

# HOPE

ONLINE LEARNING ACADEMY

*Learn. Achieve. Graduate.*

HOPE Online Learning  
Academy Co-Op

373 Inverness Parkway,  
Suite 205, Englewood, CO  
80112

720-402-3000

# Code of Conduct and Discipline

2019 – 2020

# **Student Rights and Responsibilities and Code of Conduct and Discipline 2019 - 2020**

To ensure that we are providing an exceptional learning environment that encourages mutual respect and high standards of performance, HOPE Learning Academy Co-Op has adopted clear expectations for behavior and policies for discipline.

We believe that consistent enforcement of established policies and procedures is essential to our mission of providing a safe and secure learning environment.

Please review this Student Code of Conduct so that you may become familiar with the policies that shape our school. We look forward to working with our Learning Center partners and parents toward a positive and productive learning experience for all of our students.

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## **STUDENT RIGHTS AND RESPONSIBILITIES/DUE PROCESS RIGHTS** *Policy: HS-001*

Each student has the opportunity and the right to use school as a means for self-improvement and individual growth. In so doing, he/she is expected to conduct himself/herself in a manner compatible with the Learning Center's function as an educational facility, and in accordance with HOPE's policies and procedures concerning student conduct and discipline, including but not limited to the grounds for suspension, expulsion, and Learning Center dismissal. Conduct that disrupts or threatens to disrupt the operation of a Learning Center, that interferes in any way with the public or private rights of other students or citizens, that threatens or endangers the health or safety of any person, or that damages property, will not be tolerated and will result in disciplinary action.

It is the intent of HOPE to afford vigilant protection of the constitutional freedoms of all HOPE and Learning Center personnel and students, and to guarantee those protections as provided in the Constitution, including the rights of free inquiry and expression, the right to freedom of association, and the right to administrative due process.

Of equal importance is the right of HOPE and Learning Center authorities to prescribe and control, consistent with fundamental and constitutional safeguards, student conduct in the Learning Center, on Learning Center grounds, at HOPE sanctioned activities and events, and while being transported in HOPE approved vehicles.

In exercising this right, each Learning Center director, working with his/her employees and with the students, will attempt to achieve the objectives and follow the procedures set forth by HOPE policies and procedures pertaining to the various aspects of student rights, student conduct, and student discipline.

### ***Objectives to be Achieved:***

The primary objective of this policy is the proper recognition and preservation of a student's constitutional rights, and allowance for such rights as follows:

- 1. Freedom of Expression** - Students may freely express their points of view, provided they do not seek to coerce others to join in their way of expression and provided also that they do not use offensive language, substantially disrupt school operations, intrude upon the rights of others, or endanger the health and/or safety of other students or Learning Center personnel.
- 2. Personal Appearance** - Restrictions on a student's appearance will be imposed to avoid any interference with student work, and to prevent classroom or school disorder. Participation in voluntary activities may make it necessary to impose specific requirements for grooming and dress, due to the nature of the activity.
- 3. The Right to Petition** - Students are allowed to present petitions to the administration at any time. Collecting signatures on petitions is limited to before and after school hours. No student will be subjected to disciplinary measures of any kind for signing a petition to the administration - assuming that the petition is free of obscenities, libelous statements, personal attack, or advocating disruption which poses a threat to the regular school program, and is within the bounds of reasonable conduct.
- 4. Student Property** - A student's person and/or personal effects in his/her possession (e.g. purse, book bag, storage areas, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. Student desks are Learning Center property and remain at all times under the control of the Learning Center.
- 5. Information Technology and Other Resources** - Students are responsible for the proper care of information technology equipment and other resources that are provided for their use. Students who damage information technology equipment and other resources shall be responsible for the cost of replacing them. Student payment of such replacement costs may be enforced by withholding the right to participation in a graduation or continuation ceremony and/or the diploma of any student who fails to return or replace information technology equipment and other resources damaged by the student at the completion of any semester or school year. Before these methods of enforcement are implemented with respect to any student, HOPE shall make other reasonable efforts to obtain

payment for the information technology equipment and other resources. If HOPE determines that a student is unable to pay the full amount due at one time, it may obtain payment through other methods, including but not limited to payment plans.

6. **Student Involvement in School Activities** - While on Learning Center grounds, in Learning Center facilities, at HOPE sponsored activities, when being transported to and/or from HOPE activities or events, or off HOPE or Learning Center property when their conduct has a nexus to school or any HOPE curricular or non-curricular activity or event, students shall comply with HOPE policies and procedures pertaining to student conduct.

## **SECTION A - STUDENT CONDUCT POLICIES**

### **STUDENT CONDUCT *Policy: HS-002***

Public schools provide students with the opportunity for self improvement and individual growth. School authorities have the power to control student conduct. Students are expected to conduct themselves at all times in a manner which is in accordance with HOPE policies and procedures concerning student conduct and discipline, including but not limited to the grounds for suspension, expulsion, and Learning Center dismissal. Conduct which disrupts or threatens to disrupt the operation of a Learning Center, which interferes in any way with the rights and privileges of other students or citizens, which endangers the health or safety of any person, or which damages property, will not be tolerated and will result in disciplinary action. All employees of HOPE and of any Learning Center shall be expected to share responsibility for supervising behavior of students and for seeing that students abide by the established rules of conduct.

This policy and any corresponding policies adopted by HOPE shall constitute the student Code of Conduct for HOPE. A summary of this policy and any corresponding policies, as well as any individual Learning Center rules governing student conduct, shall be distributed to each student and to his or her parents, guardian, or legal custodian at the beginning of each school year, and to each new student and his or her parents, guardian, or legal custodian upon enrollment, and shall be kept on file within each Learning Center throughout the year.

HOPE authorized personnel may suspend or recommend expulsion of any HOPE student who engages in conduct that violates this policy.

### **DANGEROUS WEAPONS *Policy: HS-003***

HOPE will not tolerate unauthorized student possession or use of dangerous weapons on HOPE property or at HOPE-sponsored activities. Such behavior is unacceptable, detrimental to the safety of others, and destructive to a positive learning environment.

Carrying, bringing, using, or possessing a dangerous weapon in a HOPE or Learning Center building, on HOPE or Learning Center grounds, in any vehicle used for school purposes, or at any school-sponsored activity without the authorization of HOPE is prohibited and is grounds for mandatory expulsion.

***“Dangerous weapons” include, but are not limited to:***

1. Firearms, loaded or unloaded, or firearm facsimiles that could reasonably be mistaken for an actual firearm.
2. Pellet or BB guns or other devices, whether operational or not, designed to propel projectiles by spring action or compressed air.
3. Fixed-blade knives with blades that measure longer than three inches in length or spring-loaded knives or pocket knives with blades that measure longer than three and one-half inches in length (the knife blade will be measured from the hilt to the top of the blade); and any knives, regardless of length, which a student uses or presents in a threatening manner.
4. Explosives or any materials used to assemble explosive devices.

5. Any other object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury (i.e., brass knuckles; telescoping batons).

HOPE or Learning Center employees shall confiscate dangerous weapons possessed in violation of this policy and submit them to the appropriate school administrator. Law enforcement authorities shall also be contacted.

A student may, but need not, be expelled for violating this policy if, as soon as possible upon discovering that he or she is in possession of a dangerous weapon, the student notifies and delivers the weapon to a teacher, administrator, or other authorized person.

In accordance with federal and state law, mandatory expulsion shall be for a period of not less than one year for any student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school without the authorization of HOPE. HOPE may modify the length/term of this expulsion period on a case-by-case basis if such modification is in writing.

Any student bringing a firearm or other dangerous weapon to school shall receive a mandatory referral to the criminal justice or juvenile delinquency systems (which can be local law enforcement). For purposes of this paragraph, a "firearm" includes:

1. Any weapon, including a starter gun, which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer;
4. Any explosive, incendiary, poison gas, bomb, grenade, or similar device; or
5. Ammunition.

As required by law, HOPE shall maintain records which will describe the circumstances involving expulsion of students who bring weapons to school, including the name of the school, the number of students expelled, and the types of weapons involved.

Student possession or use of fixed-blade knives with blades that measure less than three inches in length or pocket knives with blades that measure less than three and one-half inches in length (the knife blade will be measured from the hilt to the top of the blade), box cutters, razor blades, hobby knives and similar instruments without the specific authorization of a school official is prohibited. The possession or use of such items without authorization may be grounds for disciplinary action including, but not limited to suspension or expulsion. In addition, referral to law enforcement authorities may occur as appropriate.

### **DRUG AND ALCOHOL FREE EDUCATION ENVIRONMENT *Policy: HS-004***

HOPE recognizes that the unlawful or unauthorized student use, possession, distribution, gift, purchase, exchange or sale of drugs or alcohol constitute a hazard to students. Because effective prevention requires the combined efforts of parents, HOPE supports the concept that parents have the responsibility to cooperate in efforts to prevent drug and alcohol abuse problems and to seek help from public and private agencies for students involved in drug and alcohol abuse.

As used in this policy, "drugs" are all substances defined under state and federal statutes as "drugs" or "controlled substances," as well as counterfeit drugs, substances falsely represented as being drugs, and drug-containing paraphernalia.

As used in this policy, "legal drugs" are defined as over-the-counter and prescription drugs, including vitamins and other dietary supplements, that are properly possessed and used by the person for whom they are intended in accordance with all applicable HOPE policies and procedures.

As used in this policy, “illegal drugs” are all drugs not defined herein as legal drugs, including over-the-counter and prescription drugs that were illegally obtained by, and are in the possession of, a minor.

Student use, possession, distribution, gift, purchase, exchange, sale or being under the influence of alcohol or illegal drugs is prohibited in all HOPE Learning Centers, on all Learning Center grounds and HOPE property, at any school-sanctioned activities, when students are being transported to and/or from HOPE activities or events, and at any time or in any place where the student’s conduct interferes with or disrupts the educational program or operations of HOPE.

Compliance with the standards of conduct set forth in this policy and its accompanying procedures is mandatory for all students. A violation shall subject a student to appropriate disciplinary action, up to and including expulsion and referral for prosecution. Expulsion shall be mandatory for any distribution, gift, purchase, exchange or sale of an illegal drug or alcohol in a HOPE or Learning Center building or in or on HOPE or Learning Center property. HOPE reserves the right to expel students where there is a sufficient connection between the off-campus behavior and the school or Learning Center, notwithstanding other provisions in this policy and regardless of whether it is a first-time offense. Specific disciplinary guidelines shall be described in the procedures that guide the enforcement of this policy. In appropriate circumstances, disciplinary sanctions may include the completion of an approved drug or alcohol abuse rehabilitation program. The procedures shall be in keeping with applicable laws and shall be observed by all employees.

