

A. Procedure for Suspension of Ten Days or Less:

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

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

1. Notice. The principal, designee, or the Executive Director at the time of contemplated action will give the student and the parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be given in person. If written, delivery may be by US mail addressed to the last known address of the student or the student's parent/guardian.
2. Contents of notice. The notice will contain the following basic information:
 - a. A statement of the charges against the student.
 - b. A statement of what the student is accused of doing.
 - c. A statement of the basis of the allegation; specific names may be withheld if necessary.

This information need not be sent out formally, but should sufficiently inform the student and parent/guardian of the basis for the contemplated action.

3. Informal Hearing. In an informal setting, the student will be given an opportunity to admit or deny the accusation and to give his or her version of the events. The administrator may allow the student to call witnesses or may personally call the accuser or other witnesses. The administrator may hold a more extensive hearing in order to gather relevant information prior to making a decision on the contemplated action.
4. Timing. The notice and informal hearing should precede the removal of the student from school. There need be no delay between the time notice is given and the time of the informal hearing.
5. If the student's presence in school presents a danger. Notice and an informal hearing need not be given prior to removal from school, where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. In this case, an informal hearing will follow as soon after the student's removal as practicable.
6. Notification following suspension. If a student is suspended, the administrator delegated the authority to suspend will immediately notify the parent/guardian that the student has been suspended, the grounds for such suspension, and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the administrator to review the suspension.
7. Removal from school grounds. A suspended student must leave the school building and the school grounds immediately after the parent/guardian and administrator have determined the best way to transfer custody of the student to the parent/guardian.

8. Readmittance. No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the administrator, the parent/guardian has substantially agreed to review the suspension with the administrator. However, if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may re-admit the student. The meeting will address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.
9. Make-up work. Suspended students will be provided an opportunity to make up school work during the period of suspension, so the student is able to reintegrate into the educational program of Windsor Charter Academy following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work that is completed satisfactorily.

B. Procedures for Expulsion or Denial of Admission

The Executive Board delegates the power to expel and deny admission of students to the Executive Director, provided that the Executive Director shall briefly report on each case acted upon at the next regular meeting of the Executive Board. If the Executive Director believes that there is a reasonable basis to support the principal's recommendation, the Executive Director shall make provisions for the following:

1. Notice. Not less than five (5) business days prior to the date of the contemplated action, the Executive Director will cause written notice of such proposed action to be delivered to the student and the student's parent/guardian. Such delivery may be made by United States mail, addressed to the student's last known address or the student's parent/guardian, or via email.
2. Emergency notice. In the event it is determined that an emergency exists necessitating a shorter period of notice, the period of notice may be shortened, provided that the student or the student's parent/guardian has actual notice of the hearing prior to the time it is held.
3. Contents of notice. The notice will contain the following basic information: A statement of the basic reasons alleged for the contemplated denial of admission or expulsion.
 - a. A statement that a hearing on the question of expulsion or denial of admission will be held if requested by the student or parent/guardian within 5 days after the date of the notice.
 - b. A statement of the date, time, and place of the hearing in the event one is requested.
 - c. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present such information as is relevant, and that the student may be accompanied and represented by a parent/guardian and an attorney.
 - d. A statement that failure to participate in such a hearing constitutes a waiver of further rights in the matter.
4. Records. At least two business days in which school is in session prior to the expulsion hearing, all records intended to be used as supporting evidence must be provided to the student or their parent/guardian. If a record is discovered afterward, the record must be provided to the student or their parent/guardian as soon as possible.
5. Conduct of hearing. A hearing may be requested by the parent/guardian. Such a hearing will be conducted by a hearing officer who does not have a conflict of interest regarding the student or any alleged victim. The hearing will be closed except to those individuals deemed advisable by the

Executive Director but including in all events the student, the parent/guardian, the administration from the school, and if requested, the student's attorney. Such individuals who may have pertinent information will be admitted to a closed hearing to the extent necessary to provide information. During the hearing, Windsor Charter Academy will have the burden of proving by a preponderance of the evidence that the student has violated one of the grounds for expulsion in its policy and state law. Technical rules of evidence will not be applicable, and the hearing officer may consider and give appropriate weight to such information or evidence he deems appropriate. The student's written statement, if any, may be presented as evidence in accordance with applicable law. The student or representative may question individuals presenting information. The hearing officer will make specific factual findings and submit those findings and a recommendation regarding expulsion or denial of admission to the Executive Director. The Executive Director will review the hearing officer's factual findings and recommendation, issue a written decision within five business days of the hearing, and provide the written decision to the student or their parent/guardian.

