

## POLICY 5005

### Safe Schools – Student Discipline/Behavior

- A. A necessary part of the learning process is self-control. Our goal in education is the growth of the individual in learning to control and appropriately conduct him/herself. Students are expected to follow accepted rules of conduct, to show respect for other people, and to obey persons in authority at the school
- B. Alternatives to suspension for non-violent and less extreme disciplinary situations should be developed in each school.
- C. The primary purpose of a resource officer is to be proactive in the attempt to avoid crime within the school as well as the community. Our primary goal regarding student discipline is to change behavior. The school resource officer functions as a member of a team charged with accomplishing that goal.
- D. The following definitions shall apply under this policy:
1. “Assault” means placing another person in fear or apprehension of harmful or offensive touching ([Utah Code § 76-5-102](#));
  2. “Battery” means causing bodily harm to an individual or making physical contact of an insulting or provoking nature with an individual. To be criminal, the person must act intentionally or knowingly without legal justification;
  3. “Burglary” means breaking, entering, or unlawfully remaining in a structure without authorization during the hours when the premises are closed to students ([Utah Code § 76-6-202](#));
  4. “Criminal mischief” means intentionally and unlawfully tampering with the property of another or intentionally damages, defaces, destroys another’s property, or damages or destroys property with the intention of defrauding an insurer ([Utah Code § 76-6-106](#));
  5. “Disruptive student behavior” means
    - a. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
    - b. Willful destruction or defacing of school property;

- c. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
  - d. Possession, control, or use of an alcoholic beverage as defined in [Utah Code § 32B-1-102](#);
  - e. Behavior prescribed in subsection (b) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs;
  - f. Possession or use of pornographic material on school property
  - g. Any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
    - 1) The possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
    - 2) The actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or
    - 3) The sale, control, or distribution of a drug or controlled substance as defined in [Utah Code § 58-37-2](#), an imitation controlled substance defined in [Utah Code § 58-37b-2](#), or drug paraphernalia as defined in [Utah Code § 58-37a-3](#); or
    - 4) The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor under Utah law.
6. “Expulsion” means a student’s removal from the school setting, including all extra-curricular activities and events, for the current school year or a period designated in the disciplinary process.
7. “Firearm” is a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle or any device that could be used as dangerous weapon from which a projectile is expelled by action of an explosive. For purposes of this policy, an object is not a “weapon” if it is undisputed that there was no intent on a student’s part to use the object on school property.
8. “Gang and gang-related activity” means and includes the following:
- a. Any ongoing organization, association or group of three or more persons, students and/or non-students, whether formally or informally organized, having

- as primary activity the commission of criminal act(s) having an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.
- b. Wearing, possessing, using or distributing, displaying or selling and clothing, jewelry, emblem, badge, symbol, sign or other items which evidence members in a gang.
  - c. Use of a name associated with or attributable to a gang.
  - d. Designating “turf” or an area for gang activity or occupation.
9. “Hazing” means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit and act toward a school employee or student that:
- a. Endangers the mental or physical health or safety of an individual;
  - b. Involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
  - c. Involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
  - d. Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or
  - e. Is directed toward an individual whom the actor of the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the actor also participates;
10. “Involuntary transfer” means the reassignment of a student from one school, campus, or academic program, to a different school, campus, or academic program within the District. Involuntary transfer may be for an indefinite period of time or for a fixed period of time;
11. “Larceny” means the taking of someone else’s property without the use of force with the intent to permanently deprive the owner of the property. The laws of several

states, including Utah, place larceny and certain other property crimes under the general category of theft;

