
AURORA PUBLIC SCHOOLS
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APS Code: JKD/JKE

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The Board of Education shall provide due process of law to student through written procedures consistent with law for the suspension or expulsion of students and the denial of admission. Since one significant goal of the public schools is to educate the young in citizenship and respect for the law, the Board of Education believes that the constitutional freedoms of the individual pupil deserve scrupulous protection. Therefore, the Superintendent or designee is directed to develop regulations that are calculated to be fair to the pupil involved and to lead to a resolution of contested issues. Such regulations relating to suspension, transfer, expulsion, and denial of admissions will be followed in the Aurora Public Schools in conformance with Colorado law.

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

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

For a student in preschool, kindergarten, first grade, or second grade, the Board and its designee(s) also shall determine that failure to remove the student from the school building through suspension and/or expulsion would create a safety threat that otherwise cannot be addressed, and shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

Other Disciplinary Interventions

In lieu of an out-of-school suspension or expulsion and in accordance with applicable law, and the principal or designee may consider the use of available interventions to address the student's

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misconduct. The use of such interventions will vary, depending upon the facts and circumstances of an individual case. Such interventions shall be at the principal's or designee's sole discretion.

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

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

Delegation of Authority

1. Students in third grade and higher grade levels: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in third grade and higher grade levels in that school for not more than five school days on the grounds stated in C.R.S. 22-33-106 (1)(a), (1)(b), (1)(c) 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 (see JKD/JKE-E).

Students in preschool through second grade: The Board of Education delegates to the principals of the school district or to a person designated in writing by the principal the power to suspend a student in preschool, kindergarten, first grade, or second grade in that school for not more than three school days on the grounds stated in 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 (see JKD/JKE-E).

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2. The Board of Education delegates to the superintendent of schools 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 days necessary in order to present the matter to the Board, but the total period of suspension shall not exceed 25 school days.
3. The superintendent shall report on each case acted upon at the next meeting of such Board, briefly describing the circumstances and the reasons for action taken. Such denial of admission or expulsion by the Superintendent shall be subject to appeal to the Board. The appeal shall consist of a review of the facts that were presented, arguments relating to the decision and questions of clarification from the Board.
4. The Board of Education retains the authority to deny admission to or expel for any period not extending beyond one year any student whom the Board, 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 public schools of the district.

Expulsion for Unlawful Sexual Behavior or Crime of Violence

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the Board of Education to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The Board shall take

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appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

The Board may determine to wait until the conclusion of court proceedings to consider expulsion, in which case it shall be the responsibility of the district to provide an alternative educational program for the student as specified in state law.

Annual Reports

The Board annually shall report to the State Board of Education the number of students expelled from district schools for disciplinary reasons or for failure to submit certificates of immunization. Expelled students shall not be included in calculating the dropout rate for the school or the district.

LEGAL REFS.: C.R.S. 16-22-102(9) (unlawful sexual behavior)
 C.R.S. 18-1.3-406 (crime of violence)
 C.R.S. 22-32-109.1 (2)(a) (adoption and enforcement of discipline code)
 C.R.S. 22-32-109.1 (2)(a)(I)(E) (policy required as part of a safe schools
 plan)
 C.R.S. 22-32-109.1(3) (agreements with state agencies)
 C.R.S. 22-33-105 (suspension, expulsion and denial of admission)
 C.R.S. 22-33-106 (grounds for suspension, expulsion and denial of
 admission)
 C.R.S. 22-33-106.1 (suspension and expulsion for students in preschool
 through second grade)
 C.R.S. 22-33-106.3 (use of student's written statements in expulsion
 hearings)
 C.R.S. 22-33-106.5 (information concerning offenses committed by students)
 C.R.S. 22-33-107 (compulsory attendance law)
 C.R.S. 22-33-107.5 (notice of failure to attend)
 C.R.S. 22-33-108 (juvenile judicial proceedings)

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C.R.S. 25-4-903 (immunization)

CROSS REFS.:

GBGB, Staff Personal Security and Safety

JE, Student Attendance

JF, Admission of Students

JICI, Weapons in School

JK.1, Student Discipline - District Conduct and Discipline Code

JK.2, Communication of Disciplinary Information

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I. Introduction

The following procedures relating to suspension, transfer, expulsion, and denial of admissions will be followed in Aurora Public Schools in conformance with Colorado law.

A. Definitions

"Board" shall mean the Board of Education of the District.

"District" shall mean Joint District Number 28-J of the Counties of Adams and Arapahoe, also known as the Aurora Public Schools.

"Expulsion" shall mean the exclusion of a pupil from District schools and from participation in school activities for disciplinary reasons for some period of time greater than 25 consecutive school days and not greater than one calendar year (365 days).

"Parent" shall mean the mother and/or father of a child, or any person having legal custody or guardianship of a child.

"Principal" shall be deemed to include a person designated in writing by the principal.

"Pupil" or "student" shall mean a person properly enrolled and registered in an elementary, middle or high school of the District and shall include a person enrolled in other District programs.

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"**School day**" shall mean a day on which pupils are scheduled to attend at least one class.

"**Superintendent**" shall mean the District Superintendent or designee.

"**Suspension**" shall mean the exclusion of a pupil from District schools for disciplinary reasons for a specified and limited period of time, not to exceed 25 consecutive school days.

B. Distribution and Education Regarding the Code

This Code shall be available for review by each student and family in the school district. The Code shall also be available for review in each school in the district, as well as on the district website at <http://aurorak12.org>. In addition, each school in the district shall take reasonable measures to ensure that each student is familiar with the Code.

C. Extraordinary Circumstances

In extraordinary circumstances, the Superintendent or designee may modify this policy and its accompanying time requirements as s/he deems necessary.

D. Students with Disabilities

In accordance with applicable law and Board policies, a student with a disability may be suspended or expelled.

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E. Service of Notices

1. **Personal Service:** Any notice provided for in this policy may be served by any person over the age of 18. If the person on whom service is to be made is over the age of 18 years, service shall be made by delivering a copy to her/him personally, or by leaving a copy thereof at her/his dwelling house or usual place of abode, with some responsible member of his family. If any person to be served refuses to accept a copy of the notice, service shall be sufficient if the person serving the same shall state the name of the document and offer to deliver a copy thereof.
2. **By Mail:** For the purpose of this timeline a notice will be deemed as delivered three (3) days from the date of mailing. Any notice provided for in this policy may be served by United States mail, addressed to the address given in the pupil's records.

F. Extracurricular Activities

Prior to substantially denying a student the opportunity to participate in an extracurricular activity (e.g. interschool sports, clubs, societies, organizations, etc. sanctioned by the District) for disciplinary reasons, the principal shall comply with due process (Section II-C of this policy).

II. Suspension

A. Grounds for Suspension

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The following may be grounds for suspension of a student from a public school during a school year:

- a. continued willful disobedience or open and persistent defiance of proper authority;
- b. willful destruction or defacing of school property;
- c. behavior on or off school property which is detrimental to the welfare, health or safety of other pupils or of school personnel, including behavior which creates a threat of physical harm to the child or other children; and/or
- d. committing one of the following offenses on school grounds, in a school vehicle, or at school activity or sanctioned event;
 - I. bringing, carrying, possessing, and/or using, a dangerous weapon without the authorization of the school or school district;
 - II. the use, possession, or sale of a drug or controlled substance as defined in section C.R.S. 18-18-102(5);
 - III. the commission of an act by a student at least ten (10) years of age which, if committed by an adult would be robbery pursuant to title 18, article 4, part 3 of the Colorado Revised Statutes;
 - IV. the commission of an act by a student at least ten (10) years of age

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which, if committed by an adult would be assault pursuant to title 18, article 3, part 2 of the Colorado Revised Statutes (other than third degree assault);

- e. repeated interference with a school's ability to provide educational opportunities to other students.
- f. 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; and
- g. pursuant to C.R.S. 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.
- h. declaration as a "habitual disruptive student," (which is defined in this regulation); and/or

B. Authority of Principals to Suspend a Pupil for an Offense

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

Suspension for 10 days shall be limited to where the offense is serious, as described in Section III-A(1)(d) of this policy (which relates to offenses such as

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drugs, weapons, assault and robbery.)