Appropriate procedures shall be followed by all Learning Center personnel in working with students who may:

1. Be under the influence of alcohol or illegal drugs on HOPE or Learning Center property, at school-sanctioned activities, while being transported to and/or from HOPE activities or events, or at any time or in any place where the student’s conduct interferes with or disrupts the educational program or operations of HOPE;
2. Use or possess alcohol or illegal drugs on HOPE or Learning Center property, at school-sanctioned activities, while being transported to and/or from HOPE activities or events, or at any time or in any place where the student’s conduct interferes with or disrupts the educational program or operations of HOPE; and/or
3. Be engaged in acts of giving, selling, distributing, purchasing or exchanging alcohol or illegal drugs on Learning Center property, at school-sanctioned activities, while being transported to and/or from HOPE activities or events, or at any time or in any place where the student’s conduct interferes with or disrupts the educational program or operations of HOPE.

HOPE shall conduct a biennial review of its drug and alcohol abuse prevention policy and accompanying procedures to determine their effectiveness, to implement required changes, and to ensure that disciplinary sanctions are consistently enforced.

Disciplinary action, including suspension and/or expulsion, will be taken in cases involving student use, possession, distribution, gift, purchase, exchange, sale or being under the influence of alcohol or illegal drugs in any HOPE or Learning Center facility, on the grounds of any Learning Center or HOPE property, at any school-sanctioned activities, when students are being transported in vehicles dispatched by HOPE, or at any time or in any place where the student’s conduct interferes with or disrupts the educational program or operations of HOPE.

General Procedures (note that HOPE’s authority to suspend or expel a student shall not be compromised in any manner by the failure to follow these general procedures):

1. Students who are or appear to be under the influence of alcohol or illegal drugs on school property, at school-sanctioned activities, when being transported in vehicles dispatched by HOPE, or at any time or in any place where the student’s conduct interferes with or disrupts the educational program or operations of HOPE will be handled in the following manner:
  - a. If a student appears to be displaying unusual behavior in or out of the classroom because of the possibility of current or prior use of alcohol or drugs, the employee will notify the administrator or designee, who will observe the student.

- b. When necessary, standard emergency procedures will be followed.
  - c. Parents must be contacted as soon as possible. When contacting parents or the designated person on the student's emergency card, advise them that the child is displaying unusual or dangerous behavior. Describe the behavior but do not attempt to diagnose the student's condition.
  - d. While waiting for parents or further medical aid, the student will not be left alone, but placed in a quiet situation where the student will remain under observation.
  - e. The employee(s) who observed the display of unusual behavior will file a written description with the Learning Center director to include the date, time, and place of the occurrence.
  - f. Records of student drug and alcohol offenses noting date, type of offense, and disciplinary action taken will be kept at the Learning Center and forwarded to any subsequent Learning Center the student will be attending.
  - g. If it is determined that the student is under the influence of an illegal drug or alcohol, the appropriate law enforcement agency will be called.
2. Students who use or possess alcohol or illegal drugs on school or Learning Center property, at school-sanctioned activities, or when being transported in vehicles dispatched by HOPE, or any time or in any place where the student's conduct interferes with or disrupts the educational program or operations of HOPE, will be handled in the following manner:
- a. A Learning Center employee who comes in contact with evidence and/or prohibited items will notify the Learning Center director immediately.
  - b. A Learning Center employee who has reasonable suspicion to believe that a student is in possession of alcohol or illegal drugs will request that the student accompany him/her to the Learning Center director or designee. If the student refuses, the employee will notify the Learning Center director or designee immediately. If this occurs, the employee should make every effort to remain with the student while using other means to contact the Learning Center director or designee.
  - c. The Learning Center director or designee will attempt to obtain evidence by directly requesting it from the student or through search procedures that are outlined in this policy.
  - d. If the substance is suspected to be alcohol or illegal drugs, the Learning Center director or designee may arrange for the testing of the evidence to determine its contents. When appropriate, the Learning Center director or designee will then place the evidence in an envelope or other suitable container. The envelope or container will be sealed, dated, and initialed by the individual who originally obtained the materials and the Learning Center director or designee, and then placed in the school safe.
  - e. The Learning Center director or designee will contact the parent or guardian as soon as possible, and will call the appropriate law enforcement agency and request that an officer pick up the sealed envelope or container holding the substance. This will be handed to the officer personally by the Learning Center director or designee.
  - f. Written documentation must be made by the Learning Center employee(s) initiating the procedure and by the Learning Center director to include description, date, time, place of occurrence, and written admission by the student, if obtained.
3. Students who are engaged in distributing, purchasing, selling, giving, or exchanging alcohol or illegal drugs on school property, at school-sanctioned activities, when students are being transported in vehicles dispatched by HOPE, or at any time or in any place where the students' conduct interferes with or disrupts the educational program or operations of HOPE will be handled in the following manner:
- a. If an employee is a witness to an act in which suspected alcohol or illegal drugs are being transferred from one student to another, the employee will immediately attempt to detain the students and request that they accompany him/her to the Learning Center director or designee. If the student(s) refuse, the employee will notify the Learning Center director or designee immediately. If this occurs, the employee should make every effort to remain with the student(s) while using other means to contact the Learning Center director or designee.
  - b. Follow the same procedure for handling evidence and/or prohibited items as outlined in paragraphs 2.c. through 2.f. above.

Consequences for students who use, possess or are under the influence of illegal drugs or alcohol on school property, at school-sanctioned activities, when being transported in vehicles dispatched by HOPE or at any time or in any place where the student's conduct interferes with or disrupts the educational program or operations of HOPE:

## **FIRST OFFENSE**

1. The student shall be suspended, except that HOPE may initiate expulsion if warranted by the circumstances of the case.
2. HOPE will attempt to develop with the parents and the student a procedure that will outline the responsibilities of the parent, the student, and the school in an effort to keep any further offenses from occurring.
3. Information on available drug or alcohol counseling and rehabilitation programs and recommendations for chemical dependency assessment, diagnosis, and possible treatment will be given to students and parents.
4. When appropriate, students and parents will be encouraged to agree to follow up with assessment, diagnosis or treatment as a condition to readmission. Evaluation of any such participation will be made at the parent meeting at the time the suspension is reviewed and the student is considered for readmission to school.
5. HOPE's authority to expel a student for a second offense as provided below shall not be compromised in any manner by a failure to take action as described in paragraphs 1.b through 1.d above.

## **SECOND OFFENSE**

1. A recommendation for expulsion shall result.
2. Consequences for students directly involved in the distribution, gift, purchase, exchange or sale of illegal drugs or alcohol on school property, at school-sanctioned activities, when being transported in vehicles dispatched by HOPE or at any time or in any place where the student's conduct interferes with or disrupts the educational program or operations of HOPE:
  - a. A recommendation for expulsion shall result in each and every case.

## **SMOKING AND USE OF TOBACCO *Policy: HS-005***

The possession or use of tobacco by students, or the use of tobacco by teachers, employees, and visitors in or on any HOPE or Learning Center property or while participating at any student activity sponsored by HOPE, is prohibited.

HOPE or Learning Center property includes but is not limited to any building used for instruction, administration, support services, maintenance, or storage, the grounds surrounding those buildings if HOPE or the Learning Center is authorized to exercise dominion and control over those grounds, and all vehicles used by HOPE or the Learning Center for transporting students, workers, visitors, or other persons.

Tobacco means all kinds and forms of tobacco suitable for chewing or smoking and any other product that is packaged for smoking.

Use means the lighting, chewing, or smoking of any tobacco product.

This prohibition against tobacco use shall not apply to the use of a tobacco product in a limited classroom demonstration to show the health hazards of smoking.

## **DISCRIMINATION AND HARASSMENT *Policy: HS-006***

HOPE is committed to the policy that no otherwise qualified student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any HOPE program or activity on the basis of disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry. For purposes of this policy, "sexual orientation" means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgendered status.

Further, HOPE affirms the right of all students to be treated with respect and protected from intimidation, discrimination, physical harm, and/or harassment on the basis of disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry.

Students who believe they have been subjected to intimidation, discrimination, physical harm, and/or harassment on the basis of disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry, must report the incident(s) immediately in accordance with the HOPE procedures outlined below.

As part of this policy, HOPE is committed to maintaining a learning environment for students that is free from harassment based on an individual's disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry. All such harassment, by HOPE or Learning Center employees, students, visitors, or anyone having contact with a HOPE student, is strictly prohibited.

Harassment based on basis of disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry will be regarded as a violation of this policy when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of a student's education; (2) submission to or rejection of such conduct is used as the basis for educational decisions affecting the student; or (3) such conduct has the purpose or effect of adversely affecting a student's ability to participate in or benefit from HOPE programs, or of creating an intimidating, hostile or offensive educational environment.

Harassment based on race or color can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

Harassment based on religion can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's religion or creed, such as comments regarding surnames, religious tradition or religious clothing, as well as religious slurs and/or graffiti.

Harassment based on national origin, ancestry or creed can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's national origin, such as comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Harassment based on disability can include unwelcome, hostile and offensive verbal, written, or physical conduct based on or directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement; hostile or offensive acts; and/or interference with movement or access to necessary equipment.

Sexual harassment of students by HOPE or Learning Center employees includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment of students by other students and third parties includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may occur whether the harassment is between people of the same or different gender. Sexual harassment can include unwelcome oral, written or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing or hugging, or restraining someone's movement in a sexual way.

Harassment based on sexual orientation can include but is not limited to damage or vandalism to a person's property directed at or related to a person's sexual orientation, unwelcome, hostile and offensive verbal and/or written language, or physical contact directed at or related to a person's sexual orientation, such as gossip or personal comments, suggestive or foul language, jokes, obscene graffiti, threats, bullying, or spreading rumors or lies regarding the person's sexual orientation.

All HOPE and Learning Center employees and students share the responsibility to ensure that harassment based on basis of disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry does not occur at any HOPE Learning Center, on the grounds of any HOPE or Learning Center property, at HOPE or Learning Center sanctioned activities or events, when students are being transported in any vehicle dispatched by HOPE or one of its Learning Centers, or off school property when such conduct has a nexus to Learning Center or any HOPE curricular or non-curricular activity or event.

All students who believe they have been victims of such harassment shall immediately report it to an administrator, mentor or teacher at their Learning Center. If the harassment is being committed by an administrator, mentor, or teacher in the building, the report shall be made to Human Resources. All students who witness such harassment shall immediately report it to an administrator or teacher at their Learning Center. If the harassment is being committed by an administrator, mentor, or teacher in the building, the report shall be made to Human Resources.