12. "Making a false alarm" means a student-initiated or circulated report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause the evacuation of any building or public transport or improper activation of school alarms or safety systems; and
13. "Sexual harassment" means uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (such as an employee or student). See [Policy 3015 Title IX Sexual Harassment](#).
14. "Suspension" means the temporary denial of social interaction through school contact and the removal of the student from the classroom setting because of real and present disruptive effect of the student's presence, a reasonable assumption that the student will be disruptive or a threat to the well-being or safety of the and/or other students or staff.
  - a. "In-school suspension" is a temporary reassignment, usually for a designated time period, to a specific suspension classroom or space within the student's school.
  - b. Suspension may be "short-term" (less than 10 days) or "long-term" (10 days or more).
15. "Tobacco products" includes an electronic cigarette as that has been defined by state law ([Utah Code § 76-10-101](#)).
16. "Unlawful conduct" means any student conduct that violates any local, state, or federal law or regulation, or violates any District or school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:
  - a. Harassment
  - b. Burglary
  - c. Theft
  - d. Criminal mischief
  - e. Assault
  - f. Gang activity
  - g. Making a false alarm

- h. Willfully defaces or otherwise injures school property
- i. Disrupting the operation of a school
- j. Threat of Terrorism
- k. Sexual harassment
- l. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
- m. Willful destruction or defacing of school property
- n. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel, or to the operation of the school.
- o. Possession or use of pornographic material on school property that would constitute a misdemeanor offense under [Utah Code § 76-10-1235](#). (This includes accessing such material through the District computer network or by using any District-owned device.)
- p. Bullying, harassment, cyberbullying, retaliation, and making false allegations of bullying, cyberbullying or retaliation as defined in [Utah Code § 53G-6](#).
- q. Any use of an electronic device or camera to record sound or images or otherwise capture material in an unauthorized setting or at an unauthorized time shall subject the user of the device to increased discipline based on the circumstances and whether the student was involved in prior violations of this policy.
- r. The use of any device or any electronic device or camera to threaten, intimidate or embarrass another or to capture and transmit test information or any other information in a manner constituting fraud, theft or academic dishonesty.
- s. The use of any device in a manner which may be physically harmful to another person, such as shining a laser in the eyes of another student.
- t. Selling, giving, delivering, transferring, possessing, controlling, or distributing an alcoholic beverage on or in proximity to school property or at or in proximity to any school sponsored event.

- u. Selling, giving, delivering, transferring, possessing, controlling, or distributing tobacco products on or in proximity to school property or at or in proximity to any school sponsored event. Students shall not smoke or use tobacco products on school property or at any school-related or school-sanctioned activity on or off school property.
  - v. Possessing or using electronic cigarette products on school property.
    - 1) Teachers or authorized school employees shall confiscate electronic cigarette products from school-age students on school property consistent with the District or school policy for identifying illegal substances in the possession of students and confiscating those substances.
    - 2) Teachers who confiscate electronic cigarette products shall release the products to a school administrator in a timely manner.
    - 3) Administrators shall release confiscated electronic cigarette products to local law enforcement in a timely manner consistent with the law.
  - w. Being under the influence of an alcoholic beverage or controlled substance on or in proximity to school property or at or in proximity to any school-sponsored event.
  - x. Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing.
  - y. Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code.
  - z. Engaging in conduct that contains the elements of any felony.
  - aa. Sexual Harassment (See [Policy 3015 Title IX Sexual Harassment](#))
  - bb. Gang-related activity
17. "Weapon" means "dangerous weapon", which includes any firearm or any object that is used for, or is readily capable of, causing death or serious bodily injury.

#### E. Student Conduct Warranting Discipline

1. A student may be fined, suspended and/or recommended for expulsion from school for any of the prohibited conduct outlined in this policy when it occurs:
  - a. In a school building;

- b. On or in proximity to school property;
  - c. In conjunction with any school sponsored activity;
  - d. In or on a school vehicle;
  - e. Is directed at or against another student or a District employee; or
  - f. When it threatens harm or does harm to the school, school property, a person associated with the school, or property of a person associated with the school.
2. Student conduct requiring suspension or expulsion: A student shall be suspended or expelled from school for any of the offenses described in [Utah Code 53G-8-205\(2\)](#).
  3. Student conduct allowing for suspension or expulsion:
    - a. A student may be suspended or expelled from a school for any of the offenses described in [Utah Code 53G-8-205\(1\)](#) or
    - b. For other offenses provided in this policy.