C. Procedure for Principals to Suspend a Pupil

1. **Informal Hearing (JKD/JKE-4-E “Due Process Checklist”):** Prior to any suspension of a pupil, the principal shall comply with the following procedure.
 - a. The principal shall give to the pupil oral or written notice of the charges against her/him in enough detail to allow the pupil to understand the nature of the accusation. If the pupil appears not to understand the charges against her/him, written notice should be given (see "Notice of Charges" in JKD/JKE-1-E). If the student is unable to understand because of limited English proficiency, the school shall take such steps as are necessary to communicate effectively with the student, including arranging for an interpreter/translator in appropriate circumstances.
 - b. If the pupil denies the charges, the principal shall give to the pupil an explanation of the evidence, which the principal has to support the charges. Whether or not the student denies the charges, the pupil shall be given an opportunity to present his side of the story.
 - c. In unusual situations, or if the principal believes it necessary in order to resolve disputes about facts and arguments about cause and effect, the principal, at her/his discretion and in addition to (a) and (b), may summon the accuser and witnesses, may permit confrontation and cross-examination of same, and

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may allow the pupil to present his own witnesses.

- d. The principal may suspend a pupil only if, after the above procedure, s/he believes that the charges are supported by substantial evidence, which is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."
- e. A suspended pupil shall be required to leave the school building and the school grounds as soon as practicable, following a determination by the parent and the school of the best way to transfer custody of the pupil to the parent.

- 2. **Immediate Suspension in Cases of Emergency Situation:** Prior notice and/or a hearing are not required prior to suspension in situations where a pupil's presence poses a danger to persons or property or an ongoing threat of disrupting the academic process. Where the District receives a report that a student is the subject of a report under C.R.S. 22-33-105(5)(a) (relating to students who are charged with crimes of violence or unlawful sexual behavior), danger to persons shall be presumed and the student may be suspended immediately upon the District's receipt of the report and, if suspended, shall remain on suspension pending further action by the Board or the Board's designee. However, the student shall be informed of the charges in the report and given an opportunity to assert that there has been a case of mistaken identity (in that s/he is not in fact the person named in the report) as soon after the suspension as is practicable. In other cases where a

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pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the pupil may be immediately suspended and removed from school, with the informal hearing procedure to follow as soon as practicable (Section II-C- 1 in this policy.)

3. **Suspension Near the End of Quarter:** Should the suspension not be one pending expulsion and should it occur near the end of a quarter, a result of which would be that the pupil will lose credit for the entire quarter or would not graduate as a result thereof, the principal shall make all reasonable efforts to allow the student the opportunity to complete make- up work in a timely manner and thus receive credit and/or graduate.

4. **Notice to Parent:** As soon as practicable, the principal shall notify the parent, in writing, and on the form provided ("Notice to Parent/Guardian of Suspension", JKD/JKE-2-E) outlining the basis for suspension and listing the duration of the suspension; the requirement for parent conferences to be held; the time and place for the conference, if any; and the time and date the pupil is to be readmitted to the educational program of the District. A copy of the informal hearing (Due Process Form JKD/JKE-4-E) shall also be provided to the parent. Unless Section II-C-1 applies, a pupil may not be sent home before the end of the school day unless a parent has received prior notification. NOTE: JKD/JKE-3-E is used only if the suspension is to be counted as one of the three disruptive acts which could lead to a student being designated as a habitually disruptive student.

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5. **Parental Attendance as Alternative to Suspension:** As an alternative to suspension under this policy, (except suspension where a recommendation for expulsion has been made or is under consideration), a student may be allowed to remain in school if the student's parent agrees to attend all classes with the student for a period not greater than the number of days for which the suspension was to be imposed as determined by the principal or designee.

If, after agreeing to attend class, the parent does not attend all classes agreed to, the student shall be suspended for the time period originally proposed. However, in such cases, the student shall be given credit for the time that class was attended by the parent, if any. Prior to proposing this alternative, each of the student's teachers shall be asked whether they consent to such an arrangement. Parents shall not be allowed to bring another person (whether adult or child) with them to class without the consent of the principal.

The following situations may result in the parental attendance alternative being revoked: (1) failure of the parent to follow the direction of the classroom teacher or the school administration; (2) failure of the parent or student to follow all school and District rules; or (3) any disruption of a class by either the student or parent. If the parental attendance alternative is revoked, disciplinary action shall be taken against the student as the principal deems appropriate, so long as the discipline is not greater than the discipline initially proposed (unless a new disciplinary violation has occurred).

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6. **Notice to Superintendent:** The principal shall notify the Superintendent through the Department of School Services of the suspension by sending a copy of the completed "Due Process Checklist" (JKD/JKE-4-E) and "Notice to Parent/Guardian of Suspension" (JKD/JKE-2-E and JKD/JKE-3- E if applicable).

The principal may recommend extended suspension or expulsion of the pupil by submitting to the Superintendent through the Department of School Services the "Recommendation to the Superintendent for Extended Suspension or Expulsion" (JKD/JKE-5-E).

7. **Readmission of Pupil:** At the termination of the 10 day or less suspension, the principal shall readmit the pupil to the educational program of the District unless instructed by the Superintendent that further suspension has been ordered by the Superintendent. Except in cases of suspension pending expulsion, the school should make every reasonable effort to meet with the parent while the student is on suspension. At the meeting with the parent, the participants should address the issue of whether a remedial discipline plan should be developed in an effort to prevent further disciplinary action against the student. A period of suspension must not be extended because of the parent's failure to meet with the school. The school shall provide the student who has been suspended with an opportunity to make up schoolwork during the period of suspension so that the student is, to the extent practicable, able to reintegrate into the educational program. The student shall be given credit for makeup work that is completed in a timely manner.

D. Authority of Superintendent to Suspend a Pupil for an Offense

The Board hereby delegates to the Superintendent the power and authority to

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suspend on the grounds stated in Section II-A and Section III-A of this policy.

E. Procedure for Superintendent to Suspend a Pupil

1. Review “Informal Hearing” Record (Due Process)

- a. If Section II-C-1 of this policy ("Informal Hearing") was followed by the principal, the Superintendent may suspend a pupil from school for not more than ten (10) school days; except that the Superintendent may extend a suspension to an additional ten (10) days if necessary in order to present the matter to the next meeting of the Board of Education, but the total period of suspension shall not exceed a total of twenty-five (25) school days.
- b. Days during which the student is held out of school subsequent to the Superintendent's decision to expel are not considered days of suspension for purposes of calculating the 25-day limit, even if the student's appeal to the Board of Education is successful.
- c. If Section II-C-1 of this policy (“Informal Hearing”) has not been complied with by the principal, the Superintendent shall, prior to any extended suspension of a pupil by the Superintendent, make all reasonable efforts to assure compliance with that section.

2. Notify the Parent: In the event of an extension of the principal's

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suspension, the Superintendent shall, as soon as practicable, give written notice of the same to the parent on the form provided ("Notice to Parent/Guardian of Extended Suspension by the Superintendent, Where Expulsion is Not Being Recommended," JKD/JKE-7-E).

3. **Petition for Readmission:** Students who have been suspended from the District schools for periods over ten (10) days (and who are not under a suspension pending expulsion) shall have the opportunity to make written application at any time for readmittance prior to termination of the imposed sanction. The application shall be made to the principal who recommended the initial sanction.

The written request shall include, but not be limited to, appropriate identifying information, reason(s) for requesting reinstatement, time request for reinstatement and personal changes which have occurred which will prevent the behavior which prompted the original sanction from recurring.

