



# STUDENT RIGHTS & CODE OF CONDUCT

DISTRICT POLICIES AND REGULATIONS

# 2024-25

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

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

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

## Introduction

**Welcome to the 2024-2025 school year!** The Poudre School District is committed to providing academic and extracurricular activities for students in a safe environment with minimal disruptions and an atmosphere of mutual respect. This handbook provides information to students and their families of their rights and obligations regarding various educational opportunities offered by the District, the rules governing confidentiality and inspection of education records, and the District's policies and procedures relating to safety, discipline, and student conduct. Parents and guardians are encouraged to review this Student Rights and Code of Conduct booklet with their children and to support its implementation by our schools.

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

## School Safety

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

## Nondiscrimination

**Poudre School District is committed to the policy that no otherwise qualified individual shall be denied access to, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under, any District program or activity on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, age or disability. Poudre School District R-1 does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, age or disability in access or admission to, or treatment or employment in, its programs or activities.**

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

## Compliance Officers

### Title IX Coordinator/ADA:

Liz Davis  
Senior Executive Director of Student Services  
2407 Laporte Avenue  
Fort Collins, CO 80521  
(970) 490-3033  
[edavis@psdschools.org](mailto:edavis@psdschools.org)

### Title VII:

Erich WonSavage  
Chief Human Resources Officer  
2407 Laporte Avenue  
Fort Collins, CO 80521  
(970) 490-3620  
[ewonsavage@psdschools.org](mailto:ewonsavage@psdschools.org)

### Title VI:

David Autenrieth  
Director of Language, Culture, and Equity  
2407 Laporte Avenue  
Fort Collins, CO 80521  
(970) 490-3219  
[dautenri@psdschools.org](mailto:dautenri@psdschools.org)

## Questions

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

## Tobacco-Free and Marijuana-Free District (ADC)

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

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

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

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

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

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

For purposes of this policy, the following definitions apply:

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

## Student Conduct on School Buses (EEAEC)

The privilege of riding a school bus is contingent upon a student’s good behavior and observance of established regulations for student conduct at bus stops and when using bus services.

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

Principals/site managers shall be responsible for students' conduct while they are waiting for buses at school, and shall cooperate fully with transportation department personnel in addressing student misbehavior.

## Student Conduct on School Buses (EEAEC-R)

The following regulations govern students who ride Poudre School District buses. Students will be responsible for knowing and following these rules.

### ■ At the Bus Stop

1. Students must be at the bus stop no later than five minutes before the bus is scheduled to arrive.
2. Students must be out of the roadway either on the sidewalk or on the shoulder of the road as the bus approaches the stop.
3. If a student causes damage to personal or public property at a bus stop, the student and his or her parents/guardians shall be responsible for it.

### ■ On the Bus

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

### ■ Consequences for Misbehavior

Discipline for misconduct on school buses is cumulative and progressive. A warning may be given for one type of inappropriate behavior, and a suspension may be given for another type of misbehavior. Transportation officials may suspend riding privileges at any time, even after a first report, depending on the nature of the infraction.

Generally, the following procedures will be followed:

1. The bus operator will give a verbal warning to the misbehaving student(s). All verbal counseling will be documented in the discipline records and in the bus operator's log book.
2. If misbehaving continues, the bus operator will issue a written warning to be sent home with the student and will take appropriate steps to contact the parents or guardians.
3. At the bus operator's discretion, the student may be issued a suspension from riding privileges for one to five days if the student continues to misbehave. The bus operator will take appropriate steps to contact the parents or guardians before the suspension.
4. Students who fail to respond to the above-described discipline may be suspended from bus-riding privileges for a period of time to be determined by transportation officials.

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

### ■ Bus Transportation After School Dismissal

1. After school is dismissed for the day, buses will pick up students according to the transportation routing schedule set annually by the director of transportation services. Buses will leave the school no earlier than five minutes after the final dismissal bell.
2. Buses will not return to school to pick up students arriving late at the loading zone.

### ■ Student Assignment to Bus Stops

1. All eligible students will be assigned to a bus stop by transportation services. Students must be picked up and dropped off at their assigned stops.
2. Students wanting to bring a guest on the bus or to get off at a stop other than the one to which they are assigned must bring a note to the school office from a parent or guardian requesting this service. Requests will be honored provided students are well behaved and the bus does not become overloaded. The principal or designee will issue a bus pass to be given to the bus operator by students requesting this service. Bus operators will accept only official bus passes issued by the school office or transportation services; they will not accept notes from parents or guardians.

### ■ Unsafe Items

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

### ■ Severe Weather

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

## Electronic Monitoring and Surveillance (ECAF)

The Board of Education recognizes its continuing responsibility to ensure the District's proper and efficient operation, to protect District property, to maintain and improve student discipline and to ensure the health, welfare and safety of students, staff and other persons at District facilities, in and around District buildings and on District transportation vehicles. Toward this end, the Board supports the administration's use of video and audio-visual cameras at District facilities, in and around District buildings, and on District transportation vehicles, as well as the monitoring of communications over the District's telephone system, in accordance with this policy and governing law. The superintendent or superintendent's designee(s) shall select or otherwise approve prior to their acquisition such video and audio-visual cameras, audio telephone recorders, and related equipment.

### ■ Use of Video Cameras

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

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



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

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

### ■ Telephone Monitoring and Recording

Communications over the District's telephone system may be monitored and/or recorded at any time, as long as sufficient notice is given to reasonably inform all parties to the communications that such monitoring and/or recording is taking place.

Telephone recordings are and shall remain the property of the District. Authorization to listen to such recordings may be granted to District officials demonstrating a legitimate need to do so, as determined by the superintendent, security manager, or their designee(s), in accordance with governing law and, where applicable, District Policies GBJ and JRA/JRC. Authorization to listen to such recordings may be granted to individuals who are not authorized District officials only as required by law.

Listening to telephone recordings may only be permitted in the Support Services Office Complex unless otherwise authorized by the superintendent or superintendent's designee(s), or unless otherwise required by law. To the extent required by law, a written log shall be maintained of individuals listening to telephone recordings, including the date of listening, reasons for listening, date the recording was made, parties to the telephone communication (to the extent known), and signature of listener(s).

### ■ Use, Storage And Security Of Recordings

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

Video and audio-visual recordings from District facilities and from in and around District buildings shall be maintained in their original form for at least seven (7) calendar days after the initial recording. Video and audio-visual recordings from District transportation vehicles shall be maintained in their original form for at least three (3) school days after the initial recording. Audio recordings of District telephone communications shall be maintained in their original form for at least seven (7) calendar days after the initial recording. After such periods the video, audio and audio-visual recordings may be deleted, erased or recorded over unless an incident has occurred in which a recording may be relevant to an investigation by District or law enforcement personnel, in which case the recording shall be maintained in its original form until the investigation and any resulting legal proceedings and/or disciplinary action is finally concluded.

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

### ■ Student Education Records

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

### ■ Viewing Video and Audio-Visual Recordings

Video and audio-visual recordings are and shall remain the property of the District. Such recordings may not be viewed by any person, including District officials granted unsupervised physical access to the recordings, except as permitted or required by law and this policy. Authorization to view recordings may be granted to individuals demonstrating a legitimate need to do so, as determined by the superintendent, security manager, or their designee(s), in accordance with governing law and, where applicable, District Policies GBJ and JRA/JRC.



Requests by individuals who are not authorized District officials under governing law or District Policies GBJ or JRA/JRC to view recordings that were made at District facilities or in and around District buildings shall be presented in writing to the security manager or his/her designee within seven (7) calendar days after the date of the recording. Requests by individuals who are not authorized District officials under governing law or District Policies GBJ or JRA/JRC to view records made on District transportation vehicles shall be presented in writing to the director of transportation services or his/her designee within three (3) school days after the date of the recording. Such written requests must include an explanation of why the requesting individual wishes to view the recording(s) at issue.

Only the portion of the recording concerning the specific incident at issue shall be made available for viewing.

The viewing of recordings may only be permitted at school buildings, in the transportation office, or in the Support Services Office Complex unless otherwise authorized by the superintendent or superintendent's designee(s), or unless otherwise required by law. All viewings shall include the security manager, the director of transportation services and/or the building principal, or their designee(s).

To the extent required by law, a written log shall be maintained of individuals viewing recordings, including the date of viewing; reasons for viewing; date the recording was made; District facility and area of facility, District building and area in or around building, or District vehicle where the recording occurred (plus name of driver); and signature of viewer(s).

## School-Sponsored Student Publications (IHAAA)

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

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

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

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

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

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

### ■ Time, Place, and Manner of Distribution

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

### ■ Review Procedures

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

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

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

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

If the decision of the principal or principal's designee is not acceptable to any of the parties involved, they may appeal the decision to the superintendent or superintendent's designee by written request, which must be received by the superintendent or designee by the close of the business day following the date of the principal's/designee's decision.

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

## Compulsory Attendance Ages (JEA)

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

As authorized by law, the parent of a child who began attending preschool or kindergarten at five or six years of age may notify the child's school of the parent's wish that the child not advance to first grade in the following school year. A school that receives such notice shall not advance the child to first grade in the following school year.

## Student Attendance/Truancy (JH/JHB)

State law requires parents/guardians to ensure that every child under their care and supervision receives adequate education and training and, if of compulsory attendance age, attends school. Continuity in the learning process and social adaptation is seriously disrupted by excessive absences. Accordingly, Poudre School District students are required to satisfy all academic requirements and exhibit good attendance as stated in this policy.

## ■ Excused Absences

The following shall be considered excused absences:

1. A student whose absence is approved by an authorized school administrator. Prearranged absences shall be approved for appointments or circumstances of a serious nature that cannot be taken care of outside school hours.
2. A student who is temporarily ill or injured.
3. A student who is absent for an extended period due to a physical disability or a mental or behavioral health disorder.
4. A student who is pursuing a work-study program under the supervision of the school.
5. A student who is attending any District-sponsored activity with advance approval of the school administration.
6. A student who is excused by a parent/guardian for observance of a religious holiday.
7. A student who is in the custody of a court or law enforcement authorities.
8. A student whose absence is due to suspension or expulsion.
9. A student whose temporary absence is due to behavioral health concerns.

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

## ■ Unexcused Absences

An unexcused absence is defined as an absence that is not listed above as an excused absence. Each unexcused absence shall be entered on the student's record. School personnel shall notify each student's parent/guardian of the student's unexcused absences in a timely manner so as to allow the parent/guardian to address the problem.

In accordance with law, the District may impose appropriate penalties for a student's nonattendance due to unexcused absences. The District attendance officer and school administrators shall communicate the District's and school's rules and procedures related to unexcused absences to students and their parents/guardians. Students and parents/guardians may petition their school principal for exceptions, which must be approved by the assistant superintendent of elementary schools or assistant superintendent of secondary schools, as appropriate.

## ■ Truancy

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

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

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

A student shall be considered "habitually truant" if he or she is of compulsory attendance age and has incurred 10 total days of unexcused absences during any school year or four total days of unexcused absences in any month. As provided by law, judicial proceedings may be initiated to enforce the state's compulsory attendance law with respect to students determined to be habitually truant.

### ■ Make-up Work

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

It is the student's responsibility to pick up permitted make-up assignments on the day the student returns to class. There shall be one day allowed to make up work for each day of absence.

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

### ■ Tardiness

Tardiness is defined as the appearance of a student without proper excuse after the scheduled time that a class begins. Because of the disruptive nature of tardiness and the detrimental effect upon the rights of the non-tardy students to uninterrupted learning, penalties shall be imposed for excessive tardiness. Parents or guardians shall be notified of all penalties regarding tardiness.

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

### ■ Appeals

Appeals regarding the District's application of this policy with respect to any student shall be made to the assistant superintendent of elementary schools or the assistant superintendent of secondary schools, as appropriate. If the appeal is not satisfactorily resolved by the appropriate assistant superintendent, the matter may be appealed to the superintendent, whose decision shall be final.

## Open/Closed Campus (JHCA)

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

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

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

### ■ Elementary and Middle Schools

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

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

## Student Dress (JICA)

The Board of Education recognizes that responsibility for the dress and appearance of students generally rests with individual students and their parents. All students should be able to dress comfortably and in a manner that expresses their individuality without fear of or actual unnecessary discipline or body shaming. To ensure effective and equitable enforcement of the dress code, school officials shall enforce the dress code consistently and in a manner that does not create disparities, reinforce stereotypes, or increase marginalization or oppression of any group. This dress code will not be more strictly enforced against students because of their race, color, creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, age or disability.

### ■ Definitions

**“Apparel”** means clothing; headwear; facial coverings; accessories such as scarves, sunglasses, or jewelry; shoes; and articles worn as clothing.

**“Grooming”** means makeup, tattoos, and hair style.

**“Dress code”** means the set of parameters established within this Policy that describes the standards for student attire and grooming.

### ■ General Principles

Districtwide standards on student apparel are intended to reduce discipline problems and maintain school order and safety. Students are encouraged to dress appropriately for all school activities and school-sponsored events.

Reasonable cleanliness of apparel is expected as a matter of general health and welfare. Apparel should not interfere with or endanger the student while the student is participating in classroom or other school-sponsored activities. The decision as to the safety or unsuitability of the apparel is a matter for the instructor’s or school administrator’s judgment.

Apparel must be worn in a way that covers breasts, nipples, genitals, midriff, and buttocks. Apparel covering these areas must be opaque. Items listed in the “Students Must Wear” section must meet this requirement.

Subject to approval of the superintendent or designee, principals may establish additional specific standards for their own schools.

### ■ Students Must Wear\*

1. A shirt (with fabric in the front, back, and on the sides underneath the arms); AND
2. Pants or the equivalent (e.g., a skirt, sweatpants, leggings, a dress, or shorts); AND
3. Shoes (e.g., sandals, boots, or athletic shoes).

\*Course, athletic, or activity specific apparel or shoe requirements may be permitted as authorized by the principal or designee (e.g., athletic shoes for physical education).

### ■ Students Cannot Wear

1. Apparel that causes or is likely to cause disruption of the educational process, which may include apparel that displays symbols of hate or speech that expresses animus or violence toward a particular group or individual on the basis of race, color, creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, age or disability.

2. Apparel that depicts, implies, advertises, or advocates:
  - a. Illegal or lewd conduct;
  - b. Pornography, nudity, or sexually suggestive language or messages;
  - c. Vulgar or obscene language or images.
3. Swimsuits (except as required in class or athletics).
4. Apparel that covers a student's face or ears. Hats or hoods that do not obscure a student's face or ears are permitted. Protective facial coverings or apparel/headgear worn for religious or medical purposes are also permitted.
5. Any manner of grooming or apparel, which by virtue of color, arrangement, trademark, or other attribute is associated with or denotes membership in or affiliation with any gang. The prohibition on gang-related apparel shall be applied at the discretion of school principals after consultation with the superintendent or designee as the need arises at individual schools. (See District Policy JICF, Secret Societies/Gang Activity and Dress).

### ■ Dress Code Enforcement

A student who violates this dress code will be notified of the violation. Before re-entering class, the student will be provided with three options: (1) wear their own alternative clothing, if available at school; (2) wear school provided clothing; or (3) call a parent or guardian to bring alternative clothing. A parent conference may be held at the discretion of the building-level administrator. More severe disciplinary consequences, including suspension or expulsion, may result from repeated or serious violations.

### Threat Assessments (JICDD)

The District has the authority to conduct a threat assessment for potentially dangerous student behaviors occurring on District property, connected locally or remotely to the District computer network, in a District vehicle, at a District or school-sponsored activity or event, or off District property when such behavior has a reasonable connection to school or any District curricular or non-curricular activity or event.