#### F. Discipline Rules for Students with Disabilities

1. Discipline of students with disabilities shall be in compliance with [Policy 5006 Safe Schools – Discipline of Student with Disabilities](#) and [Utah Special Education Rules](#).

#### G. Possible remedial measures for disciplined students

1. Continued school attendance subject to the terms of a remedial discipline plan prepared to correct the violation. This remedial measure is available only where the violation is for willful disobedience, defiance of authority, or disruptive behavior when such conduct is not of such a violent or extreme nature that immediate removal from school would be required.
2. Continued school and class attendance accompanied by the student's parent for a designated period of time. This remedial measure is available only with the consent of the student's teacher or teachers and the agreement of the student's parent. The parent must agree to attend all of the student's classes for each day of the suspension. If the parent fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.
3. In-school suspension. Attendance in a designated in-school suspension program. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.

4. Voluntary or involuntary transfer to another school, campus, community based alternative school or other special program within the District, subject to the admission criteria of such alternative programs.
5. Withholding grade reports, diplomas and transcripts. If the District determines that school or district property has been lost or willfully cut, defaced or otherwise injured by a student, the District may withhold the issuance of official written grade reports, diplomas and transcripts of the student responsible for the damage or loss until the student or student's parent has paid for the damages. If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then the District shall provide a program of voluntary work for the student in lieu of the payment.
6. Detaining students. See District [Policy 5285 Detention of Students After School Hours](#).
7. Out of school suspension
8. Peer Court (for 6<sup>th</sup>-12<sup>th</sup> graders)
9. Expulsion
10. Students subject to remedial or disciplinary measures will continue to receive educational services from the District according to the remedial or disciplinary measure. A student transferred to another school or program within in the District will receive educational services through that school or program.

#### H. Authority to impose discipline and due process

1. A school principal or assistant principal may suspend a student for a maximum of ten days.
2. The Superintendent or designee may suspend a student for up to one school year.
3. The Board of Education may suspend a student for up to one school year or expel a student for a fixed or indefinite period of time.

#### I. Procedures

1. Remedial measures or disciplinary sanctions may be imposed on a student only after it has been determined, following appropriate due process, that the student has committed a violation.



2. The nature of the due process required depends in part on the magnitude of the penalty to be imposed.
  - a. Prior to imposing a suspension, the school principal or assistant principal shall meet with the student to discuss the incident(s) and to provide the student an opportunity to respond.
  - b. The principal or assistant principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate.
  - c. If the school principal or assistant principal makes an initial determination that the violation warrants long-term suspension or expulsion, the school principal may recommend those sanctions and may impose a short-term suspension pending a meeting with the Superintendent or designee.
  - d. A suspended student shall immediately leave the school building and grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.
  - e. A suspended student and parent shall be notified:
    - 1) Of the suspension,
    - 2) The reason for the suspension,
    - 3) The period of time for which the student is suspended, and
    - 4) The time and place the parent is to meet with a designated school official to review the suspension.
  - f. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.
  - g. At this meeting, the principal or assistant principal shall review with the parent and student the charges and evidence against the student, and shall provide the student and parent with an opportunity to respond.
  - h. During this meeting, the principal or assistant principal may determine whether the suspension previously imposed should be maintained, whether to adopt an alternative remedial measure, or whether the suspension should be terminated. The principal or assistant principal should also discuss with the parent a plan to avoid recurrence of the problem.