A conference may be scheduled between appropriate school personnel, the student and his parent within five (5) days of receipt of the petition for readmittance letter.

Following completion of a conference, or when a decision has been made, the principal will communicate verbally, to be followed in writing, the support or denial of the request for readmittance prior to termination of the imposed sanction.

- F. **Suspensions Pending Expulsion:** Suspensions pending recommendation for

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expulsion are covered under Section III.

III. Expulsion/Denial of Admission

The Board hereby delegates to the Superintendent the power and authority to deny admission to, or expel for any period up to a full calendar year, on the grounds stated below, any student or person whom the Superintendent determines does not qualify for admission to, or continued attendance at, the public schools of the District. Adult students attending Pickens Technical College may be expelled for a greater length of time than a full calendar year.

A. Grounds for Expulsion/Denial of Admission

1. The following shall be grounds for expulsion of a child from a public school during a school year:
 - a. continued willful disobedience or open and persistent defiance of proper authority;
 - b. willful destruction or defacing of school property;
 - c. behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel, including behavior which creates a threat of physical harm to the child, to other children; and/or
 - d. committing one of the following offenses on school grounds, in

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a school vehicle, or at a school activity or sanctioned event;

1. Possession of a dangerous weapon without the authority of the school or school district;
2. the use, possession, or sale of a drug or controlled substance as defined in section C.R.S. 18-18-102(5);
3. the commission by a student at least ten (10) years of age of an act which if committed by an adult would be robbery pursuant to title 18, article 4, part 3 of the Colorado Revised Statutes;
4. the commission of an act by a student at least ten (10) years of age which, if committed by an adult would be assault pursuant to title 18, article 3, part 2 of the Colorado Revised Statutes (other than third-degree assault).
5. 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; and
6. pursuant to C.R.S. 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

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Expulsion for firearm offenses described in this subparagraph 1(d) shall be mandatory. Principals shall be required to recommend expulsion for a full calendar year.

Except in such firearm cases, principals have the discretion to recommend consequences as deemed appropriate.

- e. repeated interference with a school's ability to provide educational opportunities to other students; and
 - f. declaration as a habitually disruptive student under the District's Conduct and Discipline Code.
2. The following shall also be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternative program:
- a. physical or mental disability such that the student cannot reasonably benefit from the programs available; and
 - b. physical, mental disability or disease causing the attendance of the student suffering there from to be detrimental to the welfare of other pupils.
3. The following shall constitute additional grounds for denial of admission to a public school:
- a. graduation from the twelfth grade of any school or receipt of

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- any document evidencing completion of the equivalent of a secondary curriculum;
- b. failure to meet the requirements of age, by a child who has reached the age of six years at a time after the beginning of the school year, as fixed by the Board of Education of the District in which the child applies for enrollment, as provided in section 22-1-115;
 - c. having been expelled or in the process of being expelled from any school District during the preceding twelve months;
 - d. not being a resident of the District, unless otherwise entitled to attend under the provisions of Article 23, 32, or 36 of the Colorado Revised Statutes;
 - e. failure to comply with the provisions of part 9 of article 4 of title 25,C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
 - f. behavior in another school District during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.
4. To the extent provided by law, the School District shall prohibit any student who is expelled from a public school from enrolling or reenrolling in the same school in which the victim of the expulsion offense or member

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of a victim's immediate family is enrolled or employed (C.R.S. 22-33-106(4)(a)).

B. Procedures for Expulsion or Denial of Admission

1. The student and parent will be given written notice of the charges against the student that must be one of the grounds set forth as grounds for suspension, or expulsion. If the student and parent wish to request a hearing regarding the expulsion (JKD/JKE-8-E) or denial of admission (JKD/JKE-10-E), they must do so within the timeframe noted in the notice of hearing (JKD/JKE-8-E or JKD/JKE-10-E). Failure to request a hearing within the specified time frame will result in a waiver of the right to a hearing.
2. A student may be suspended pending an expulsion hearing, provided the Board's regulations for suspension are followed. A student being denied admission may not enroll or attend an Aurora Public School, pending the outcome of a hearing, if requested.
3. The hearing officer appointed by the Superintendent shall:
 - a. preside over each session of the hearing to which s/he has been detailed;
 - b. take appropriate action in order that the proceedings may be conducted in a dignified, fair and orderly manner;
 - c. rule on all requests or motions and shall recess or adjourn the hearing as s/he deems appropriate. S/He may change her/his rulings at

Issued September 1996

Effective April 2005

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Revised June 2008

Revised June 2012

Revised January 2014

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Revised August 2020

SUSPENSION AND EXPULSION PROCEDURE

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- any time during a hearing;
- d. hear the evidence and arguments;
 - e. authenticate the record of the hearing, if any; and
 - f. summarize issues and evidence, and make proposed findings of fact, conclusions and recommendations in her/his written report to the Superintendent (JKD/JKE-13-E).
4. The hearing officer may, among other actions, properly intervene in the presentation of a case to prevent unnecessary waste of time or to clear up some obscurity. S/He may ask questions of witnesses or others. S/He should bear in mind, however, that undue interference or participation in the examination of witnesses, or a severe attitude on his part toward witnesses or others, may tend to prevent the proper presentation of the case or hinder the ascertainment of the truth.
5. Hearing Procedures
- a. The hearing officer shall call the hearing to order and introduce all persons present.
 - b. The hearing officer shall read aloud the "Notice of Charges."
 - c. The school principal or her/his designee shall inform the hearing officer of the background of the recommended suspension or

SUSPENSION AND EXPULSION PROCEDURE

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expulsion.

- d. Those presenting the case for suspension or expulsion may present witnesses or other evidence as desired.
- e. The defense may then proceed to present witnesses or other evidence as desired.
- f. The hearing officer may recall witnesses or request additional witnesses.
- g. Both sides shall then have an opportunity to summarize their cases.
- h. The hearing officer shall take the matters presented during the hearing under advisement.
- i. The hearing officer shall adjourn the hearing.

6. Miscellaneous

- a. The pupil may be represented by a parent and by an attorney-at-law licensed to practice in Colorado.
- b. Confrontation and cross-examination of witnesses is within the discretion of the hearing officer.
- c. The hearing shall not be open to the public.

SUSPENSION AND EXPULSION PROCEDURE

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- d. A recording shall be made of the proceedings.
- e. A court reporter may be present at the request of either party; however, the cost of the reporter's record, if any is made, and all transcripts thereof, shall be prorated equally among all parties ordering copies thereof unless they shall agree otherwise, and shall be paid for by such parties directly to the reporting agency.
- f. Within three business days of the hearing's end or such other times as the Superintendent may allow after the adjournment of the hearing, the hearing officer shall prepare and submit to the Superintendent a written report containing a summary of the evidence presented to support the charges, a summary of the defense, and recommend findings of fact and appropriate action to be taken (JKD/JKE-13-E).
- g. The Superintendent shall consider the recommendation of the hearing officer and may either accept, reject or partially accept the recommendation. In addition, the Superintendent may order a new hearing or may order that the hearing previously held be reconvened. Parents will be notified in writing of the Superintendent's decision (JKD/JKE-14-E) and will inform the parent of their right to appeal the Superintendent's decision (JKD/JKE-14-E) to the Board of Education.
- h. At the Board's next meeting, the Superintendent shall report on each case acted upon, briefly describing circumstances and the

SUSPENSION AND EXPULSION PROCEDURE

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reason for action.

