



Suspension/Expulsion Policy

School Discipline Administration

Discipline practices will be administered in an equitable manner. Discipline consequences will be age-appropriate. The discipline process will address the needs of the student who engaged in the misconduct, the needs of those who were affected by the misconduct, and the needs of the overall school community.

The Board of Directors shall provide due process of law to students through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. In matters involving misconduct that may or will result in the student's suspension and/or expulsion, the student's parent/guardian shall be notified and involved to the greatest possible extent in the disciplinary procedures.

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

Staff Training

Staff training will be provided to ensure that the disciplinary program is effective and that relevant policies and procedures are equitably applied.

Non-Discrimination

School staff responsible for implementing this policy shall do so without discrimination based on race, color, gender, sexual orientation, gender identity or expression, transgender status, religion, national origin, immigration/citizenship status, ancestry, age, marital status, pregnancy status, veteran status, disability, or participation in a discrimination investigation.

Students with Disabilities

Discipline for students with disabilities shall be in accordance with the student's individualized education plan (IEP), any behavior intervention plan, 504 plan, and applicable laws affording procedural safeguards to students with disabilities.

Student Conduct Subject to Disciplinary Action

Student conduct during either curricular or extracurricular activities in classrooms, in school buildings, on and off school grounds, or in school vehicles may be subject to disciplinary action, if such conduct is detrimental to the school environment and to the welfare or safety of other students or school personnel. A student is subject to conduct that occurs online if this conduct causes a disruption to the educational environment.

Distribution

CMA will post the policy on the school web site, in an accessible format for parents. Copies of this policy and school rules will be made available, upon request, to each student and parent/guardian, and upon request, translated in a language that the parent/guardian can understand.

CMA will make students aware of the contents of this policy and other school rules related to conduct. This policy will be distributed at the beginning of the school year, upon initial enrollment, and will be posted on the school's website and in the Student/Family Handbook.

Other Disciplinary Interventions

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

Procedure for Removal of Disruptive Students from Classroom

A student may be deemed a "habitually disruptive" student, if the student has caused a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the school year.

A teacher may remove a disruptive student from his or her classroom to ensure the safety of other students in the classroom and to ensure the educational environment in the classroom.

The student and the parent or legal guardian shall be notified in writing of each disruption counted toward declaring the student as "habitually disruptive" and the student and parent or legal guardian shall be notified in writing and by telephone or other means at the home or place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

A behavior plan may be developed after the first removal from class and shall be developed after the second removal from class. The plan will include a procedure for due process and if subsequent removals occur, the teacher or Executive Director will contact the parent or legal guardian as soon as possible. A meeting between the student, parent, teacher, and/or Executive Director will occur to discuss the behavior and best steps moving forward.

A student will only be removed from a teacher's class for the remainder of the term of class if the Executive Director or designee has developed and implemented a behavior plan for the student.

Note: this process is only for habitually disruptive students. If seclusion or restraint is used, the School will follow the restraint and seclusion policy.

Considerations

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

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

Grievances

Issues/concerns with student discipline shall be addressed via the Colorado Military Academy Grievance Policy available on the CMA Website on the Board Policies Page. Decisions on grievances can be appealed to the CMA board and thereafter to the CSI Executive Director.

Suspension and Expulsion

Grounds for suspension and expulsion – C.R.S. 22-33-106

1. Continued willful disobedience or open and persistent defiance of proper authority
2. Willful destruction or defacing of school property
3. Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children
 - a. Note: if a child who creates the threat is a child with a disability pursuant to section 22-20-103(5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability.
4. Declaration as a habitually disruptive student
 - a. "Habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned three or more times during the course of a school year.
5. Committing one of the following offenses on school grounds, in a school vehicle, or at a school sanctioned event:
 - a. Possession of a dangerous weapon without the authorization of the school
 - b. The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102(5); or
 - c. The commission of an act that, if committed by an adult, would be robbery pursuant to section 18-4-3, other than the commission of an act that would be third degree assault under section 18-3-204, if committed by an adult.
6. Repeated interference with a school's ability to provide education opportunities to other students
7. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property

8. Pursuant to section 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school officials or personnel
9. Pursuant to 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's Executive Director may modify this requirement for a student on a case-by-case basis if such modification is in writing.