J. Peer Court (for 6th-12th graders)

1. Box Elder School District operates a Peer Court under the Utah Youth Court Diversion Act as a diversion program for students that have been identified by school administrators as having committed acts which indicated a need for an intervention.
2. Referrals for Peer Court
  - a. The determination of whether a Peer Court referral is warranted shall be made by the school administrator in consultation.
  - b. Students may be referred to Peer Court as an appropriate behavior response for Class C type misdemeanors including disorderly conduct, petty theft, trespassing, possession/use of illegal substances, vaping
3. Procedures for Peer Court
  - a. The Director of Student Services or designee along with community Police Departments is responsible for facilitating routine Peer Court meetings.
  - b. The Peer Court Facilitator shall conduct regular meetings at the routinely appointed time and place.
  - c. The cost to the student referred to Peer Court is \$25
4. Determinations from Peer Court
  - a. Box Elder School District does not make a determination of whether or not a student engaged in particular conduct, instead participation in peer court presumes the student engaged in conduct and the peer court provides a solution and encourages restorative practices.

<https://www.utahyouthcourts.com/>

#### K. Long-term Suspension or Expulsion

1. If the principal or assistant principal recommends long-term suspension or expulsion, the administrator shall notify the Superintendent or designee of that recommendation.
  - a. If the parent objects to the discipline, the Superintendent or designee shall schedule a hearing to be held with the student's parent, the student, and the Superintendent or designee.
  - b. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.

- c. The Superintendent or designee shall provide written notice of the date, time, and place of the hearing to the student and student's parent so as to afford a reasonable opportunity for preparation.
  - 1) The notice shall include a statement of the charges against the student, that a recommendation has been made for suspension for more than 10 days or for expulsion and the period of time for which suspension or expulsion has been recommended.
  - 2) The statement of the allegations against the student shall include the nature of the evidence and the names of any witnesses whose testimony may be used against the student unless confidentiality is required due to the necessity to protect student witnesses.

## 2. Hearing Procedures

- a. The Superintendent or designee or the designee shall preside at and conduct the hearing.
  - b. The District and the student may each be represented by a person of their choice.
  - c. Each party may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues.
  - d. Hearsay testimony is permitted. It shall not be the sole basis for a determination of long-term suspension or expulsion.
  - e. At the conclusion of the hearing, the Superintendent or designee shall make a final determination of the matter.
  - f. The determination shall be in writing and mailed to the parent within 10 days of completion of the hearing.
  - g. Upon a finding that the student has engaged in conduct warranting discipline, the Superintendent or designee may determine what discipline or remedial measures are appropriate for the conduct.
3. If the Superintendent or designee determines that the appropriate sanction is expulsion, that sanction must be authorized by the Board of Education.
4. Other than expulsion, the Superintendent or designee may impose any of the available remedial measures or sanctions determined to be appropriate and consistent with the evidence.

5. Discipline: In determining the appropriate sanction, the Superintendent or designee shall consider whether alternatives to suspension are appropriate or available, including:
  - a. Good faith efforts to implement a remedial discipline plan that would allow the student to remain in school;
    - 1) Efforts may include a contract with the student, rewarding the student with increased benefits and/or participation in school activities consistent with improved behavior, review of the student's schedule and courses, assigning a mentor teacher or student to regularly monitor the student, or other activities specific to the student.
    - 2) Remediation efforts may include evaluating the student for services under [IDEA](#) or Section 504.
  - b. Policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official; and
  - c. Enlisting the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with a student's suspension.
6. Appeals: A student or parent on behalf of a student may appeal the determination of the Superintendent or designee to the Board of Education by filing a written notice of appeal with the Superintendent or designee within 10 days of the date the decision of the Superintendent or designee is mailed to the student. No further hearing will be held.
  - a. The Board shall review the evidence submitted to the Superintendent or designee and the written determination of the Superintendent or designee.
  - b. The Board may affirm the Superintendent or designee decision or modify the Superintendent or designee decision.
  - c. The Board's written decision shall be issued within 30 days of receipt of the student's written notice of appeal.
- L. Expulsion: If the Superintendent or designee recommends expulsion for an indefinite or definite period of time, then the Superintendent or designee will transmit that recommendation to the Board of Education along with the record of evidence submitted to the Superintendent or designee.