C. Appeal to Board of Expulsion or Denial of Admission

1. Within ten business days of the date of the Superintendent's notice to pupil and parent of her/his decision to expel or deny admission to a pupil, the pupil and parent may appeal the Superintendent's decision to the Board by submitting, in writing, to the Superintendent a "Notice of Appeal" (JKD/JKE-15-E). Failure to request an appeal within ten days of receipt of the Superintendent's notice will result in a waiver of the right to an appeal and the Superintendent's decision shall become final.
2. If a timely "Notice of Appeal" is received by the Superintendent, he shall give written notice on the form provided ("Notice of Appeal Hearing" JKD/JKE-16-E) to the pupil and her/his parent at least three business days prior to the appeal hearing. The notice shall include the following:
 - a. the time, date, and place of the hearing;
 - b. a statement of the procedure to be followed at the appeal hearing ("Statement of Procedure for Appeal Hearing" Section III-I of this policy); and
 - c. a copy of the documents, "Notice to Parent/Guardian of Suspension" (JKD/JKE-2-E and JKD/JKE-3-E if applicable), "Notice of Superintendent's Action" (JKD/JKE-14-E), and "Hearing Officer's Report to the Superintendent of Hearing Conducted" (JKD/JKE- 13-E) pertinent to the hearing.

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3. Prior to making a decision, the Board shall have available to it the record concerning the expulsion or denial of admission. The Superintendent or the Superintendent's designee may address matters raised in the request for appeal for inclusion in the record to be considered by the Board
4. In the event the Board overrules the order of the Superintendent to expel or deny admission, the pupil shall be readmitted to the educational program of the District consistent with the Board's order. If the Board approves the order of expulsion or denial of admission, the pupil shall not be readmitted to the educational program of the District.
5. In the event the pupil is expelled or denied admission, the Superintendent shall, within five school days, notify the pupil and her/his parent, in writing, of the reasons for the action of the Board, on the form provided ("Notice of Board's Action" JKD/JKE-18-E).

D. Statement of Procedure for Appeal or Denial of Admission Hearing Before the Board of Education

1. The Board of Education calls the meeting to order.
2. Roll call.
3. If an appeal has been properly requested, the Board will review the facts that were presented and determined at the hearing and such other portions of the hearing record as it deems appropriate, if any. The hearing record includes the transcript or tape recording of the testimony,

SUSPENSION AND EXPULSION PROCEDURE

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if any, the hearing exhibits, the findings and recommendations of the hearing officer, the Superintendent's decision, and other documents designated by the Superintendent or the hearing officer concerning the expulsion or denial of admission. Copies of the hearing record shall be made available to the Board and to both parties prior to the Board of Education appeal hearing.

4. The parties may be represented by counsel at the appeal.
5. Representatives of the District and the parents may make brief arguments (up to 15 minutes) to the Board relating to the decision of the Superintendent. The party appealing shall go first. No new evidence will be presented unless such evidence was not reasonably discoverable at the time of the hearing. If such evidence is presented, whether to allow examination and cross-examination of witnesses relating to the new evidence will be within the Board's discretion.
6. The Board may ask questions relating to the matter presented.
7. A recording of the proceeding shall be made.
8. Ordinarily, the appeal hearing will be held in executive session. In the event that the pupil and parent request in writing that the appeal hearing not be held in executive session, the Board shall decide this question at the opening of the special meeting. In order to be considered, the request must be in writing, stating the reasons therefore, and must be filed with the Superintendent at least 48 hours prior to the

SUSPENSION AND EXPULSION PROCEDURE

Page 24 of 29

hearing.

9. The Board may decide the appeal or may take the matter under advisement. It may also decide to send the matter back to the hearing officer for further findings of fact. If the Board orally announces its decision, this shall constitute official notice to the parent and child of the Board's action.
10. The Board adjourns meeting.
11. The Board or Superintendent shall promptly provide the parent a written confirmation of the Board's final decision (JKD/JKE-18-E).

E. District Obligations Relating to Expelled Students

1. Upon expelling a student, the school shall provide information to the student's parent concerning the educational alternatives available to the student during the period of expulsion. If the parent chooses to provide a home-based educational program for the student, the school shall assist the parent in obtaining appropriate curricula for the student if requested by the parent.
2. If requested by the student or the student's parent, the school or District shall provide such educational services as it deems appropriate for any expelled student. These services shall be designed to enable the student to return to school following the expulsion or to successfully complete the Graduate Equivalency Diploma (GED). The school or District shall determine the amount of credit the student shall

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SUSPENSION AND EXPULSION PROCEDURE

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receive toward graduation for the educational services provided.

3. A student who has previously been expelled and is receiving educational services may be suspended or expelled for violations of the rules of conduct of the school or school District. Any such students shall not be entitled to further educational services while under the later suspension or expulsion, unless services are required to be provided under federal law, such as for some students with disabilities.
4. If a student is expelled and is not receiving educational services through the school District, the school District shall contact the expelled student's parent to see if the student is receiving educational services from some other source. This contact must be made at least once every 60 days until the earlier of: (a) the beginning of the next school year; (b) the time the student is enrolled in another school; (c) is committed to the Department of Human Services; or (d) is sentenced pursuant to the juvenile delinquency laws.

F. Petition for Readmission

Students who have been expelled from the District schools shall have the opportunity to make written request at any time for readmission prior to termination of the imposed sanction. The request shall be made to the principal who recommended the initial sanction.

The written request shall include, but not be limited to, appropriate identifying information, reason(s) for requesting reinstatement, date proposed for reinstatement and personal changes which have occurred which will prevent the behavior which prompted the original sanction from recurring.

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Revised June 2012

Revised January 2014

Revised December 2015

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Revised June 2018

Revised August 2020

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A conference will be scheduled between appropriate school personnel and the student and her/his parent within 10 days of receipt of the petition for readmission letter. Time and location of this conference will be conveyed to the student, in writing, at least five days prior to the scheduled conference.

Following completion of the conference, the principal will communicate orally, to be followed in writing, the support or denial of the request for readmittance prior to termination of the imposed sanction.

G. Expulsion Prevention

The principal shall work with the school staff to identify students who are at risk of suspension or expulsion from school. Among those students who may be at risk are those who have been or are likely to be declared habitually truant or habitually disruptive.

Interventions and support will be provided to students who have been identified as being at risk of suspension or expulsion to help them avoid expulsion. The parent will be included when determining appropriate interventions and support for the student. In some cases, a remedial discipline plan may be the means by which various intervention and prevention services are identified and made available to a student.

Interventions to assist a student in avoiding an expulsion may also be available through local and state governmental agencies, community-based organizations, and institutions of higher learning.

SUSPENSION AND EXPULSION PROCEDURE

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The failure of the school to identify a student as being at risk of suspension or expulsion, the failure of a student who is so identified to receive interventions, or the failure of such interventions to remediate behavior, shall not be grounds to prevent the school from proceeding with appropriate disciplinary action.

IV. Procedure upon Receipt of Report of Student who has Engaged in a Crime of Violence or Unlawful Sexual Behavior

Upon receiving a report under C.R.S. 22-33-105 (5)(a) that one of its students who is at least 12 years of age but less than 18 has been charged with an offense that would constitute a crime of violence (under C.R.S. 18-1.3-(406)) or unlawful sexual behavior (under C.R.S. 16-22-102(9)) if committed by an adult, the Board of Education, or its designee, shall determine whether: (1) The student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of personnel in the school; and (2) whether educating the student in the school may, (a) disrupt the learning environment, (b) provide a negative example for other students, or (c) create a dangerous and unsafe environment for students, teachers and other school personnel.

If the Board, or its designee, using the standards set forth in the preceding paragraphs, determines that the student should not be educated in the school, it may either: (a) Proceed to suspend or expel the student; or (b) wait for the resolution of the juvenile court or district court proceedings to consider the suspension or expulsion matter, in which case, the District shall provide the student with an appropriate alternative education program or home-based education program, but in no event shall the student be allowed to return to the education program in the school until there has been a disposition of the charge.

If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the District shall proceed to expel in accordance with this policy. The time the student

SUSPENSION AND EXPULSION PROCEDURE

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spends in an alternative or home-based educational program shall not be considered a period of suspension or expulsion.