Suspension and Expulsion for Students in Preschool through Second Grade

Out-of-school suspensions and expulsions for student in grades kindergarten through second will be administered according to state statute (C.R.S. §22-33-106.1).

CMA may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade, only if

1. The school determines that student has engaged in conduct on school grounds, in a school vehicle, or at a school activity event that: a. Involves the possession of a dangerous weapon without the authorization of the school; b. Involves the use, possession, or sale of a drug or controlled substance, as defined in C.R.S. 18-18-102(5); or c. Endangers the health or safety of others.
2. If the school determines the student has engaged in one of the conducts above, the school must determine that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed.
3. If the school determines that provisions (1) and (2) are satisfied, the school, on a case-by-case basis, must consider each of the factors set forth in C.R.S. 22-33-106(1.2) before suspending or expelling the student. The school shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.
- 4.

Students in these grades may only be suspended up to three days unless a longer period is necessary to resolve a safety threat, or unless the student is recommended for expulsion.

If a school requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this law.

Schools should maintain accurate documentation of any and all suspensions and expulsion determinations. Particularly for out-of-school suspension and expulsions of children in preschool through second grade, this documentation should outline the school's thought process and determinations for each of the listed criteria and evidence of how the school made this determination.

Procedure for Suspension of 10 Days or Less

Delegation of Authority

The Board of Directors delegates to the Commandant/Dean of Students or to a person designated in writing by the Commandant/Dean of Students the power to suspend a student for not more than five school days on the grounds stated in C.R.S. 22-33-106(1)(a), (1)(b), (1)(c) or (1)(e) 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.

The Board delegates to the Executive Director of the school the authority to suspend a student, in accordance with C.R.S. 22-33-105, for an additional 10 school days plus up to and including an additional 10 more days necessary in order to present the matter to the Board, but the total period of suspension pursuant to this paragraph 1 and 2 of this subsection shall not exceed twenty-five school days.

The school will follow all applicable special education rules and regulations pertaining to student discipline, specifically suspensions. In no case shall the period of suspension exceed 25 school days. As a general rule, a suspension will be 10 days or less unless the matter poses a significant threat to the safety or wellbeing of other students or staff.

When the term “parent/guardian” is used, it refers to the parent/guardian of students under 18 years of age; if the student is 18 years or older, it refers to the student. All references to parent/guardian are intended to also include legal custodian.

Discipline Determination Meeting

Informal meetings are held for suspensions ten days or less and should be performed immediately.

During an informal meeting:

- a. The student shall have an opportunity to explain his or her position regarding the incident constituting grounds for discipline;
- b. The student shall be given an opportunity to admit or deny the accusation; and
- c. In the event of contradictory facts, the school authorities should attempt to ascertain the facts before disciplinary action is taken.

At his or her discretion, the Executive Director or designee may go further in allowing the student to present witnesses or may themselves call the accuser or hold a more extensive meeting in order to make a proper decision on the contemplated action. The notice and informal meeting should precede removal of the student from school, with the exception of emergency suspension as defined below. There need be no delay between the time notice is given and the time of the hearing.

Notice

The Executive Director or his/her designee shall immediately notify the student and parent/guardian of its decision to suspend. This notice must be provided as soon as the school decides to suspend. Such notice may be oral or in writing. If oral, such notice will be followed by written notice.

Contents of Notice

The notice shall contain the following basic information:

- a. A statement of what the student is accused of doing;
- b. A statement of the basis of the accusation. Specific names may be withheld if necessary;
- c. A statement of what school rules/policies the student is accused of violating;

- d. Period of suspension; and
- e. Time and place for the parent/guardian to meet with the school to review the suspension.

Emergency Suspension

If the student's presence in the school presents a potential safety risk or threat of imminent danger, notice and an informal hearing need not be given prior to removal from school. This will apply where a student's presence presents a continuing danger to persons or property or a significant ongoing threat of disrupting the academic process. Notice and informal hearing should follow the removal as soon thereafter as practical.

