Suspension, Expulsion, and Denial of Admission Procedures Policy

1. Purpose and Scope

Vista Charter School ("Vista") shall administer student suspension, expulsion, and disciplinary denial-of-admission decisions in a manner that is fair, timely, educationally appropriate, nondiscriminatory, and consistent with controlling federal and Colorado law, Vista's charter contract, authorizer requirements, and Board-adopted policies.

This policy applies to every Vista program and to every exclusion from instruction or school activities imposed for disciplinary reasons, regardless of whether the exclusion is described as a suspension, removal, early pickup, shortened day, safety exclusion, remote placement, or other temporary change in attendance. For students with disabilities, all school-directed disciplinary removals must also be counted and reviewed as required by IDEA, Section 504, the Exceptional Children's Educational Act, and implementing regulations.

This policy governs procedures. Student conduct standards, search and seizure requirements, threat assessment, physical intervention, restraint, seclusion, bullying, harassment, discrimination, attendance, and other related subjects shall be governed by separate Board policies and applicable law. Nothing in this policy authorizes physical restraint, seclusion, or law-enforcement detention except as separately permitted by law and Board policy.

2. Controlling Authority

This policy shall be interpreted and applied subject to the Colorado School Attendance Law of 1963, C.R.S. article 33 of title 22; the Colorado Charter Schools Act; the federal Gun-Free Schools Act; IDEA; Section 504; FERPA; the Colorado Exceptional Children's Educational Act; Vista's current charter contract; applicable authorizer policies and procedures; and any binding state or federal requirement.

If this policy conflicts with a controlling statute, regulation, charter-contract provision, authorizer requirement, or legally binding student-specific order, the controlling requirement governs. No handbook, administrative form, practice, individual decision, or informal agreement may expand Vista's authority to suspend, expel, deny admission, or exclude a student beyond the authority provided by controlling law and the current charter contract.

Before implementing this policy, the Head of School shall confirm and retain with Board records the current authorizer, the current executed charter contract, the source of Vista's authority to suspend students, the person or entity authorized to extend suspensions, the person or entity authorized to decide expulsions or disciplinary denials of admission, the appeal route, the entity responsible for educational services for expelled students, and the person or entity authorized to make any written case-by-case modification of the one-year firearm consequence.

3. Definitions

"Authorizer" means the public entity that currently holds legal authority to authorize Vista under the executed charter contract.

"Board" means the governing board of Vista Charter School.

"Head of School" means Vista's chief administrative officer. A reference to the "Principal" means the Head of School or a school principal acting within a written delegation from the Head of School.

“Parent” means a parent, guardian, legal custodian, or other person whose educational decision-making rights are recognized by applicable law.

“School day” means a day on which Vista is in session for students, unless a statute or controlling rule uses a different measure of time.

“Suspension” means a disciplinary exclusion from school, class, instruction, or school activities for a definite period. A request that a parent remove a student from school grounds for disciplinary reasons for any length of time during a school day constitutes a suspension when required by law.

“Expulsion” means a disciplinary exclusion or denial of continued attendance imposed by the legally authorized decision-maker for a period not extending beyond one year.

“Disciplinary denial of admission” means a denial of admission to Vista for disciplinary or safety reasons authorized by law, including but not limited to a prior expulsion, conduct in another school during the preceding twelve months that is detrimental to the welfare or safety of students or school personnel, or other lawful grounds.

“Hearing officer” means a person who presides over an expulsion or disciplinary denial-of-admission hearing and who satisfies the independence, conflict-of-interest, and training requirements of law.

4. Authority and Delegation

4.1 Initial Suspensions

Subject to the current charter contract and authorizer requirements, the Board delegates to the Head of School and to persons designated in writing by the Head of School the authority to impose an initial suspension within the limits of C.R.S. section 22-33-105. An initial suspension may not exceed five school days when based on C.R.S. section 22-33-106(1)(a), (b), (c), or (e), and may not exceed ten school days when based on C.R.S. section 22-33-106(1)(d).