If the Board has determined to wait until the conclusion of the criminal proceedings to consider the expulsion matter, and the student does not receive adjudication, is found not guilty, or pleads to a lesser charge, the District may then proceed to hear the expulsion matter. In such cases, the fact that the student did not receive adjudication, was found not guilty, or was otherwise not convicted of the crime of violence or unlawful sexual behavior (or corresponding offense) shall not prevent the student from being expelled.

Where a student has been identified as a student with a disability, or has been referred for an evaluation of the need for special education services, it is recommended that either the Department of Exceptional Student Services or Aurora Public Schools' Legal Counsel be consulted concerning any determination to expel a student or place the student in an alternative educational setting. Such expulsion or placement in an alternative educational setting shall then be made in accordance with applicable law.

V. Administrative Transfer

- A. The Superintendent or designee has the power and authority to administratively transfer a student between schools in the District for reasons that constitute a basis for suspension and/or expulsion or are required to comply with statute or court order.
- B. Prior to such transfer, the Superintendent or designee shall comply with

AURORA PUBLIC SCHOOLS

APS Code: JKD/JKE-R

Issued September 1996

Effective April 2005

Revised June 2007

Revised June 2008

Revised June 2012

Revised January 2014

Revised December 2015

Revised June 2016

Revised June 2018

Revised August 2020

SUSPENSION AND EXPULSION PROCEDURE

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the procedures set forth in Section II-E of this policy, unless the pupil's parent waives these procedures.

LEGAL REFS: C.R.S. 22-33-105 and 106
C.R.S. 22-32-109

CROSS REFS: JICI, Weapons in Schools
JK.1, Student Discipline – District Conduct and Discipline Code
GBGB, Staff Personal Safety and Security
JK.2, Communication of Disciplinary Information

AURORA PUBLIC SCHOOLS
Form 1 – Issued October 1993
Effective April 21, 2005
Revised June 2007

APS Code: JKD/JKE-1-E

NOTICE OF CHARGES
(Optional form - to be used if student
appears not to understand the charges)

Date: _____

To: _____

From: _____

Principal/designee of _____ School

You are hereby notified that you are charged with having engaged in the following act(s) which (is) (are) ground(s) for suspension or expulsion from the Aurora Public Schools:

On _____, 20_____, at approximately _____ (a.m.) (p.m.), you

Principal/Designee

Delivered to pupil on _____, 20_____, at _____ (a.m.) (p.m.)

AURORA PUBLIC SCHOOLS
Form 3 - Issued September 1996
Revised September 2003
Revised June 2007
Revised September 2011
Revised July 2012
Revised June 2016

APS Code: JKD/JKE-2-E

NOTICE TO PARENT/GUARDIAN OF SUSPENSION

Page 1 of 3

Date: _____

Dear _____:

We are informing you that _____ was suspended from attendance at _____ beginning on _____ 20____, for _____ school days. An additional (5) (10) days are being requested and/or a recommendation for expulsion is being requested for the following act(s) of misconduct:

Charge and description of incident:

Prior to the student's suspension, an informal hearing was conducted with the student. I explained to the student the evidence which I had to support the charge(s) and the student was given an opportunity to tell (her) (his) side of the story and admit or deny. Based on a thorough investigation, the charge(s) (was) (were) supported by substantial evidence.

This conduct constitutes behavior which is:

_____ Continued willful disobedience or open and persistent defiance of proper authority.

_____ Willful destruction or defacing of school property.

_____ Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel, including behavior which creates a threat of physical harm to the child or other children;

NOTICE TO PARENT/GUARDIAN OF SUSPENSION

Page 2 of 3

Student Name _____

- _____ Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event.
- _____ possession of a dangerous weapon without the authorization of the school or school district;
 - _____ the use, possession, or sale of a drug or controlled substance as defined in section C.R.S. 18-8-102(5);
 - _____ the commission of an act by a student at least ten (10) years of age which, if committed by an adult would be robbery pursuant to title 18, article 4, part 3 of the Colorado Revised Statutes;
 - _____ the commission of an act by a student at least ten (10) years of age which, if committed by an adult would be assault pursuant to title 18, article 3, part 2 of the Colorado Revised Statutes (other than third degree assault);
 - _____ 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; and
 - _____ pursuant to C.R.S. 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.
- _____ Repeated interference with a school's ability to provide educational opportunities to other students.
- _____ Materially and substantially disruptive and will count as one of the three disruptive acts which can lead to declaration as a habitually disruptive student and possible expulsion under the district's Conduct and Discipline Code. (NOTE: If this section applies the parent AND STUDENT should be sent the attached "Information about Habitually Disruptive Students.)

AURORA PUBLIC SCHOOLS
Form 3 - Issued September 1996
Revised September 2003
Revised June 2007
Revised September 2011
Revised July 2012
Revised June 2016

APS Code: JKD/JKE-2-E

NOTICE TO PARENT/GUARDIAN OF SUSPENSION

Page 3 of 3

Student Name _____

This suspension expires on _____, 20____, and the student should re-enter school on the _____ day of _____, 20____, unless you are notified that the superintendent has extended the suspension or expelled the student.

I understand that time out of school usually impacts student performance. For this reason I ask that you work with the teacher(s) to obtain make-up work while your child is out of school on suspension. I expect our staff to make a reasonable effort to provide make-up work; however, this is not always possible. It is necessary to meet with you to find ways we can work together to improve your student's behavior so that s/he will not be removed from school again.

_____ I have set aside time at _____ (a.m.) (p.m.), _____, _____, 20____, for such a meeting in my office. If you are unable to meet with me at this time, please contact me immediately at _____.

_____ By mutual agreement, our previous conversation regarding this suspension eliminates the need for a further conference. If you would like to discuss this matter further, please contact my office.

During this period of suspension, the student is not to be in any Aurora Public Schools building, on any school grounds, or attend a school-related activity or event, unless prior arrangements have been made with a school administrator.

Sincerely,

Print Name

Signature

NOTICE TO PARENT/GUARDIAN OF SUSPENSION FOR HABITUAL DISRUPTIVE STUDENTS

Page 1 of 1

Date

Name
Address

Dear

In the matter of _____ a student of _____.

INFORMATION ABOUT HABITUALLY DISRUPTIVE STUDENTS

Your child has been suspended for a disruptive act. This memo is intended to make sure you know that if such disruptive behavior continues, your child will be risking expulsion from school. A student becomes "habitually disruptive" when they have committed three disruptive acts during a single school year. Once the third disruptive act occurs, schools may choose to expel the student.

For an act to be counted as one of the three disruptive acts leading to declaration as a habitually disruptive student, both the student and the parent (or guardian) must be notified in writing and by phone (or other means) that the act will be counted as one of the three disruptive acts potentially leading to being labeled as habitually disruptive, and that a student who commits three or more disruptive acts may be expelled.

We also want parents to be aware that there are other grounds upon which discipline may be based besides being declared a "habitually disruptive student." (For a complete listing of those grounds, ask for the district suspension and expulsion policies and regulations.) If, for example, a child engages in serious misconduct at school, discipline (including expulsion) may be imposed as a result of each offense.

We encourage you to talk with your child about changing her/his behavior so that s/he can continue being educated in the Aurora Public Schools. We sincerely wish to continue educating your child and ask your assistance in our effort to keep your child in school.

Sincerely,

Principal and/or designee

DUE PROCESS CHECKLIST

Page 1 of 2

School

Prior to suspending _____, I complied with the following procedures at _____ (a.m.) (p.m.) on _____, 20____.

Initials

_____ I gave to the student (oral) (written, a copy of which is attached hereto) notice of the charges against the student in enough detail to allow the student to understand the nature of the accusation.

