

## I. PURPOSE AND PHILOSOPHY

The purpose of the policy is to foster a safe, positive learning environment by teaching the practice of self-discipline, citizenship skills, and social skills. It is Weber District's philosophy that students learn these skills best through teaching and restorative practices rather than punishing. This policy is intended to guide administrators and teachers in providing appropriate interventions to address student misconduct while also ensuring that the health and safety of all students is not compromised. The focus of this policy is to teach students skills and conduct that will help them succeed not only in school but in life. The focus of this policy is to establish provisions governing student conduct, safety, and welfare.

## II. POLICY

It is the policy of Weber School District that disruptive and unsafe student behavior is prohibited at school, on school property, including school vehicles, and at any school activity. Violations of this Policy may result in discipline of the student engaged in prohibited conduct, as defined in this Policy, up to and including expulsion. Students may also be disciplined for prohibited conduct that occurs off campus under certain circumstances outlined in the Policy.

## III. DEFINITIONS

- A. **"Aggravating factor"** means facts surrounding an incident of prohibited conduct which guides an administrator to increased discipline. Examples of these factors, identified in detail in the Administrator Student Discipline Handbook, include, but are not limited to, prior incidents of prohibited conduct, whether there was a victim, and the student's level of accountability in taking responsibility for the prohibited conduct.
- B. **"Civil Rights Violation"** means prohibited conduct that is based on a person's membership in a protected class. A civil rights violation includes Discriminatory Harassment, as defined in Policy 4120.
- C. **"District contract"** means an agreement between a student and district officials wherein the district allows the student to be readmitted to school following a suspension for prohibited conduct, and the student agrees to comply with District rules and expectations outlined in this Policy, and refrain from the specific prohibited conduct in which he engaged.
- D. **"Due process"** means, for the purpose of this Policy, notice of allegations of misconduct and an opportunity to respond to the allegations. The amount of due process to which a student is entitled varies depending on how much of the student's property interest in an education (ie, his right to be in school) is being taken away.
- E. **"Expulsion"** means removal from the district for not less than one full year without educational services provided. Only the school board can expel a student.
- F. **"Habitual disruptive behavior"** means using foul, abusive, or profane language while engaged in school activities consistently and repeatedly over time or showing a disregard for rules by consistently and repeatedly failing to comply with directives from school staff.

- G. **“Look-alike weapon”** means any object, instrument, or toy that appears in the discretion of the administrator, to resemble an actual weapon such that a reasonable person might perceive it to be an actual weapon.
- H. **“Mitigating factor”** means facts surrounding an incident of prohibited conduct which guides an administrator to decreased discipline. Examples of these factors, identified in detail in the Administrator Student Discipline Handbook, include but are not limited to, first time offense, attitude of remorse, and no one was hurt.
- I. **“Prohibited Conduct”** means conduct that is considered disruptive or poses a safety risk to students, and which may be the basis of school discipline or intervention. Specific examples of prohibited conduct are identified in Section IV of this Policy, as well as in the Administrator Student Discipline Handbook.
- J. **“Restorative Justice Practices”** means student interventions that focus on the rehabilitation of students engaged in prohibited conduct through possible reconciliation with victims and the community at large.
- K. **“Risk assessment”** means a formal evaluation administered by the district’s Supervisor of Mental Health Services, or other qualified individuals, to determine the level of risk a student poses to himself and/or others following a safe school violation.
- L. **“Safe School Violation”** means prohibited conduct described in Sections IV.C. and IV.D. of this Policy, as well as any other prohibited conduct that results in harm or threatened harm to another student or employee.
- M. **“Safety Plan”** means a plan put in place for students involved in bullying, hazing and/or harassment (discriminatory or sexual) or self-harm, intended to help students feel safe at school.
- N. **“School contract”** means an agreement between a student and school administrator/s wherein the school allows the student to remain in school or be readmitted to school following a suspension for prohibited conduct, and the student agrees to comply with the District’s student conduct rules and expectations as outlined in this Policy, and refrain from the specific prohibited conduct in which the student engaged.
- O. **“School threat”** means threatening either explicitly or implicitly, to commit harm to multiple students, faculty, or staff associated with a school at WSD, or threatening (explicitly or implicitly) to bring to school a weapon capable of inflicting seriously bodily injury to multiple students, faculty or other staff. Student intent is irrelevant.
- P. **“Suspension”** means removal from the classroom for more than ½ a school day. In-school suspensions are considered suspensions. Suspensions can be short term (10 days or less) or long term (more than 10 days). Removal to an alternative school is considered a long-term suspension from the student’s resident school.
- Q. **“Threat Management Team”** is a team comprised of District officials, law enforcement, and representatives from juvenile court that meets monthly to review the status of students who have engaged in safe schools violations. Members of the Risk Management Team (“Team”) have been designated as “school officials” under the