All administrators, mentors and teachers who have such harassment reported to them shall promptly forward the report(s) to the Learning Center director for appropriate action. If the harassment is purportedly being committed by the Learning Center director or another administrator in the building, the report(s) shall be forwarded to Human Resources.

All HOPE and Learning Center employees who witness such harassment shall take prompt and effective action to stop it, as prescribed by HOPE and the Learning Center director, and shall promptly report the harassment to the Learning Center director for effective action. If the harassment is being committed by the Learning Center director or another administrator in the building, the report shall be made to Human Resources.

Each building Learning Center director shall ensure that all reports of such harassment are promptly and thoroughly investigated, and that effective action is taken.

Any student who engages in harassment of another student based on the other student's disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry shall be required to attend a meeting with his or her parent(s) or guardian and the Learning Center director; be subject to remedial action such as education or counseling; and be subject to disciplinary action up to and including suspension or expulsion. Guidelines for dealing with students who engage in the harassment of other students are outlined below:

#### **FIRST OFFENSE**

1. The student and parent(s) or guardian will meet with the Learning Center director or designee.
2. Information on available cultural diversity and relevant counseling programs will be given to student and parent(s) or guardian.
3. Subject to the involvement of HOPE, the student may be suspended or expelled, and law enforcement authorities may be contacted, depending on the seriousness of the offense.

#### **SECOND OFFENSE**

1. The student shall be suspended.
2. A meeting of the parent(s) or guardian and the Learning Center director will be scheduled prior to re-admittance to school.
3. The student will be required to participate in counseling or attend a cultural diversity program.
4. Depending on the seriousness of the offense, the Learning Center director may request that the student be expelled and may contact law enforcement authorities.

#### **THIRD OFFENSE**

1. A recommendation for expulsion shall be made to HOPE. Depending on the seriousness of the offense, law enforcement authorities may be contacted.

These guidelines for progressive discipline shall not prevent HOPE from eliminating any of the steps in the process if in his or her judgment the misconduct by the student warrants more severe action.

Any HOPE or Learning Center employee who engages in harassment of a student based on the student's disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry shall be subject to remedial action such as training, education or counseling; as well as disciplinary action including but not limited to warning, reprimand, transfer, suspension or termination of employment.

Remedial and/or disciplinary actions shall include measures designed to stop the harassment, correct its negative impact on the affected student, and ensure that the harassment does not recur. Steps shall also be taken to ensure that victims of and witnesses to harassment are protected from retaliation.

No student shall be subject to adverse treatment in retaliation for any good faith report of harassment under this policy. To the extent possible, all reports of harassment will be kept confidential. Upon determining that incidents of harassment are occurring in particular HOPE settings or activities, HOPE shall implement measures designed to remedy the problem in those areas or activities.

HOPE shall train employees to recognize and effectively deal with incidents of harassment on the basis of disability, race, creed, color, sex, sexual orientation, religion, national origin, or ancestry.

HOPE shall regularly review its compliance with this policy and take necessary action where deficiencies are noted.

### **PREVENTION OF BULLYING *Policy: HS-007***

HOPE recognizes the negative impact that bullying has on student health, welfare, and safety and on the learning environment at school. Bullying is prohibited on all HOPE or Learning Center property, at HOPE or Learning Center sanctioned activities or events, when students are being transported to and/or from HOPE activities or events, and off school property when such conduct has a nexus to a HOPE or Learning Center curricular or non-curricular activity or event.

All administrators, teachers, employees, and students share the responsibility to ensure that bullying does not occur at any Learning Center, on any HOPE or Learning Center property, at any HOPE or Learning Center sanctioned activities or events, when students are being transported in any vehicle dispatched by HOPE or a Learning Center, or off school property when such conduct has a nexus to a HOPE or Learning Center curricular or non-curricular activity or event.

It is the policy of HOPE that any written or verbal expression, or physical act or gesture, or pattern thereof, that is intended to cause distress upon one or more HOPE students in a Learning Center, on Learning Center grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events shall be strictly prohibited.

All students who believe they have been victims of bullying in any circumstance described above shall immediately report it to an administrator, mentor or teacher at their Learning Center. An Incident Report shall be completed by the Learning Center.

All students who witness student bullying in any such circumstance shall immediately report it to an administrator, mentor or teacher at their Learning Center.

All administrators and teachers who have any incident of bullying reported to them shall promptly forward the report(s) to the Learning Center director for appropriate action.

All administrators, teachers, and employees who witness student bullying in any such circumstance shall immediately take appropriate action to stop the bullying, as prescribed by HOPE and the Learning Center director, and shall promptly report the bullying to the Learning Center director for appropriate action.

Each Learning Center director shall ensure that all reports involving student bullying in any such circumstance are promptly and thoroughly investigated, and that appropriate action is taken.

In determining the appropriate action to be taken in response to incidents of student bullying, the Learning Center director shall consider existing policies and regulations that address the type of conduct that may be involved in bullying.

Discipline for student bullying may include suspension, expulsion, and/or Learning Center dismissal. In addition, HOPE and the Learning Center director shall consider other actions which may be appropriate in response to student bullying, including but not limited to:

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

### **STUDENT DRESS Policy: HS-008**

HOPE recognizes that responsibility for the dress and appearance of students generally rest with individual students and their parents. Students are encouraged to dress appropriately for all school activities. The following general standards will be in effect:

1. Reasonable cleanliness of wearing apparel is expected as a matter of general health and welfare.
2. To avoid injury and disease, shoes, sandals, or boots must be worn in the buildings.
3. Beach or swim wear and items of clothing intended to be worn while participating in athletics are inappropriate except in the gym and on athletic fields.
4. Dress that causes or is likely to cause disruption of the educational process is prohibited.
5. Wearing apparel that interferes with or endangers the student while he/she is participating in classroom or other school-sponsored activities is prohibited. The decision as to the safety or unsuitability of the clothing is a matter for the Learning Center director, mentor, HOPE teacher or Learning Center administrator's judgment.
6. Pupils must not wear hats or dark glasses in the building without permission from a Learning Center.
7. Any manner of grooming or apparel, including clothing, jewelry, hats, emblems, and badges, which by virtue of color, arrangement, trademark, or other attribute is associated with or denotes membership in or affiliation with any gang, will not be allowed.

Subject to approval of HOPE, Learning Center directors may establish additional specific standards for their own Learning Centers. These standards will be published and distributed to students and a copy will be filed with the administration and posted in each Learning Center.

Disciplinary action for violation of any standard will include notification of the violation, the requirement that the clothing be changed before returning to the Learning Center, and, at the discretion of the Learning Center director, a parental conference. More severe disciplinary consequences, including suspension or expulsion, may result from repeated or serious violations.

## **GANG-RELATED ACTIVITIES AND DRESS *Policy: HS-009***

This policy has been adopted pursuant to the requirements of state law in recognition of the fact that gang activities at school impose a threat to the welfare and safety of students and others in the school community and cause substantial disruption to the educational process.

The term “gang” as used in this policy refers to all groups of three or more individuals with a common interest, bond, or activity characterized by criminal or delinquent conduct, engaged in either collectively or individually.

Any gang-related activities within a Learning Center, on Learning Center grounds, in school vehicles, at a designated bus stop, or at Learning Center activities or HOPE sanctioned events shall be strictly prohibited.

Any manner of grooming or apparel, including clothing, jewelry, hats, emblems, and badges which by virtue of color, arrangement, trademark, or other attribute is associated with or denotes membership in or affiliation with any gang will not be allowed in Learning Center buildings or on Learning Center grounds, at school-sanctioned activities and events, or while being transported in HOPE approved vehicles.

Gestures, signals, or graffiti which connote gang membership or activities are prohibited in Learning Center buildings and on Learning Center grounds, at Learning Center sanctioned activities and events, and while being transported in HOPE approved vehicles.

Gang graffiti on HOPE or Learning Center premises shall be removed, washed down, or painted over as soon as discovered and photographed. The photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal actions against the offenders.

Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang membership shall be referred to the Learning Center director for disciplinary action. Disciplinary action for violation of these standards will include notification of the violation; where applicable, the requirement that the apparel be changed before reentering class; and, at the discretion of the Learning Center director, a parental conference. More severe disciplinary consequences, including suspension or expulsion, shall result from repeated or serious violations.

HOPE shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in the enforcement of this policy and to further its purposes.

HOPE may provide training to help HOPE and Learning Center employees identify gang activities, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior in the schools.

Subject to approval of HOPE, Learning Center directors may establish additional, specific standards for their own Learning Centers. These standards will be published and made available to students and parents.

## **STUDENT TRANSPORTATION *Policy: HS-010***

HOPE desires to ensure the safety and welfare of all passengers being transported to a school sanctioned activity or event. Therefore, any and all field trips involving HOPE students must be approved in advance by HOPE. A HOPE approved authorization form must be signed by the parent or guardian of any student transported under this policy.

HOPE will enforce strict transportation discipline and safety regulations. Students who do not conform to all regulations and directives concerning discipline, safety, and conduct, or whose behavior could be detrimental to the safety or welfare of others or the safe operation of the transporting vehicle, may have their transportation privileges suspended or revoked in accordance with this policy and applicable regulations.

This policy and applicable procedures shall extend to all HOPE provided or supervised transportation. Disorderly conduct by students at bus stops shall be reported and acted upon in the same manner as any misconduct.

Nothing contained in this policy and applicable procedures shall preclude the imposition of other disciplinary measures as appropriate, including suspension or expulsion from school in accordance with other HOPE policies and procedures.

### **Student Transportation in Private Vehicles**

Students transported for school-sponsored trips or activities shall use HOPE sanctioned vehicles whenever possible. However, privately-owned vehicles may be used for student transportation when, in the opinion of HOPE and the Learning Center director, this is the most practical or the only possible method of transportation, provided that the vehicle is safe, driven by a responsible adult, and covered by adequate accident and liability insurance.

The following minimum requirements shall be met:

1. The parent or Learning Center employee transporting students in a private vehicle must carry \$300,000 single limit or \$100,000/\$300,000/\$25,000 comprehensive automobile liability insurance.
2. The Learning Center must have proof of the parent's or employee's comprehensive automobile insurance on file. (A copy of the insurance policy page showing this particular coverage, submitted to the Learning Center, shall be deemed sufficient proof.)
3. The parent of Learning Center employee transporting students must possess a valid driver's license.
4. Colorado law requiring the use of seat belts must be followed.
5. The parent/guardian of any student being transported has signed a HOPE approved authorization form.