Removal from School Grounds

A suspended student shall be required to leave the school building and the school grounds immediately following a determination by the parent/guardian and the Executive Director or designee of the best way to transfer custody of the student to the parent/guardian. If the parent/guardian chooses not to pick up a student after a decision to suspend has been made, the student will be placed in in-school suspension until the parent comes to pick the student up.

If the parent/guardian refuses to keep the student home and drops them off at school on days that the student should be suspended, the student will be placed in in-school suspension until the parent come to pick the student up.

In the event that a parent/guardian refused to pick up the student from school, the Executive Director or designee will have to reach out to law enforcement, as the student would be considered abandoned at that point by the parent/guardian.

Readmittance

No student will be readmitted to school until a meeting with the parent/guardian has taken place or until, in the opinion of the Executive Director or designee, the parent/guardian has substantially agreed to review the suspension with the suspending authority. The meeting shall address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.

The Executive Director or designee shall make every reasonable effort to meet with the parent/guardian of the student during the period of suspension. However, if the Executive Director or designee cannot contact the parent/guardian or if the parent/guardian fails to appear for scheduled meetings, the suspending authority may readmit the student at their discretion, to complete the readmittance meeting. The Executive Director or designee shall not extend a period of suspension because of the failure of the Executive Director or designee to meet with the parent/guardian during the period of suspension.

Make-up Work

Suspended students shall be provided an opportunity to make up schoolwork during the period of suspension so that the student is able to reintegrate into the educational program of the school following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work which is completed satisfactorily. In determining whether to provide full or

partial credit, pursuant to state law, the school will consider their goal which is to reintegrate the student back into the classroom and help prevent the student from dropping out.

Procedure for Extension of Suspensions

The Board of Directors may extend a suspension imposed by an Executive Director or designee for a period not to exceed 10 school days. The student and the student's parent/guardian will be given written notice of the extension.

Alternatively, the Board of Directors may delegate the authority to extend a suspension for 10 school days to its Executive Director, but the Executive Director shall only do so if necessary in order to present the matter at the next meeting of the Board. If it is determined that an additional suspension is warranted, the parent/guardian will be notified as soon as practical.

In no case shall the total period of suspension exceed 25 school days.

Procedure for Expulsion or Denial of Admission

Delegation of Authority

Unless otherwise determined by the Board of Directors, the Board delegates to the Executive Director or to a designee who shall serve as a hearing officer the authority to deny admission to or expel for any period not extending beyond one year any student whom the Executive Director, in accordance with the limitations imposed by Title 22, Article 33, of the Colorado Revised Statutes, shall determine does not qualify for admission to or continued attendance at the school.

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

Notice

Prior to the date of the contemplated expulsion or denial of admission, the Executive Director or designee will provide written notice of such proposed action to the student and student's parent/guardian as soon as possible. Such notice may be delivered in person, by email, or by United States mail.

Contents of Notice

The notice will contain the following information:

- a. A statement of the reasons alleged for the contemplated denial of admission or expulsion;
- b. A statement that a hearing on the question of expulsion or denial of admission will be held;
- c. A statement of the date, time, and place of the hearing;
- d. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present defending or clarifying information, and that the student may be accompanied and represented by a parent/guardian and an attorney;
- e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the manner.

Conduct of Hearing

The hearing will be conducted by a school hearing officer. The school hearing officer should be a neutral third party. If it is a school staff member, it should be an administrator with knowledge of the discipline policy, but who was not involved in the proposed expulsion or denial of admission. More information on school hearing officer requirements and required training can be found in Colorado [HB23-1291](#).

The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Board of Directors but including in all events, the student, the parent/guardian and, the student's attorney. Witnesses that may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath if requested by either party. However, technical rules of evidence will not be applicable, and the hearing officer may consider and give appropriate weight to such information or evidence deemed appropriate. The student or the student's representative may question individuals presenting information.

A sufficient record of proceedings will be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting it.

The hearing officer will forward its findings to an Executive Officer designated by the Board of Directors who will make the final decision. The Executive Officer will render a decision no later than five school days after the hearing. The decision will be delivered to the student or the student's parent/guardian in the manner described above. The Executive Officer may establish reasonable conditions for readmission as well as the duration of the expulsion, which may not extend beyond one calendar year.