The Head of School shall identify suspension designees in writing by position or name. A suspension may not be extended because a parent meeting, safety review, risk assessment, manifestation determination, or expulsion referral has not yet occurred unless the extension is separately authorized by law and this policy.

4.2 Extensions of Suspension

An initial suspension may be extended only by the Board, the authorizer, the Head of School acting as a legally authorized executive officer, or another official with authority expressly established by controlling law, the charter contract, authorizer procedure, or Board action. Any extension shall be in writing, shall state the legal basis and dates of the extension, and shall comply with statutory limits. No extension may add more than ten school days on lawful grounds, and up to an additional ten school days may be added only when legally necessary to present the matter to the next meeting of the authorized governing body. The total period of suspension may not exceed twenty-five school days.

A student suspended for more than ten school days shall be given an opportunity to request review by the official identified in the written extension notice.

4.3 Expulsion and Disciplinary Denial-of-Admission Authority

The Head of School or Principal may recommend expulsion or disciplinary denial of admission. Final action may be taken only by the Board, the authorizer, the authorizer’s executive officer or

designee, a properly authorized Vista executive officer or designee, or another decision-maker with authority under controlling law, the charter contract, authorizer procedure, or Board action.

When the authorizer retains or shares expulsion or denial-of-admission authority, Vista shall promptly refer the matter to the authorizer and shall follow the authorizer's controlling procedures. The written notice to the student and parent shall identify the decision-maker and the appeal route.

4.4 Hearing Officers

A hearing officer shall not have a conflict of interest with respect to the student, the matter under consideration, or any alleged victim. A person who investigated, reported, prosecuted, or substantially advised on the incident may not serve as the hearing officer when prohibited by law. Beginning January 1, 2025, a hearing officer must complete the required initial hearing-officer training within the time required by law and must complete required annual training. Vista shall maintain documentation of training completion before assigning a hearing officer to preside over a hearing.

5. Lawful Grounds and Individualized Consideration

Vista may suspend, recommend expulsion, seek expulsion, or seek disciplinary denial of admission only on grounds authorized by current law and stated in a Board-adopted Student Conduct and Discipline Code or other applicable Board policy. Lawful grounds include, as applicable, continued willful disobedience or open and persistent defiance of proper authority; willful destruction or defacing of school property; behavior on or off school property detrimental to the welfare or safety of students or school personnel, including behavior creating a threat of physical harm; declaration as a habitually disruptive student after all required notices; specified conduct involving dangerous weapons, drugs or controlled substances, robbery, or assault on school grounds, in a school vehicle, or at a school activity or sanctioned event; repeated interference with the school's ability to provide educational opportunities to other students; carrying, using, actively displaying, or threatening with a firearm facsimile as provided by law; and making a false accusation of criminal activity against an employee of an educational entity when authorized by law.

Before imposing suspension or expulsion, the decision-maker shall consider and document, in a manner proportionate to the proposed action, the student's age, disciplinary history, disability status, the seriousness of the violation, whether the violation threatened the safety of any student or staff member, and whether a lesser intervention would properly address the violation.

Expulsion or disciplinary denial of admission shall not be pursued unless the authorized decision-maker considers whether appropriate alternative remedies are available and whether exclusion is necessary to preserve the learning environment, protect safety, or comply with law. Alternatives may include restorative practices, behavior intervention, safety planning, counseling or community services, attendance supports, schedule or setting changes, parent conferences, in-school intervention, temporary loss of privileges, referral to outside services, and educational supports.

6. Preschool Through Second Grade

Vista may impose an out-of-school suspension or expulsion on a student enrolled in preschool, kindergarten, first grade, or second grade only when the school determines that the student engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that involves possession of a dangerous weapon without authorization, involves the use,

possession, or sale of a drug or controlled substance, or endangers the health or safety of others; that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and that the individualized factors and available alternatives have been considered and documented.

An out-of-school suspension for a student in preschool through second grade may not exceed three school days unless the chief administrative officer, executive officer, or authorized designee determines that a longer period is necessary to resolve the safety threat or recommends expulsion in accordance with law. A school-directed request that a parent remove the student from school grounds for disciplinary reasons is a suspension and must comply with this section when required by law.