Students are expected to observe the following rules of safety and conduct when using HOPE transportation:

1. Students must meet the transporting vehicle promptly, follow reasonable instructions of the driver, and respect fellow passengers.
2. Students shall cross the roadway in front of the stopped vehicle in full view of the driver. To avoid creating distractions to the drivers, students must remain quiet at railroad crossings and bus loading/unloading zones.
3. Students must remain seated, face forward, and keep the aisles clear. Paper or other debris is not to be left on the bus. Students may talk quietly and shall not make loud, distracting noises. Students shall not use profanity or make obscene gestures to the driver or passengers.
4. Students must not throw anything inside or outside the vehicle. Students shall not abuse other students, their property, or HOPE property, nor shall they trespass on private property.
5. Students are not allowed to smoke, use, or chew tobacco or tobacco products, or use or bring alcohol or illegal drugs in the vehicle.
6. Permission to board or leave the vehicle at other than the scheduled stop must be cleared by HOPE, the Learning Center director, or the parent or guardian. Only authorized students and school personnel may board or ride the bus.
7. No dangerous weapons or objects, animals, or insects will be allowed to be carried in the vehicle. Items too large to be held in the lap or below the seats will not be permitted in the vehicle.
8. Being rude/disrespectful to the bus driver or engaging in behavior that distracts the driver, including changing seats while the bus is in motion, will subject the student to disciplinary action in accordance with HOPE policy.
9. Lighting matches, lighters, or firecrackers inside the vehicle, or inflicting bodily harm upon another person may warrant immediate disciplinary action in accordance with HOPE policy.
10. Opening or exiting the rear emergency door of a bus may warrant immediate disciplinary action in accordance with HOPE policy.
11. Applicable Colorado law requiring the use of seat belts must be followed.

### **STUDENT USE OF INFORMATION TECHNOLOGY *Policy: HS-011***

To support its educational mission, the HOPE and the Learning Center will provide information technology (IT), such as computers, networks, and Internet access to its students.

While employees, parents and students themselves are ultimately responsible for their behavior at school and their use of HOPE IT resources, HOPE will make every reasonable effort to ensure that students use IT resources

appropriately and responsibly. To this end, HOPE has implemented content filtering measures that direct student learning and restrict student access to inappropriate material, in accordance with applicable law. Administrators, teachers, and employees have a professional responsibility to work together to help students develop the intellectual skills needed to evaluate and choose information sources, to identify information appropriate to the age and developmental levels of the students, and to evaluate and use information to meet their educational goals.

No student will be given access to HOPE IT resources until he/she, along with a parent or guardian, has signed and submitted an Acceptable Use of HOPE IT Agreement (AUA).

In addition to rules specifically concerning HOPE IT, general policies, regulations, and rules governing student conduct apply to the use of HOPE IT resources. Violating such policies or procedures may result in the loss of the privilege to use some or all of HOPE IT resources, discipline (including dismissal), the requirement that HOPE be reimbursed for damages or unauthorized charges or costs, the institution of legal proceedings, and referral to law-enforcement authorities.

Because all IT is owned, leased, or licensed by HOPE, HOPE is responsible for all content stored—permanently or temporarily—on any IT device, or traveling across any of the IT networks. HOPE therefore has the right and the obligation to monitor all IT activity, and may be required to disclose records of student IT use (including materials and records of use that have been “deleted”) under public-records law or other laws. Students therefore have no expectation of privacy—as to HOPE or the public—in any materials they access, receive, or create using HOPE IT.

HOPE IT may fail or become unstable from time to time, leading to loss of data or service interruptions. HOPE makes no warranties of any kind related to its IT resources.

No less than when in the Learning Center or at school-sponsored events, students are responsible for good behavior when using HOPE IT to travel through cyberspace. Thus all rules and expectations regarding student conduct, as well as all provisions of the student conduct code, apply to student conduct involving HOPE IT.

In addition to general behavioral expectations, additional expectations apply when students and/or employees use HOPE IT. Examples of prohibited use of HOPE IT include the following:

1. Searching, viewing, editing, or retrieving materials that are not related to school work, community service, employment, or further education (therefore, searching or viewing sexually explicit, profane, violence promoting, or illegal materials is not permitted);
2. Downloading or loading software without permission, including but not limited to music, videos, pictures, or any content that is not licensed, or using software in a way not permitted by its license;
3. Accessing, viewing, or altering any official record or file of the school or Learning Center;
4. Damaging HOPE IT;
5. Violating trademark or copyright laws;
6. Using the passwords of other users;
7. Trespassing in the folders, work, or files of other users;
8. Any malicious use or disruption of HOPE’s IT or breach of security features;
9. Intentionally wasting computer system resources;
10. Using the network for commercial purposes;
11. Sharing of the student’s home address, phone number, or other information;
12. Using HOPE IT after losing the privilege to do so;
13. Any activity that violates a law or a school or HOPE rule; and
14. Physically damaging or defacing IT equipment.

HOPE may develop additional rules and procedures for employee and student exploration and use of technology. Such procedures shall address issues of privacy, ethical use of information, copyright, illegal and/or unauthorized uses of networks, and other technology and conditions of uses.

## **SECTION B - STUDENT DISCIPLINE POLICIES**

### **STUDENT DISCIPLINE *Policy: HS-012***

Effective student discipline is a prerequisite for sound educational practice and productive learning. The objectives of disciplining any student must be to instill self-discipline and socially acceptable behavior. All policies and procedures for handling discipline problems shall be designed and interpreted to achieve these broad objectives.

In order to ensure maximum educational benefits for all students, each student is expected to conform to all HOPE policies and regulations, show respect for and obey those in authority, and otherwise conduct himself or herself at all times in a manner fitting his or her ability, age, and grade. Provisions for disciplining students are to allow other students to learn in an atmosphere which is safe, conducive to the learning process, and free from unnecessary disruptions.

This policy shall constitute the student discipline code for HOPE. This policy, as well as any individual Learning Center rules governing student discipline, are available on the HOPE website, see Code of Conduct and Student/Parent Handbook.

Discipline will be determined in accordance with state and federal law.

All behavioral consequences should be age appropriate and designed to keep students in the classroom, engaged in instruction. Routine discipline matters are handled by the Learning Center mentor and/or Learning Center director. Students with increasing behavioral issues will be addressed by the Learning Center and HOPE student services representative.

Restorative practices should be incorporated in any consequence. Classroom management strategies should be in place in every classroom to reduce disruption and the need for disciplining students. A behavior system should be in place in every classroom that provides incentives and rewards for students to increase positive behavior and academic engagement. Consequences for behavior should not include the elimination of recess or P.E., or academic consequences such as copying sentences or greatly increased homework.

Students cannot be sent home by the Learning Center without consulting with HOPE student services. When it is agreed that a student should be sent home, there must be "hand to hand" transfer from the Learning Center to the parent/guardian. When a student is sent home for a behavior issue this may constitute a suspension. A discipline and behavior report should be submitted to the HOPE office. A suspended student should have access to school work during this time.

Students with ongoing issues should be considered for the Multi-Tier System of Support to determine academic and behavioral issues and/or a potential disability. Behavior plans can be developed for students who exhibit increased behavioral issues.

Whenever any action under this discipline policy may result in a change of placement for a student with disabilities, the Learning Center shall act in accordance with HOPE directives regarding legal compliance.

### **STUDENT SUSPENSION AND EXPULSION *Policy: HS-013***

#### **Grounds for Suspension or Expulsion from HOPE**

The following conduct, occurring at on HOPE or Learning Center grounds, at school-sanctioned activities or events, while being transported to and/or from HOPE activities or events, or occurring off HOPE or Learning Center property when the conduct has the required connection to school in accordance with governing law, shall subject a student to disciplinary measures, including suspension, expulsion and/or possible notification of the appropriate law enforcement agencies:

1. Continued willful disobedience or open and persistent defiance of proper authority including, but not limited to, a deliberate refusal to obey HOPE or Learning Center employees, repeated violations of HOPE policy and/or procedures and repeated instances of misconduct, no single occurrence of which might otherwise constitute grounds for suspension or expulsion.

2. Repeated interference with HOPE or a Learning Center's ability to provide educational opportunities to other students.
3. Repeated disruptive conduct resulting in the student being declared a habitually disruptive student.
4. Willful destruction or defacing of HOPE or Learning Center property.
5. Behavior on or off HOPE or Learning Center property which is detrimental to the welfare, health, or safety of that student, other students, or of school personnel including without limitation, behavior which creates a threat of physical harm to the student, other students, or HOPE or Learning Center employees.
6. Incidents of assault upon, disorderly conduct toward, harassment of, the making of a knowingly false allegation of child abuse against, or any criminal act directed toward a HOPE or Learning Center employee, or instances of damage occurring on HOPE or Learning Center premises to the personal property of a HOPE or Learning Center employee.
7. Committing a serious violation in or on HOPE or Learning Center property.
8. Committing a violation of HOPE's policy on weapons in schools. Expulsion shall be mandatory for the carrying, bringing, using or possessing of a dangerous weapon as defined in Colo. Rev. Stat. 22-33-106(1)(d)(II) and HOPE's policy regarding weapons in schools.
9. Committing a violation of HOPE's policy on student involvement regarding drugs and alcohol, including any student involved in the gift, purchase, exchange, or sale of an illegal drug or alcohol on HOPE or Learning Center property, at school-sanctioned activities, when being transported in vehicles dispatched by HOPE, or at any time or in any place where the student's conduct interferes with or disrupts the educational program or operations of HOPE.
10. Committing an act which, if committed by an adult, would constitute robbery or first or second degree assault, as defined by state law.
11. Committing a violation of HOPE's policy regarding discrimination or harassment of students and employees.
12. Intentionally causing or attempting to cause damage to school or private property, stealing or attempting to steal school or private property.
13. Intentionally causing, attempting to cause, or threatening physical injury to another person.
14. Committing a violation of HOPE's smoking and use of tobacco policy.
15. Violating any criminal law which has an effect on the school or on the general safety or welfare of students or employees.
16. Violating any HOPE or Learning Center policy, rule, or regulation.
17. Engaging in scholastic dishonesty which includes, but is not limited to, cheating on a test or plagiarism.
18. Disrupting the school program by intentionally causing a false fire alarm or bomb threat.
19. Throwing objects, with the exception of supervised school activities, that cause bodily injury or property damage.
20. Directing profanity, vulgar language, or obscene gestures toward other students, school personnel, or visitors to the Learning Center.
21. Engaging in verbal abuse, such as name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that precipitate disruption of the HOPE program or incite violence.
22. Committing extortion, coercion, or blackmail, including without limitation, obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
23. Lying or giving false information, either verbally or in writing, to a HOPE or Learning Center employee.
24. Violating HOPE's policy regarding sexual harassment.
25. Engaging in sexual misconduct including without limitation displays or other inappropriate sexual conduct.
26. Violating HOPE's policy regarding student use of HOPE information technology (IT).
27. Failure to comply with the immunization requirements of C.R.S. 25-4-901 et seq., except that any suspension or expulsion for such failure to comply shall not be recorded as a disciplinary action, but rather, shall be recorded with the student's immunization records with an appropriate explanation.