The safety of students, staff, the school and community is a District priority. Any student whose behavior, actions and/or communication may pose a threat either to that student or to others in the school or community, should be evaluated in accordance with the District's threat assessment procedures, subject to the threat assessment team's discretion.

The purpose of a threat assessment is to:

1. Gain an understanding of the elements of the threat/risk so that imminent and/or serious dangers can be identified;
2. Disable risk factors for violence; and
3. Respond, manage, and support the student of concern and/or others involved.

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

Students with disabilities under the Individuals with Disabilities Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504) may be subject to an assessment conducted under this Policy. The threat assessment shall be conducted in accordance with governing law, including the IDEA and/or Section 504.

As addressed in the District's policy on student records and release of information, generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, as indicated in policy and federal law, schools are permitted to disclose student records, including threat assessments, in certain circumstances without parental consent, including to appropriate officials if the disclosure is in connection with an emergency and knowledge of the information disclosed is necessary to protect the health or safety of the student or other persons.

## Bullying Prevention and Education (JICDE)

The Board of Education recognizes the negative impact that bullying has on student health, welfare and safety and on the learning environment at school. Bullying is prohibited on all Poudre School District property, at District or school-sanctioned activities or events, when students are being transported in vehicles dispatched by the District or one of its schools, and off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event.

As used in this policy, "bullying" means any written or oral expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate or cause any physical, mental or emotional harm to any student. This includes but is not limited to such expression, act or gesture directed toward a student on the basis of that student's race, color, religion, national origin, ancestry, sex, sexual orientation, disability or academic performance. As used in this policy and as defined by Colorado statute, "sexual orientation" means an individual's orientation toward heterosexuality, homosexuality, bisexuality or transgender status, or another individual's perception thereof.

All District employees, authorized volunteers and students share the responsibility to ensure that bullying does not occur at any District school, on any District property, at any District or school-sanctioned activities or events, when students are being transported in any vehicle dispatched by the District or one of its schools, or off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event. Toward that end:

- All students who believe they have been victims of bullying in any such circumstance shall immediately report it to an administrator, counselor or teacher at their school.
- All students who witness student bullying in any such circumstance shall immediately report it to an administrator, counselor or teacher at their school.
- All administrators, counselors, teachers and other employees/authorized volunteers who have any incident of bullying reported to them or otherwise have reason to believe it is occurring shall promptly forward the report(s) and/or other information to the principal or principal's designee for appropriate action.
- All District employees and authorized volunteers who witness student bullying in any such circumstance shall immediately take appropriate action to stop the bullying, as prescribed by the District and the building principal, and shall promptly report the bullying to the principal or principal's designee for appropriate action.
- Each principal or principal's designee shall ensure that all reports and other information involving student bullying in any such circumstance are promptly and thoroughly investigated, and that appropriate action is taken. If the victim of bullying is a student with a disability who has an Individualized Education Program under the Individuals with Disabilities Education Act (an "IEP") or a Plan under Section 504 of the Rehabilitation Act of 1973 (a "Section 504 Plan"), the investigation shall include a determination of whether the student's receipt of a free appropriate public education ("FAPE") under the IEP or Section 504 Plan may have been affected by the bullying.
- All principals shall promote a positive climate and culture in their schools that includes educating students and staff about bullying prevention and appropriate responses to bullying.

In many cases, bullying involves misconduct that is also addressed in other District policies and regulations. In dealing with students who engage in bullying, the building principal or principal's designee shall consider other policies and regulations that specify various options for responding to student misconduct and that address the type of misconduct that may be involved in the bullying. Such policies and regulations include but are not limited to JBB, JICA, JICF, JICI, JK, JKC, JKBA, JKD/JKE and JKDA/JKEA.

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



Discipline for student bullying and for retaliation against students who report bullying may include suspension, expulsion and/or disciplinary classroom removal. In addition, the building principal shall consider other actions that may be appropriate in response to student bullying, including but not limited to:

- Holding assemblies and implementing programs to warn students that bullying is prohibited and advise them of the consequences for engaging in bullying activity, to encourage all students to immediately report incidences of student bullying, and to engender an atmosphere where bullying is not tolerated at school or school-related activities.
- Holding conferences with the parents of students who continue to engage in bullying after intervention by school personnel, in order to develop cooperative strategies to correct the students' behavior.
- Separating students who continue to engage in bullying after intervention by school personnel from other students at school or from particular school programs or activities, until they can conform their behavior to acceptable standards.
- Withholding privileges (i.e., recess, field trips, participation in extracurricular activities, etc.) from students who continue to engage in bullying after intervention by school personnel, until they can conform their behavior to acceptable standards.
- Holding training and inservices to assist building staff in being alert to student bullying, taking appropriate action when bullying occurs and helping to engender an atmosphere where bullying is not tolerated at school or school-related activities.

## Student Distribution of Non-School Materials (JICEC)

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

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

### ■ Prohibited Distribution

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

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

### ■ Distribution Approval Process

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

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

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

### ■ Time

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

### ■ Place

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

### ■ Manner

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

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

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

### ■ Appeals

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

## Secret Societies/Gang Activity and Dress (JICF)

A gang is defined in state law as "a group of three or more individuals with a common interest, bond or activity characterized by criminal or delinquent conduct."

The Board of Education is committed to keeping District schools and activities free from threat or harmful influence of any group or gang which advocates criminal or delinquent conduct. Therefore, students shall not be involved in or promote gang or gang-like activity or dress in the schools, on school grounds, on school vehicles, or at school activities or events.

The superintendent or designee shall establish open lines of communication with law enforcement authorities and other community agencies to share information and provide mutual support in this effort.

Staff training will be provided for recognition, prevention, intervention, and referral programs related to gangs and gang-related activities.

District employees shall not focus on any individual or gang solely because of ethnic background or socioeconomic status.

School administrators shall:

1. Implement gang-related prevention and intervention strategies and programs.
2. Contact parents/guardians regarding a student's possible gang involvement. This contact will be followed by a documented parent/guardian meeting or written notification to parents/guardians of the administrator's concerns.

3. Make recommendations to the parents/guardians regarding community agencies which may provide support services for both students and parents/guardians.
4. Work in collaboration with the appropriate law enforcement agency when the administrator deems such communication advisable or assistance is requested.
5. Apply disciplinary actions as needed.

## Student Conduct Involving Drugs and Alcohol (JICH)

Poudre School District shall promote a healthy environment for students by providing education, support and decision-making skills in regard to alcohol, drugs and other controlled substances. In order to accomplish this goal, District personnel shall cooperate with law enforcement, social services and other agencies and organizations, parents, and any other recognized community resources committed to reducing the incidents of unauthorized use of drugs and alcohol by students.

### ■ Definitions

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

- **“Drugs”** are all substances defined under state or federal law as “drugs” or “controlled substances,” as well as analogues, counterfeit drugs and substances falsely represented as being drugs. As used in this policy, an “analogue” is a substance that has a stimulant, depressant, hallucinogenic or other effect on a person similar to that of a drug or controlled substance.
- **“Authorized drugs”** are defined as over-the-counter and prescription drugs, including vitamins and other dietary supplements, that are properly possessed and used by the person for whom they are intended in accordance with all applicable District policies and regulations including but not limited to District Policy JLCD.
- **“Unauthorized drugs”** are all drugs not defined herein as authorized drugs.
- **“Marijuana”** is considered a drug for the purposes of this Policy but is defined separately from the definitions of an authorized or unauthorized drug.
- **“Purchasing,” “distributing,” “exchanging,” “giving” or “selling,”** refer to a student’s involvement in the exchange of drugs or alcohol for anything of value, including but not limited to money, commodities or services. There need be no use or intent to use the drugs or alcohol involved in the sale.
- **“Parent”** also includes a student’s guardian or legal custodian.
- **“Suspensions”** are in school suspensions or out of school suspensions at the discretion of the principal.

Student possession of drug paraphernalia and possession, use, distribution, gift, purchase, exchange, sale or being under the influence of alcohol or unauthorized drugs is prohibited on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event. Compliance with the standards of conduct set forth in this policy is mandatory for all students.

District and school staff shall educate students on the detrimental impacts of alcohol and drugs and equip students with decision-making strategies and skills to minimize the use, abuse and distribution of these products.

Enforcement of this policy shall be done equitably, equally, and consistently. No student shall be subjected to a more severe consequence on the basis of the student’s race, color, creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, marital status, age or disability.

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

The principal will provide full cooperation of the administration and faculty in appropriate police investigations relative to student possession of drug paraphernalia and possession, use, distribution, gift, purchase, exchange or sale of alcohol or unauthorized drugs. School administrators and staff will follow the District's procedures on referrals to or consultations with law enforcement.

### ■ Consequences for violation of this policy by:

- **possession of alcohol, less than one gram of marijuana in its traditional/natural form, unauthorized drugs sold over the counter, or drug paraphernalia;**
- **use and/or being under the influence of alcohol, marijuana, or unauthorized drugs sold over the counter:**

(Note that possession of unauthorized drugs not sold over the counter, one or more grams of marijuana in its traditional/natural form, any amount of marijuana in its non-traditional/non-natural form (i.e., concentrates, edible, wax, etc.); use and/or being under the influence of unauthorized drugs not sold over the counter; and purchasing, distributing, exchanging, giving, or selling over-the-counter drugs or alcohol, may count toward the first, second or third offense under this section.)

### First Offense

1. The student will be suspended from school for five (5) school days upon the first offense within one (1) calendar year. Up to four (4) days of this suspension may be deferred if the below steps are successfully completed.
  - a. A parent conference will be held to discuss the student's options.
  - b. The school principal or designee will attempt to develop with the parent and the student a procedure that will outline the responsibilities of the parent, the student and the school in an effort to keep any further offenses from occurring.
  - c. The student will be given the opportunity to participate in an appropriate drug and/or alcohol program, counseling, or both. Participation and completion of the program and/or counseling is required to maintain deferral of the remaining suspension days.

### Second Offense

1. The student will be suspended from school for ten (10) school days and will be recommended for expulsion upon the second offense within one (1) calendar year. Up to nine (9) school days of the suspension may be deferred. If the below steps are successfully completed, the recommendation for expulsion will be waived and removed from the student's disciplinary record.
2. A parent conference will be held to discuss the student's options.
3. The student will be given the opportunity to complete any of the following:
  - a. A District supported alcohol and/or drug education intervention program; or
  - b. An alternative placement; or
  - c. A non-District supported alcohol and/or drug education intervention program selected by the student and the student's parent(s). The non-District supported program must be equivalent in content and length to the District program and must be agreed to by the student, the student's parent and the building administrator. Any fees associated with a non-District supported program will be the sole responsibility of the student and the student's parent.
4. If the student elects to participate in one of the options under Section 3, a written agreement will be completed with the Superintendent or designee, the school principal or designee, the student, and the student's parent. The agreement must contain a provision that the remaining school days of suspension and recommendation to expel will be reinstated for the offense if the student fails to comply with the terms of the agreement. The student's parent may be asked to provide a written release to the Superintendent or designee and/or the building principal or designee so that individual(s) can access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.

5. If the student and the student's parent do not enter into a written agreement, the procedures regarding suspension/expulsion of students in Policy JKD/JKE and JKD/JKE-R will be followed.

### Third Offense

1. The student shall be recommended for expulsion upon the third offense and all subsequent offenses within one (1) calendar year.

#### ■ Consequences for violation of this policy by:

- **possession of unauthorized drugs not sold over the counter or one or more grams of marijuana in its traditional/natural form, any amount of marijuana in its non-traditional/non-natural form (i.e., concentrates, edible, wax, etc.);**
- **use and/or being under the influence of unauthorized drugs not sold over the counter; and**
- **purchasing, distributing, exchanging, giving, or selling over-the-counter drugs or alcohol:**

### First Offense

1. The student will be suspended from school for ten (10) school days and will be recommended for expulsion upon the first offense within one (1) calendar year. Up to nine (9) school days of the suspension may be deferred. If the below steps are successfully completed, the recommendation for expulsion will be waived and removed from the student's disciplinary record.
2. A parent conference will be held to discuss the student's options.
3. The student will be given the opportunity to complete any of the following:
  - a. A District supported alcohol and/or drug education intervention program; or
  - b. An alternative placement; or
  - c. A non-District supported alcohol and/or drug education intervention program selected by the student and the student's parent(s). The non-District supported program must be equivalent in content and length to the District program and must be agreed to by the student, the student's parent and the building administrator. Any fees associated with a non-District supported program will be the sole responsibility of the student and the student's parent.
4. If the student elects to participate in one of the options under Section 3, a written agreement will be completed with the Superintendent or designee, the school principal or designee, the student, and the student's parent. The agreement must contain a provision that the remaining school days of suspension and recommendation to expel will be reinstated for the offense if the student fails to comply with the terms of the agreement. The student's parent may be asked to provide a written release to the Superintendent or designee and/or the building principal or designee so that individual(s) can access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.
5. If the student and the student's parent do not enter into a written agreement, the procedures regarding suspension/expulsion of students in Policy JKD/JKE and JKD/JKE-R will be followed.

### Second Offense

1. The student shall be recommended for expulsion upon the second offense and all subsequent offenses within one (1) calendar year.

#### ■ Consequence for violation of this policy by purchasing, distributing, exchanging, giving, or selling all drugs except for those sold over the counter:

### First Offense

1. The student shall be considered for expulsion for the first offense.
2. The principal may request or recommend to the superintendent or designee a different consequence, depending on the circumstances of the offense.

### Second Offense

1. The student shall be recommended for expulsion for the second and all subsequent offenses within one (1) calendar year.

## Student Conduct Involving Weapons (JICI)

The Board of Education has determined that student possession, use and/or threatened use, without the authorization of the school or the District, of a dangerous weapon or of a knife regardless of blade length on District property, on a District vehicle, at a District or school-sponsored activity or event, or off District property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event, is detrimental to the welfare and safety of students and school personnel.

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

Student possession, use and/or threatened use of a dangerous weapon or of a knife regardless of blade length in violation of this policy is grounds for suspension or expulsion. In accordance with federal law, expulsion for no less than one full calendar year shall be mandatory for a student who is determined to have brought a firearm to school or to have possessed a firearm at school. The superintendent may modify the length of this federally required expulsion in writing on a case-by-case basis.

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

1. A firearm, whether loaded or unloaded.
2. A firearm facsimile that could reasonably be mistaken for an actual firearm.
3. Any pellet, BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
4. A fixed blade knife with a blade that measures longer than three inches in length or a spring-loaded knife or pocket knife with a blade that measures longer than three and one-half inches in length. The length of all knife blades under this policy shall be measured from the tip of the blade to the "hilt" or handle of the knife.
5. Any object, device, instrument, material or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury, including but not limited to a slingshot, bludgeon, brass or spiked knuckles or artificial knuckles of any kind, and nunchucks.

As used in this policy in accordance with federal law, "firearm" means: (1) any weapon (including a starter gun) that will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. As used in this policy in accordance with federal law, "destructive device" means: (1) any explosive, incendiary, or poison gas (bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to those in the preceding list); (2) any type of weapon that will or that may be readily converted to expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; or (3) any combination of parts either designed or intended for use in converting any device into a "destructive device" (as previously defined) and from which a "destructive device" (as previously defined) may be readily assembled.

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

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

## Searches (JIH)

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

As used in this policy, the term "unauthorized" means any item dangerous or detrimental to the health, safety or welfare of students or school personnel; disruptive of any lawful function, mission or process of the school; or any item described as unauthorized in then-current school rules or District policies.

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

For the purposes of this policy, "reasonable suspicion" is based on facts provided by a reliable third party or personal observations which cause the employee to believe there is a moderate chance of finding that a student possesses evidence of a violation of District policy, school rule, state or federal laws, or possesses items an unauthorized item as defined above. Reasonable suspicion is satisfied when two conditions exist: (1) the search is justified at its inception, meaning there are specific and articulable facts and reasonable inferences for suspecting that the search will reveal evidence that the student has violated District policy, school rule, or state or federal law; and (2) the search is reasonably related in scope to the circumstances that justified the search and the search is not excessively intrusive in light of the student's age, gender, and nature of the offense.