7. Suspension Procedures

7.1 Informal Hearing Before Removal

Before a suspension of ten school days or fewer, the Head of School or written designee shall give the student oral or written notice of the alleged conduct and the basis for the proposed suspension, an explanation of the evidence when the student denies the conduct, and an opportunity for the student to present the student's version of events. The informal hearing may occur promptly and need not follow formal trial procedures.

If the student's presence creates a continuing danger to persons or property or an ongoing threat of disruption, the student may be removed immediately. In that event, the informal hearing shall occur as soon as practicable after removal.

7.2 Parent Notice and Custody Transfer

The suspending authority shall immediately notify the parent of the suspension, the grounds for the suspension, the period of suspension, and the time and place for the parent to meet with the suspending authority to review the suspension. Written notice shall identify the specific conduct, the policy and statutory basis, the beginning and ending dates, whether the suspension is in-school or out-of-school, the student's makeup-work rights, and any review rights applicable to an extension.

A student removed from campus shall leave school only after Vista and the parent determine the best way to transfer custody safely. Until custody is transferred, Vista shall provide reasonable supervision consistent with safety and student rights.

7.3 Reentry Meeting and Remedial Discipline Plan

Vista shall make every reasonable effort to meet with the parent during the suspension to review the action and the student's return. A meeting, or substantial agreement by the parent to review the suspension with the suspending authority, is required before readmission unless Vista cannot contact the parent or the parent repeatedly fails to appear for scheduled meetings, in which case Vista may readmit the student.

The reentry meeting shall address whether a remedial discipline or reentry plan is needed. A plan is not automatic. When used, the plan must be individualized, educationally related, nondiscriminatory, and consistent with any IEP, Section 504 plan, behavior intervention plan, safety plan, or other legally required plan. A reentry meeting or plan may not extend the suspension beyond the lawful suspension period.

7.4 Makeup Work and Educational Access During Suspension

Vista shall provide the student an opportunity to make up school work during the period of suspension for full or partial academic credit to the extent possible. The purpose is to support the student's reintegration into the educational program and reduce the risk of dropout or course failure. For in-school suspensions, Vista shall provide meaningful access to instruction and academic work to the extent practicable.

7.5 Parent Classroom Attendance and Risk Assessment

Consistent with law, Vista may offer parent classroom attendance as an alternative to suspension only with the parent's agreement and the consent of the affected teacher or teachers. If the parent does not agree or fails to attend after agreeing, the student may be suspended in accordance with law and this policy.

A suicide, risk, violence, or threat assessment may be initiated under a separate written protocol when facts warrant it. The assessment is not a substitute for due process, may not be punitive, and may not delay legally required disability procedures or exceed the school's lawful authority.

8. Expulsion and Disciplinary Denial-of-Admission Procedures

8.1 Written Recommendation

A recommendation for expulsion or disciplinary denial of admission shall be in writing and shall identify the alleged conduct and date, the specific statutory and policy ground, the evidence supporting the recommendation, the individualized factors considered, alternatives considered or attempted, the requested period of exclusion, whether the student has or may have a disability, whether a manifestation determination or Section 504 review is required, any alleged victim-safety restrictions, and proposed educational services during any period of expulsion.

Before issuing the recommendation, the administrator shall consult the special education or Section 504 coordinator whenever the student has an IEP, Section 504 plan, pending evaluation, disability-related concern, or information suggesting that the student may be a student with a disability.

8.2 Notice of Proposed Action and Hearing

Vista, or the authorizer if it controls the process, shall provide written notice of the proposed expulsion or disciplinary denial of admission to the student and parent in a manner reasonably calculated to provide actual notice. The notice shall state the alleged conduct, the specific statutory and policy grounds, the maximum proposed consequence, the hearing date, time, and location or remote-access instructions, the hearing procedures, the right to be represented by counsel or another representative at the family's expense, the right to present evidence and witnesses, the right to question adverse witnesses as allowed by the hearing officer, the availability of language assistance or disability accommodations, the right to receive the records Vista intends to use, the decision-maker, the appeal route, and the contact person for questions.