Enforcement procedures may vary, depending upon the facts and circumstances of an individual case. For example, when a student faces possible suspension or expulsion from school, a specific detailed procedure must be followed by the Learning Center and HOPE as described herein. When a student faces less serious consequences for failing to comply with HOPE policies and regulations, more simplified procedures are appropriate.

### **Suspension Authority**

If a student is suspended for more than ten days, he or she shall be given the opportunity to request a review of the suspension. The decision of the HOPE Executive Director/CEO or designee can be appealed to the governing School Board.

Upon consultation with HOPE, any student may be temporarily suspended from the Learning Center if the student presents an immediate threat to the health, welfare, or safety of the student, other students, or Learning Center personnel or for behavior that is consistently inappropriate and unacceptable on or off the Learning Center campus.

The Learning Center will work with HOPE to ensure that any student removed continues to receive instruction in the HOPE curriculum during the time that the student is not at the Learning Center.

No student of minor age shall be released from the custody of Learning Center personnel, except in the case of a transfer to law enforcement authorities, until arrangements have been made for a transfer of custody with a parent, guardian, legal custodian, or parent's designee.

HOPE may extend a suspension for up to ten school days if the conduct giving rise to disciplinary action warrants higher level consequences.

HOPE may also order in-school suspension, as defined under the definitions section of this policy.

Students with disabilities are subject to suspension on the same grounds as students without disabilities, except that such students are subject to the special considerations and procedures outlined herein.

### **Expulsion Authority**

HOPE retains the authority to expel students. Expulsion can occur only after the accused student and his or her parents have been given the opportunity for a hearing in accordance with the procedures set forth herein.

The decision of HOPE may, in accordance with the procedures set forth below, be appealed to the Governing School Board.

Any expelled student receiving services shall be included in HOPE's pupil enrollment.

Students with disabilities may be subject to expulsion on the same grounds as students without disabilities, except that such students are subject to the special considerations and procedures as outlined herein.

In accordance with state law, any student expelled for reasons covered by the grounds for suspension or expulsion in paragraphs 5 (behavior which is detrimental), 7 (serious violations), 8 (weapons), or 10 (robbery, or first or second degree assault) set forth above, and who is convicted, adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled (except with respect to crimes against property), shall not be enrolled or reenrolled in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed. If HOPE has no actual knowledge of the name of the victim of the offense for which a student was expelled, the student shall be prohibited from enrollment or reenrollment under this policy only upon request of the victim or a member of the victim's immediate family at a school where the student seeks to enroll or reenroll.

### **Crimes of Violence and Unlawful Sexual Behavior**

Whenever HOPE is notified that a student at least 12 years of age, but under 18 years of age, has been charged in juvenile court with an offense that would constitute a crime of violence or unlawful sexual behavior if committed by an adult, or has been charged in district court with a crime of violence or unlawful sexual behavior, HOPE shall determine whether the student has exhibited behavior that is detrimental to the safety and/or welfare of the other students or personnel at school, and whether educating the student at 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/or other school personnel.

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

As used in this policy, “unlawful sexual behavior” means any of the following offenses as defined by law or criminal attempt, conspiracy, or solicitation to commit any of the following offenses: (1) sexual assault; (2) unlawful sexual contact; (3) sexual assault on a child; (4) sexual assault on a child by one in a position of trust; (5) enticement of a child; (6) incest or aggravated incest; (7) trafficking in children; (8) sexual exploitation of children; (9) procurement of a child for sexual exploitation; (10) indecent exposure; (11) soliciting for child prostitution; (12) pandering of a child; (13) procurement of a child; (14) keeping a place of child prostitution; (15) pimping of a child; (16) inducement of child prostitution; or (17) patronizing a prostituted child; (18) promotion of obscenity to a minor; or (19) wholesale promotion of obscenity to a minor.

#### **Procedure for Suspensions**

If HOPE seeks to remove a student with disabilities from his or her current placement for more than 10 consecutive school days (except as provided in the preceding paragraph), then HOPE must, no later than by the date the decision to take such disciplinary action is made, notify the parent of that decision and of all procedural safeguards accorded under applicable law, and, no later than 10 school days after the disciplinary decision is made, meet with the parent and relevant members of the student’s IEP or § 504 team (as determined by HOPE and the parent), to determine in accordance with applicable law if the student’s conduct was a manifestation of his or her disability.

If the IEP or § 504 team determines that the student’s conduct was not a manifestation of the student’s disability, then HOPE may proceed with discipline in the same manner as with a student without disabilities, except that a student with an IEP must continue to receive educational services as determined by the IEP team. In addition, as deemed appropriate by the IEP team, the student may receive a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior for which the student was suspended, or, if behavioral intervention services and modifications are already in place, have them reviewed and modified as the IEP team deems necessary.

If the IEP or § 504 team determines that the student’s conduct was a manifestation of the student’s disability, then HOPE must discontinue the suspension proceedings and return the student to the placement from which he or she was removed, unless otherwise agreed to by the parent. In addition, for students with IEPs, the IEP team must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student, or, if a behavioral intervention plan was already in place, review and modify it as the team deems necessary.

#### **Procedure for Expulsion**

In the event that HOPE contemplates action expelling any student, the following procedures shall be followed:

1. **Hearing Notice.** Not less than ten days prior to the date of contemplated action, HOPE shall cause written notice of such proposed action to be delivered to the student and his or her parents, guardian, or legal custodian. Such delivery may be by United States mail or by personal delivery. If mailed, delivery shall be deemed to be completed at such time as the notice is deposited in the United States mail addressed to the last known address of the student or his or her parents, guardian, or legal custodian.

2. **Emergency Notice.** In the event an emergency exists necessitating a shorter period of notice, the period of notice may be shortened, provided that the student or his or her parents, guardian, or legal custodian have actual notice of the hearing prior to the time it is held.
3. **Contents of Notice.** The notice shall contain the following:
  - a. A statement of the rule or regulation, which the student is alleged to have violated.
  - b. A statement that a hearing on the question of expulsion will be held within the period of suspension applicable to the student.
  - 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 such information as is relevant; and that the student may be accompanied and represented by his or her parents, guardian, or legal custodian and an attorney.
  - e. A statement that failure to participate in such a hearing constitutes a waiver of further rights in the matter.
  - f. A statement of the effective date and duration of the contemplated expulsion.
4. **Hearing.** The hearing shall be conducted by HOPE Executive Director/CEO or designee acting as a hearing officer. A recording of the hearing will be made.
  - a. At the hearing the student may be represented by an attorney. If a student is represented by an attorney, the student or the student's parent must notify HOPE Executive Director/CEO or designee of this fact by telephone or in writing when an expulsion hearing is requested, and in no event fewer than three business days before the hearing date. Failure to provide timely notification of attorney representation will result in a continuance of the hearing and a corresponding extension of the period of suspension to allow HOPE to obtain legal counsel.
  - b. The student will be afforded the opportunity to confront and cross-examine witnesses called by the school administration. The student may call his or her own witnesses. The school administration may cross-examine the witnesses called by the student. The hearing officer may limit the number of witnesses. Factors justifying the limitation of witnesses include:
    - i. Whether the witness saw the offense or possesses other relevant information regarding the offense; and
    - ii. Whether the witness's testimony is redundant or duplicates other testimony already given.
  - c. If a hearing officer conducts the hearing, the hearing officer will make specific factual findings and will promptly submit to HOPE Executive/CEO or designee those findings and a recommendation regarding the expulsion.
5. **HOPE Executive Director/CEO or designee's Decision.** HOPE Executive Director/CEO or designee will review the hearing officer's factual findings and recommendation. No later than five business days after the hearing conducted by HOPE Executive Director/CEO or designee or hearing officer, HOPE Executive Director/CEO or designee will issue a written decision.
6. **Appeal to the Board.**
  - a. The student or parent may appeal HOPE Executive Director/CEO or designee's written decision to the HOPE Board of Directors. A request for appeal must be in writing and be received by the Board no later than five business days after the student, parent, or representative receives HOPE Executive Director/CEO or designee's decision. The written request for appeal must state the grounds for appealing HOPE Executive Director/CEO or designee's written decision and explain why those grounds exist and support the relief the appellant seeks (such as a re-hearing, a shortening of the expulsion period, or a complete overturning of the expulsion decision). The grounds for appeal must be one of the following:
    - i. HOPE Executive Director/CEO or designee's decision is not supported by the facts established at the hearing;
    - ii. The student was not afforded procedural due process; or
    - iii. The student was expelled in violation of HOPE policy.

- b. HOPE Executive Director/CEO or designee may address matters raised in the request for appeal for inclusion in the record to be considered by the Board. Failure to request an appeal within five business days of receipt of HOPE Executive Director/CEO or designee's decision will result in a waiver of the right to appeal and the HOPE Executive Director/CEO or designee's written decision will become final.
  - c. If an appeal is properly requested, the Board will review the record concerning the expulsion. The record includes notices and other documents concerning the suspension and expulsion, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the hearing officer or HOPE Executive Director/CEO or designee, the HOPE Executive Director/CEO or designee's written decision, and other documents concerning the expulsion. The student may be represented by counsel at the appeal. Representatives of HOPE and the parents may make brief statements to the Board, but no new evidence will be presented unless such evidence was not reasonably discoverable at the time of the hearing.
  - d. The Board will make a final determination regarding the expulsion of the student and will inform the student and his or her parent(s) of the right to judicial review.
7. **Students with Disabilities.** Students with disabilities are subject to expulsion on the same grounds as students without disabilities, except that such students are subject to the special considerations and procedures outlined in this regulation.
- a. Before expelling a student with disabilities, HOPE must, no later than by the date the decision to take such disciplinary action is made, notify the parent of that decision and of all procedural safeguards accorded under applicable law, and, no later than 10 school days after the disciplinary decision is made, meet with the parent and relevant members of the student's IEP or § 504 team (as determined by HOPE and the parent), to determine in accordance with applicable law if the student's conduct was a manifestation of his or her disability.
  - b. If the IEP or § 504 team determines that the student's conduct was not a manifestation of the student's disability, then HOPE may proceed with expulsion in the same manner as with a student without disabilities, except that a student with an IEP must continue to receive educational services as determined by the IEP team. In addition, as deemed appropriate by the IEP team, the student may receive a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior for which the student was expelled, or, if behavioral intervention services and modifications are already in place, have them reviewed and modified as the IEP team deems necessary.
  - c. If the IEP or § 504 team determines that the student's conduct was a manifestation of the student's disability, then HOPE must discontinue the expulsion proceedings and return the student to the placement from which the student was removed, unless otherwise agreed to by the parent. In addition, for students with IEPs, the IEP team must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student, or, if a behavioral intervention plan was already in place, review and modify it as the IEP team deems necessary.
8. **Parental Responsibility for School Attendance.** If a student between the ages of seven and 16 is expelled for the remainder of a school year, the parents, guardian, or legal custodian of the student are responsible under state law for ensuring compliance with Colorado's compulsory attendance laws during the period of expulsion.
9. **Re-admittance.** A re-admittance conference of the type described in paragraph 9 of the procedures for suspension section of this policy shall be held prior to an expelled student being readmitted to school.

