

## **Grounds for Suspension/Expulsion**

According to Colorado Revised Statutes 22-33-106 (1) (a-f) and 3 (e) and 22-12-105 (3), the following shall be grounds for suspension or expulsion from a public school:

1. Continued willful disobedience or open and persistent defiance of proper authority.
2. Willful destruction or defacing of school property.
3. Behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or other children.
4. Declaration as an habitually disruptive student.
  - a. For purposes of this paragraph, “habitually disruptive student” means a child who has been suspended pursuant to paragraph (1), (2), (3), or (5) of this exhibit three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, in school vehicles or at school activities or events because of behavior that was initiated, willful and overt on the part of the child. Any student who is enrolled in a public school may be subject to being declared an habitually disruptive student.
  - b. The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each suspension counted toward declaring the student as habitually disruptive and 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.”

5. Serious violations in a school building or in or on school property for which suspension or expulsion shall be mandatory.

Expulsion is mandatory for:

- a. the sale of a drug or controlled substance as defined in C.R.S. 12-22-303
- b. the commission of an act which if committed by an adult would be robbery pursuant to Part 3, Article 4, Title 18, C.R.S. or assault pursuant to Part 2, Article 3, Title 18, C.R.S. other than the commission of an act that would be third degree assault under C.R.S. 18-3-204 if committed by an adult.
- c. the carrying, bringing, using or possessing a dangerous weapon without the authorization of the school or school district, except that if a student discovers that he or she has carried, brought or is in possession of a dangerous weapon and the student notifies a teacher, administrator or other authorized person in the school district, and as soon as possible delivers the dangerous weapon to that person, expulsion shall not be mandatory.

As used in paragraph c, "dangerous weapon" means:

- 1) A firearm, whether loaded or unloaded
- 2) Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air.
- 3) A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches.
- 4) Any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.

6. Repeated interference with a school's ability to provide educational opportunities to other students.
7. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property.
8. Failure to comply with the provisions of Part 9, Article 4, Title 25, C.R.S. (immunization requirements). Any suspension, expulsion or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
9. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

According to C.R.S. 22-33-106 (2), subject to the district's responsibilities under the Exceptional Children's Education Act and applicable federal law (*see policy JK\*-2, Discipline of Students with Disabilities*), the following shall be grounds for expulsion from or denial of admission to a public school or diversion to an appropriate alternate program:

1. Physical or mental disability such that the child cannot reasonably benefit from the programs available.
2. Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other students.

Issued: September 28, 1993

Revised: October 8, 1996

Revised: November 11, 1997

Revised: September 8, 1998

Revised: November 9, 2010

Swink School District #33, Swink, Colorado