Notice shall be provided with sufficient time to permit meaningful preparation. Any continuance shall be documented and shall not extend a suspension beyond lawful limits unless separately authorized by law.

8.3 Evidence Disclosure and Student Records

Vista shall provide the student or parent all records that Vista intends to use as supporting evidence for expulsion or disciplinary denial of admission at least two business days in which school is in session before the hearing. Upon discovery of a record not previously provided,

Vista shall provide the record immediately. Student records shall be handled in accordance with FERPA and applicable confidentiality requirements. Personally identifiable information concerning other students shall be disclosed, redacted, summarized, or protected as required by law and the hearing officer's lawful directives.

8.4 Hearing Procedures and Burden of Proof

The hearing shall be conducted by a legally authorized and trained hearing officer. Vista bears the burden of proving by a preponderance of the evidence that the student violated the applicable statutory ground and Vista policy. The hearing officer may receive reliable evidence, regulate the order of presentation, rule on relevance and confidentiality, protect student privacy, address victim-safety concerns, and take reasonable steps to ensure a fair and orderly hearing.

The student and parent shall have a meaningful opportunity to be heard, to present evidence, to provide mitigating information, to call witnesses when reasonably available, and to question adverse witnesses as permitted by the hearing officer. The hearing is an administrative proceeding and is not required to follow the Colorado Rules of Evidence or civil trial procedures.

8.5 Student Statements in Mandatory-Expulsion Matters

A student statement concerning an act alleged to have been committed by the student that results in mandatory expulsion under C.R.S. section 22-33-106(1)(d) shall not be used in the expulsion hearing unless the statement is signed by the student and a parent, guardian, legal custodian, or physical custodian is present when the student signs the statement, or Vista made the reasonable attempts to contact such person required by law. The requirement may be waived only in writing after full advisement of the student and parent or custodian. Nothing in this section prevents lawful fact-finding or information gathering by school officials.

8.6 Findings, Written Decision, and Reporting to the Board

If a designee serves as hearing officer, the designee shall forward findings of fact and recommendations to the authorized executive officer at the conclusion of the hearing, including specific findings regarding the individualized factors required by law. If an executive officer serves as hearing officer, the executive officer shall create findings of fact and recommendations, including specific findings regarding those factors.

The authorized executive officer or decision-maker shall issue a written opinion imposing or declining to impose discipline within five business days after the hearing. The written opinion shall state the findings, legal and policy grounds, individualized factors, alternatives considered, disability determinations, length and conditions of any expulsion or denial of admission, educational services information, appeal rights, and any victim-safety restrictions required by law. The decision-maker shall provide the written opinion to the student and parent and shall report on each case at the next meeting of the Board or other legally required governing body, briefly describing the circumstances and reasons for the decision in a manner that preserves student confidentiality.

8.7 Appeal

A student who is expelled or denied admission after a hearing may appeal the decision to the Board or other legally authorized appellate body within ten business days after the written decision is rendered. After that period, the decision to grant or deny an appeal is within the discretion of the appellate body unless controlling law or authorizer procedure provides otherwise.

The appeal shall consist of a review of the facts presented and determined at the hearing, arguments relating to the decision, and questions of clarification from the appellate body. No new evidence shall be considered unless the appellate body determines that the evidence was not reasonably available at the time of hearing and is necessary to prevent material unfairness. If the appellate body upholds expulsion or denial of admission, the student is entitled to further review as provided by C.R.S. section 22-33-108 and other applicable law.

9. Firearms, Dangerous Weapons, Drugs, and Serious Offenses

A student determined through the procedures in this policy to have brought a firearm to school or possessed a firearm at school shall be expelled for not less than one year, subject to written case-by-case modification only by the superintendent, executive officer, authorizer, Board, or other official legally authorized to make the modification under federal law, Colorado law, the charter contract, and authorizer procedures.

Dangerous weapons, drugs or controlled substances, robbery, and assault on school grounds, in a school vehicle, or at a school activity or sanctioned event shall be addressed in accordance with C.R.S. section 22-33-106(1)(d), this policy, and applicable disability requirements. Mandatory-expulsion language does not eliminate the requirement to provide due process, consider required individualized factors, comply with disability laws, and document the basis for the decision.