6. Appeal. Within 10 business days after the decision of the Executive Director, the student may appeal the decision to the Executive Board. Failure to request an appeal within 10 business days will result in a waiver of the right to appeal, and the Executive Director's decision will become final. If an appeal is properly requested, the Executive Board will review the record concerning the expulsion or denial of admission. The record includes notices and other documents concerning the challenged action, the recording of the testimony, the hearing exhibits, the findings, and the recommendation of the hearing officer, the hearing officer's written decision, and other documents concerning the challenged action. The student may be represented by counsel at the appeal. Representatives of Windsor Charter Academy and the parents may make brief statements to the Executive Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing. Members of the Executive Board may ask questions for purposes of clarification of the record. The Executive Board will make the final determination regarding the expulsion or denial of admission to the student and will inform the student and his parent/guardian of the right to judicial review.
7. Information to parents. Upon expelling a student, Windsor Charter Academy personnel shall provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion, including the right of parents to request that the Windsor Charter Academy provide services during the expulsion. If the parent/guardian chooses to provide a home-based education program for the student, Windsor Charter Academy personnel will assist the parent in obtaining appropriate curricula for the student if requested by the parent/guardian.

If a student is expelled and is not receiving educational services through Windsor Charter Academy, Windsor Charter Academy shall contact the expelled student's parent/guardian at least once every 60 days until the student is eligible to re-enroll to determine whether the child is receiving educational services. Windsor Charter Academy personnel need not contact the parent/guardian after the student is enrolled in another school district or in an independent or parochial school, or if the student is committed to the Department of Human Services or sentenced through the juvenile justice system.

8. Readmittance. A student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or a member of the victim's immediate family is enrolled or employed when:

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

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

No student will be readmitted to school until after a meeting between the principal or designee and the parent/guardian has taken place, except if the administrator cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the administrator may readmit the student.

Crimes of Violence or Unlawful Sexual Behavior

Whenever Windsor Charter Academy is notified that a student at least 12 years of age but under 18 years of age has been charged in juvenile court with an offense that would constitute a crime of violence or unlawful sexual behavior if committed by an adult or has been charged in district court with a crime of violence or unlawful sexual behavior, the Executive Director shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or personnel at school and whether educating the student at school may disrupt the learning environment, and provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel.

If it is determined that the student should not be educated at school, Windsor Charter Academy may institute procedures to suspend or expel the student. Alternatively, Windsor Charter Academy may delay consideration of the student's suspension or expulsion pending the outcome of the juvenile court or district court proceedings, during which Windsor Charter Academy shall provide the student with an appropriate alternate education program. The time that a student spends in an alternative education program shall not be considered a period of suspension or expulsion.

As used in this policy, a "crime of violence" means any of the following crimes as defined by law committed, conspired to be committed, or attempted to be committed by a student in connection with which the student used or possessed and threatened the use of a deadly weapon, or caused serious bodily injury or death to any other person except another participant: (1) any crime against an at-risk adult or at-risk juvenile; (2) murder; (3) first or second-degree assault; (4) kidnapping; (5) sexual assault; (6) unlawful sexual contact; (7) sexual assault on a child; (8) sexual assault on a child by one in a position of trust; (9) internet sexual exploitation of a child; (10) invasion of privacy for sexual gratification; (11) aggravated robbery; (12) first-degree arson; (13) first-degree burglary; (14) escape; or (15) criminal extortion. "Crime of violence" also means any felony, unlawful sexual offense in which the student caused bodily injury to the victim or in which the student used threats, intimidation, or force against the victim.

As used in this policy, "unlawful sexual behavior" means any of the following offenses as defined by law or criminal attempt, conspiracy, or solicitation to commit any of the following offenses: (1) sexual assault; (2)

unlawful sexual contact; (3) sexual assault on a child; (4) sexual assault on a child by one in a position of trust; (5) enticement of a child; (6) incest or aggravated incest; (7) trafficking in children; (8) sexual exploitation of children; (9) procurement of a child for sexual exploitation; (10) indecent exposure; (11) soliciting for child prostitution; (12) pandering of a child; (13) procurement of a child; (14) keeping a place of child prostitution; (15) pimping of a child; (16) inducement of child prostitution; (17) patronizing a prostituted child; (18) promotion of obscenity to a minor; (19) wholesale promotion of obscenity to a minor; (20) internet luring of a child; (21) Internet sexual exploitation of a child; (22) two or more incidents of public indecency within any five-year period; (23) invasion of privacy for sexual gratification; or (24) second-degree kidnapping, if the person kidnapped is the victim of a sexual offense.

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 state and federal laws and regulations concerning the discipline of students with disabilities.

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 Executive Director.

Windsor Charter Academy Executive Board

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Legal References

C.R.S. 16-22-102(9)

C.R.S. 18-1.3-406

C.R.S. 22-32-109.1 (2)(a)

C.R.S. 22-32-109.1 (2)(a)(I)(E)

C.R.S. 22-32-109.1 (3)

C.R.S. 22-32-144

C.R.S. 22-33-105

C.R.S. 22-33-106

C.R.S. 22-33-106.3

C.R.S. 22-33-106.5

C.R.S. 22-33-107

C.R.S. 22-33-107.5

C.R.S. 22-33-108

Cross References

JEA Compulsory Attendance

JF Student Admissions

JICDA Code of Conduct

JK Student Discipline

JKD JKE Suspension/Expulsion of Students