### ■ Lockers, Desks, or Other Student Storage Area Searches

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

### ■ Automobile Searches

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

### ■ Personal Searches

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



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

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

### ■ Use of Metal Detectors

When a school administrator or designee has a reasonable suspicion that weapons or other illegal or unauthorized materials are in the possession of students or adults at school or in other District facilities, when there has been a pattern of weapons or other illegal or unauthorized materials found at school or in other District facilities, or when violence involving weapons has occurred at school or other District facilities, school administrators or designees will be authorized to use stationary or handheld metal detectors in accordance with state and federal law. Any search of a student's person as a result of the activation of the detector will not be conducted in front of other students, will be conducted as privately as possible, and will be in accordance with applicable laws on personal searches.

Any non-District person wishing to enter a District school or other facility when any of the above conditions have been found to exist may be required to consent to the use of a stationary or handheld metal detector before entering, in accordance with state and federal law. Any non-District person refusing to give such consent may be refused admittance to the District school or other facility, or may be subject to supervision while on District property.

### ■ Evidence Seized In A Search

Any item found in the course of a search conducted in accordance with this policy and determined to be evidence of a violation of District policy, school rules, or federal, state or local laws shall be immediately seized and tagged for identification. Such evidence shall be kept in a secure place by a school administrator or designee. If necessary, such evidence may be secured by law enforcement in accordance with the standard operating procedures between the District and law enforcement agencies. Otherwise, the evidence will be maintained by a school administrator or designee until it is no longer needed as evidence in a school disciplinary matter. After that time, the parent/guardian/caregiver of the student from whom the item was seized may be informed that they can pick up the seized item. Alternatively, the administrator or designee may choose to dispose of the item at their sole discretion.

## Interscholastic Athletic Training and Personal Conduct Rules (JJ)

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

### ■ General Rules

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

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

### ■ Rules Concerning Controlled Substances, Alcohol and Tobacco

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

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

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

#### Consequence for First Violation:

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

#### Consequence for Second Violation:

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

#### Consequence for Third Violation:

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

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

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

## Student Discipline (JK)

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

The Board, in accordance with state law, 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 persons in authority. The code also emphasizes that certain behavior, especially behavior that disrupts the classroom, is unacceptable and may result in disciplinary action. Restorative justice shall be considered in appropriate circumstances and may be utilized to address the consequences of student misconduct, as determined by the District. As defined by Colorado law, "restorative justice" involves practices that emphasize repairing the harm to victims and/or the school community caused by a student's misconduct.

The District shall enforce the code 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. To the extent practicable within budgetary constraints, the District shall develop and implement plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling and/or other approaches to help students avoid unacceptable behavior and to minimize their exposure to the criminal and juvenile justice system.

### ■ Expulsion Prevention

Except in cases of the most serious misconduct, expulsion should normally be the last step taken after other attempts to deal with students who have discipline problems. The District shall provide students who are identified as at risk of suspension or expulsion with the necessary support services to help them avoid expulsion. In doing so, District personnel shall work with the student's parent or guardian. Support services may be provided through agreements with appropriate local governmental agencies, community-based organizations, and institutions of higher education.

The District's failure to identify a student for participation in an expulsion prevention program, to provide support services or to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures and shall not be grounds for the student or his/her family to challenge any disciplinary action that may be taken against the student.

### ■ Disciplinary Information

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

Any teacher or counselor to whom disciplinary information is reported shall maintain the confidentiality of the information and shall not communicate it to any other person. The principal or designee is required to inform the student and the student's parent or guardian when disciplinary information is communicated and to provide a copy of the disciplinary information. The student and/or the student's parent or guardian may challenge the accuracy of disciplinary information.

### ■ Discipline of Students with Disabilities

Students with disabilities under the Individuals with Disabilities Education Act (special education students) and students with disabilities under Section 504 of the Rehabilitation Act of 1973 (§ 504 students) are neither immune from the District's disciplinary rules nor entitled to participate in programs when their conduct impairs the education of other students or disrupts the education process. Except as otherwise provided below, students with disabilities may be disciplined on the same grounds and under the same procedures as students who do not have disabilities. Regardless of whether their conduct is a manifestation of their disability, § 504 students currently engaging in the use of illegal drugs or in the use of alcohol may be disciplined for the use

or possession of illegal drugs or alcohol to the same extent as non-disabled students. The principal or designee shall immediately remove a student with a disability from a situation in which the student poses a threat of physical harm to himself or herself, or to other persons, by placing the student in an appropriate alternative setting or by suspending the student, as set forth below.

A special education or § 504 student may be temporarily removed to an alternative educational setting or temporarily suspended from school if exclusion is warranted because the student has violated the District code of conduct and/or because the student's behavior or presence at school creates a threat of physical harm to the student, other students, school personnel or school property. Such temporary removals or suspensions may not exceed 10 consecutive school days, unless the student's conduct is not a manifestation of his or her disability. A series of such temporary removals or suspensions, each shorter than 10 consecutive school days, may not aggregate to more than 10 school days during a school year or during a single placement within the school year if the removals/suspensions collectively constitute a change of placement, unless the student's conduct is not a manifestation of his or her disability.

In accordance with governing law, the IEP or § 504 team may change a disabled student's placement to an appropriate interim alternative educational setting for not more than 45 school days if the student has carried or possessed a weapon at school or at a school function; if the student knowingly possessed, used, sold or solicited the sale of a controlled substance while at school or at a school function; if the student has inflicted serious bodily injury upon another person while at school or at a school function; or if a hearing officer so orders. Such placement in an interim alternative educational setting is permissible even if the disabled student's conduct was a manifestation of his or her disability. During such placement, special education and § 504 students (except § 504 students whose conduct is not a manifestation of their disability) must continue to receive educational services as determined by the IEP or § 504 team.

Students with disabilities may not be expelled, suspended or otherwise removed to another setting in excess of 10 consecutive school days, or subjected to a series of shorter suspensions or removals during the school year (or during a single placement within the school year) that taken collectively constitute a change of placement, unless a determination has been made by a duly convened IEP or § 504 team that the misconduct constituting grounds for expulsion, suspension or removal longer than these specified periods was not a manifestation of the student's disability (this provision does not apply to placement in an appropriate interim alternative educational setting, as provided in the immediately preceding paragraph). If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, the expulsion, suspension or removal may not exceed the periods specified in the first sentence of this paragraph and the appropriateness of the student's IEP or § 504 plan shall be reviewed and necessary revisions shall be made, in accordance with governing law. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, the student may be expelled, suspended or removed for longer than the periods specified in the first sentence of this paragraph. During such periods of expulsion, suspension or removal special education students, but not § 504 students, must continue to receive educational services as determined by the IEP team.

Within 10 days of an expulsion, suspension or removal in excess of the periods specified in the first sentence of the immediately preceding paragraph, the IEP team shall either develop a functional behavioral assessment of the special education student, develop a behavioral intervention plan for the special education student, or review and modify the special education student's existing behavioral intervention plan, as appropriate.

District special education or § 504 personnel, and/or legal counsel, shall be consulted prior to a special education or § 504 student's expulsion, or suspension or other removal in excess of 10 school days, for misbehavior that has been determined not to be a manifestation of the student's disability.

## **Disciplinary Removal from Classroom (JKBA)**

Teachers may initiate the disciplinary removal of students from their classrooms for willful behavior that causes a material and substantial disruption of the class. As used in this policy, "disciplinary removal" means the removal of a student from the teacher's classroom to another location at the school after the day on which the disruptive behavior occurs. For the first two incidences of such behavior during the grading term for the class (i.e., hexter, quarter, semester), the duration of the student's removal shall

be from one to three days. For the third and subsequent incidences of such behavior during the grading term for the class, the duration of the student's removal shall be from one day to the end of the grading term. With respect to all disciplinary removals of students from a teacher's classroom, the following rules and procedures shall apply:

1. Teachers may issue office referrals to students and otherwise exclude them from class activities without having the incident classified as a disciplinary removal under this policy, in accordance with school rules. All disciplinary removals under this policy shall be documented in student discipline files, and may be counted toward declaring the student habitually disruptive under District Policy JKC.
2. The principal of each school shall establish one or more locations at their school where students on disciplinary removal from teachers' classrooms shall go during the period of removal. Such location(s) shall be appropriately supervised and shall be suitable for students to do the schoolwork they are assigned.
3. Prior to imposing a disciplinary removal, the teacher shall consult with the principal or principal's designee to ensure that it is an appropriate consequence for the student's behavior. If not, the principal or principal's designee shall determine the appropriate consequence. If so, the teacher and the principal or principal's designee shall determine the duration of the contemplated removal in accordance with this policy. In case of disagreement, the principal or principal's designee shall make the final determination.
4. Prior to imposing a disciplinary removal, the teacher and the principal or principal's designee shall advise the student of the reason for and the duration of the contemplated removal, and provide the student with an opportunity to respond to the charges and explain his/her behavior.
5. The first time a student receives a disciplinary removal during the grading term for the class, the teacher and the principal or principal's designee shall develop a behavior plan for the student. The second time a student receives a disciplinary removal during the grading term for the class, the teacher and the principal or principal's designee shall review and if necessary revise the student's behavior plan. The behavior plan shall include a statement that if the student receives a third or subsequent disciplinary removal during the grading term for the class, the removal may remain in effect through the end of the grading term. In case of disagreement regarding the content of a behavior plan, the principal or principal's designee shall make the final determination.
6. As soon as possible after imposing a disciplinary removal, the principal or principal's designee shall contact the student's parent/guardian to request his/her presence at a conference with the student, teacher and principal or principal's designee to discuss the student's behavior, the disciplinary removal and the behavior plan developed for the student. The parent/guardian shall receive a copy of each behavior plan developed or revised for the student.
7. Students who receive disciplinary removals shall be given assignments and other coursework to be completed during the period of their removal. For disciplinary removals through the end of the grading term, students shall be given assignments and other coursework, quizzes and exams to be completed during the period of their removal so as to allow them to complete and receive appropriate credit for the course from which they were removed.
8. The ability to impose a disciplinary removal of a student with a disability shall be subject to governing law and to the terms and conditions of the student's IEP or § 504 plan.

## Discipline of Habitually Disruptive Students (JKC)

### ■ Definitions

1. **"Habitually disruptive student"** means a student who has caused a material and substantial disruption on school grounds, at a District-sanctioned activity or event or in a District vehicle three or more times during the course of a school year.
2. **"Material and substantial disruption"** means behavior that is considered in the view of the principal or designee to cause a serious interference with the orderly operation of the school or the school's ability to provide educational opportunities to the student or others, including behavior detrimental to the welfare or safety of others.

3. **“Parent”** means a student’s parent, legal guardian or legal custodian.

### ■ Intervention Procedures

1. The student and his or her parent(s) shall be notified in writing of each disruption counted towards declaring the student as habitually disruptive, and shall be notified in writing and by telephone or other means of the definition of “habitually disruptive student” and the potential consequences of being designated as a habitually disruptive student.
2. After the first or second disruption counted towards declaring the student as habitually disruptive, a behavior plan may be developed by the principal or designee with the assistance of the student’s teacher(s) and any other District personnel involved. The principal or designee shall encourage and solicit the full participation of the student’s parent(s) in the development of any such behavior plans.
3. If a behavior plan is developed, it should address the student’s disruptive behavior and the goal of keeping the student in school as well as the goals, objectives and timelines for modifying the disruptive behavior. The plan should also inform the student of the consequences in the event he or 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 student conduct code or as provided by the rules and regulations of the school.
4. The student and his or her parent(s) and the school personnel responsible for carrying out the behavior plan should be provided a copy of the plan, and a copy should also be placed in the student’s file.
5. Further instances of disruptive behavior that cause a material and substantial disruption shall be dealt with in accordance with the behavior plan, if one has been developed.

### ■ Consequences of a Student Being Determined to be a Habitually Disruptive Student

If a student is determined to be a habitually disruptive student in accordance with this policy, the principal or designee, after reviewing the student’s file, prior incidents and the remedial discipline plan (if any) may suspend the student or initiate proceedings for expulsion of the student.

## Suspension/Expulsion of Students (JKD/JKE)

In matters involving student behavior that may or will result in the suspension or expulsion of a student, a parent, guardian or legal custodian shall be notified and involved to the greatest practicable extent in the disciplinary procedures. In all cases of suspension and expulsion, students shall be afforded due process of law.

For a student in preschool, kindergarten, first grade, or second grade: The Board and/or its designee(s) shall determine whether failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed. The Board and/or its designee(s) shall also determine on a case-by-case basis each of the factors set forth in C.R.S. § 22-33-106(1.2) and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

### ■ Alternatives to Suspension

In lieu of suspension, the principal or designee may, at his or her discretion, permit the student to remain in school on the condition that the student’s parent, guardian or legal custodian attend class with the student for a period of time established by the principal or designee. This alternative is not automatic. The principal or designee shall consult with the student’s teachers and obtain their consent before implementing this alternative. 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, guardian or legal custodian, would be disruptive to the operations of the school or be detrimental to the learning environment of other students. In the event that this alternative becomes disruptive if it is used, then the school shall immediately terminate this option and suspend the student in accordance with District policy. If the student’s parent, guardian or legal custodian does not agree or fails to attend class with the student, the principal or designee shall suspend the student in accordance with District policy.



### ■ Suspension Authority

1. Students in third grade and higher grade levels: A school principal, or designee by written authority of the principal, may suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S. §§ 22-33-106(1)(a), (1)(b), (1)(c), (1)(e) or (1)(f), or not more than 10 school days on the grounds stated in C.R.S. §§ 22-33-106(1)(d), unless expulsion is mandatory under law (see JKDA/JKEA).

Students in preschool through second grade: A school principal, or designee by written authority of the principal, may suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in C.R.S. 22-33-106.1(2), unless the principal or designee determines that a longer period of suspension is necessary to resolve the safety threat or expulsion is mandatory under law.

2. The Board of Education delegates to the Superintendent the authority to suspend a student, in accordance with C.R.S. §§ 22-33-105 and 22-33-106.1(3), for an additional 10 school days, plus up to and including an additional 10 school days as necessary in order to present the matter to the Board of Education, but not to exceed 25 school days of suspension.

### ■ Expulsion Authority

1. The Board of Education may conduct a hearing at which the question of expulsion is determined.
2. Unless the Board of Education elects to proceed otherwise in a particular case, the Board delegates its power to expel students to the Superintendent and/or to a designee who shall serve as a hearing officer, and delegates to the Superintendent or designee its authority to conduct the expulsion hearing as required by law.
3. The decision of the Superintendent may, upon the written request of the student or the student's parent, guardian or legal custodian, be appealed to the Board of Education.

### ■ Reporting Discipline Actions

The Superintendent shall report each case acted upon to the Board of Education through a confidential memo, briefly describing the circumstances and the reasons for the action taken by the Superintendent.

The principals of each school in the District shall submit annual written reports to the Board of Education concerning the learning environment in their schools each school year, as required by law. Each principal's report shall include: (1) the total enrollment for the school; (2) the average daily attendance rate at the school; (3) dropout rates for grades seven through twelve, if such grades are taught at the school; (4) the number of violations of the conduct code broken down as to type of violation and type of discipline, as required by law, and noting which violations and discipline involved students with disabilities; and (5) the school's policy concerning bullying prevention and education.

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

### ■ Information to Parents

Within five days of expelling a student, the District shall notify the student and his or her parent, guardian or legal custodian of the student's opportunity to receive educational services for expelled students.