A firearm facsimile shall be addressed case by case using the individual facts and circumstances. Vista may authorize a student to possess or use a firearm facsimile on school property only when approved in advance for a lawful school-related or nonschool-related activity under Board policy, administrative procedure, or written permission from the Head of School.

10. Educational Services for Expelled Students

Upon expelling a student, Vista shall provide the student's parent information concerning educational alternatives available during the period of expulsion. If the parent chooses to provide a home-based educational program, Vista or the entity with legal responsibility shall assist the parent in obtaining appropriate curricula upon request.

Upon request of the student or parent, Vista or the entity with legal responsibility shall provide educational services deemed appropriate for the student, except as otherwise provided by law. Educational services shall be designed to enable the student to return to the school in which the student was enrolled before expulsion, successfully complete a high-school equivalency examination, enroll in a nonpublic school, or enroll in an alternative school, including a charter school. Educational services may include tutoring, course remediation, credit recovery, supplemental educational services, alternative educational programs, career and technical education, work-based learning, and concurrent enrollment, as appropriate.

The expelling entity shall determine the amount of credit the student receives toward graduation for educational services provided during expulsion. Educational services may be provided directly or through an agreement with another school district, board of cooperative services, charter school, or approved nonpublic school when permitted by law.

If an expelled student is not receiving educational services, Vista or the entity with legal responsibility shall contact the student's parent at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from another source, unless contact is no longer required by law because the student has enrolled elsewhere or is otherwise placed as provided by law.

For a student with a disability, educational services during expulsion or disciplinary removal shall also satisfy IDEA, Section 504, and state special education requirements, including continued access to services necessary to enable the student to participate in the general education curriculum and progress toward IEP goals when required by law.

11. Students with Disabilities

11.1 General Rule

Discipline of a student with a disability shall comply with IDEA, Section 504, the Exceptional Children's Educational Act, applicable regulations, the student's IEP or Section 504 plan, and this policy. Vista shall not use suspension, expulsion, shortened school days, parent pickup requests, informal removals, or remote placements to avoid providing required special education or Section 504 services.

11.2 Counting Removals and Change of Placement

Vista shall track all disciplinary removals of students with disabilities, including partial-day removals and removals to alternative settings. When a disciplinary removal constitutes or may constitute a change of placement, Vista shall complete all required notices, reviews, manifestation determinations, and service determinations within the timelines required by law.

11.3 Manifestation Determination

Within ten school days of a decision to change the placement of a student with a disability because of a violation of a code of student conduct, Vista shall convene the IEP team or appropriate Section 504 team to determine whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability, or was the direct result of Vista's failure to implement the IEP or Section 504 plan.

If the conduct is a manifestation of the student's disability, Vista shall not impose expulsion or a disciplinary change of placement except as permitted by law. The team shall conduct a functional behavioral assessment unless one has already been completed as appropriate, implement or modify a behavior intervention plan, and return the student to the placement from which the student was removed unless the parent and school agree otherwise or a special circumstance permits another placement.

11.4 Special Circumstances and Interim Alternative Educational Settings

For conduct involving a weapon, illegal drugs, controlled substances, or serious bodily injury, Vista may remove a student with a disability to an interim alternative educational setting for up to forty-five school days when permitted by IDEA and applicable law, regardless of whether the behavior is determined to be a manifestation of the student's disability. The setting and services shall be determined by the IEP team or other legally authorized team.

11.5 Students Not Yet Identified

A student who has not been determined eligible for special education or Section 504 protections may assert applicable protections if Vista had knowledge, before the behavior giving rise to discipline, that the student may be a student with a disability. Vista shall process any evaluation request, disciplinary review, or assertion of protections in accordance with law.

11.6 Procedural Safeguards and Coordination

Vista shall provide required procedural safeguards notices and prior written notice when required. The special education or Section 504 coordinator shall be notified promptly of any

proposed suspension, expulsion, denial of admission, threat assessment, or safety plan involving a student with an IEP, Section 504 plan, pending evaluation, or suspected disability. Disability-related records and student records shall remain confidential and shall be disclosed only as authorized by law.