_____ I considered the following factors in determining whether to suspend or expel the student and advised the student of each of these factors:

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

_____ The student appeared to understand the charges.

_____ The student (admitted) (denied) that the charges were true and correct (except) _____.

_____ The student was given an opportunity to present their side of the story and did so as follows:

_____ If the student denied the charges or any part thereof, I explained to the student the evidence I had to support the charges as follows:

_____ The following persons (if any) were present during the above procedure:

_____ Prior to deciding to suspend the student, I concluded that the charges were supported by substantial evidence.

DUE PROCESS CHECKLIST

Page 2 of 2

Student Name

COMPLETE ONLY IF THE STUDENT HAS AN IEP OR A SECTION 504 EDUCATIONAL PLAN.

_____ I have checked to see if the student is receiving special education services or is on a Section 504 educational plan and have determined that s/he (is) (is not) a special education or Section 504 plan student.

_____ The cumulative days of suspension this school year, **including this incident**, for this child is _____.

_____ If cumulative days are five or more I have consulted with the special education consultant. (On the 11th day of suspension services (FAPE) must be provided).

Name and signature of Exceptional Student Services consultant or staffing chairperson.

_____ Law enforcement agency (was)(was not) contacted because of the seriousness of this matter.

_____ Law enforcement charged the student with the following offense(s):

Print Name

Title

Signature

**RECOMMENDATION TO THE SUPERINTENDENT FOR
EXTENDED SUSPENSION OR EXPULSION**

Page 1 of 1

Date: _____

In the matter of _____, a student at _____ School

Birth date _____

Grade level _____

Incident date _____

1st Day of suspension _____

The principal recommends: _____ 5-day extended suspension; re-entry date _____
_____ 10-day extended suspension; re-entry date _____
_____ expulsion through:
_____ end of quarter; re-entry date _____
_____ end of semester; re-entry date _____
_____ end of the school year; re-entry date _____
_____ calendar year (365 days) from the date of misbehavior;
re-entry date _____
_____ other _____

Charge(s) and description of incident: _____

The following have been completed and are included:

- _____ 1. Suspension letter sent to parent
- _____ 2. Academic, attendance and disciplinary records
- _____ 3. Due Process Checklist
- _____ 4. Witness statements
- _____ 5. Police report, if applicable
- _____ 6. Copy of evidence photos, if applicable
- _____ 7. Other _____

I have consulted with the Principal regarding this
expulsion.

Principal (print name)

Learning Community Director (print name)

Signature

Signature

AURORA PUBLIC SCHOOLS
Form 7 – Issued October 1993
Effective March 2005
Revised June 2007
Revised June 2008
Revised September 2011
Revised June 2016

APS Code: JKD/JKE 7-E

NOTICE TO PARENT/GUARDIAN OF EXTENDED SUSPENSION
BY THE SUPERINTENDENT
(To be used for extended suspension
where expulsion is not being recommended.)

Date:

Name
Address

To:

In the matter of _____, a student at _____ School
(Name of student) (Name of school)

As you were advised by letter dated _____, 20____,
_____ was suspended from attendance at _____ School
beginning on _____, 20 ____ for _____ school days.

After considering the seriousness of the charges, the supporting evidence, the principal's recommendation and the student's past record, I find it necessary to extend the suspension for an additional (5)(10) school days. This suspension expires _____, 20 ____ and the student should re-enter at the beginning of the school day on the _____ day of _____, 20 ____, unless you are otherwise notified by my office.

At this time, I do not intend to take or recommend any further disciplinary action based on the conduct described in the original "Notice to Parent/Guardian of Disciplinary Action."

During this period of suspension, the student is not to be in any Aurora Public Schools building, on any school grounds, or attend any school-related activity or event, unless prior arrangements have been made with the suspending school administrator.

Superintendent

AURORA PUBLIC SCHOOLS
Form 8 – Issued October 1993
Effective March 2005
Revised June 2007
Revised June 2008
Revised September 2011
Revised June 2016

APS Code: JKD/JKE-8-E

**NOTICE TO PARENT/GUARDIAN OF EXTENDED SUSPENSION
AND RECOMMENDATION FOR EXPULSION
BY THE SUPERINTENDENT**

Date:

Name
Address

To:

In the matter of _____, a student at _____ School
(Name of student) (Name of School)

As you were advised by letter dated _____ 20____,
_____ was suspended from attendance at _____ School beginning on
_____ 20____, for ____ school days for the reasons stated in that letter.

Due to the seriousness of the matter, the principal has recommended that the student be expelled from school (through the end of the quarter) (through the end of the semester) (through the end of the school year) (for a calendar year, 365 days) (other) until _____. According to law, you are entitled to a hearing prior to the superintendent making a decision. (Date)

Should you desire a hearing, please notify School Services at 303-365-5819, within 48 hours of receipt of this letter. If you do not notify School Services within 48 hours to request the hearing, you will have waived your right to a hearing, and the superintendent will decide whether to expel the student based upon evidence that has been presented by the expelling school.

Because of the time involved and based on the principal's recommendation, the suspension is hereby extended an additional (5) (10) school days until _____, or until the above procedures have been completed. (Date)

During this period of suspension, the student is not to be in any Aurora Public Schools building, on any school grounds, or attend any school-related activity or event, unless prior arrangements have been made with the suspending school administrator.

Superintendent/Designee

Attachments: Statement of Procedure for Hearing,
Statement of Charges

STATEMENT OF CHARGES

Page 1 of 2

_____, a _____ School student, engaged in the
(Name of student)
following act(s) of misconduct. The student is charged with:

- _____ Continued willful disobedience or open persistent defiance of proper authority.
- _____ Willful destruction or defacing of school property.
- _____ Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel, including behavior which creates a threat of physical harm to the child or other children.
- _____ Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event;
 - _____ possession of a dangerous weapon without the authorization of the school or school district;
 - _____ the use, possession, or sale of a drug or controlled substance as defined in section C.R.S. 18-8-102(5);
 - _____ the commission of an act by a student at least ten (10) years of age which, if committed by an adult would be robbery pursuant to title 18, article 4, part 3 of the Colorado Revised Statutes;
 - _____ the commission of an act by a student at least ten (10) years of age which, if committed by an adult would be assault pursuant to title 18, article 3, part 2 of the Colorado Revised Statutes (other than third degree assault);
 - _____ carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a

STATEMENT OF CHARGES

Page 2 of 2

school building or in or on school property; and pursuant to C.R.S. 22-12-105(3),

_____ making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

_____ Repeated interference with a school's ability to provide educational opportunities to other students.

_____ Materially and substantially disruptive and will count as one of the three suspensions which can lead to declaration as a habitually disruptive student and possible expulsion under the district's Conduct and Discipline Code.

Charge and description of incident.

The evidence supporting the above charges as of this date is summarized as follows:

**NOTICE TO PARENT/GUARDIAN OF
DENIAL OF ADMISSION BY THE SUPERINTENDENT**

Page 1 of 2

Date:

Name
Address

Dear

We are informing you that _____ has been denied admission to Aurora Public Schools. Prior to making this decision, I reviewed evidence to support the denial based on:

_____ Physical or mental disability such that the child cannot reasonably benefit from the programs offered (C.R.S. 22-33-106(2)(a));

_____ Physical or mental disability or disease causing the attendance of the child suffering there from to be harmful to the welfare of other students (C.R.S. 22-33-106(2)(b));

_____ Student has already graduated from the 12th grade of any school or is in receipt of any document evidencing completion of the equivalent of a secondary curriculum (C.R.S. 22-33-106(3)(a));

_____ Failure to meet the requirements of age by a child who has reached the age of six years at a time after the beginning of the school year, as fixed by the Board (C.R.S. 22-1-115);

_____ Having been expelled or was in the process of being expelled from any school district during the preceding 12 months;

_____ Not being a resident of the district unless otherwise entitled to attend under the provisions of choice/open enrollment (School Attendance Law of 1963);

_____ Failure to comply with the state immunizations requirements;

_____ Behavior in any school district during the preceding 12 months that is detrimental to the welfare of safety of other pupils or of school personnel;

**NOTICE TO PARENT/GUARDIAN OF
DENIAL OF ADMISSION BY THE SUPERINTENDENT**

Page 2 of 2

_____ Enrolling or re-enrolling any expelled student in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed (C.R.S. 22-33-106(4)(a));

_____ Receipt of a report under C.R.S. 22-33-105(5)(a) that this student has been charged with an offense that would constitute a crime of violence (as defined in C.R.S. 18-1.3-(406)) or unlawful sexual behavior (as defined in C.R.S. 16-22-102(9)).