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



The District is not required to provide additional educational services to any student who is suspended or expelled while receiving educational services during a period of expulsion. The District may provide services for a student who is expelled through agreements with local governmental agencies and managing state agencies, community-based nonprofit organizations, with the Department of Military Affairs, and public or private institutions of higher learning to provide appropriate services such as tutoring, counseling, drug treatment, family preservation, alternative education, or vocational education programs. If a student is expelled for the remainder of the school year and the student is not receiving educational services, the District will contact the student's parent, guardian or legal custodian 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, guardian or legal custodian after the student is enrolled in another school district or in an independent or nonpublic school, or if the student is committed to the Department of Human Services or is sentenced pursuant to the Children's Code.

### ■ Student's Return to School Following an Expulsion

In accordance with state law, a student who has been expelled on grounds stated in C.R.S. §§ 22-33-106 (1) (c) or (1) (d) and has been convicted or adjudicated as a juvenile delinquent, received a deferred judgment, or placed in a diversion program for such conduct shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed. If the student cannot be placed in another school, the school may provide the expelled student with a schedule that avoids contact with the victim or the victim's immediate family members.

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

### ■ Suspension Procedure

1. A reasonable attempt shall be made to give the student and parents timely oral or written notice of the charges against the student. Such charges must be one or more of those set forth as grounds for suspension under District policy and state law.
2. Prior to the student's removal from school, the student shall receive an informal hearing before the school principal or designee unless an emergency requires immediate removal of the student. In such cases, an informal hearing shall be held as soon as practicable after removal.
3. If a decision is made to suspend a student, the student and his/her parent, guardian or legal custodian shall be so notified as soon as reasonably possible. The principal or designee shall also send a letter to the parent, guardian or legal custodian and the student explaining the action taken, stating the days during which the suspension will be in effect and inviting the parent, guardian or legal custodian to meet with the principal or designee for the purpose of discussing the matter.
4. A suspended student shall be required to leave the school grounds immediately after the parent, guardian or legal custodian and the principal or designee have determined the best way to transfer custody of the student to the parent, guardian or legal custodian.
5. Law enforcement authorities may be involved in removal of students in accordance with state law, when there are reasonable grounds to believe that the student has committed a delinquent act by violation of any statute, county or municipal ordinance, or by lawful order of the juvenile court.
6. A student and his or her parent, guardian or legal custodian may appeal a suspension to the superintendent's designee, except in cases of a suspension preceding recommended expulsion. The designee shall review the appeal and discuss the matter with the administrator who imposed the sanction and with the parent, guardian or legal custodian and the student. The superintendent's designee shall inform the parent, guardian or legal custodian of the designee's decision, which shall be the final determination of the matter.
7. A suspended student shall not be readmitted to a public school until the student's parent, guardian or legal custodian has met with the principal or designee to discuss the nature of the suspension or if, in the judgment of the principal or designee, the parent, guardian or legal custodian has substantially agreed to review the suspension. The student may be readmitted, however, if the suspending authority cannot contact the parent, guardian or legal custodian or if the parent, guardian or legal custodian repeatedly fails to appear for scheduled meetings.

8. The suspending authority shall:
  - a. Make reasonable efforts to meet with the student's parent, guardian or legal custodian during the period of suspension;
  - b. Not extend the period of suspension because of the failure of the suspending authority to meet with the parent, guardian or legal custodian; and
  - c. Provide an opportunity for the student to make up schoolwork during the period of suspension to allow the student to reintegrate into the educational program following suspension. The suspending authority shall to the extent possible award appropriate credit for the assigned make-up work.
9. The principal has the right to assess damages to school property and collect for the Board a reasonable sum as established by the District.
10. Any student conduct requiring additional action beyond the building administrator's initial period of suspension is to be reported to the appropriate assistant superintendent with a complete report and, if warranted, a recommendation for expulsion.

### ■ Expulsion Procedure

1. The student and the student's parent, guardian or legal custodian shall be given written notice of the charges against the student, which must be one or more of those set forth as grounds for expulsion under District policy and state law.
2. If the student and the student's parent, guardian or legal custodian wish to request a hearing regarding the expulsion, they must do so within the timeframe noted in the notice of hearing. Failure to request a hearing within the specified timeframe will result in a waiver of the right to a hearing.
3. A student may be suspended pending an expulsion hearing, provided the regulations for suspension are followed.
4. The superintendent or superintendent's designee shall preside over the expulsion hearing.
5. At the expulsion hearing, the student may be represented by counsel. If a student is represented by counsel, the student or student's parent, guardian or legal custodian shall notify the superintendent or designee of this fact by phone or in writing at the time the expulsion hearing is requested. Failure by the student or student's parent, guardian or legal custodian to provide timely notification of attorney representation shall result in a continuance of the hearing and corresponding extension of the period of suspension to allow the District to obtain legal counsel. The student shall be afforded the opportunity to confront and cross-examine witnesses called by the school administration. The student may call his or her own witnesses. The school administration may cross-examine the witnesses called by the student. An audio recording of the hearing shall be made. The hearing officer may limit the number of witnesses called based on consideration of the competence, relevance and/or cumulative nature of their testimony.
6. At an expulsion hearing concerning alleged student conduct for which expulsion is mandatory under state law, no written statement prepared by the student concerning the conduct may be used as evidence unless it is signed by the student and the student's parent, guardian or legal custodian was present when the student signed, or reasonable attempts to have the parent, guardian or legal custodian present when the student signed were unsuccessful. This provision shall not apply in cases concerning alleged student conduct for which expulsion is mandatory under District policy but not under state law.
7. If a designee of the superintendent serves as the hearing officer, he or she shall make specific findings and shall promptly submit those findings and a recommendation regarding the expulsion to the superintendent.
8. The superintendent shall review the hearing officer's findings and recommendation, or if the superintendent conducts the hearing, the superintendent shall make findings. The superintendent shall issue a written decision within five business days after the hearing conducted by the superintendent or designee.
9. The student and his or her parent, guardian or legal custodian may appeal the superintendent's written decision to the Board of Education. The parent, guardian or legal custodian must request in writing an appeal to the Board of Education within

10 calendar days after the effective date of the expulsion. If the 10th day falls on a Saturday, Sunday, or holiday, the request for appeal must be made on the following day. The written request for appeal must state the grounds for appealing the superintendent's written decision. The superintendent or designee may address matters raised in the request for appeal for inclusion in the record to be considered by the Board. Failure to request an appeal within 10 calendar days after the effective date of the expulsion shall result in a waiver of the right to appeal, and the superintendent's written decision shall become final, unless the Board in its sole discretion grants an extension for good cause shown.

10. If an appeal is properly requested, the Board shall review the record concerning the expulsion. The record includes notices and other documents concerning the suspension and expulsion; the transcript of the testimony, if any; the hearing exhibits; the hearing officer's findings and recommendation; the superintendent's written decision; and other documents concerning the expulsion. The student may be represented by counsel at the appeal. Representatives of the District and the parent, guardian or legal custodian may make brief statements to the Board, but no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the hearing.
11. The Board shall make a final determination regarding the expulsion of the student and shall inform the student and his or her parent, guardian or legal custodian of the right to judicial review.
12. If a student between the ages of six and 17 is expelled for the remainder of the school year, the parent, guardian or legal custodian of the student shall be responsible for assuring compliance with the compulsory school attendance laws during the period of expulsion.
13. Upon expelling a student, the District shall provide information to the student's parent, guardian or legal custodian concerning the educational alternatives available to the student during the period of expulsion. If the parent, guardian or legal custodian chooses to provide a home-based educational program for the student, the District shall assist the parent, guardian or legal custodian in obtaining appropriate curricula for the student.

### ■ Readmittance to School After Suspension or Expulsion

No student will be readmitted to school after a suspension or expulsion until a meeting has taken place between the principal or designee and the student's parent, guardian or legal custodian to review the suspension or expulsion or until, in the discretion of the principal or designee, the parent, guardian or legal custodian of the suspended or expelled student has substantially agreed to review the suspension or expulsion with the principal or designee; except that if the principal or designee cannot contact the parent, guardian or legal custodian of such student or if such parent, guardian or legal custodian repeatedly fails to appear for scheduled meetings, the principal or designee may readmit such student. The purpose of the readmittance conference is to answer questions about the suspension or expulsion, clarify expectations regarding behavior, and consider alternatives or interventions to assist the student.

### ■ Crimes of Violence and Unlawful Sexual Behavior

Whenever the District 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 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 personnel at school, and whether educating the student at 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 it is determined that the student should not be educated at school, the District may institute 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 court or district court proceedings, during which time the District shall provide the student with an appropriate alternate education program. 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, 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.

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

### Students in third grade and higher grade levels

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

1. Causing or attempting to cause damage to District property or stealing or attempting to steal District property.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Willful destruction or defacing of District property.
4. Causing or attempting to cause physical injury to another person, except in self- defense.
5. Commission of any act which, if committed by an adult, would be robbery, first- degree assault or second-degree assault, as defined by state law.
6. Violation of criminal law that has an effect on the District or on the general safety or welfare of students or staff.
7. Violation of any District policy or regulation, or established school rules.
8. Violation of the District’s policy on student conduct involving weapons.
9. Violation of the District’s policy on student conduct involving drugs and alcohol.
10. Violation of the District’s tobacco-free and marijuana-free District policy.
11. Violation of the District’s policy on harassment of students.
12. Throwing objects that can or do cause bodily injury or damage to property.
13. Directing profanity, vulgar language, or obscene gestures toward other students, District personnel, or other persons.
14. Engaging in verbal abuse; i.e., name calling, ethnic or racial slurs, swearing, screaming, obscene gestures or threats directed at an individual, either orally (including by telephone) or in writing (including by e-mail or the Internet), or derogatory

statements that are addressed publicly to an individual, his or her family or a group that precipitate disruption of the District program or incite violence.

15. Committing extortion, coercion, or blackmail; i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
16. Lying or giving false information, either verbally or in writing, to a District employee.
17. Engaging in scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written work.
18. Continued willful disobedience or open and persistent defiance of proper authority, including deliberate refusal to obey a member of the District staff.
19. Behavior on or off school property that is detrimental to the welfare, safety or morals of one or more other students, District personnel or other persons, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students.
20. Engaging in behavior that disrupts school or District operations.
21. Promoting or being involved in gang or gang-like activity.
22. Engaging in "hazing," i.e., any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into an affiliation with any student organization, including but not limited to forced and prolonged physical activity; forced consumption of any food, beverage, medication or controlled substance in excess of the usual amounts for human consumption; forced consumption of any substance not generally intended for human consumption; and/or prolonged deprivation of sleep, food or drink.
23. Threats of serious bodily injury or death to one or more District employees, students or other persons, threats to damage or destroy District property or the property of one or more District employees, students or other persons, and/or threats to disrupt school or District operations.
24. Bullying, as defined in the District's policy on bullying prevention and education.
25. Assault upon, disorderly conduct toward, harassment of, intimidation of, bullying of, or any criminal offense against another student, or damage to the property of another student.
26. Repeated interference with a school's ability to provide educational opportunities to other students.
27. Violation of the District's policy on student use of District computers, e-mail and Internet access.
28. Violation of the District's policy on student possession and use of personal communication devices.
29. Assault upon, disorderly conduct toward, harassment of, making knowingly false allegations of child abuse against, or any criminal offense against a teacher or District employee, or damage to property of a teacher or District employee, which occurs on District property.
30. Initiating or participating in false alarms, false notifications of alarms, or bomb scares.
31. Violation of the District's student dress policy.
32. Being declared a habitually disruptive student.

### **Students in preschool through second grade**

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

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

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

This policy governs the terms and conditions under which medicine may be administered to students. For purposes of this policy, the term "medicine" includes prescription medicine and nonprescription medicine. Administration of medical marijuana is covered under Policy JLCDB (Administering Medical Marijuana to Qualified Students on District Property). Also for purposes of this policy, "nonprescription medicine" includes but is not limited to over-the-counter medicine, homeopathic medicine, herbal medicine, vitamins and nutritional supplements.

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

### **■ Rules Applicable to all Students and to all Medicine Except Medical Marijuana**

Whenever reasonably possible, students should take medicine outside of school and school-sponsored activities. Medicine shall only be administered to a student at school or a school-sponsored activity when it is necessary to do so. In such cases, the medicine may be administered by the student's parent or guardian. Otherwise, the medicine shall be administered as set forth below and in the accompanying regulation.

All medicine to be administered at school or a school-sponsored activity shall be furnished by the parent or guardian of the student who is to take it, and shall be delivered by the student's parent or guardian to an individual in the school office designated to receive it, unless alternative arrangements have been made and approved in advance by the school nurse and by the building principal. Exceptions to this rule apply with respect to high school students who are authorized to carry and self-administer medicine, and with respect to asthma, food allergy and anaphylaxis health management, in accordance with the terms and conditions set forth below.

A written request to administer medicine to a student, and a full release of the District and its personnel from claims arising out of administering the medicine, must be signed and submitted by the student's parent or guardian in order for medicine to be administered by District personnel to any student at school or a school-sponsored activity. A separate written request and release must be signed and submitted for each medicine to be administered, and for each change in the dosage, time(s) and/or manner of administration. Depending on the circumstances, the required written request and release may be incorporated as part of a student Health Plan, Section 504 Plan, IEP, or authorization for extended field trip or other school-sponsored activity.

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

### **■ Additional Rules Applicable to Prescription Medicine**

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

Prescription medicine shall be administered only by a school nurse, when required by law, or by a District employee to whom the nurse has properly delegated this task as authorized under the Nurse Practice Act (hereinafter the "nurse's designee"), except with



respect to high school students who are authorized to carry and self-administer medicine, and except with respect to asthma, food allergy and anaphylaxis health management, in accordance with the terms and conditions set forth below. Each nurse's designee shall be approved by the building principal. Prescription medicine shall be administered by school personnel only in accordance with written authorization and directions signed by the prescribing health care provider (which authorization and directions shall not include the pharmacy label on the medicine container). Depending on the circumstances and subject to approval and the required delegation by the school nurse, the required written authorization and directions may be incorporated as part of a student Health Plan, Section 504 Plan, IEP, or authorization for extended field trip or other school-sponsored activity.

### ■ Additional Rules Applicable to Nonprescription Medicine

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

Nonprescription medicine shall be administered only by a school nurse or by the nurse's designee (except with respect to high school students who are authorized to carry and self-administer medicine, and except with respect to asthma, food allergy and anaphylaxis health management, in accordance with the terms and conditions set forth below). Each nurse's designee shall be approved by the building principal. Nonprescription medicine shall be administered by school personnel only in accordance with written authorization and directions signed by the treating health care provider, or in accordance with a District-wide protocol for administering specified nonprescription medicines that is developed and reviewed at least once a year by a licensed physician. Depending on the circumstances and subject to approval and the required delegation by the school nurse, the required written authorization and directions, or District-wide protocol, may be incorporated as part of a student Health Plan, Section 504 Plan, IEP, or authorization for extended field trip or other school-sponsored activity.

### ■ Authorization to Possess and Self-Administer Medicine Except Medical Marijuana

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

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



## ■ Asthma, Food Allergy and Anaphylaxis Health Management

A student with asthma, a food allergy, other severe allergies or a related life-threatening condition may possess and self-administer prescribed medication to treat such conditions at school, at a school-sponsored activity or while being transported in a school vehicle, in accordance with the Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act (the "Act") and the following terms and conditions:

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

4. Before the student may possess and self-administer the prescribed medication, the student's parent or guardian must sign and submit a written statement releasing the District, school and any associated entity, and all employees and volunteers of the District, school and any associated entity, from liability (except with respect to willful and wanton conduct or disregard of the criteria of the treatment plan).
5. Immediately after using an epinephrine auto-injector at school, at a school-sponsored activity or while being transported in a school vehicle, a student shall report to the school nurse, an employee in the school office, or another school official and the person so notified shall take action to provide for appropriate follow-up care, which shall include promptly making a 911 emergency call and (with respect to employees in the school office and other school officials) promptly contacting the school nurse or nurse's designee.