12. Victim Safety and Reenrollment Restrictions

When required by law, Vista shall prohibit an expelled student from enrolling or reenrolling in the same school in which the victim of the offense or a member of the victim's immediate family is enrolled or employed, or shall design a schedule that, to the extent possible, avoids contact when the law permits or requires that alternative. Vista shall implement any such restriction only after confirming that the statutory prerequisites are met and after coordinating with the authorizer or other legally responsible entity when required.

13. Temporary Supervision, Contraband, and Law Enforcement

When school officials have reasonable suspicion that a student possesses drugs, controlled substances, weapons, explosives, or other dangerous contraband, and the suspected possession creates a clear and imminent danger to the safety or welfare of the student, other persons, or school property, Vista may maintain reasonable school supervision of the student while school officials address the safety concern under applicable search, seizure, threat assessment, and emergency procedures. This provision does not authorize physical restraint, seclusion, interrogation, arrest, or law-enforcement detention except as separately permitted by law and Board policy.

Vista shall notify parents and appropriate law-enforcement authorities when required by law or when necessary to address an immediate safety concern. School officials shall preserve student rights, confidentiality, and disability protections during any investigation. Referral to law enforcement does not replace the school discipline procedures required by this policy when Vista seeks suspension, expulsion, or disciplinary denial of admission.

14. Records, Confidentiality, Reporting, and Training

Vista shall maintain documentation of suspensions, expulsion recommendations, notices, evidence disclosures, hearings, findings, written decisions, appeals, educational-services offers and requests, parent contacts, disability reviews, manifestation determinations, reentry plans, remedial discipline plans, safety plans, and training records as required by law and record-retention rules.

Vista shall complete all discipline, safe-school, expulsion, restraint, law-enforcement, disability, and other reporting required of the school or authorizer. Reports and Board communications shall protect personally identifiable student information and confidential student records.

The Head of School shall ensure that administrators, hearing officers, special education and Section 504 personnel, and other personnel with discipline responsibilities receive training appropriate to their roles. Training shall address lawful grounds for discipline, required individualized factors, alternatives to expulsion, restorative and trauma-informed practices, disability procedures, FERPA, bias and disproportionality, hearing-officer obligations, and any authorizer-specific requirements.

15. Annual Review and Related Policies

The Head of School shall review this policy, related administrative procedures, notices, forms, and discipline data at least annually and after any material legal or charter-contract change. Proposed revisions shall be presented to the Board. Vista shall ensure that student and family handbooks accurately summarize this policy without expanding or limiting the rights and obligations stated here.

This policy should be maintained separately from, and cross-referenced with, Board policies governing student conduct and discipline, nondiscrimination and harassment, bullying prevention and education, searches and interrogations, threat assessment, suicide assessment, physical intervention and restraint, restraint and seclusion reporting, attendance and truancy, students with disabilities, Section 504, student records, and educational services for expelled and at-risk students.

Legal References

C.R.S. §§ 22-30.5-101 et seq. and 22-30.5-501 et seq., Colorado Charter Schools Act and Institute Charter Schools

C.R.S. §§ 22-33-101 et seq., School Attendance Law of 1963

C.R.S. § 22-33-105, Suspension, expulsion, and denial of admission

C.R.S. § 22-33-106, Grounds for suspension, expulsion, and denial of admission

C.R.S. § 22-33-106.1, Suspension and expulsion of preschool through second grade students

C.R.S. § 22-33-106.3, Disciplinary investigations; parental presence; student statements

C.R.S. § 22-33-108, Judicial proceedings

C.R.S. §§ 22-33-201.5 through 22-33-205, Educational services for expelled and at-risk students

C.R.S. §§ 22-20-101 et seq., Exceptional Children’s Educational Act

20 U.S.C. §§ 1400 et seq., Individuals with Disabilities Education Act

29 U.S.C. § 794, Section 504 of the Rehabilitation Act

20 U.S.C. § 7961, Gun-Free Schools Act

20 U.S.C. § 1232g, Family Educational Rights and Privacy Act