According to law, you have the right to a hearing to appeal my decision for denial of admission. Should you desire a hearing, please notify School Services at 303-365-5819, within 48 hours of receipt of this letter. If you do not notify School Services within 48 hours to request a hearing, you will have waived your right to a hearing and the decision for denial of admission will stand.

Superintendent

Attachment: Statement of Procedure for Hearing

STATEMENT OF PROCEDURE FOR HEARING

Page 1 of 2

1. The hearing officer appointed by the superintendent shall:
 - a. preside over each session of the hearing to which s/he has been appointed;
 - b. take appropriate action in order that the proceedings may be conducted in a dignified, fair and orderly manner;
 - c. rule on all requests or motions and shall recess or adjourn the hearing as s/he deems appropriate. S/He may change her/his rulings at any time during a hearing;
 - d. hear the evidence and arguments;
 - e. authenticate the record of the hearing, if any, and
 - f. in her/his written report to the superintendent, summarize issues and evidence and make findings of fact and recommendations as to the appropriate discipline to be imposed.

2. The hearing officer may, among other actions, properly intervene in the presentation of a case to prevent unnecessary waste of time or to clear up some obscurity. S/He may ask questions of witnesses or others. S/He should bear in mind, however, that undue interference or participation in the examination of witnesses, or a severe attitude on her/his part toward witnesses or others, may tend to prevent the proper presentation of the case or hinder the ascertainment of the truth.

3. Procedure
 - a. The hearing officer shall call the hearing to order and introduce all persons present.
 - b. The hearing officer shall read aloud the "Notice of Charges."
 - c. The principal or designee shall inform the hearing officer of the background of the recommended suspension or expulsion and may make an opening statement.
 - d. Those presenting the case for suspension or expulsion may present witnesses or other evidence as desired.
 - e. The defense may then proceed to present an opening statement and witnesses or other evidence as desired.
 - f. The hearing officer may recall witnesses or request additional witnesses.
 - g. Both sides shall then have an opportunity to summarize their cases and close.

STATEMENT OF PROCEDURE FOR HEARING

Page 2 of 2

- h. The hearing officer shall take the matters presented during the hearing under advisement.
 - i. The hearing officer shall adjourn the hearing.
- 4. Miscellaneous
 - a. The pupil may be represented by a parent and by an attorney-at-law licensed to practice in Colorado.
 - b. Confrontation and cross-examination of witnesses is within the discretion of the hearing officer.
 - c. The hearing shall not be open to the public.
 - d. A recording shall be made of the proceedings. A court reporter may be present at the request of either party and shall be paid by the party requesting.
 - e. Within three business days or such other time as the superintendent may allow after the adjournment of the hearing, the hearing officer shall prepare and submit to the superintendent a written report. This report shall contain a summary of the evidence presented to support the charges, a summary of the defense, and shall contain findings of fact and recommended disciplinary action to be taken.

APPOINTMENT OF HEARING OFFICER

Page 1 of 1

Date:

To:

In the matter of _____, a student at _____ School
(Name of student) (Name of school)

You are hereby appointed to serve as hearing officer in the matter of (Name of student) who is being considered for (suspension) (expulsion) (denial of admission) from the Aurora Public Schools. If, for any reason, you do not believe that you can serve in an impartial manner, you should contact my office immediately.

You are required to submit to me a report on the attached form within three business days following the adjournment of the hearing.

Superintendent/Designee

Attachments:

Notice to Parent/Guardian
Statement of Charges
Statement of Procedure for Hearing
Hearing Officer's Report to Superintendent

**HEARING OFFICER'S REPORT TO THE SUPERINTENDENT
OF HEARING CONDUCTED**

Date:

To: Superintendent

In the matter of _____, a _____ School student
(Name of student) (Name of school)

Pursuant to your direction, a hearing was held from _____(a.m.)(p.m.) to
_____ (a.m.)(p.m.) on _____, 20 ____
at _____.

The following persons were present:

Hearing Officer _____

The charges were as detailed in the "Notice of Charges" with the following modifications:

Summary of the evidence supporting the charges:

Summary of the defense:

Other significant matters occurring at the hearing:

Findings of Fact (Please make specific findings of fact on each issue which was important to your recommendation:)

AURORA PUBLIC SCHOOLS
Form 13 – Issued October 1993
Revised April 2005
Revised June 2007

APS Code: JKD/JKE-13-E

**HEARING OFFICER'S REPORT TO THE SUPERINTENDENT
OF HEARING CONDUCTED**

I have considered all of the evidence presented and am of the opinion that the following facts were supported by substantial evidence.

I (am) (am not) of the opinion that the charges or denial of admission are supported by substantial evidence.

Based on the evidence, I recommend as follows:

My reasons for the above recommendations are as follows:

Hearing Officer

**REPORT
TO SUPERINTENDENT
IF HEARING NOT CONDUCTED**

Page 1 of 1

Date:

To:

In the matter of the expulsion of _____, a student at
_____ School (Name of student)
(Name of school)

Dear Superintendent:

In the matter of the expulsion of _____ .
(Name of student)

I have not been contacted by _____. Therefore, pursuant to
(Student's parent/guardian)
policy JKD/JKE, they have waived the right to a hearing.

I have reviewed the report dated _____ from _____, and the
(Principal/Designee)
procedures followed by the school as outlined in the due process checklist. I am of the opinion the
charges are (valid) based on the report submitted.

I concur (do not concur) with the recommendation submitted that

(Name of student)

be expelled (through the end of the quarter) (through the end of the semester) (through the end of the
school year) (for a calendar year – 365 days) and that the student should be allowed to return to
school on _____.

Sincerely,

Director of School and Community Services

AURORA PUBLIC SCHOOLS
Form 15 - Issued September 1996
Effective April 2005
Revised June 2007
Revised June 2008
Revised July 2012
Revised June 2016

APS Code: JKD/JKE-15-E

NOTICE OF SUPERINTENDENT'S ACTION

Date:

To:

In the matter of _____, a student at _____
(Name of student) (Name of school)

No further disciplinary action will be taken at this time. The student may re-enter school on _____, 20_____.
or

I have received and reviewed the hearing officer's report, a copy of which is attached.

I find it necessary to suspend the student until _____, 20_____. The student should re-enter school at the start of the school day on _____, 20_____.
or

I find it necessary to expel the student for (the remainder of the quarter) (the remainder of the semester) (the remainder of the school year) (a calendar year [365 days]) (other). The student may re-enter school on _____, 20_____.

You have the right to appeal my decision to the Board of Education by filing a "Notice of Appeal" with my office within ten (10) days of your receipt of this letter. If your appeal is not on file with my office by that time, your right to appeal will be waived.

During this period of expulsion, the student is not to be in any Aurora Public Schools building, on any school grounds, or attend any school-related activity or event, unless prior arrangements have been made with the expelling school administrator.

Superintendent

Attachments: Hearing Officer Report or Report to Superintendent
Notice of Appeal

NOTICE OF APPEAL

Page 1 of 2

Date:

To: Superintendent of Schools

In the matter of a recommendation for expulsion for _____, a student at
_____ School (Name of student)
(Name of school)

In the matter of a denial of admission for _____, a potential student at
_____ School (Name of student)
(Name of school)

We hereby request a hearing before the Board of Education to review your decision in the above matter. The reasons why we are seeking to appeal your decision are as follows:

We admit that our child has engaged in the alleged behavior but contest the penalty.