1. The Board may review the recommendation based on this record or may, at its sole discretion, accept further evidence.
2. Following its review, the Board may accept, modify, or reject the recommendation, or impose other disciplinary sanctions. The Board's decision is the final administrative decision.
3. If the Board expels a student for one year because of a violation involving a weapon, explosive, or flammable material, the student shall meet with the Superintendent or designee, accompanied by the parent, within 45 days of the imposition of the expulsion to determine:
  - a. What conditions must be met by the student and the student's parent for the student's return to school;
  - b. Whether the student should be placed on probation in a regular or alternative school setting, and if so, what conditions must be met by the student to assure the safety of students and staff at the school where the student is placed; and
  - c. If it would be in the best interest of both the School District and the student to modify the expulsion term to less than a year, giving highest priority to providing a safe school environment for all students.
  - d. If the Superintendent or designee determines that the student should return to school prior to the expiration of the one-year expulsion term conditioned on compliance with the conditions established by the Superintendent or designee, then the Superintendent or designee shall submit that recommendation to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.
4. Denial of admission and reporting
  - a. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
  - b. Whenever a minor is found in possession of a dangerous weapon on school grounds when school is in session or at a school sponsored activity and that information is reported to or known by a school employee, the school employee shall notify the principal. After receiving such a notification, the principal shall notify appropriate law enforcement personnel as well as school and district personnel who the principal determines should be informed.
5. Parent and district responsibilities: If a student is expelled or suspended for more than 10 days, it is the responsibility of the student's parent to undertake an

alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion.

- a. The parent shall work with designated school officials to determine how that responsibility might best be met through private education, alternative programs offered by the District, other alternatives which will reasonably meet the student's educational needs.
- b. Costs for educational services not provided by the District are the responsibility of the student's parent.
- c. The District shall contact the parent of each suspended or expelled student under the age of 16 at least once per month to determine the student's progress.
- d. The District shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the student's transcript.

M. Responsibility for student discipline and corporal punishment

1. The primary responsibility for classroom discipline rests with individual students and teachers. Teachers may remove students from class after a persistent effort to resolve the problem at the classroom level. The removal of a student shall conform with the District's and school's adopted disciplinary plan.
2. Communication between the teacher and administrator regarding a specific incident and administrative response shall occur as soon as possible, but no later than two work days after the student is removed from class or receives minor discipline.
3. A school employee may not inflict, allow or cause the infliction of corporal punishment upon a student.
4. "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.
5. The policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense as appropriate to the circumstances to:
  - a. Obtain possession of a weapon or other dangerous object in the possession or under the control of a child;
  - b. Protect the child or another person from physical injury;
  - c. Remove from a situation a student who is violent; or

- d. Protect property from being damaged when physical safety is at risk.

#### N. Collection and Reporting of Incident Data

1. School personnel shall collect data with regard to incidents which occur on school grounds while school is in session or during a school-sponsored activity and which involve
  - a. suspension or expulsion of a student, or
  - b. arrest of a minor or
  - c. "other law enforcement activities" (defined below).
2. For this reporting requirement, "other law enforcement activities" means a significant law enforcement interaction with a minor that does not result in an arrest, including
  - a. a search and seizure by an SRO,
  - b. issuance of a criminal citation,
  - c. issuance of a ticket or summons,
  - d. filing a delinquency petition, or
  - e. referral to a probation officer.
3. The report of the incident shall also include information on the student or minor's age, grade level, race, sex, and disability status. If applicable, the report shall also include the demographics of a person who is subject to bullying, hazing, cyber-bullying, or retaliation. To collect the data, school personnel shall use the form established by the State Superintendent in consultation with law enforcement agencies.
4. The District shall report the data to the State Superintendent in a timely manner as required by the State Superintendent. The District shall report the data compiled for each school year to the State Superintendent on or before September 1 of the year in which the school year ended.

[Utah Code § 53E-3-516 \(2022\)](#)

[Utah Admin. Rules R277-912-2 \(September 24, 2020\)](#)