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

1. The District shall make available on its website and at each of its schools the standard form developed by the Colorado Department of Public Health and Environment (the "Food Allergy Form") that allows the parent or guardian of a student with a known food allergy to provide the student's school with information as specified in the Colorado School Children's Food Allergy and Anaphylaxis Management Act regarding the allergy.
2. Each school shall have a plan in place for communication with emergency medical services. The plan shall include but not be limited to the provision of information on student Food Allergy Forms to emergency medical responders.
3. The parents and guardians of each student who is not authorized to possess and self-administer medication for the student's food allergy or anaphylaxis are encouraged to provide the school with a supply of the student's prescribed medication for use in the event of an anaphylactic reaction. All emergency medications shall be stored in a secure location at the school that is easily accessible for designated staff members.
4. The school nurse and building principal shall identify staff members at each school who shall receive emergency anaphylaxis treatment training. Such staff members shall include those directly involved during the school day with students who have known food allergies. The training shall, at a minimum, provide the staff members with: (a) a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis; (b) the ability to recognize symptoms of anaphylaxis; (c) the ability to respond appropriately in the event of a student suffering an anaphylactic reaction; and (d) the ability to administer self-injectable epinephrine to a student suffering an anaphylactic reaction.
5. In the absence of a Section 504 Plan or IEP, the school nurse shall be responsible for the development and implementation of a student Health Plan for each student with the diagnosis of a potential life-threatening food allergy. Such Health Plans shall include, as appropriate: (a) consideration of information provided by the student, student's parent or guardian and student's health care provider, including but not limited to information provided on the Food Allergy Form; and (b) reasonable steps to reduce the student's exposure to agents at school and school-sponsored activities that may cause anaphylaxis.
6. The superintendent or superintendent's designee shall develop, periodically review and revise as necessary or appropriate administrative guidelines to help ensure that student food allergies and anaphylaxis in the District's schools are properly managed. District employees interacting with students who have food allergies shall comply with such administrative guidelines, including the PSD Guidelines for Students with Severe Food Allergies and Intolerances, and shall faithfully implement the students' Section 504 Plans, IEPs and Health Plans.

### ■ Use of Stock Epinephrine Auto-Injectors in Emergency Situations

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

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

### ■ Use of Opiate Antagonists in Emergency Situations

To the extent state funding and supplies are available, the District will have a stock supply of opiate antagonists to assist a student who is at risk of experiencing an opiate-related drug overdose event. For purposes of this policy, an opiate antagonist means naloxone hydrochloride or any similarly acting drug that is not a controlled substance and that is approved by the federal Food and Drug Administration (FDA) for the treatment of a drug overdose.

The stock supply of opiate antagonists may also be used to assist a District employee or any other person who is at risk of experiencing an opiate-related drug overdose event.

Administration of an opiate antagonist by a District employee to a student or any other person shall be in accordance with applicable state law.

## Administering Medicine to Students (JLCD-R)

These regulations shall have no applicability to medical marijuana or to administering medical marijuana to students.

Administration of medical marijuana is covered under Policy JLCDB (Administering Medical Marijuana to Qualified Students on District Property).

### ■ Storage of Medicine

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

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

### ■ Health Care Provider Authorization and Directions

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

### ■ Safety Precautions

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

An error in administering medicine to a student includes but is not limited to giving medicine to the wrong student, giving the wrong medicine to a student, giving the wrong dose of medicine to a student, giving more than one dose of medicine to a

student, giving medicine to a student in an incorrect manner, giving medicine to a student at the wrong time, forgetting to give a student medicine at the required time, and/or forgetting to document that medication was given to a student.

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

### ■ Recordkeeping

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

## Administering Medical Marijuana To Qualified Students On District Property (JLCDB)

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

Colorado law mandates school districts allow the administration of medical marijuana to students on school grounds under certain circumstances, so long as the school district does not lose or will not have its federal funds reasonably jeopardized. The District recognizes that such state law, whether or not school districts have a corresponding policy, is contrary to federal law, which continues to categorize all forms of medical marijuana as a Schedule I controlled substance.

### The following definitions apply to this Policy:

**"Designated location"** means a location identified in writing by the District in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.

**"Medical marijuana"** means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.

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

**"Primary caregiver"** means the qualified student's parent or guardian, or a licensed physician or licensed nurse employed by the student's parent or guardian. Any primary caregiver seeking access to school or District property, a school bus or school-sponsored event for purposes of this Policy must comply with Policy KI (Visitors to Schools) and all other applicable policies.

**"Qualified student"** means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

“Volunteer” means a District employee that volunteers at their own discretion to administer a permissible form of medical marijuana to the qualified student in compliance with this Policy and the written plan developed by the District.

### ■ Permissible Administration of Medical Marijuana to a Qualified Student by a Primary Caregiver

A qualified student’s primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all of the following parameters are met:

1. The qualified student’s parent/guardian has provided the school with a copy of the student’s valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana. The principal or principal’s designee shall make a photocopy of the original state of Colorado written authorization for medical marijuana to be administered to the student and maintain it with the student’s confidential medical records together with the written request in final form signed by the student’s parent/guardian and the principal or principal’s designee;
2. The qualified student’s parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the District from liability for any injury that occurs pursuant to this Policy;
3. The qualified student’s parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student. The qualified student’s parent/guardian will pick up any remaining permissible form of medical marijuana at a time coordinated with the school nurse. If the parent/guardian fails to remove the permissible form of medical marijuana within a reasonable amount of time after being contacted, the District will dispose of all permissible forms of medical marijuana. Any stored permissible form of medical marijuana must be retrieved by the parent/guardian;
4. The District determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. Either the District determines, in its sole discretion, the location of a locked storage container to store the qualified student’s medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency, or, after administering the permissible form of medical marijuana to the qualified student, the student’s primary caregiver may remove any remaining medical marijuana from the grounds of the school, District, school bus, or school-sponsored event; and
6. The District prepares, with the input of the qualified student’s parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student’s recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the qualified student (if capable), and the qualified student’s parent/guardian.

### ■ Permissible Administration of Medical Marijuana to a Qualified Student by School Staff

School staff may volunteer to store, administer, or assist in the administration of medical marijuana to a qualified student in a designated location if the following parameters are met:

1. The qualified student’s parent/guardian has provided the school with a copy of the student’s valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana. The principal or principal’s designee shall make a photocopy of the original state of Colorado written authorization for medical marijuana to be administered to the student and maintain it with the student’s confidential medical records together with the written request in final form signed by the student’s parent/guardian and the principal or principal’s designee;

2. The qualified student's parent/guardian signs a written acknowledgment granting permission for the school staff who volunteer to store, administer, or assist in the administration of medical marijuana under state law, and releases the District from liability for any injury that occurs pursuant to this Policy;
3. The qualified student's parent/guardian or primary caregiver must be responsible for providing the permissible form of medical marijuana to be administered to the qualified student. The qualified student's parent/guardian will pick up any remaining permissible form of medical marijuana at a time coordinated with the school nurse. If the parent/guardian fails to remove the permissible form of medical marijuana within a reasonable amount of time after being contacted, the District will dispose of all permissible forms of medical marijuana. Any stored permissible form of medical marijuana must be retrieved by the parent/guardian;
4. The District determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. The District determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency; and
6. The District prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the school staff who volunteer to store, administer, or assist in the administration of the medical marijuana, the qualified student (if capable), and the qualified student's parent/guardian.

#### ■ Additional Parameters

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

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

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

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

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

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

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



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

## Medically Necessary Treatment in School Setting (JLCDC)

The provision of medically necessary treatment to students by private health-care specialists must be done in accordance with this policy. If medically necessary treatment requires administration of prescription and/or nonprescription medications to students, such administration must be in accordance with applicable law and the District's policy concerning the administration of medications to students.

### ■ Definitions

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

1. **"Medically necessary treatment"** means treatment recommended or ordered by a Colorado licensed health-care provider acting within the scope of the health-care provider's license.
2. **"Private health-care specialist"** means a health-care provider who is licensed, certified, or otherwise authorized to provide health-care services in Colorado, including pediatric behavioral health treatment providers pursuant to the state medical assistance program, C.R.S. 25.5, articles 4, 5, and 6, and autism services providers who provide treatment pursuant to C.R.S. 10-16-104 (1.4). In no event may a school district or administrative unit staff member be recognized as a private health-care specialist for the purposes of this policy.

### ■ Notification of Rights

Parents and/or legal guardians of a student with disabilities will be notified that section 504 of the Rehabilitation Act of 1973, 29 U.S.C. sec. 794, as amended ("Section 504"), and Title II of the Americans with Disabilities Act of 1990 ("ADA") provide rights and protections to students to access medically necessary treatment required by the student to have meaningful access to the benefits of a public education, or to attend school without risks to the student's health or safety due to the student's disabling medical condition.

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

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

1. It will be the responsibility of a student's IEP team or 504 team to determine whether any medically necessary treatment must be provided to the student within the school setting in order for the student to access their education, pursuant to Section 504 and Title II of the ADA.
2. When making the determination whether medically necessary treatment must be provided within the school setting, the student's IEP team or 504 team will invite the private health-care specialist who ordered or recommended the medically necessary treatment to attend the student's IEP meeting or 504 meeting at which the issue will be discussed. The invitation will include the option for the private health-care specialist to submit information in writing that can be reviewed at such IEP meeting or 504 meeting. The invitation will be given not less than ten (10) calendar days in advance of the IEP or 504 meeting.



3. Nothing in this policy will be construed to prevent the District from using its own staff, if qualified, or contracting with a qualified provider of its choice to provide medically necessary treatment that a student's IEP team or 504 team has determined must be provided in the school setting pursuant to Section 504 or Title II of the ADA.
4. Nothing in this policy will be construed to require the District to permit a third party to determine or provide special education or related services in the school setting in a way that interferes with the District's obligations and authority under federal law.

### ■ Access to School Setting by Private Health-Care Specialists

1. **Access to provide medically necessary treatment.** A private health-care specialist may be granted access to school or District property to provide medically necessary treatment in accordance with the determination of the student's IEP team or 504 team, and subject to the District's policy concerning visitors to schools and all other applicable policies and procedures, and subject to the provisions of regulation JLCDC-R.
2. **Access to solely observe student or collaborate with school personnel.** A private health-care specialist may be granted access to school or District property to observe the student in the school setting or collaborate with school personnel regarding the student, without providing direct treatment to the student, in accordance with the determination of the student's IEP team or 504 team, and subject to Policy KI concerning visitors to schools and all other applicable policies and procedures. Nothing in this policy prohibits or restricts District staff, as applicable, from observing the student at the same time as the private health-care specialist.

Permission to provide medically necessary treatment on school premises may be limited or revoked if the private health-care specialist violates this policy or JLCDC-R or demonstrates an inability to responsibly follow the requirements of the District.

### ■ Appeal

If the IEP team or the 504 team determines that any medically necessary treatment is not required to be provided in the school setting pursuant to Section 504 and/or Title II of the ADA, the IEP team or 504 team will provide notice to the student's parents or legal guardian that the student has a right to appeal such determination. Such appeal must meet, at a minimum, the following requirements:

- (a) The District will hold an appeal hearing within a reasonable time after it has received the request for an appeal from the parent or student.
- (b) The District will give the parent and student notice of the date, time, and place, reasonably in advance of the appeal hearing.
- (c) The appeal hearing may be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing.
- (d) The District will give the parent and student a full and fair opportunity to present evidence relevant to the issue whether the medically necessary treatment as ordered or recommended by a private health-care specialist is required to be provided in the school setting pursuant to Section 504 and/or Title II of the ADA. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney. If the parent or eligible student is represented by an attorney, the parent or eligible student must provide notice to the District of such representation at least five (5) working days prior to the hearing.
- (e) The individual conducting the hearing will make a decision in writing within a reasonable period of time after the appeal hearing.
- (f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. If the decision seeks to overturn the IEP team or 504 team's determination, the individual conducting the hearing will remand the matter back to the IEP team or 504 team with recommendations for reconsideration.

## ■ Reporting

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

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

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

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

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

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

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

4. The student's parent/guardian will be solely responsible for compensating the private health-care specialist for medically necessary treatment, and the District will have no financial obligation to the private health-care specialist for fees, expenses, or any other associated cost. If the private health-care specialist offers suggestions, professional observations, opinions, advice, or consultation to and for District staff, the District will not be obligated to pay any associated fee or charge.
5. The private health-care specialist must follow all applicable provisions of state and federal law and District policies at all times the private health-care specialist is on District premises.
6. The District will not exercise supervisory control over the content or nature of private health-care specialist's medically necessary treatment of the student. However, if requested, the District is entitled to advance discussion and review of the content and nature of such services in order to coordinate the medically necessary treatment with other classroom and school activities.
7. Permission for the private health-care specialist to administer medically necessary treatment to a student, and to remain on District property, may be limited or revoked if the private health-care specialist violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

## Screening/Testing of Students (JLDAC)

### ■ Physical Screenings

The sight and hearing of all students in kindergarten, first, second, third, fifth, seventh and ninth grades, or students in comparable age groups referred for testing, shall be tested during the school year by the school nurse, teacher, principal or other qualified person authorized by the District, as required by law. The parent/guardian shall be informed when a deficiency is found. This provision shall not apply to any student whose parent/guardian objects on religious or personal grounds.

Parents/guardians, and students who are 18 years of age or older or emancipated minors (hereinafter referred to as "eligible students"), shall receive notice and have the opportunity to opt any student out of any non-emergency invasive physical examination or any physical screening (such as routine hearing, vision and dental screenings) that is:

1. required as a condition of attendance;
2. administered by the school and scheduled by the school in advance; and
3. not necessary to protect the immediate health and safety of the student, or of other students.

### ■ Survey, Assessment, Analysis or Evaluation of Students

Except as otherwise permitted by law, prior written parent/guardian consent (or prior written consent of the eligible student) shall be required in order for any student to be given a survey, assessment, analysis or evaluation that would reveal information (whether or not the information is personally identifiable) concerning:

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, antisocial, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom the student has a close family relationship;
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers;
7. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);
8. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian; or
9. The social security number of the student or the student's parent/guardian.

The prior written consent required above shall include prior written notice of the survey, assessment, analysis or evaluation and at least two weeks after receipt of the notice for parents/guardians and eligible students to obtain written information concerning:

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

Proposed activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or otherwise providing the information to others for that purpose, shall not occur with respect to any student for whom prior written consent regarding such activity has not been given by the parent/guardian or (if applicable) the eligible student.

Parents/guardians and eligible students shall have the right to review, upon request, any instructional material used as part of the educational curriculum for the student.

Nothing in this policy shall:

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

### ■ Confidentiality

Any survey, assessment, analysis or evaluation administered or distributed by a school to students shall be subject to applicable state and federal laws protecting the confidentiality of student records.

## ■ Treatment/Testing for Behavior Issues

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

## ■ Evaluation of Students with Disabilities

The giving of parental permission for evaluation or re-evaluation of a student with disabilities and any required consent to the provision of special education services to a student with disabilities is governed by state and federal law and is outside the scope of this policy.

## ■ Annual Notification of Rights

The District, at the beginning of each academic year, shall inform parents/guardians and eligible students of their rights under this policy.

## Student Vehicle Use and Parking (JLIE)

When parking lots are provided on campus, all student-driven vehicles shall be parked in such lots. No vehicles may be driven on school grounds except in designated parking areas.

