

Superintendent: JF-R-1

PROCEDURES FOR DENIAL OF ADMISSION

Grounds

According to the Colorado Revised Statutes 23-33-106 (2), and District Policies JKD/JKE and JKD/JKE-R Student Suspension, Expulsion, and Classroom Removal subject to the district's responsibilities under The Exceptional Children's Education Act and other laws pertaining to the education 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.

According to C.R.S. 22-33-106(3)(a-f), the following shall constitute additional grounds for denial of admission to a public school:

1. Graduating from the high grade of any school or receipt of any document evidencing completion of the equivalent of a secondary education.
2. Failure to meet age requirements.
3. Having been expelled from any school district during the preceding 12 months.
4. Not being a resident of the district unless otherwise entitled to attend under C.R.S. 22, Articles 23 (migrant children), 32 (exclusion of non-residents) or 36 (schools of choice.)
5. 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 records with an appropriate explanation.
6. Behavior in another school district during the preceding 12 months that is detrimental to the welfare or safety of other pupils or of school personnel.

Victim of Offense: According to C.R.S. 22-33-106(4)(a) , a student who has been expelled shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

1. the expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
2. there is an identifiable victim of the expelled student's offense; and
3. the offense for which the student was expelled does not constitute a crime against property.

If the district has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

Referral to Principal: When it appears that a student applying for admission to school may be ineligible for admission on any of the grounds stated in this section or law, the person handling the application shall immediately refer the matter to the principal.


Statement of Reason for Denial of Admission: If the principal determines that the student is ineligible on one or more grounds, the principal shall provide to student's parent/guardian a written Notice of the denial of enrollment, the grounds for denial and that the parent/guardian has the right to request a hearing. The written notice will also state that failure to request a hearing within five days, or failure to participate in such hearing, constitutes a waiver of further rights in the matter.

Hearing: The hearing shall be conducted by the superintendent or superintendent's designee. Testimony and information shall be presented under oath; however, technical rules of evidence shall not be applicable and the superintendent or designee may consider and give appropriate weight to such information or evidence he/she deems appropriate. The applicant or his/her representative may cross-examine witnesses against him/her. The applicant shall bear the burden of proving his/her eligibility to attend the schools of the District. A sufficient record of the proceedings shall be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript shall be at the expense of the party requesting the same.

Appeal to the Board of Education: Within five days after the decision of the superintendent or designee, the applicant may appeal the decision to the Board who shall review the decision on the record. The Board shall render its decision at its next regularly scheduled meeting or within three school days thereafter. The decision of the Board shall be final.

Change of Circumstance: If after a student has been admitted to a school of the District, it comes to the attention of the principal that the admission was erroneous, based upon mis-information or that due to changed circumstances the student is no longer eligible to attend the school, the principal shall deliver or mail a statement as provided herein.

Date 10/21/08



Jim Christensen, Superintendent

Current 1978

Revised: October 5, 1993

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Revised: May 19, 2008

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CROSS REFS:

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

JKD/JKE, Student Suspension, Expulsion, and Classroom Removal

JKD/JKD-R Student Suspension, Expulsion, and Classroom Removal