### **DISCIPLINE OF HABITUALLY DISRUPTIVE STUDENTS *Policy: HS-014***

Any student who is suspended two times for a material and substantial disruption during any one school year while at or on Learning Center or HOPE grounds, at a school-sanctioned activity or event, or while being transported in a HOPE approved vehicle shall be subject to an individual discipline plan.

Any student who is suspended for reasons stated in the Student Suspension, Expulsion, and Learning Center Dismissal policy (HS-013) related to willful disobedience, willful destruction or defacing school property, behavior which is detrimental, serious violation, weapons, drugs and alcohol or robbery, or first or second degree assault, three times during the course of a school year or calendar year shall be declared an habitually disruptive student and shall be subject to mandatory expulsion in accordance with this policy and state law.

For purposes of this policy, disruptive behavior means behavior which is initiated, willful, and overt on the part of the student.

Discipline of students with disabilities who are habitually disruptive shall be subject to the special considerations and procedures specified in the Student Suspension, Expulsion, and Learning Center Dismissal policy (HS-013).

While this policy does not encompass every situation that may be encountered, it serves as a strict guideline for the HOPE program and its operation. Any circumstance not addressed which is believed to be an issue should be immediately brought to the attention of HOPE Executive Director/CEO or designee.

All incidents of disruptive behavior by a student occurring while at or on HOPE or Learning Center grounds, at a school-sanctioned activity or event, or while being transported in a HOPE approved vehicle, shall be reported in writing to the Learning Center director.

The Learning Center director shall confer with the employee reporting an incident of disruptive behavior, and, if determined necessary, may contact the student's parents, guardian, or legal custodian to discuss the incident. If the child is suspended for a material and substantial disruption, the student and the parent, guardian, or legal custodian shall be notified in writing of each suspension counted toward declaring the student habitually disruptive pursuant to this policy.

The Learning Center director shall prepare a brief written summary of the incident. The student and his or her parents, guardian, or legal custodian shall be given a copy of the summary and shall be informed that the continuation of such behavior may result in disciplinary action, including suspension or expulsion pursuant to the terms of this regulation. The student may submit a written response to the incident report within the next five school days which shall be attached to the written summary. The summary and any written response shall be placed in the student's cumulative file.

### **Remedial Discipline Plans**

A remedial discipline plan shall be developed for the student after his or her second suspension in any one school year for a material and substantial disruption, as defined above. The remedial discipline plan shall be developed by HOPE, with the assistance of the student's teacher and any other school personnel involved, as well as the student and his or her parents, guardian, or legal custodian. If deemed necessary or desirable by HOPE, a remedial discipline plan may be developed for the student after his or her first suspension in any one school year for a material and substantial disruption, as defined above.

The purpose of meeting with a student's teacher and other school personnel, and with the student and his or her parents, guardian, or legal custodian in developing a remedial discipline plan, shall be to address the student's disruptive behavior, his or her educational needs, and the goal of keeping the child in school. The meeting is also intended to establish goals, objectives, and time lines for modifying the behavior which shall be incorporated into the remedial discipline plan. The plan also shall inform the student of the consequences, including mandatory expulsion, should he or she continue to engage in disruptive behavior.

If the student, parent, guardian, or legal custodian fails to attend the meeting to establish the remedial discipline plan after reasonable attempts have been made to schedule the meeting, HOPE may conduct the meeting and develop a remedial discipline plan for the student with those persons in attendance.

The remedial discipline plan is intended to be written in the form of a contract and signed by the student and his or her parents, guardian, or legal custodian.

The student and his or her parents, guardian, or legal custodian shall be provided a copy of the remedial discipline plan and a copy shall be placed in the student's cumulative file.

#### **Discipline of Habitually Disruptive Students**

Upon consultation with the Learning Center director, HOPE shall declare a student to be a habitually disruptive student, and shall inform the student and his or her parents, guardian, or legal custodian of such, in writing, once the student has been suspended three times during a single school year or calendar year for a material and substantial disruption.

Upon determining a student's status as a habitually disruptive student, HOPE shall initiate proceedings for expulsion in accordance with the HOPE Student Suspension, Expulsion, and Learning Center Dismissal policy (HS-013).

The student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student" and the mandatory expulsion of such students prior to expulsion.

Nothing in this policy shall preclude HOPE from otherwise imposing disciplinary action, including suspension or the commencement of expulsion proceedings, at any time against a student for disruptive behavior.

#### **Students with Disabilities**

Discipline of students with disabilities who are habitually disruptive shall be subject to the special considerations and procedures specified in the Student Suspension, Expulsion, and Learning Center Dismissal policy (HS-013).

### **CORPORAL PUNISHMENT, SECLUSION AND RESTRAINT *Policy: HS-015***

It is the policy of HOPE that no student enrolled in HOPE programs will be mentally, physically or sexually abused by anyone who works with students enrolled in HOPE. It is also the policy of HOPE that no students enrolled in HOPE will be subject to corporal punishment or to seclusion or restraint in violation of Colorado law or Colorado Department of Education regulations.

Accordingly, HOPE will not tolerate any form of discipline that involves yelling, screaming, or use of obscenities; or striking a child with an object, or an open or closed hand; or any other form of corporal punishment. In addition HOPE students should not be subject to physical restraint in any form other than holding of less than five minutes exclusively for purposes of comfort, support or safety.

Maintaining an orderly, safe environment conducive to learning is an expectation of HOPE. To the extent that their actions comply with state law and HOPE policy governing physical restraint of students, HOPE and Learning Center employees shall have the full support of HOPE in their efforts to maintain a safe environment.

There are times when it becomes necessary for employees to use reasonable restraint to protect a student from harming himself/herself or to protect others from harm.

Reasonable restraint is defined as involuntary immobilization of the student's opportunity for movement by an employee(s) through direct contact.

Any HOPE student placed in any form of "time out" must be under continuous line-of-sight supervision by appropriate personnel in an appropriate non-injurious, lighted, *unlocked* environment. Learning Centers that use time out or anticipate the need to use restraint should familiarize themselves with the Colorado Department of Education Guidelines on seclusion, restraint, and time out found at the web address noted above.

While this policy does not encompass every situation that may be encountered, it serves as a strict guideline for the HOPE program and its operation. Any circumstance not addressed which is believed to be an issue should be immediately brought to the attention of HOPE Executive Director/CEO or designee.

Persons employed by HOPE or a Learning Center may, within the scope of their employment, including involvement in extracurricular activities, use and apply such amount of force for such period of time as is reasonable and necessary to accomplish the following purposes:

1. To quell a disturbance threatening serious, probable, and imminent bodily harm to self or others;
2. To obtain possession of weapons or other dangerous objects which are within the control of a student who poses a serious, probable, and imminent threat of bodily harm to self or others; or
3. For protection against serious, probable, and imminent threat of harm to self and others, or destruction of property which could lead to harm to the student or others.

An act of physical force or restraint by a HOPE or Learning Center employee against a student shall not be considered child abuse if the act was performed in good faith and in compliance with this policy. Such acts shall not be construed to constitute corporal punishment. If a student is not in control, staff cannot deescalate the situation, then law enforcement should be called.

Within a reasonable time after a HOPE or Learning Center employee uses reasonable restraint with a student, the teacher or employee shall report the incident to the Learning Center director and HOPE. The Learning Center director shall notify the parent(s) or guardian of the incident and shall determine what additional action, if any, to take. If the restraint lasted five minutes or longer, a written report shall be prepared within one day of the incident, shall be transmitted to the parent(s) or guardian of the affected student within 36 hours of the incident, and a copy shall be placed in the student's discipline and/or other appropriate file.

### **SEARCHES *Policy: HS-016***

HOPE or Learning Center employees may search a student, a student's personal effects, desks or storage areas, or automobiles under the circumstances outlined below and may immediately take possession of any illegal, unauthorized, or contraband materials discovered in the search.

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

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

While this policy does not encompass every situation that may be encountered, it serves as a strict guideline for the HOPE program and its operation. Any circumstance not addressed which is believed to be an issue should be immediately brought to the attention of HOPE Executive Director/CEO or designee.

#### **Personal Searches**

A student's person and/or personal effects in his/her possession (e.g., purse, book bag, etc.) may be searched whenever a HOPE or Learning Center authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials.

If a pat-down search of a student's person is conducted, it will be conducted in private by a HOPE or Learning Center official of the same sex and with an adult witness present, except that under urgent circumstances, a search may be conducted by a school official alone, without a witness present.

If the HOPE or Learning Center administrator feels that a more intrusive search is required, searches of the person of a student which require removal of clothing other than a coat or jacket shall be referred to and conducted by a law enforcement officer, and school personnel will not participate in such searches.

#### **Automobile Searches**

Students are permitted to park on Learning Center premises as a matter of privilege, not of right. The Learning Center retains authority to patrol the parking area and inspect the exteriors of automobiles on Learning Center property.

The interiors of vehicles may be inspected whenever a Learning Center authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside.

#### **Evidence Seized in a Search**

Any item found in the course of a search conducted in accordance with HOPE policy and determined to be evidence of a violation of HOPE policy, rules, or federal, state or local laws shall be immediately seized and tagged for identification. Such evidence will be kept in a secure place by the Learning Center director. If such evidence is determined to be a violation of the law, the Learning Center director shall promptly contact a law enforcement officer to pick up the evidence. Otherwise, the evidence shall be maintained by the Learning Center director or designee until it is no longer needed as evidence in a school disciplinary hearing, at which time it will be returned to the parent, guardian or legal custodian of the student from whom it was seized.

## **SECTION C - OTHER IMPORTANT POLICIES**

### **STUDENT ATTENDANCE *Policy: HS-017***

School attendance is required by law for every child who has attained the age of six years on or before August 1 of each year and is under the age of 17. Attendance in class is an integral part of the educational process and students are required to be in attendance every day school is in session each academic year.