Student-driven vehicles shall remain parked while students are scheduled to be in class. No loitering in parked cars or on school parking lots shall be permitted during the school day.

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

Refusal by a student, parent/guardian, or vehicle owner to allow search access to a motor vehicle on school premises when requested shall be cause for termination without further hearing of the privilege of bringing any vehicle onto school premises by said individual.

Each school is authorized to engage in routine patrolling of student parking lots, visual inspection of student automobiles, and the use of dogs trained to alert at the scent of drugs, explosives and other contraband.

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

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

### 1. General Provisions

Student education records may contain, but will not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data and medical information; family background information; teacher or counselor ratings and observations; and reports of serious or recurrent behavior patterns.

Education records do not include records maintained by a law enforcement unit of the school or District (should one exist) that are created by that unit for the purpose of law enforcement.

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

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

## **2. Access to Records**

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

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

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

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

## **3. Requesting Records from Other Schools/Districts**

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

## **4. Transferring Records to Other Schools/Districts**

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

## **5. Requesting and Receiving Information and Records from State Agencies**

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

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

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal and state law, including the Federal Education Rights and Privacy Act of 1974 ("FERPA"), Colorado Open Records Act, and Colorado Children's Code.

## **6. Requests to Amend Education Records**

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

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

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

If the first two steps have not resulted in the requested amendment, the parent/guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing and received by the Superintendent of Schools within 10 days after the date of the assistant superintendent's denial of the appeal. The response to the request must be mailed within 10 school days. The hearing will be held in accordance with the following:

- a. The hearing will be held within 15 school days after receipt of the request. Notice of the date, place and time of the hearing will be forwarded to the parent/guardian or eligible student by certified mail.
- b. The hearing will be conducted by a principal or administrative official designated in writing by the superintendent. The official conducting the hearing shall not have a direct interest in the outcome of the hearing.
- c. A parent/guardian or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by an individual of their choice at their own expense, including an attorney.
- d. The designated hearing official shall issue a decision in writing within 10 school days following the conclusion of the hearing, and shall notify the parent/guardian or eligible student of that decision by certified mail.
- e. The decision of the hearing official shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reason for the decision.
- f. The decision shall include a statement informing the parent/guardian or eligible student of their right to place in the student's challenged education records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained by the District. If the education record is disclosed by school officials to any other party, the explanation also shall be disclosed to that party.

## **7. Disclosure with Written Consent**

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



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

If the parent/guardian or eligible student so requests, the District shall provide them with a copy of the records disclosed. Parent/guardian or eligible student consent shall only be valid for the specific disclosure for which the written consent was given. Consent for a student to participate in any course, school activity, special education program, or in any other school program shall not constitute written consent for disclosure of education records or personally identifiable information contained therein.

All signed consent forms shall be retained by the District.

## **8. Disclosure Without Written Consent**

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

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

- h. The disclosure is to comply with a judicial order or lawfully issued subpoena. Unless otherwise specified in the order or subpoena, the District shall inform the parent/guardian or eligible student prior to complying with the subpoena or court order.
- i. The disclosure is in connection with an emergency, if knowledge of the information disclosed is necessary to protect the health or safety of the student or other persons.
- j. The disclosure is of "directory information" under the conditions specified in this policy.

## **9. Directory Information**

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

## **10. Disclosure to Military Recruiting Officers**

Names, addresses, and home telephone numbers of secondary students will be released to military recruiting officers within ninety (90) days of the request, unless a student submits a written request that such information not be released. Reasonable and customary actual expenses directly incurred by the District in furnishing this information will be paid by the requesting service.

## **11. Disclosure to Medicaid**

In all cases in which a student is enrolled in the Colorado Medicaid program, the District shall release directory information consisting of the student's name, date of birth and gender to Health Care Policy and Financing (Colorado's Medicaid agency) to verify Medicaid eligibility of students. The District shall obtain written consent annually from a parent/guardian or eligible student before the release of any non-directory information required for billing.

## **12. Alumni Directories**

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

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

## **13. Annual Notification of Rights**

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

of the office that administers FERPA is: Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

## Use of Restraint and Seclusion

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

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

## Nondiscrimination/Equal Opportunity (AC)

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

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

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

The following policies further address harassment and bullying:

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

### ■ Definitions

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

- **“Bullying”** is any written or oral expression, physical or electronic act or gesture, or a pattern thereof, that is intended to willfully cause physical, mental, or emotional harm to any student or to use coercion or intimidation to influence and/or obtain control over another person. District Policy JICDE – Bullying Prevention and Education, has more information. If the bullying is based on a student's protected class, the behavior may constitute harassment or discrimination. Bullying based on

a student's protected class that meets the definition of harassment or discrimination under District Policy JBB – Harassment or Discrimination of Students should be addressed through District Regulation AC-R1 - Harassment and Discrimination Investigation Procedures for Students.

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

- **“Religion”** means all aspects of religious observance, belief and practice. A person does not have to be a member or follower of a particular organized religion, sect or faith tradition to have a religion.
- **“Sexual orientation”** means an individual’s identity, or another individual’s perception thereof, in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction.
- **“Transgender”** means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.
- **“Reporting party”** means a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant with the compliance officer. Any District student, employee, or community member may be a reporting party.
- **“Respondent”** means a student, employee, or other individual who has been reported to have engaged in alleged harassment or discrimination.
- **“Retaliation”** is intimidating, threatening, coercing, or discriminating against an individual by the District, a student, or an employee or other person authorized by the District because the individual raised a good-faith concern about or participated in good faith in an investigation of discrimination or harassment. Retaliation includes charges against a student for code of conduct violations related to the incident for the purpose of punishing a student for making a report or otherwise interfering with a student’s rights under this policy. The District will investigate and respond to an allegation of retaliation.
- **“Sex-based Discrimination”** is discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **“Sex-based Harassment”** under Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
  - Quid pro quo harassment. An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the recipient’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
  - Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity (i.e., creates a hostile environment); Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
    - o The degree to which the conduct affected the complainant’s ability to access the District’s education program or activity;
    - o The type, frequency, and duration of the conduct;
    - o The parties’ ages, roles within the District’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
    - o The location of the conduct and the context in which the conduct occurred; and
    - o Other sex-based harassment in the recipient’s education program or activity; or
- Specific offenses. Sexual assault, dating violence, domestic violence, or stalking, as further defined in District Policy AC-R3 – Sex-based Harassment Investigation Procedures.

- **“Supportive measures”** are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter harassment and discrimination. Supportive measures may be provided regardless of whether a complaint has been filed. Supportive measures may include, but are not limited to:
  - Counseling;
  - Extensions of deadlines or other course-related adjustments;
  - Extra time for homework or tests;
  - The opportunity to resubmit homework or retake a test;
  - Remedying an impacted grade;
  - Excused absences, including for any therapy, medical, legal, or victim’s services appointment associated with the report;
  - The opportunity for home instruction;
  - Modifications to class schedules; and
  - Restrictions on contact between the parties to a complaint of harassment or discrimination.
- **“Title IX Coordinator”** means the employee(s) designated by the District to coordinate its efforts to comply with Title IX of the Education Amendments. The Title IX Coordinator retains ultimate oversight over the District’s responsibilities and ensures the District’s consistent compliance with its responsibilities under Title IX, including direct action and investigation in lieu of a designee when appropriate.
- **“Designated administrator”** means an employee designated by a compliance officer at each school or site to whom the compliance officer(s) has delegated certain responsibilities to receive and respond to complaints and reports of harassment or discrimination.

### ■ Harassment, Discrimination, and Retaliation Prohibited

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

### ■ Reporting Harassment and Discrimination

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

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

### ■ District Action

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

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

- Promptly and impartially investigating allegations of harassment or discrimination;

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

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

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

### ■ Compliance Officers

The District's compliance officers are responsible for District compliance with this policy.

For District students/members of the public, the compliance officers for harassment or discrimination, including under Title IX, Americans with Disabilities Act (ADA) and Section 504:

**Senior Executive Director of Student Services/Title IX Coordinator,  
Assistant Director of Student Services, and LGBTQIA+ Coordinator**

2407 LaPorte Avenue  
Fort Collins, Colorado 80521  
Phone: (970) 490-3264  
Email: [nondiscrimination@psdschools.org](mailto:nondiscrimination@psdschools.org)

For District employees/applicants for employment:

**Chief of Staff**

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

### ■ Annual Notice and Training

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

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

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



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

### ■ Reporting to Federal or State Agency

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

#### **Denver Office for Civil Rights (OCR)**

##### **U.S. Department of Education**

1244 Speer Blvd., Suite 310

Denver, CO 80204

Phone: (303) 844-5695

Fax: (303) 844-4303

TTY: (303) 844-3417

Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

#### **Federal Office of Equal Employment Opportunity Commission (EEOC)**

303 E. 17th Ave., Suite 410

Denver, CO 80203

Phone: (303) 800-669-4000

Fax: (303) 866-1085

TTY: (800) 669-6820

ASL Video Phone: (844) 234-5122

#### **Colorado Civil Rights Division (CCRD)**

1560 Broadway, Suite 825

Denver, CO 80202

Phone: (303) 894-2997 or (800) 886-7675

Fax: (303)894-7830

Email: [DORA\\_CCRD@state.co.us](mailto:DORA_CCRD@state.co.us) (general inquiries); [DORA\\_CCRDIntake@state.co.us](mailto:DORA_CCRDIntake@state.co.us) (intake unit)

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

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

### ■ Reporting Discrimination and Harassment

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

Any employee who receives information about an incident or who witnesses harassment, discrimination, or retaliation must report the incident to their supervisor, the compliance officer, or through the District's online reporting form.

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

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

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

### ■ Supportive Measures and Accommodations

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

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

### ■ General Procedure

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

During this initial conference, the designated administrator will explain:

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

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

### ■ Informal Resolution Procedure

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

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

### ■ Formal Resolution Procedure

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

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

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

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

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

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

### ■ Appeal

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

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination was made, that could affect the outcome of the matter; or
- A conflict of interest or bias for or against the parties that affected the outcome of the matter.

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

### ■ Disciplinary Action or Other Consequences

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

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

### ■ Resources

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

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

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

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

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

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

### ■ Outside Agencies

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

## Sexual Harassment Investigation Procedures (AC-R2)

The District is committed to maintaining a learning environment that is free from sex-based discrimination, including sexual harassment. It is a violation of District 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 sex-based discrimination or harassment or participates in a harassment investigation.

### ■ Definitions

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

- **"Complainant"** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- **"Decision-maker"** means an individual trained to assess the relevant evidence, including party and witness credibility, and decide if the District has met the burden of proof showing the respondent is responsible for the alleged sexual harassment. The decision maker may not be the Title IX Coordinator or the investigator.
- **"Education program or activity"** means locations, events, or circumstances over which the district exercises substantial control over both the complainant and respondent and the context in which the sexual harassment occurs.
- **"Formal complaint"** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

- **“Investigator”** means an individual trained to objectively evaluate the credibility of parties and witnesses, synthesize all available evidence - including both inculpatory and exculpatory evidence - and take into account the unique and complex circumstances of each situation. The investigator may be the Title IX Coordinator, but cannot be the decision-maker.
- **“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **“Sexual Harassment”** means conduct on the basis of sex that satisfies one or more of the following:
  - o An employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
  - o Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
  - o Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).
- **“Supportive measures”** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling, extensions of escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the school, and other similar measures.
- **“Title IX Coordinator”** means the employee designated by the District to coordinate its efforts to comply with Title IX responsibilities. The District’s Title IX Coordinator is:

**Director of Student Services**

2407 Laporte Avenue

Fort Collins, CO 80521

(970) 490-3033

## ■ Reporting Sex Discrimination, Including Sexual Harassment

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, by electronic mail, using the form on the District’s website, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Reports of sexual harassment as defined in this Regulation will be addressed as described herein. Reports of other conduct that could constitute sex discrimination will be addressed as described in District Regulation AC-R1.

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

## ■ Filing a Formal Complaint

A complainant, or a parent/guardian with the legal right to act on the complainant’s behalf, may file a formal complaint. Complaints must be filed in writing and signed by the complainant. Complaints may also be filed and signed by the Title IX Coordinator. Forms for this purpose are available on the District’s website or at each school’s office. Completed forms must be filed with the Title IX Coordinator. If a complaint form is given to a district employee, the district employee will promptly forward the complaint to the Title IX Coordinator. If the named respondent is the Title IX Coordinator, the complaint form may be filed with the executive director of human Resources. Complaints must be filed within 180 calendar days of the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence. The complainant will receive assistance as needed in filing a complaint.

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

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

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

### ■ Dismissal of Formal Complaint

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

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

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

### ■ Investigation of Formal Complaint

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

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

The investigator must apply a presumption that the respondent is not responsible for the alleged conduct during the course of the investigation. No disciplinary sanctions or other actions that are not supportive measures may be imposed against the respondent until completion of the investigation and determination of responsibility. The investigator will protect the complainant from inappropriate questions and evidence about the complainant's prior sexual history.

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

The investigator will, as appropriate:

- Request the complainant to provide a written statement regarding the nature of the complaint;
- Request for respondent to provide a written statement;

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

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

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

### ■ Decision

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

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

### ■ Appeal

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

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

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

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

### ■ Informal Resolution

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



## ■ Notice and Training

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

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

## Sex-Based Harassment Investigation Procedures (AC-R3)

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

## ■ Application of Policy

This policy is applicable to allegations of sex-based discrimination and harassment occurring in the District's education programs or activities on or after August 1, 2024. This includes locations, events, or circumstances over which the District exercises substantial control over both a respondent and the context in which the alleged conduct occurred or conduct subject to the District's disciplinary authority. It also includes conduct occurring outside of a District program or activity if the conduct contributes to a hostile environment within a District program or activity. The District's ability to take corrective action against third parties will be determined by the nature of the relationship of the third party to the District. Incidents outside the scope of this policy will be addressed as appropriate in accordance with applicable law and District policy.

Allegations of sexual harassment occurring prior to August 1, 2024 will be addressed consistent with the District's policy applicable at the time of the alleged incident. Incidents occurring between August 14, 2020 through July 31, 2024, shall be addressed consistent with Exhibit A, District Regulation AC-R2 – Sexual Harassment Investigation Procedures, adopted August 14, 2020.

## ■ Definitions

The applicable definitions in District Policy AC - Nondiscrimination/Equal Opportunity apply to this regulation, unless otherwise defined below:

- **"Complainant"** means an individual who is alleged to have been subjected to conduct that could constitute sex discrimination or sex-based harassment under Title IX.
- **"Respondent"** means an individual who has been reported to have violated the District's prohibition on sex discrimination.
- **"Investigator"** means the individual investigating the complaint or report. This may be a Title IX Coordinator, Deputy Title IX Coordinator, designated administrator, or a third-party.
- **"Decision maker"** means the individual who assesses the relevant evidence, including party and witness credibility, to decide if the District has met the burden of proof (preponderance of the evidence) showing the respondent to be responsible for the alleged sex-based harassment. The District's decision maker may be a Title IX Coordinator, Deputy Title IX Coordinator, designated administrator, or a third-party.
- **"Title IX Coordinator"** means the employee(s) designated by the District to coordinate its efforts to comply with Title IX responsibilities. The District's Title IX Coordinator is identified in District Policy AC – Nondiscrimination/Equal Opportunity.