Note: The 25 day limit of suspension is still applicable. While the Board of Directors may set the matter for hearing at its next regular meeting, the Board of Directors may have to call a special session to hear the appeal if the suspension is going to hit the 25 day limit before the next regular meeting.

Appeal

The student or the student's parent/guardian will have the right to appeal the decision of Executive Director to the CSI Board of Directors. The request to appeal must be in writing and submitted within 10 days of the Executive Director's decision. The CSI Board of Directors will set the matter for hearing at its next regular meeting.

The appeal will be considered in Executive Session and consist of a review of the facts which were presented and which were determined at the expulsion hearing conducted by the hearing officer, arguments relating to the decision, and questions of clarification from the Board of Directors. No additional facts or evidence may be presented except with approval from the Board of Directors.

Upon conclusion of the review, the Board of Directors may vote to affirm, reverse, or modify the Executive Director's decision. The Board of Director's decision will be communicated orally and entered in the minutes of the meeting. Upon written request, the Board of Director's decision will be reduced to writing for purposes of further judicial review pursuant to state law.

Any Board resolution should be a public document, written in such a way that the Board of Directors knows what it is voting on, but with the public copies redacted to protect student information and abide by state privacy laws and FERPA.

School's Responsibility for Educational Services

Upon expulsion of a student, school personnel will provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent/guardian chooses to provide a home-based education program for the student, school personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent or guardian.

Upon request of the student or the student's parent, the school shall provide for any student who is expelled from the school, any educational services that are deemed appropriate for the student by the school. The educational services provided will be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion.

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

C.R.S. 22-33-203 details the requirements and when the school's duty to provide educational services can end to an expelled student.

Students with Disabilities

If a student creates a threat that is detrimental to the welfare or safety of other pupils or of school personnel and that student has a disability, the child may not be expelled if the actions creating the threat are a manifestation of the child's disability.

However, the student will be removed from the classroom to an appropriate alternative setting within the school for a length of time that is consistent with federal law, during which time the school shall give priority to and arrange within ten days for a reexamination of the student's IEP and to amend as necessary. If the student is removed, the school is still responsible for ensuring access to special education services. School is still responsible for ensuring access to special education services per the student's IEP.

Readmittance

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

The student will be required to complete the formal registration process again for readmittance. A seat will not be held for the student during the expulsion period, therefore, if there is not a seat available

upon re-registration; the student may be placed on a waitlist in accordance with CMA's Enrollment Policy that can be found on the CMA Website on the Board Policies page.

In accordance with state law, an expelled student shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

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

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

Procedure for Expulsion for Crimes of Violence or Unlawful Sexual Behavior

The following procedures will apply when the school receives notification that a student between the ages of 12 and 17 has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

1. The Board of Directors or designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors;
 - a. Whether the student has exhibited behavior that is detrimental to the safety, welfare, or morals of other students or school personnel;
 - b. Whether educating the student in school may disrupt the learning environment, providing a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel;
 - c. Grounds for expulsion of the student exist.
2. If it is determined that the student should not be educated in the school and that the grounds for expulsion exist, the school will proceed with the expulsion of the student, in accordance with the procedures set forth above.
3. Alternatively, expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program or home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program shall not be considered a period of expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated as a delinquent juvenile, the Executive Officer may proceed to expel the student following the procedures set forth in these regulations.
5. Discipline procedures for any student with a disability will be in accordance with state and federal law, Board of Directors policy, and CSI policy.

6. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the hearing officer and Executive Officer for the purposes set forth in this policy, but shall remain confidential unless information is otherwise available to the public by law.

Readmittance

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

The student will be required to complete the formal registration process again for readmittance. A seat will not be held for the student during the expulsion period, therefore, if there is not a seat available upon re-registration; the student may be placed on a waitlist in accordance with CMA's Enrollment Policy that can be found on the CMA Website on the Board Policies page.

In accordance with state law, an expelled student shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

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

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

Adopted by the CMA Board on 10/10/2023.


Board President, Doug Murray