Parents, guardians, and legal custodians of students between the ages of six and 17 years are obligated by state law to ensure the child's attendance.

Students must be at their assigned Learning Center on time every scheduled day unless excused. Students must come to class prepared, by bringing required supplies and completed progress. Students must make reasonable academic progress.

#### **Absences**

An absence consists of failure to appear at the assigned school and/or remain there throughout the entire school day unless dismissed earlier by proper authority. Failure to appear and remain throughout the entire time of a scheduled class period shall also constitute an absence from that class unless dismissed earlier by proper authority.

#### **Excused Absences**

Excused absences are those resulting from: temporary or extended illness, injury, or physical, mental, or emotional disability; family emergencies; absences excused by the HOPE student services coordinator through prior requests of parents or guardians; absences pursuant to school release permits; absences which occur when a student is in custody of a court or law enforcement authority; and any other absence approved the Learning Center director with delegated authority from HOPE student services.

#### **Unexcused Absences**

Unexcused absences are those with or without prior knowledge and approval of the parents but for reasons not acceptable to the Learning Center director and HOPE student services. Unexcused absences include those resulting from suspensions and expulsions.

**Tardiness**

Tardiness is a failure to appear on time and is considered a form of absence. Repeated tardiness shall be reported to the HOPE student services.

**Readmission**

Students will be readmitted to school after an absence. A written or telephone message should be received from a parent or guardian explaining the student's absence at the time of readmission or as soon after that time as stipulated by HOPE student services coordinator. An absence not so clarified within the time limit will be treated as an unexcused absence. When a physician has been treating the student, the physician's statement that the student is well enough to return to school should be presented.

**Notification of Absences**

Learning Centers shall make a reasonable effort to notify parents, guardians, or legal custodians by telephone as soon as possible when students are absent from school or from assigned classes without acceptable excuse. If students stand to lose course credit because of absence, reasonable effort shall be made to notify the parents, guardian, or legal custodian in advance so that remedial action can be taken.

At the beginning of each school year, and upon the enrollment of a new student, a telephone number or other means for contacting each student's parents, guardian, or legal custodian during the day shall be obtained by the Learning Center.

Learning Center directors should contact parents to determine the reasons for excessive absences and shall attempt to work with parents to encourage good attendance.

**Academic Sanctions**

If a student makes up missed time, transportation is the responsibility of the parent.

**Enforcement of Compulsory School Attendance**

It is the duty of HOPE student services to investigate the causes of nonattendance, counsel with students and parents, and to take action necessary to enforce the compulsory school attendance laws of Colorado, including initiating proceedings to compel attendance and proceedings for enforcement of court orders compelling school attendance.

**Habitually Truant Students**

Students subject to the compulsory attendance laws who have four or more unexcused absences from school or from class on four or more different days in a one-month period, or ten or more unexcused absences from school or from class on ten or more different days in a school year are considered to be "habitually truant" under state law. Absences due to suspension or expulsion shall not be considered for purposes of determining habitual truancy.

Once a student is determined to be habitually truant, the HOPE student services coordinator shall notify the student's parents, guardian, or legal custodian, in writing, of the student's unexcused absences and of the fact that the student is habitually truant. When a student is declared habitually truant, HOPE shall, in cooperation with the student and parent, guardian, or legal custodian, develop a plan to assist the child to remain in school. Court action may be initiated by the designated school authorities when deemed necessary to enforce school attendance requirements.

**Notification to and Acknowledgement by Parents of Obligation**

At the beginning of each school year, and upon enrollment of each new student subject to the compulsory attendance laws, parents, guardians, and legal custodians shall be notified in writing of their legal obligation to ensure their child's attendance at school and shall be requested to sign and return to the school a written acknowledgement of such obligation and to furnish the school with a telephone number or other means of contacting them during the school day.

In addition, HOPE will notify parents of students who have dropped out of the HOPE program but who are not subject to compulsory attendance laws (such as students age 17 or older) of the long-term ramifications of dropping out of school, and encourage the student to return to school.

Learning Centers must take daily attendance in accordance with this policy and submit attendance records to the HOPE teacher as directed in writing.

### **COMMUNICABLE DISEASES AND LONG-TERM ILLNESSES *Policy: HS-018***

Admission to HOPE or a Learning Center may be denied to a child suffering from a disease whereby his or her attendance is detrimental to the welfare of other pupils. This would include any disease, infectious condition, or illness which may reasonably be considered to pose an unacceptable risk of being communicated to others.

Neither this policy nor the placement of a child in any particular program shall preclude HOPE administration from taking any temporary actions, including removal from the classroom, as deemed necessary to protect the health, safety, and welfare of the child or others.

Parents are requested to notify the Learning Center if their child contracts a communicable disease, infectious condition, or illness and to keep any child temporarily affected thereby out of school until the condition is no longer communicable or until he or she has fully recovered. The Learning Center must notify the school nurse, and the need for exclusion from school will be determined by the school nurse in accordance with the Colorado Department of Health guidance.

A child suffering from a long-term physical illness by which he or she is unable to receive reasonable benefit from the ordinary educational program may be determined to be a child with disabilities under state and federal law.

Any child determined to have a long-term illness, disease, or infectious condition that is known or reasonably suspected to be communicable, shall be evaluated, staffed, and placed in an appropriate educational program in accordance with applicable law. When appropriate, the Colorado Department of Health may be requested to become involved.

### **ADMINISTERING MEDICATIONS TO STUDENTS *Policy: HS-019***

In general, Learning Center personnel should not administer medication to students at the Learning Centers unless clearly necessary and where appropriate administration cannot reasonably be accomplished outside of school hours. The parent or guardian shall be responsible for providing all medication to be administered to a student.

Prescription medication will be administered to students at a Learning Center upon the specific written request of the student's parent or guardian and with the written authorization of the student's physician. The parent or guardian must execute a full release of HOPE and the Learning Center and its personnel from claims arising out of the administration of the medication. The required authorization and release is encompassed in the Student Medication Request and Release Agreement and Physician's Signed Order, which must be completed by the parent or guardian and physician, for each medication or change of medication the parent wishes to have administered to the student.

If a student must receive prescription medication during school hours, the parent or guardian shall furnish the medication in the original pharmacy labeled container. The label shall state the student's name, medication, dosage, number and/or time(s) of dosages per day and name of the prescribing physician. Medication shall be administered at each school only by the school nurse or by his or her designee. Medication will be administered only in accordance with the instructions on the prescription label. A parent or guardian may deliver medication to the school during school hours. Medications that are brought by the student must be in the original pharmacy (or pharmaceutical) bottle and sealed in an envelope. If the medication is not in a sealed envelope, the parent or guardian will be contacted.

Verbal request or permission to administer medication may be accepted only when made by the parent or guardian to the Learning Center director and only when prior delivery of the required forms is not reasonably possible under the circumstances. Written parental permission and authorization by the prescribing physician must be submitted by the parent before medication will be administered a second day.

Medication may not be carried during the school day by elementary school students unless there is a need that is documented by the student's physician.

Middle and high school students may assume responsibility for bringing to school and administering their own medication providing they carry only enough for one day and have the self administration "permission to carry medication" form on file in the school office. Students using poor judgment in carrying and taking their own medication will have such medication confiscated by Learning Center personnel, parents or guardian will be notified, and the student may face disciplinary action. A structured plan will then be developed for the administration of the medication. Any parent or guardian who chooses not to sign the permission to carry medication form may request that a structured plan be devised for his or her student.

Medications will be given only by Learning Center employees to whom such responsibility has been delegated by the school nurse at each building. School personnel will maintain a written record of all medications administered to students. The record will include the student's name, medication, dosage, date and time given and the signature of the Learning Center personnel administering the medication.

All medications to be administered by school nurse or by his or her designee shall be kept in a secure, locked, clean cabinet or drawer.

#### **Special Considerations for Asthma and Anaphylaxis**

Notwithstanding the above, a student with asthma, severe allergies, or another related, life-threatening condition may possess and self-administer medication as provided in the Contract to Carry/Self-Administer Medication developed in accordance with the Colorado Schoolchildren's Asthma and Anaphylaxis Health Management Act.

### **STUDENT EDUCATION RECORDS *Policy: HS-020***

The HOPE director of admissions is the official custodian of all student records.

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

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

#### **Access to Records**

A parent or guardian shall be able to inspect and review the student's education records. However, if a student is 18 years old or older, the student may inspect his/her own records and, unless the student is claimed by a parent/guardian as a dependent for federal income tax purposes, his/her written permission shall be necessary in order for his/her parents or guardian to inspect them. Such student 18 years old or older shall be known as an "eligible student."

In case of doubt as to whether the records are open to inspection, the custodian shall confer with the HOPE attorney.

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

In all cases where access to education records is requested, except as provided in this policy, a written request to see the records must be made by the parent/guardian or eligible student. The custodian, upon receipt of the written request, shall provide access to inspect and review the records and set a date and time for such inspection and review. In the absence of extenuating circumstances, the date set will be within three working days after the request has been made. The person examining the records shall do so in the presence of the custodian and/or other person(s) designated by him or her.

The record itself shall not be taken from the HOPE premises. However, upon request, one copy of the record shall be provided within a reasonable time to the parent/guardian, eligible student, or properly designated third person at a cost not to exceed \$1.25 per page to be determined by HOPE.

### **Requests to Amend Education Records**

Parents/guardians or eligible students who believe that information contained in the education records of a student is inaccurate or misleading, or violates the privacy or other rights of the student, may request that HOPE amend the records, but grades cannot be challenged pursuant to this policy. Parents/guardians or eligible students shall make such requests in writing to the custodian or, in the case of evaluation data resulting from assessment related to identification of a disability, to the HOPE special education consultant. The request to amend a student's education records must be made in writing within ten school days of the date the records were first examined. If the custodian or special education consultant denies the request to amend, the parent/guardian or eligible student may request a formal hearing. A request for a formal hearing must be made in writing within ten school days of the denial and be addressed to HOPE. The hearing will be held in accordance with the procedures set forth in the procedures contained in this policy.

