosure is to the parent of an eligible student and the student is a dependent for IRS tax purposes.
- J. The disclosure is to appropriate officials in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or others.
- K. The disclosure is of "directory information: as defined by this policy.
- L. The disclosure is of group scholastic achievement data from which the individual cannot be identified without written consent of the parent or eligible student.
- M. The disclosure is to the Secretary of Agriculture, or authorized representative from the USDA Food and Nutrition Service or contractors acting on behalf of the USDA Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and either agencies and institutions receiving funding or providing benefits or programs authorized under the National School Lunch Act or the Child Nutrition Act.
- N. The disclosure is to an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access the student's case plan because such agency or organization is legally responsible, in accordance with applicable state or tribal law, for the care and protection of the student.

- Disclosure to Other Parties

The school shall not disclose student records to other individuals or parties without prior written consent of the parent or eligible student.

- Disclosure of Directory Information

The School District may disclose directory information without written consent of the parent/legal guardian or eligible student. The parent/legal guardian or eligible student has the right to refuse to permit the designation of any or all of the categories of information provided such refusal is received in writing in the office of the principal of the school where the student is in attendance no later than September 8 or the following Monday if September 8 is a Saturday or Sunday.

Directory information is the information contained in an education record of a student 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, address, telephone listing, electronic mail address, date and place of birth, photograph, grade level, major fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent and previous education agency or institution attended by the student, and other similar information. Directory information also includes student identification number or other unique personal identifier displayed on a student ID badge or used by the student to access or communicate in electronic systems, but only if the identifier cannot be used to gain access to student education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a password known only by the authorized user.

The School District shall release the names, addresses, and home telephone numbers of secondary school students to military recruiting officers unless the parent submits a request, in writing, within the time period established by the District that such information not be released.

On or before December 31 of each school year, the school district shall disclose to the Colorado Commission on Higher Education, the names and mailing addresses of those students enrolled in the eighth grade for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required by state law.

Release of Information to Other Schools/Agencies

- A. Information from student education records may be released to officials of other school systems in which the student intends to enroll on the condition that parent/legal guardian or eligible student is notified, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record as previously described.
- B. In cases where a student has applied for financial aid, records may be made available to an educational institution or a governmental agency or organization offering such aid in accordance with the procedure above.
- C. Except at the written request and authorization of the parent/legal guardian or eligible student, records will not be released to prospective employers, F.B.I. or any person or agency not specifically named in the Family Educational Rights and Privacy Act and the accompanying federal regulations.
- D. Requests for the release of information that are received from educational institutions and other agencies ordinarily are accompanied by the required parent/legal guardian or eligible student authorization for release of information. These requests should also include a description of the records desired, the reason for the request, the person requesting the record, the intended use, and assurance of confidentiality of the information to be released. In the absence of parent/legal guardian or eligible student authorization for release of information, the school principal will place the request in the student's permanent file, forward the District's consent form to the requesting agency, and record the request.

- E. Whenever the District is required by law or this regulation to seek written consent prior to disclosing personally identifiable information from a student's education record, the notice or consent form provided to the parent/legal guardian or eligible student shall contain: the specific records to be disclosed; the specific reasons for such disclosure; the specific identity of any such person, agency or organization requesting such information and the intended uses of the information; the method or manner by which the records will be disclosure; and the right to review or receive a copy of the relevant records to be disclosed. Consent given shall be valid only for the specific instance for which it was given. All signed consent forms shall be retained by the District.

Requesting Records from Other Districts/Schools

When a student transfers to the School District from another district, the principal of the receiving school will ask the parent/legal guardian or eligible student to sign the authorization form. This form will be completed by the principal and forwarded to the school of previous attendance.

Annual Notification of Rights

The School District at the beginning of each academic year will notify the parents/legal guardians and eligible students of their rights pursuant to this policy. Copies of this policy or forms may be obtained from the District administration office at any time during normal business hours. A copy of the Family Educational Rights and Privacy Act, the Board policy on student records, and this regulation shall be on file in the office of each building principal and of each individual who carries out procedures relative to the Act or policy. Complaints regarding violations of rights accorded parents and eligible students pursuant to the Family Rights and Privacy Act may be submitted to the local Office of Civil Rights of the Department of Education.

Waivers

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

Notice to Parents Regarding Sex Offender Registry:

Colorado statutes require that each public school in the state give parents a statement identifying where and the procedures by which they may obtain information about registered sex offenders. The responsibility for preparing this statement rests with the Sex Offender Management Board. The Sex Offender Management Board has prepared a "School Resource Guide to Sex Offender Registration." This document can be found in .PDF format at:

<http://hermes.cde.state.co.us/drupal/islandora/object/co%3A4577>

or the Colorado Department of Education website at:

<http://www.cde.state.co.us/stateinfo/slstpfocusbiblio>

Notice of Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA):

Information concerning both FERPA and PPRA is available on the United States Department of Education website at www.ed.gov/fpco