- **“Deputy Title IX Coordinator”** means the employee(s) designated by the Title IX Coordinator at each school to support in the District’s compliance efforts to comply with Title IX responsibilities.
- **“Informal resolution facilitator”** means the individual who conducts an informal resolution process, if appropriate, between the complainant and respondent. The District’s Title IX Coordinator, investigator, and decision maker cannot serve as an informal resolution facilitator. The informal resolution facilitator must not have a conflict of interest or basis for or against complainants or respondents generally or an individual complainant or respondent.
- **“Designated administrator”** means an employee who may be an investigator, decision maker, informal resolution facilitator, Deputy Title IX Coordinator, Title IX Coordinator, appeal decision maker, or appropriate designee.
- **“Education program or activity”** means locations, events, or circumstances over which the district exercises substantial control, including disciplinary authority, over both the complainant and respondent and the context in which the sex-based discrimination occurs.
- **“Relevant”** means related to the allegations of harassment or discrimination under investigation as part of this policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged harassment or discrimination occurred, and evidence is relevant when it may aid in determining whether the alleged harassment or discrimination occurred.
- **“Report”** means an allegation of harassment or discrimination that is submitted by a person who is not the subject of alleged sexual harassment. Reports should contain a detailed description of the alleged event(s) such as date(s), names of persons involved, witnesses, what occurred, and location(s). A report may obligate the District to provide supportive measures as appropriate.
- **“Consent”** is defined by Colorado law. Consent for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship is not sufficient to constitute consent. Submission under the influence of fear shall not be sufficient to constitute consent. A determination regarding the existence of consent is made based on the totality of the circumstances. Any conduct of a sexual nature directed toward a student by a District employee shall be presumed to be unwelcome and nonconsensual and is strictly prohibited by District policy.
- **“Remedies”** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the education program or activity after the District determines that sex discrimination occurred.
- **“Specific offenses”** as included in the definition of sex-based harassment, means:
  - o Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - o Dating violence meaning violence committed by a person: (A) who is or has been a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
  - o Domestic violence meaning felony or misdemeanor crimes committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

- o Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

### ■ Complaint and Reporting Process

Investigations into complaints alleging violations of Title IX will proceed as described below. The investigation will be adequate, reliable, and impartial. All parties will be treated equitably and will be provided equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. Throughout the investigation, the District will take reasonable steps to protect the privacy of the parties and witnesses during the investigation, provided this does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures.

The District will make a good faith effort to complete the investigation and make any findings within sixty (60) calendar days after the complaint is received. Reasonable extensions of timeframes will be granted on a case-by-case basis in compliance with this regulation for good cause with written notice to the parties that includes the reason for the delay.

### ■ Making a complaint

Any student, employee, parent/guardian, or community member who believes they have been discriminated against or harassed is encouraged to promptly make a complaint. Complaints concerning the Title IX Coordinator may be submitted to the superintendent and complaints concerning the superintendent may be submitted to the Board of Education. Any student, parent/guardian or community member who witnesses or receives credible information about alleged discrimination or harassment is strongly encouraged to promptly submit a report. Employees who witness or receive credible information about alleged discrimination or harassment must submit a report.

Complaints or reports may be submitted to the District's Title IX Coordinator, the school's Deputy Title IX Coordinator, a District employee, or by the District's online reporting form, or in writing, in-person, by phone, or by email. Individuals requiring accommodations for purposes of making a complaint or report due to disability or other reasons should contact the Title IX Coordinator. If a complaint is given to a District employee, the employee must promptly forward all information regarding the complaint to the Title IX Coordinator or Deputy Title IX Coordinator.

Reports shall be submitted as soon as practical after the information is received. Complaints received more than 180 calendar days after the event giving rise to the complaint or from the date the complainant could reasonably become aware of such occurrence will not be accepted for investigation, except that extensions may be granted upon a determination by the Title IX Coordinator that the aggrieved individual was prevented from filing as a result of circumstances beyond the individual's control, or for other good cause.

Complaints and reports must be kept confidential to the extent practical except as provided by law. This expectation applies to the District and the parties involved.

### ■ Evaluation and Dismissal by Title IX Coordinator or Designated Administrator

The designated administrator and/or Title IX Coordinator shall conduct a preliminary evaluation of all complaints and reports to determine whether to proceed to an investigation under this regulation or to take other appropriate steps. If the alleged conduct is not part of the education program or activity, the complaint or report must be dismissed under these procedures. A complaint may also be dismissed for the following reasons:

- At the request of complainant;
- When the preliminary evaluation reveals that the complaint would not constitute sex discrimination or sex-based harassment as defined in this policy even if the allegations are proven true;
- The designated administrator or Title IX Coordinator is unable to identify a respondent, or the respondent is not participating in a district program or activity.

Written notice of a dismissal must be promptly submitted to the complainant, and to both the complainant and respondent if the respondent was given notice of the complaint. Dismissal of a complaint does not prevent the District from taking action to remedy the alleged conduct consistent with other applicable policies, including District Policy AC-R1 – Harassment and Discrimination Investigation Procedures for Students, District Policy AC-R2 – Harassment and Discrimination Investigation Procedures for Employees or Applicants for Employment, and District Policy JICDE – Bullying Prevention and Education or the Student Rights and Code of Conduct.

The District shall not use a student complaint of sex-based harassment or discrimination, whether verbal or in writing, or information revealed in any investigation nor disciplinary proceedings of the complaint, as the basis for, or a consideration in, investigating or exacting any disciplinary response for a school violation by the complaining student or complainant related to the alleged incident for any of the following:

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

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

### ■ Initial Discussion with the Parties

Following the initial evaluation, the Title IX Coordinator or designated administrator will begin the investigation in a reasonable and prompt manner, taking the following steps:

- Initial discussion with reporting party, if any, and complainant: a discussion will occur with the complainant to provide the relevant information, including complainant's options for formal or informal resolution. If the complainant does not want to proceed with the complaint, the Title IX Coordinator may elect to proceed with the investigation if the conduct presents an imminent and serious threat to someone's health or safety or prevents the District from ensuring equal access based on sex to its programs and activities.
- Initial discussion with respondent: a discussion will occur with the respondent, and, if this individual is a student, their parent/guardian to obtain a response to the complaint. As part of the initial discussion, the Title IX Coordinator will provide the respondent written notice as to the allegations against them and give the respondent a chance to respond to those allegations.
- Notice of the allegations: the complainant and respondent will be provided with notice of the allegations, which includes the following information:
  - o Available supportive measures;
  - o Copies of District Policy AC – Nondiscrimination/Equal Opportunity and this regulation;
  - o Timeline for the investigation process and the District's legal obligations;
  - o Information on the informal resolution process, if offered;
  - o Sufficient information regarding identities to allow parties to respond;

- o Retaliation is prohibited;
- o Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or a description of the evidence; and
- o Additional notice will be provided if the District decides to investigate additional allegations.

### ■ Supportive Measures

The designated administrator must offer supportive measures and accommodations to a student alleged to be experiencing sex-based harassment or discrimination that are designed to protect the safety of all students and that preserve and restore equal access to education for the student. The designated administrator shall not disclose information about any supportive measures to persons other than District employees necessary to implement the supportive measures and accommodations and the person to whom the supportive measures apply. The designated administrator shall not share one party's supportive measures with another party.

A finding of harassment or discrimination is not required prior to providing supportive measures. A designated administrator may modify or terminate supportive measures at any time, based on a change in circumstances involving the parties.

### ■ Informal Resolution Process

When the Title IX Coordinator deems it appropriate, an informal resolution process may be instituted with an impartial facilitator who is not the Title IX Coordinator, investigator, or decision maker. Informal resolution is not appropriate in all circumstances. The informal resolution process may only be used if both parties agree, and such agreement is voluntary, non-coerced, and documented in writing. Informal resolution is not available in cases where a District employee is alleged to have sexually harassed a student.

Prior to initiating an informal resolution process, both parties must be provided written notice explaining the allegations, the requirements of the informal resolution process, that either party has the right to withdraw from the informal resolution process, that an agreement at the conclusion of the informal resolution process would prevent the parties from initiating grievance procedures arising from the same allegations; the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and what information the District will maintain and whether/how that information could be disclosed for use in the investigation, if informal resolution is not successful and the investigation resumes.

Generally, the informal resolution process should be completed within sixty (60) calendar days from the parties' agreement to the process, unless good cause is shown.

### ■ Formal Resolution Process

If informal resolution is inappropriate, unavailable, not completed within a reasonable amount of time, or unsuccessful, the complaint or report will be resolved through a formal investigation.

### Collection of Evidence

Both parties will have an equal opportunity to be heard and to provide evidence obtained through the course of the investigation. The investigator shall interview the parties and any witnesses, review any available relevant evidence, and consider patterns of misconduct as relevant evidence. Collection of evidence may also include physical documentary evidence or evidence about the credibility of the parties involved.

Both parties shall have the same opportunity to have an advisor or other person present during any part of the investigative process. During interviews and meetings, the advisor may not speak for the party and must limit their role to consulting with and advising the party. The District will establish and maintain procedures regarding the extent to which an advisor may participate in the proceedings. Any restrictions on advisor(s) must apply equally to both parties.

The investigator will determine the relevance of evidence, what evidence is impermissible, and what evidence will be included in the investigator's findings of fact. The following types of evidence, and questions seeking that evidence, are impermissible, regardless of whether they are relevant:

- Evidence protected under legal privilege;
- A party's or witness's records that are made or maintained by a recognized health professional in connection with the provision or treatment, unless voluntary, written consent for use in the formal resolution process is obtained;
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless offered to prove someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The investigator must not rely solely on a criminal investigation by a law enforcement agency. However, the investigator may delay the District's investigation for a reasonable amount of time, at the written request of law enforcement, to avoid jeopardizing a pending criminal investigation.

## **Report**

The investigator will make a good faith effort to complete an investigation that is fair, impartial, and prompt and make any findings within sixty (60) calendar days after the complaint or report is made, without infringing upon the rights in federal and state law of the complainant and respondent. The investigator may extend the sixty-day deadline for up to an additional thirty (30) calendar days for good cause, with written approval from the Title IX Coordinator, and with prior written notice to the complainant and respondent of the delay and the reason for the delay or may extend the deadline at the request of a law enforcement agency.

The investigator will provide written updates about the status of an investigation or proceeding to the parties and the parties' parent/guardian, and to the Title IX Coordinator at each state of the investigation or proceeding, but at least every fifteen (15) work days.

Prior to determining whether the allegations amount to a policy violation, the investigator will provide the parties with a written summary and/or not otherwise impermissible evidence. This evidence and/or summary will be sent or otherwise available for the parties' viewing upon their request for a period of five (5) school days prior to a determination being made.

## **Determination**

The determination will be made by the decision maker using the "preponderance of the evidence" evidentiary standard, meaning the decision maker will determine whether it is more likely than not that a policy violation occurred. The parties will receive concurrent notification of the outcome of the investigation and any findings.

## **Consequences or Disciplinary Action**

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

## **■ Appeal**

If either party is not satisfied with the determination, the party may appeal to the Title IX Coordinator or official designee(s) within five (5) school days following the notification of the findings. If no appeal is filed, the findings will become final after five (5) school days. The grounds for an appeal are limited to the following bases:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; or
- A conflict of interest or bias for or against a party or parties that affected the outcome of the matter.

Both parties will receive written notice of any appeal and both shall have the opportunity to submit written statements either in support of or challenging the written determination. The designated administrator shall have up to ten (10) school days to arrange for and hold a meeting with each party and provide a written decision to the parties.

The designated administrator may: (1) affirm the written determination; (2) overturn the written determination; or (3) send the report back to the investigator for additional investigation. The written decision to affirm or overturn the report is final. The decision shall be provided to both parties simultaneously.

### ■ Student Pregnancy and Related Conditions

Any employee that receives notice from a student, or person with a legal right to act on behalf of the student, that the student is pregnant or has a related condition, the employee must provide the Title IX Coordinator and Deputy Title IX Coordinator's contact information and share that the Title IX Coordinator or Deputy Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

### ■ Engaging in Retaliation or Making a False Complaint or Report

It is a violation of this policy for any person to retaliate against a person who alleges sex-based harassment or who testifies, assists, or participates in an investigation, proceeding or hearing related to sex-based harassment allegations. A violation of this anti-retaliation provision may exist regardless of whether the underlying complaint or report of sex-based harassment is substantiated.

Allegations of retaliation are subject to the complaint, report, investigation, and enforcement procedures set forth in this policy or other applicable policy. Any person who knowingly makes a false complaint, or false report of sex-based harassment will be subject to disciplinary action in accordance with District policies. The outcome of an investigation, on its own, is insufficient to support a finding of a false complaint or report.

### ■ Recordkeeping

The Title IX Coordinator must be provided with all records of a sex-based harassment complaint or report. The District will retain the records for a minimum of seven (7) years. The record of a complaint or report includes any supportive measures or accommodations taken in response to a complaint, report, or the complaint or report of sex-based harassment and documentation of the basis for the action and response.

### ■ Notice and Training

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

District employees and students will receive periodic training related to recognizing and preventing sex-based harassment. District employees must receive additional periodic training related to handling reports of sex-based harassment. Title IX Coordinators, Deputy Title IX Coordinators, investigators, decision makers, informal resolution facilitators, and other persons involved in the resolution process or with authority to modify or terminate supportive measures must receive additional periodic training specific to their role relating to handling reports of sex-based harassment as required by the law. Training materials are available to the public on the District's website.

The Title IX Coordinator must monitor the District for barriers to reporting information that may constitute sex-based harassment under Title IX. Additionally, all employees must notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination or sex-based harassment under Title IX.



## ■ Outside Agencies

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

## Nondiscrimination on the Basis of Disability (ACE)

Poudre School District is committed to the policy of nondiscrimination on the basis of disability under all applicable laws, including but not limited to Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. § 794 ("Section 504") and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. ("ADA"). Section 504 and the ADA provide that no qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity. The District does not unlawfully discriminate on the basis of disability in access or admission to, or treatment or employment in, its programs or activities. The prohibition against discrimination includes a prohibition against harassment.

### ■ Nondiscrimination with Respect to Students

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

### ■ Nondiscrimination in Employment

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

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

The District shall make reasonable accommodations as required by law for members of the public who seek to participate in or enjoy the benefits of District programs, services or activities. The District shall also make reasonable accommodations as required by law for parents/guardians to attend their children's curricular and extracurricular programs and activities, and to participate on the same basis as parents/guardians who are not disabled in school-related matters concerning their children such as parent-teacher conferences, IEP meetings, Section 504 meetings, disciplinary hearings, and the like.

### ■ Section 504/ADA Coordinators

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

### ■ Resolution of Disability Discrimination Complaints

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

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

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

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

## ■ Grievance Procedure

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

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

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

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

- Step 3:** If the complainant is not satisfied with the written determination of the complaint rendered by the District Section 504/ADA coordinator's designee at the conclusion of Step 2, the complainant may appeal that determination to the appropriate District Section 504/ADA coordinator within ten (10) calendar days after receiving it. The appeal should be in writing and describe with specificity the basis of each point of disagreement with the written determination. If the complainant is unable to file the appeal in writing because of a disability or other legitimate reason, the complainant may have another person do so or may orally describe the basis of each point of disagreement with the written determination to the District Section 504/ADA coordinator. In the event of an oral appeal, the District Section 504/ADA coordinator shall document the information provided, read it back to the complainant and give the complainant an opportunity to correct the information read back.
- Step 4:** The District Section 504/ADA coordinator shall promptly review the appeal, conduct further investigation and/or meet with the complainant as the coordinator deems necessary, and shall render a written decision concerning the appeal within thirty (30) calendar days after receipt of the appeal. Copies of the coordinator's written decision shall be provided to: (a) the complainant; (b) the person(s) alleged to have engaged in the discrimination; and (c) the member of the superintendent's cabinet responsible for the school, department or program in which the alleged discrimination occurred.
- Step 5:** If the complainant is not satisfied with the written decision concerning the appeal rendered by the District Section 504/ADA coordinator, the complainant may pursue any remedy or litigation authorized by law.