Please circle: Yes or No

We will be represented by an attorney.

Please circle: Yes or No

Father signature

Mother signature

Guardian signature

NOTICE OF APPEAL

Page 2 of 2

NOTE: Board policy JKD/JKE states that copies of the hearing record (which includes the recording of the testimony, the hearing exhibits, the findings and recommendations of the hearing officer and the superintendent's decision) shall be made available to the Board of Education and to both parties prior to the board of education appeal hearing.

If you do not already have these items and wish to access them, you may make arrangements by calling School Services at (303) 365-5819. Since this does involve some processing time, please contact School Services without delay.

AURORA PUBLIC SCHOOLS
Form 17– Issued October 1993
Effective April 2005
Revised June 2007
Revised June 2016

APS Code: JKD/JKE-17-E

NOTICE OF APPEAL HEARING

Date:

Name
Address

To:

In the matter of _____ (Name of student)

You have filed within the appropriate time limit, a "Notice of Appeal" to request that the Board of Education review my decision to (expel) (deny admission to) _____ a student/potential student at _____ school.

The hearing will begin at _____ (a.m.) (p.m.) on _____, 20____, at _____.

If you have any questions, please feel free to contact my office.

Superintendent/Designee

Attachments: Statement of Procedure for Appeal Hearing

STATEMENT OF PROCEDURE FOR APPEAL HEARING

1. President of the Board of Education calls the meeting to order.
2. Roll call.
3. Secretary reads Notice of Meeting, if a special meeting.
4. If an appeal has been properly requested, the Board will (either at the hearing or another time) review the facts that were presented and that were determined at the hearing and such other portions of the hearing record as it deems appropriate, if any. The hearing record includes the transcript or recording of the testimony, if any, the hearing exhibits, the findings and recommendations of the hearing officer and the superintendent's decision. Copies of the hearing record shall be made available to the Board of Education and to both parties prior to the Board of Education appeal hearing.
5. Ordinarily, the appeal hearing will be held in executive session. In the event that the pupil and parent request in writing that the hearing not be held in executive session, the Board shall decide this question at the opening of the special meeting. In order to be considered, the request must be in writing, stating the reasons therefore, and must be filed with the superintendent at least 48 hours prior to the hearing.
6. The parties may be represented by counsel at the appeal.
7. Representatives of the district and the parent may make brief arguments not more than 15 minutes, (greater than 15 minutes only with the Board's permission) to the Board relating to the decision of the superintendent. The party appealing shall go first.
8. No new evidence will be presented unless the Board is convinced that such evidence was not reasonably discoverable at the time of the hearing. If such evidence is presented, whether to allow examination and cross-examination of witnesses relating to the new evidence will be within the Board's discretion.
9. The Board may ask questions relating to the matter presented.
10. A recording of the proceeding shall be made.
11. Board decides the appeal or takes matter under advisement. If matter is taken into advisement, the Board will provide a written decision within five (5) business days of the appeal hearing.
12. Board adjourns meeting.

AURORA PUBLIC SCHOOLS
Form 19 – Issued September 1996
Effective April 2005
Revised June 2007
Revised June 2016

APS Code: JKD/JKE-19-E

NOTICE OF BOARD'S ACTION

Date:

Name
Address

To:

In the matter of _____, a student/potential student at _____
_____ School.

Based on the appeal hearing held on _____, 20____ and upon review and consideration of all relevant matters, the Board of Education has decided and orders as follows:

The decision of the superintendent to (expel) (deny admission to)-_____ is hereby reversed and _____ may re-enter school immediately.

The decision of the superintendent to (expel) (deny admission to) _____ is hereby affirmed and approved for the following reasons:

Superintendent

AURORA PUBLIC SCHOOLS
Form 20– Issued September 1996
Effective April 2005
Revised June 2007
Revised June 2016

APS Code: JKD/JKE-20-E

**PRINCIPAL'S LETTER TO PARENT/GUARDIAN IN
CRIMES OF VIOLENCE SITUATIONS
(To be sent by the school)**

Date:

Name
Address

Dear _____:

We have received information from law enforcement authorities that _____,
Name of student/school
who is at least 12 but under 18 years of age, has been charged with a "crime of violence" under C.R.S. 16-11-309, that a petition has been filed in juvenile court alleging that the student has committed an act which, if committed by an adult, would be a "crime of violence" under C.R.S. 16-11-309.

Consequently, the student has been suspended from school, and we have forwarded a recommendation for expulsion to the Superintendent.

If the student named above has not been charged with such an offense or such a petition has not been filed, please contact us immediately to clear up any misunderstanding.

Sincerely,

School Principal

c: School Services

AURORA PUBLIC SCHOOLS
Form 21 – Issued September 1996
Effective April 2005
Revised June 2007
Revised June 2016

APS Code: JKD/JKE-21-E

SUPERINTENDENT'S LETTER TO PARENT/GUARDIAN
IN CRIMES OF VIOLENCE SITUATIONS
(To be sent by the superintendent)

Date:

Name
Address

Dear _____:

We have received confirmation from law enforcement authorities that (name of student), (school), who is at least 12 but under 18 years of age, has been charged with a "crime of violence" under C.R.S. 16-11-309, or that a petition has been filed in juvenile court alleging that the student has committed an act which, if committed by an adult, would be a "crime of violence" under C.R.S. 16-11-309.

Upon receiving such a report, I am required under 22-33-105 C.R.S. to determine whether the student should be expelled. The issues which will be considered in order to make a determination regarding an expulsion will be: (1) whether the student has exhibited behavior that is detrimental to the safety, welfare and morals of the other students or of school personnel in the school, and (2) whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, and or create a dangerous and unsafe environment for students, teachers and other school personnel.

If the student named above has not been charged with such an offense or a petition has not been filed, please contact us immediately to clear up any misunderstanding.

Sincerely,

Superintendent

c: School Services
School Principal

NOTICE OF BOARD'S ACTION
(Optional)

Page 1 of 2

Date:

To:

In the matter of _____, a student at _____ School
(Name of student) (Name of school)

Based on the hearing held on _____, 20_____, and upon review and consideration of all relevant matters, the board of education has decided and orders as follows:
(Check the appropriate blanks)

_____ The student should be expelled from school for the following reasons:

_____ Continued willful disobedience or open and persistent defiance of proper authority.

_____ Willful destruction or defacing of school property.

_____ Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel, including behavior which creates a threat of physical harm to the child or other children;

_____ Serious violations in a school building or in or on school property, including, but not limited to, carrying, bringing, using or possessing a dangerous weapon as defined in Section 22-33-106(1)(d), C.R.S., or bringing a firearm (as that term is defined in 18 United States Code Section 921[a][3]), to school, the sale of a drug or controlled substance as defined in Section 12-22-303, C.R.S., or the commission of an act which, if committed by an adult would be robbery pursuant to Part 3 of Article 4 of Title 18, C.R.S., or assault pursuant to Part 2 of Article 3 of Title 18, C.R.S., (other than third degree assault) for which suspension or expulsion shall be mandatory.

_____ Repeated interference with a school's ability to provide educational

NOTICE OF BOARD'S ACTION
(Optional)

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opportunities to other students.

_____ Materially and substantially disruptive and will count as one of the three suspensions which can lead to declaration as a habitually disruptive student and mandatory expulsion under the Aurora Public Schools Conduct and Discipline Code.

_____ The Board will wait for the resolution of the criminal proceedings to consider the expulsion matter, and the student shall be provided an appropriate alternative education program or home-based education program. In no event shall the student be allowed to return to the education program in the school until there has been a disposition of the charge. This period will not be considered an expulsion.

_____ No further action will be taken at this time. The student may re-enter _____ school on _____, 20____.

Secretary, Board of Education

c: School Services
Principal