

Suspension/Dismissal of Students

A. Procedure for suspension of 10 days or less

Through written policy, the Twin Peaks Charter Academy has delegated to the Principal the power to suspend a student for not more than five or 10 days, depending upon the type of infraction. The Principal has also been delegated the power to suspend a student for additional periods of time.
(See T-JKD/JKE)

The following procedures will be followed in any suspension of 10 days or less. When the term "student or parent/guardian" is used, this will mean student if the student is 18 years of age or older; otherwise it will mean parent/guardian.

1. Notice. The Principal, at the time of contemplated action, will give the student or parent/guardian notice of the contemplated action. Such notice may be oral or in writing. If oral, such notice will be followed by a written notice within 48 hours. If written, delivery will 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 parent/guardian.
2. Contents of notice. The notice will contain the following basic information:
 - a. A statement of charges against the student.
 - b. A statement of the basis of the allegation. Specific names may be withheld if necessary to shield a witness.

This information need not be set out formally but should sufficiently inform the student or his parent/guardian of the basis for the contemplated action.
3. Informal hearing. The student will be given an opportunity to admit or deny the accusation and to give his version of the events. The Principal may go further in allowing the student to present witnesses or may himself call the accuser and hold a more extensive hearing in order to make a proper decision on the contemplated action. The notice and informal hearing should precede removal of the student from school. There need be no delay between the time notice is given and the time of the hearing.
4. Emergency suspension. Notice and an informal hearing need not be given prior to removal from school where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, but notice and informal hearing should follow as soon thereafter as practical.

5. Decision. If following the informal hearing the disciplinary action contemplated involves suspension, the Principal will base his decision as to whether to suspend primarily on the informal hearing.

If the Principal determines that suspension is warranted, he may suspend the student for a period not to exceed five (5) school days per CRS 22-33-106(1)(a), (1)(b), (1)(c) or (1)(e). If the suspension is for serious violations, the period of suspension may be up to and including 10 school days per CRS 22-33-106(1)(d). The duration of the suspension will be subject to the policies and regulations of the TPCA Board as consistent with state statutes.

6. Notification following suspension. If a student is suspended, the Principal immediately will notify the parent/guardian that the student has been suspended, the grounds for such suspension and the period of such suspension. The notification will include the time and place for the parent/guardian to meet with the Principal to review the suspension.
7. Removal from school. A suspended student must leave the school building and the school grounds immediately following a determination by the parent/guardian and the Principal of the best way to transfer custody of the student to the parent/guardian.
8. Readmittance. No student will be readmitted to school until the meeting with the parent/guardian has taken place or until, in the opinion of the Principal, the parent/guardian has substantially agreed to review the suspension with the Principal. However, if the Principal cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the Principal may readmit the student.
9. Procedure in lieu of suspension. In lieu of suspension, a student may remain in school with the consent of his teachers if his parent/guardian agrees to attend all classes with the student for a period of time specified by the Principal. If the parent/guardian does not agree or fails to attend classes with the student, the student will be suspended.
10. Suspensions may be in school or out of school as determined by the Principal.

B. Procedure for extension of suspensions

1. The Principal or designee may extend a suspension imposed by for a period not to exceed 10 school days. Such extension may be accomplished without further conference or prior notice. The student and his parent/guardian will be given written notice of the extension.

2. Following an initial extension of a suspension, the Principal may extend the suspension for an additional 10 school days if necessary in order to present the matter at the next meeting of the TPCA Board. If it is determined that an additional suspension is warranted, the parent/guardian will be notified as soon as practical.
3. No student will be readmitted to school until a meeting with the Principal has taken place and the circumstances of the suspension reviewed, except that if the Principal cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the Principal may readmit the student.

C. Procedure for dismissal or denial of admission

In the event that the Principal contemplates action denying admission to any student or prospective student or dismissing any student, the following procedures will be followed:

1. Notice. Prior to the date of the contemplated action, the Principal will cause written notice of such proposed action to be delivered to the student and his parent/guardian. Such delivery may be in person or by certified mail.
2. Contents of notice. The notice will contain the following basic information.
 - a. A statement of the alleged reasons for the contemplated denial of admission or dismissal.
 - b. A statement that a hearing on the question of dismissal or denial of admission will be held if requested by the student or his parent/guardian.
 - c. A statement of the date, time and place of the hearing in the event on is requested.
 - d. A statement that the student may be present at the hearing and hear all information against him, that he will have an opportunity to present such information as is relevant and that he may be accompanied and represented by his parent/guardian and an attorney.
 - e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the matter.
3. Conduct of hearing. The hearing will be conducted by the TPCA Board. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Board but including in all events the student, his parent/guardian and, if requested, an attorney. Such individuals as may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

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

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

The TPCA Board will render a written decision no later than five (5) school days after the hearing. The decision will be delivered to the student or his parent/guardian in the manner described above. The Board may establish reasonable conditions for readmission as well as the duration of the dismissal which may not extend beyond one calendar year.

4. Appeal. No appeal will be allowed unless important new facts that may possibly alter the decision have come forward. New evidence must be presented in writing to the TPCA Board. No appeal may come more than 10 days after a decision is rendered. In case of an appeal, it will consist of a review of the facts that were presented and that were determined at the dismissal hearing conducted by the Principal or designee, introduction of new facts, arguments relating to the decision, and questions of clarification from the TPCA Board.

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

5. Readmittance. No student shall be readmitted to school after dismissal until after a meeting between the Principal and the parent/guardian has taken place, except that if the Principal cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the Principal may readmit the student. If the student is dismissed he/she may only be permitted to reapply for the following school year and enter through the lottery system.

D. Procedure for dismissal for crimes of violence

The following procedures will apply when the Twin Peaks Charter Academy receives notification that a student has been charged in juvenile or district court with a crime of violence as defined by state law.

1. The TPCA Board will conduct a hearing in executive session to determine whether:

- a. The student's behavior was detrimental to the safety or welfare of other students, teachers or school personnel.
 - b. Educating the student in school would disrupt the learning environment, provide a negative example for other students or create a dangerous and unsafe environment for students, teachers or other school personnel.
 - c. Grounds for dismissal of the student exist.
2. The TPCA Board will follow the same procedures for the hearing as those set forth above except that the Board will conduct the hearing and may not delegate its authority.
3. If at the hearing the Board determines that the student should not be educated in TPCA and that grounds for dismissal exist, it will proceed with the dismissal of the student.
4. The Board may determine to postpone dismissal proceedings pending the outcome of the court proceedings. If the dismissal proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program or home-based education program will be established for the student.
- 5. If the student pleads guilty to the charge, is found guilty or is adjudicated a delinquent juvenile, the TPCA Board may proceed to dismiss the student following the procedures set forth in the TPCA policies consistent with state statutes.**
6. If a crime of violence is committed by a student with disabilities, the student will not be dismissed or removed from school unless a qualified committee has determined that the student's conduct was not a manifestation of the student's disability. Discipline procedures for any student with a disability will be in accordance with state and federal law and Board policy.
7. Information regarding the details of the alleged crime of violence will be used by the TPCA Board for the purposes set forth in this policy, but will remain confidential unless the information is otherwise available to the public by law.

Revised April 25, 2002