### **Disclosure Without Written Consent**

HOPE may disclose student education records and/or personally identifiable information contained therein without written consent of the parent/guardian or eligible student only if the disclosure meets one of the following conditions:

1. The disclosure is to a Learning Center official within HOPE having a legitimate educational interest in the education record or the personally identifiable information contained therein:
  - a. For purposes of this policy, a Learning Center official is determined to have a "legitimate educational interest" if disclosure to the official is: (1) necessary for that official to perform appropriate tasks that are specified in his or her position description or by a contract agreement; (2) used within the context of official school business and not for purposes extraneous to the official's areas of responsibility; (3) relevant to the accomplishment of some task or to a determination about the student; and (4) consistent with the purposes for which the data are maintained.
2. The disclosure is to officials of another school or school system or institution of postsecondary education, to which the student moves, transfers, makes application to transfer, or otherwise seeks to enroll. Copies of such records shall be provided to the parent/guardian or eligible student upon their request. The records may include data concerning standardized tests; scholastic achievement; disciplinary information; or medical, psychological, or sociological information.
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, and state educational authorities.
4. The disclosure is to state and local officials and concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are disclosed as provided under the Colorado Open Records Act and Colorado Children's Code. Such records and personally identifiable information shall only be disclosed upon written certification by the officials that the records and information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the parent/guardian or eligible student.

5. The disclosure is to representatives of entities to which a student has applied for or has received financial aid when the disclosure is for the purpose of determining the amount, conditions, eligibility, or enforcement of the terms of the aid.
6. The disclosure is to accrediting organizations for accrediting functions.
7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; to administer student aid programs; or to improve instruction.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena. Unless otherwise specified in the order or subpoena, HOPE shall make a reasonable effort to notify the parent/guardian or eligible student prior to complying with the subpoena or order.
9. The disclosure is in connection with an emergency, if knowledge of the information disclosed is necessary to protect the health or safety of the student or other persons.
10. The disclosure is of information designated by this policy to be directory information.

Nothing in this policy shall prevent school officials from disclosing information derived from personal knowledge or observation.

#### **Disclosure of Directory Information**

HOPE may disclose directory information from a student's education record without written consent of the parent/guardian or eligible student in accordance with the following provisions:

1. "Directory information" is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. "Directory information" includes, but is not limited to, the student's name, e-mail address, photograph, gender, date and place of birth, grade level, participation in officially recognized sports and activities, height and weight of athletic team members, dates of attendance, and degrees, awards, honors, and other distinctions received. The addresses and telephone numbers of students in elementary or secondary schools shall not be disclosed without the express written permission of the parent/guardian, except to law enforcement agents conducting an investigation of a student if the agents show that it is necessary for the investigation to have access to that information.
2. The parent of a student or an eligible student may, while the student is in attendance in a HOPE program, refuse to permit the designation of any and all personally identifiable information as directory information, with respect to that student, by informing the custodian of records in writing of such refusal, utilizing the appropriate form, at least 20 days in advance of disclosure.

#### **Limitation of Disclosure**

Personally identifiable information from a student's education records shall be disclosed only on the condition that the party to whom disclosure is made will not disclose the information to any other party without the prior written consent of the parent/guardian or the eligible student.

#### **Disclosure to Other Parties**

HOPE shall not disclose student education records to individuals or parties other than those listed above without prior written consent of the parent/guardian or eligible student. Such written consent shall be signed and dated and shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

#### **Disclosure to Military Recruiting Officers**

Names, addresses, and home telephone numbers of secondary school students shall be released to military recruiting officers for any branch of the United States Armed Forces within 90 days of the request unless the student submits a request, in writing, that such information not be released. Reasonable and customary actual expenses directly incurred by HOPE in furnishing this information shall be paid by the requesting service.

#### **Annual Notification of Rights**

HOPE, at the beginning of each academic year, will notify all parents/guardians and eligible students of their rights under this policy. Copies of this policy, and related forms, may be obtained from the Office of the Superintendent at

any time during normal business hours. Complaints regarding violations of rights accorded parents/guardians and eligible students pursuant to the Family Educational Rights and Privacy Act may be submitted to the Family Policy Compliance Office, United States Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-4605.

### **Special Education Records**

The parents of a student with disabilities must be informed when student records related to special education assessments and services are no longer needed to provide educational services to the student. If the parent of a student with disabilities requests that the personally identifiable information contained in records no longer needed to provide education services be destroyed, the request should be granted by removing all personal identifiers from the information. Nevertheless, the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be retained even when all other personal identifiers have been removed from a student's records. No record will be destroyed by the removal of personal identifiers while still needed to provide educational services to a student.

All regulations incorporated in the HOPE policy on student education records must be observed by school personnel. The following are procedures to be used in carrying out policy requirements. Eligible students are those students or former students over the age of 18 years. Either parent is presumed to have authority to inspect education records unless the school has been provided with a court order denying that parent access to the minor student's records.

#### **1. Requests to review education records by parents, guardians, or eligible students**

- a. A request to see a student's education records must be submitted on an official form by the parent, guardian, or student, to the custodian of records of HOPE.
- b. The custodian, upon receiving the request, will set a date and time for inspection and review of the records.
- c. The parent/guardian or eligible student shall examine the student's education records in the presence of the custodian. Parents/guardians and eligible students shall not be permitted to take records from the building.

#### **2. Challenges to content of records**

- a. If the parent/guardian or eligible student challenges any part of the student's education record, the custodian (or, in the case of psychological test data, the special education consultant) should review the part of the record being challenged and may, by mutual agreement with the person making the challenge, destroy, delete, or add the information in question.
- b. If the custodian (or special education consultant) does not agree with the challenge, the parent/guardian or eligible student may request a hearing. In all instances where challenges are made, the custodian is to notify HOPE Executive Director/CEO or designee.
- c. Challenges of education records must be in writing.
- d. Hearings on challenges will be held in accordance with the following procedures:
  - i. The hearing shall be held within 25 calendar days after receipt of the request. Notice of the date, place, and time of the hearing will be forwarded to the parent/guardian or eligible student by hand-delivery or certified mail.
  - ii. The hearing will be conducted by HOPE Executive Director/CEO or designee, who shall not have a direct interest in the outcome of the hearing.
  - iii. Parents/guardians or eligible students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of their choice at their own expense, including an attorney.
  - iv. HOPE Executive Director/CEO or designee shall issue a decision in writing within 20 calendar days following the conclusion of the hearing and shall notify the parent/guardian or eligible student of that decision by certified mail.
  - v. The decision of HOPE Executive Director/CEO or designee shall be based upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

- vi. HOPE Executive Director/CEO or designee's decision shall include a statement informing the parents/guardians or eligible student of their right to place in the student's records a statement commenting upon the information in the records and/or setting forth any reason for disagreement. Any explanation placed in the records shall be maintained as a part of the records as long as the record itself is maintained by HOPE. If the education record is disclosed by HOPE to any other party, the explanation shall also be disclosed to that party.
3. **Release of information to other schools/agencies**
    - a. Information from records may be released to officials of other school systems in which the student intends to enroll.
    - b. In cases where a student has applied for financial aid, records may be made available to an educational institution, government agency, or organization offering such aid in accordance with the procedure above.
    - c. Except at the written request and authorization of the parent or eligible student, records will not be released to prospective employers, F.B.I., or any person or agency not specifically named in the Family Educational Rights and Privacy Act and the accompanying federal regulations (refer to policy coded JRA/JRC specifics).
  4. **Records of access and of requests**
    - a. All completed request, authorization, and permission forms to view and receive student education records will be filed in the student's file.
    - b. The custodian shall keep a composite of all requests for inspection and copies of education records.
    - c. Written authorization is not required to be included in a student's education records when the request is made by a parent/guardian, eligible student, or school official within HOPE having a legitimate educational interest in the records.
  5. **Requesting records from other schools**

When a student transfers to HOPE from another school, HOPE will ask the parent (or student if the student is of age) to sign an authorization for release of education records which will be completed by the Custodian and forwarded to the school of previous attendance.
  6. **Transfer of records to other schools**

HOPE may transfer education records, including data concerning standardized tests; scholastic achievement; disciplinary information; or medical, psychological, or sociological information of any student to the records custodian in any other school or school district where the student moves, transfers, or applies for transfer.
  7. **Copies of law/ policy on student records**

A copy of the Family Educational Rights and Privacy Act and the HOPE policy on student records should be on file in the office of each Learning Center and of each individual who carries out procedures relative to the act or policy.

## **SCREENING/TESTING OF STUDENTS *Policy: HS-021***

### **Physical Screenings**

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

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

- Normally required as a condition of attendance;
- Administered by the school and scheduled by the school in advance; and
- Not necessary to protect the immediate health and safety of the student, or other students.

### **Survey, Analysis or Evaluation of Students**

Except as otherwise permitted by law, students shall not be required to submit to a survey, analysis, or evaluation related to curriculum or other school activities that is intended to reveal information, whether the information is personally identifiable or not concerning the student or the student's parents/guardians, without written parental consent, that reveals information concerning:

- political affiliations;
- mental or psychological problems potentially embarrassing to the student or the student's family;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating and demeaning behavior;
- critical appraisals of other individuals with whom the student has a close family relationship;
- legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers;
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
- religious practices, affiliations or beliefs of the student or the student's parents/guardians.

School personnel responsible for administering any such survey, analysis or evaluation shall give written notice at least two weeks in advance to the student's parent/guardian or to the eligible student, if he/she is 18 years old or older. For purposes of this policy, such student 18 years or older shall be referred to as an "eligible student." The notice shall offer to provide the following written information to the parent/guardian or eligible student upon request:

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

Parents/guardians and eligible students shall receive notice and have the opportunity to opt a student out of activities involving the collection, disclosure or use of personal information collected from the student for the purpose of marketing or selling that information or otherwise providing the information to others for that purpose.

Parents/guardians and eligible students have the right to review, upon request, any survey, analysis or evaluation administered or distributed by a school to students whether created by HOPE or a third party.

Nothing in this policy shall:

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

- the sale by students of products or services to raise funds for school-related or education-related activities; and/or
- student recognition programs.

### **Confidentiality**

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

### **Treatment/Testing for Behavior Issues**

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

### **Evaluation of Students with Disabilities**

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

### **Annual Notification of Rights**

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

This policy is in addition to and does not supersede any other legal rights of parents/guardians and students.

## **STUDENTS WITH FOOD ALLERGIES *Policy: HS-023***

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

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

Emergency medications for treatment of the student's food allergies or anaphylaxis shall be kept in a secure location accessible to designated Learning Center staff. Whenever possible and in a timely manner, the student's parent/legal guardian shall supply the Learning Center with the medication needed for treatment of the student's food allergies or anaphylaxis, unless the student is authorized to self-carry such medication in accordance to HOPE Policy HS-019 Administering Medication.

HOPE shall conduct emergency anaphylaxis treatment training for staff directly involved with a student during the day who has a known food allergy. At a minimum, the training shall prepare staff to have a basic understanding of food allergies and the importance of reasonable avoidance of agents that may cause anaphylaxis, the ability to recognize systems of anaphylaxis, and the ability to respond appropriately when a student suffers an anaphylactic reaction. The training shall also include instruction in the administration of self-injectable epinephrine.