### ■ Impartial Due Process Hearing Procedure

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

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

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

The impartial due process hearing shall be recorded. Each party shall have the right to present witnesses, documents and other relevant evidence in support of their case. The independent hearing officer shall issue a written decision within ten (10) business days after the conclusion of the hearing that addresses each of the issues properly submitted. The hearing officer's decision shall: (a) be confined to matters concerning the student's section 504 identification, evaluation or educational placement; (b) be based

solely on relevant evidence introduced at the hearing; (c) include a summary of the relevant evidence presented and the reasons for the decision rendered; and (d) be provided to all parties to the hearing, including the parents/guardian of each student. The hearing officer may not assess or award attorney fees related to the hearing.

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

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

## Harassment or Discrimination of Students (JBB)

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

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

- Submission to the conduct or communication is explicitly or implicitly made a term or condition of the individual's access to an educational service, opportunity or benefit;
- Submission to, objection to, or rejection of the conduct or communication is used or explicitly or implicitly threatened to be used as a basis for educational decisions affecting the individual; or
- The conduct or communication has the purpose or effect of unreasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment.

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

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

- The frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment or discrimination;
- The number of individuals engaged in the conduct or communication;
- The type or nature of the conduct or communication;
- The duration of the conduct or communication;
- The location where the conduct or communication occurred;
- Whether the conduct or communication is threatening;
- Whether any power differential exists between the individual alleged to have engaged in harassment or discrimination and the individual alleging the harassment or discrimination;
- Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading;
- Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class;

- Whether the conduct includes an act of physical violence;
- For harassment or discrimination based on race or color, whether the conduct or communication uses nicknames emphasizing stereotypes, racial slurs, or negative references to racial customs;
- For harassment or discrimination based on religion, comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti;
- For harassment or discrimination based on national origin or ancestry, comments regarding surnames, manner of speaking, customs, language or ethnic slurs;
- For harassment or discrimination based on sexual orientation, gender identity, gender expression, or transgender identity, name-calling and imitating mannerisms, and deliberately misusing a transgender student's chosen name, form of address or gender-related pronoun; or
- For harassment based on disability or need for special education services, comments or conduct that imitate manner of speech or movement, hostile or offensive acts, and/or interference with movement or access to necessary equipment.

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

Under Title IX of the Educational Amendments of 1972, sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment is further defined in District Policy AC – Nondiscrimination/Equal Opportunity. Sex-based harassment pursuant to Title IX is investigated under District Policy AC-R3. Sex-based harassment that does not fall under the Title IX definition may still qualify as sex-based harassment under state law, in which case the District will investigate under District Regulation AC-R1 – Harassment and Discrimination Investigation Procedures for Students.

All District employees, authorized volunteers and students share the responsibility to ensure that harassment or discrimination based on a protected class does not occur at any District school, on any District property, at any District or school-sponsored activities or events, when students are being transported in any vehicle dispatched by the District or one of its schools, or off school property when such conduct has a reasonable connection to school or any District curricular or non-curricular activity or event. Toward that end:

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

Remedial and/or disciplinary actions shall include measures designed to stop the harassment or discrimination, correct its negative impact on the affected student, and ensure that the harassment or discrimination does not recur. Steps shall also be

taken to ensure that targets of and witnesses to harassment or discrimination are protected from retaliation for reporting the harassment or discrimination or providing information in connection with a harassment or discrimination investigation.

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

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

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

## **Student Possession and Use of Personal Communication Devices (JICJ)**

As used in this policy, "personal communication device" or "PCD" is defined to include all student cell phones, pagers, iPods, MP3 players, Zunes, personal digital assistants, cameras, audio and/or video recorders and players, and all other hand-held electronic communication and data storage devices.

Students may only possess and use PCDs on District property, on a District vehicle, at a District or school-sponsored activity or event, and off District property when such possession or use has a reasonable connection to school or any District curricular or non-curricular activity or event, in accordance with the following rules:

1. Students shall not use PCDs at any time they are in class or participating in or attending education-related activities, unless otherwise expressly authorized by the principal or his/her designee.
2. Students shall keep PCDs out of sight at all times they are in class and at all times they are participating in or attending education-related activities, unless otherwise expressly authorized by the principal or his/her designee.
3. Students shall keep PCDs turned off or dormant at all times they are in class and at all times they are participating in or attending education-related activities, unless otherwise expressly authorized by the principal or his/her designee. In this regard, "dormant" means elimination of all vibration alerts, alarms, ringtones, flashes, and other methods of notification of incoming calls or messages.
4. Students shall not use PCDs when they are not in class or when they are not otherwise participating in or attending education-related activities if such use disrupts the educational process, interferes with or disrupts school operations, or interferes with or disrupts a District or school-sponsored activity or event, as determined by the principal or his/her designees.
5. Students shall not use PCDs on District vehicles in a manner that may interfere with or disrupt the safe operation of the vehicle, as determined by District transportation officials or their designees.
6. Students shall not use PCDs with cameras and/or video recording capabilities at any time they are in a bathroom, locker room or other location where such use could violate another person's reasonable expectation of privacy, and shall keep PCDs with cameras and/or video recording capabilities out of sight at all times they are in a bathroom, locker room or other location where such PCDs could violate another person's reasonable expectation of privacy.
7. Students shall not use PCDs to send, receive or store pornography or sexually oriented images, photographs, videos, or messages in written or audio form, that may be reasonably perceived as having the purpose or effect of stimulating erotic feelings or appealing to prurient interests.



8. Students shall not possess or use PCDs in any manner that involves a violation of any law, District policy or regulation, or established school rules.

Rules 1-3 above shall not apply to the extent they conflict with a student's IEP or Section 504 Plan. Rules 1-4 above shall not apply in an emergency situation affecting a student at school. As used in this policy, an "emergency situation" is defined as a situation that threatens loss of life, personal injury and/or damage to the personal property of the affected student.

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

1. Confiscation of the PCD possessed or used in violation of the rules for a period of time to be determined by the principal or his/her designee, up to and including the remainder of the school year. The return of confiscated PCDs may be conditioned on a meeting between the student's parent/guardian and the principal or his/her designee to discuss the violation and steps that may be taken to ensure future compliance with the rules in this policy.
2. Receiving a failing grade with respect to any test or assignment during which the student possessed or used a PCD in violation of the rules in this policy.
3. Discipline, including suspension or expulsion from school.
4. Referral of the matter to law enforcement authorities when the student's PCD possession or use may involve a violation of the law.

## Student Use of District Information Technology (JS)

Student use of District information technology is a privilege, not a right, and is only authorized for education-related purposes. Student use of District information technology shall be in accordance with this policy, in accordance with governing law and in accordance with other relevant District policies and regulations. Each time a student uses a District computer or network, the student shall acknowledge the terms and conditions in this policy that govern the student's use of District information technology.

Student authorization to use District information technology may be suspended at any time it is in the District's best interest to do so, as determined by the District in its sole discretion. The District reserves the right to set and revise limits on student network bandwidth usage and e-mail and file storage on District computers. Student authorization to use District information technology shall be terminated when the student ceases to be enrolled in a District school or program.

As used in this policy, "District information technology" includes District computers, personal communication devices ("PCDs"), e-mail and Internet access. As used in this policy, the term "computer" includes all District computers, computer systems and networks, computer hardware and associated peripheral equipment, and software purchased, licensed or developed by the District. As used in this policy, "personal communication device" or "PCD" includes all District tablets, cameras, audio/video recorders, audio/video players, and other hand-held electronic communication, computing and data storage devices.

Students may be issued District laptop computers and/or PCDs to be used at school and away from school, which may be conditioned on the payment of a charge for District insurance covering such laptop computers and/or PCDs. Intentional or reckless student acts and omissions that result in damage or loss of District laptop computers and/or PCDs may result in loss of the privilege of being issued a District laptop computer and/or PCD.

### ■ No Expectation of Privacy

Because all student communications and all related documents, data, software and other information stored on District computers and/or PCDs are authorized only for education-related purposes as part of the District's instructional program, students shall have no expectation of privacy with respect to their use of District information technology and Internet access. The District reserves the right at any time and without notice to monitor such use and to inspect, copy, review, segregate, store and/or remove any or all communications, documents, data, software and other information related to such use.



### ■ Computer and PCD Security

Student passwords for logging on to District computers, and for accessing District computers, e-mail and the Internet through other means, shall be carefully guarded to ensure that they are used only by authorized persons. Students shall not disclose their passwords to anyone besides their parent/guardian, shall not allow another person to gain access to District computers, e-mail or the Internet through the use of their passwords unless expressly authorized by a building technology coordinator or District technology support personnel, and shall not use another person's password to gain access to District computers, e-mail or the Internet unless expressly authorized by a building technology coordinator or District technology support personnel. The executive director of information technology shall prescribe requirements for password complexity and for the period of time a password may remain in effect before needing to be changed.

Students shall not leave unattended any computer or PCD without first closing all applications through which the District's confidential student and/or personnel information may be accessed, and shall not leave a District laptop computer, PCD or other portable technology for which they are responsible where it can be taken or used without authorization. Students shall password protect their PCDs.

### ■ Student Safety

Students shall not disclose their names or other personally identifiable information such as photographs, home addresses or telephone numbers in connection with their individual use of the Internet through District computers and/or PCDs. Students shall not disclose information that might allow another person to locate them in connection with their individual use of the Internet through District computers and/or PCDs, and shall not arrange face-to-face meetings with persons individually met on the Internet via e-mail or through other electronic communications.

### ■ E-mail

After an e-mail is received in a student's inbox, the student may retain it in the inbox, save it in another folder or delete it. E-mail deleted from the student's inbox, saved e-mail folders and sent items folder remains accessible through the student's account in the "deleted items" folder. The information technology department shall purge student e-mail at the end of each school year in order to help maintain sufficient storage space on the District's system, unless otherwise required by law or District policy, or dictated by District needs.

### ■ Internet

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

### ■ Hardware, Peripherals, Software and Programs

Students shall not hook up or otherwise attach any hardware or peripheral equipment to a District computer or PCD unless expressly authorized by a building technology coordinator or District technology support personnel. Students shall not directly or indirectly modify or circumvent the operating condition set by the information technology department on any District computer or PCD unless expressly authorized by a building technology coordinator or District technology support personnel.

## ■ Prohibited Uses

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

- contains sexually oriented content or pornography, in either written or picture form, that may be reasonably perceived as having the purpose or effect of stimulating erotic feelings or appealing to prurient interests;
- directs profanity, obscenities or vulgar language toward another person or classification of persons;
- promotes violence or advocates unlawful acts;
- concerns the purchase or manufacture of weapons, controlled substances, or items that it is not lawful to acquire and/or own;
- harasses, bullies, threatens or promotes violence against another person or classification of persons;
- concerns the purchase or sale of goods and/or services, or any transaction or advertising related to the student's personal interests or profit;
- constitutes plagiarism;
- defames another person or classification of persons;
- violates another person's confidentiality rights, or discloses information regarding which another person has a reasonable expectation of privacy;
- involves impersonation or electronic transmission through an anonymous remailer;
- involves unauthorized access to District computers, computer files, e-mail accounts, e-mail files, or Internet sites;
- involves unauthorized use or downloading of software, files or data;
- violates federal, state or local law, including but not limited to criminal law and trademark, copyright or patent law;
- violates District policy or regulation;
- interferes with the normal operation or use of District computers, e-mail or Internet access, or otherwise disrupts District operations;
- interferes with a school's ability to provide educational opportunities to students.

## ■ Consequences for Policy Violation

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

## Choice/Open Enrollment (JFBA)

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

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

## ■ Definitions

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

**“Choice/open enrollment”** means parent/guardian-initiated enrollment of a student in a K-12 District school or program other than the school or program in which the student is currently enrolled or to which the student is currently assigned (“choice school or program”).

**“Option school or program”** means a K-12 District school or program that does not have a neighborhood attendance area.

**“Program”** means a District International Baccalaureate (IB) Program, Core Knowledge Program, Expeditionary Learning Program or Bilingual Program.

## ■ General Rules

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

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

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

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

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

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

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

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

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

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

**■ Choice/Open Enrollment Process Applications**

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

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

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

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

## ■ Determining Availability of Space

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

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

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

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

1. Students who reside within the attendance area of a neighborhood school and wish to return during the current school year or students who reside within the District who wish to continue attending a District program from elementary to middle school or middle school to high school for the following school year.
2. New student applicants who reside within the District whose sibling is currently attending or will be attending the requested school the following school year. Siblings must reside at the same residence. Multiple birth siblings will be considered together when determining availability of space.
3. Students whose parent/guardian is employed at the District (regardless of whether the student resides within or outside of the District), if applying to attend an option school or program for the following school year or if the student wishes to attend a different school during the current school year.
4. New student applicants who reside within the District and do not meet the criteria for number 1, 2 or 3.
5. Students who reside outside of the District who wish to continue attending a District program from elementary to middle school or middle to high school for the following school year.
6. New student applicants who reside outside of the District whose sibling is currently attending or will be attending the requested school the following school year. Siblings must reside at the same residence. Multiple birth siblings will be considered together when determining availability of space.
7. New student applicants who reside outside of the District and do not meet the criteria for numbers 5 or 6.

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

### ■ Determining Eligibility

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

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

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

### ■ Acceptance

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

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

### ■ Waiting List

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

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

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

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

### ■ Children of an Inbound Active-Duty Military Member

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

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

### ■ **Transportation**

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

### ■ **Athletics**

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

### ■ **Nondiscrimination**

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

### ■ **Special Education Students**

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

### ■ **Appeals**

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

## **Public Concerns/Complaints About Instructional Resources (KEC)**

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

1. If the complaint is lodged directly with the media specialist or a classroom teacher, an immediate dialogue between the teacher and the complainant is encouraged with the hope that the concern may be resolved at that level with no further action necessary.
2. If the complaint is lodged with other than the media specialist or classroom teacher or an administrator, the matter shall be referred immediately to the media specialist or classroom teacher and the building principal.
3. The first effort of a principal or other administrator in dealing with a complaint shall be to allow the media specialist or classroom teacher involved to seek resolution of the concern with or without the involvement of the principal as circumstances may indicate.



4. The District Media and Technology Support Center shall be notified of all requests for reconsideration regarding educational materials and may assist the media specialist or classroom teacher and/or principal by providing review and selection information.
5. If attempts at informal resolution of the complaint are unsuccessful, the complainant shall fill out the reconsideration form provided by the District, after which a hearing shall be held involving the complainant, the media specialist or classroom teacher, the principal or other administrators, and other appropriate parties. Every reasonable effort shall be made to settle the matter at this level.
6. If further consideration is necessary, the complaint shall be referred to the executive director of student achievement and professional development, and a decision shall be made as to whether temporary restrictions shall be placed on the use of the materials or subject matter pending resolution of the concern.
7. The executive director of student achievement and professional development shall select and chair a committee including appropriate representation of teachers, administrators, media specialists, and parents or other citizens. This committee shall hear all parties involved in the complaint and render to the complainant its decision in writing within 10 school days following the hearing.
8. The complainant shall be informed that any further consideration of the matter shall require arrangement with the superintendent, who will make final determination.

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

## Public Concerns/Complaints Form (KEC-E)

**(Must be filed within 60 days of incident)**

School or site location of incident(s): \_\_\_\_\_

Date(s) of incident(s): \_\_\_\_\_

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

Outcome you are requesting:

Name: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City Zip Code

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

Date: \_\_\_\_\_ Administrator Signature: \_\_\_\_\_

Return to:

### Office of Assistant Superintendents

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

## Visitors to Schools (KI)

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

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

## Mission

Educate...Every Child, Every Day

## Vision

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



Poudre School District

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Phone: (970) 482-7420

**Email:** [info@psdschools.org](mailto:info@psdschools.org)

**Website:** [www.psdschools.org](http://www.psdschools.org)