Family Education Rights to Privacy Act (FERPA), 33 C.F.R. 99.31, and appropriate notice has been provided to parents of this designation. Agencies with representatives on the Team that are not District employees have entered into a Memorandum of Understanding governing the confidentiality of student information from these meetings.

- R. “**Weapons**” means a firearm\* or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury. (\*A firearm left in a person’s vehicle is not considered a weapon if it is undisputed that the firearm was not intended to be used at school, at the administrator’s discretion.)

#### IV. Grounds for Suspension and Expulsion

- A. The following are general bases for suspensions, pursuant to Utah Code Ann. § 53G-8-205. In determining appropriate discipline, including length of suspensions or alternatives to suspension, administrators will rely on the Administrator Student Discipline Handbook and will consider both aggravating and mitigating circumstances.
- B. A student ***may*** be suspended from school for the following prohibited conduct:
1. Frequent or flagrant willful disobedience, defiance of proper authority, including refusal to attend school (truancy) or disruptive behavior, including the use of foul, profane, vulgar, or abusive language
  2. Willful destruction of school property
  3. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or the school’s operation, including but not limited to fighting, inappropriate exposure of body parts; and taking or sharing obscene, pornographic, lewd, illegal or otherwise inappropriate images.
  4. Possession, control, or use of alcohol and/or drugs
  5. Behavior which threatens harm or actually does harm to the school or property, a person associated with the school, or property associated with the person associated with the school, including but not limited to fighting and theft of property
  6. Violations of any of the following policies:
    - Dress Code Policy 5220 [LINK]
    - Bullying Policy 5201 [LINK]
    - Discrimination Policy 4210
    - Sexual Misconduct Policy 4210 [LINK]
    - Sexual Harassment Policy XXXX [LINK]
    - Unauthorized Use of Electronic Devices Policy XXX [LINK]
    - Tobacco/Alcohol Use, Policy 5205 [LINK]
    - Gang Policy 5230 [LINK]
- C. A student ***shall*** be suspended from school for the following prohibited conduct, which are considered safe school violations:

1. The sale or distribution of a controlled substance (or an imitation controlled substance) or drug paraphernalia, or participating in any part of the distribution chain
  2. The use of force (or threatened use of force) which, if committed by an adult, would be a felony or class A misdemeanor
- D. A student ***shall be expelled*** from school for the following prohibited conduct, which are considered safe school violations, however the expulsion may be modified to a suspension (short or long term), or may result in removal to an alternative school setting following a hearing described in Section V.B. of this Policy:
1. Possession, control, or use (actual or threatened) of a real weapon, explosive, or noxious or flammable material
  2. Actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities
  3. A school threat
- E. School administrators may suspend a student for less than ten (10) school days but may only *recommend* long-term suspension (ten days or more).
- F. A student who has been recommended for long term suspension is entitled to hearing before WSD Student Services as outlined in Section V.B.
- G. Recommendations for long-term suspensions shall be made for the following prohibited conduct:
1. Distribution of drugs or intent to distribute
  2. 3<sup>rd</sup> offense of possession of drugs, alcohol, tobacco or e-cigarettes
  3. Fighting, depending on aggravating factors, such as, but not limited to resulting injury, premeditation, repeat offender
  4. School threats
  5. Discriminatory Harassment, as defined in Policy 4120 (\*Administrators shall consult with the District Equity, Justice, and Inclusion Director when a student engages in Discriminatory Harassment even if the violation results in school-based disciplinary action.)
  6. Sexual Harassment as defined in Policy 4120 and Policy XXXX
  7. Possession or threatened use of weapons or look-alike weapon
  8. Possessing, soliciting under duress, or distribution of nude or semi-nude images of students or minors
  9. Extreme vandalism (property damage over approximately \$500.00)
  10. Habitual disruptive behavior
- H. Off Campus Conduct. Students may be disciplined for prohibited conduct that occurs off campus if any of the following criteria are met:
1. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or a school-sponsored activity; or
  2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from the extracurricular activity; or

3. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as a plan or agreement made on campus to engage in conduct off campus that would violate this policy if it occurred on campus; or
4. The conduct includes speech or expression, including cyberbullying, that materially and substantially disrupts the operation of the school, or the school administration reasonably anticipates that the expression is likely to materially and substantially disrupt the operation of the school; or
5. The conduct involves the theft or vandalism of school property; or
6. The conduct involves bullying or harassment and occurs while the student is traveling to or from school or a school-sponsored event, including on a bus, at a bus stop, or traveling to or from the bus or bus stop; or
7. The conduct involves hazing as an initiation into a school club or team. Hazing is defined in Policy 5201. [LINK]

## V. **Due Process**

### A. Short-term suspensions (less than 10 school days)

1. Suspensions for less than ten (10) school days require notice and an opportunity to be heard prior to removal. This may be as simple as a communication with the student in which the administrator tells the student what the student is alleged to have done and asks the student for his side of the story.
2. A student may be suspended for up to ten consecutive school days before more formal due process is required.

### B. Long-term suspensions (10+ days) or expulsion

1. Students recommended for long term suspensions and expulsions are entitled to more formal due process including notice and an opportunity for a district hearing.
  - a. The notice must be written and sent to parents within 24 hours of removal from school and must include: [LINK]
    - 1) A summary of the allegations
    - 2) Rule or policy that was violated that led to the recommendation for long-term suspension (tied to policy)
    - 3) Procedural rights
    - 4) Status, pending request for hearing
  - b. If requested, a hearing shall be held at the District Office. The following procedures will apply:
    - 1) District Student Services will send notice including time, date, and place of the district hearing.
    - 2) The district hearing will be presided over by at least two impartial hearing officers. This may be a Student Services Coordinator, Director, or any other impartial school district official.

- 3) The hearing will be recorded.
- 4) The student's parents/guardians are strongly encouraged but not required to attend. The student may bring an attorney. If the student brings an attorney, the District will also have the opportunity for an attorney to be present.
- 5) A school administrator will present evidence of the student's misconduct, including information gathered from a thorough investigation. Student witness statements may read for the record, summarized, or relied upon, but student witness' names are kept confidential to the extent possible.
- 6) Students will have the opportunity to present evidence and to respond to the allegations.
- 7) Following the hearing, the impartial hearing officers will prepare written findings and a decision and will be provided to the school and to the student/parents.
- 8) Hearing officers' decision may include readmission to school, the implementation of a district contract, placement at an alternative school, enrollment in Weber Online, or long-term suspension. Hearing officers may also recommend restorative justice practices in lieu of or in conjunction with removal from school. (See Administrator School Discipline Handbook for restorative justice practices ideas.)

c. Appeal

- 1) A student or student's parents may appeal the written findings and decision of the hearing officers to the Director of Student Services by submitting a written request for an appeal to the Director of Student Services within ten (10) school days of the hearing officers' written findings and decisions.
  - 2) An appeal hearing will be held before the Director and one other hearing officer.
  - 3) Unless there is a procedural error, new evidence that was not raised at the hearing, or egregious abuse of discretion, the hearing officers' recommendation will not be overturned.
2. Only the school board may expel a student. If the hearing officers determine that a student should be expelled from school, the hearing officers will make that recommendation to the school board, which will review the recommendation at its next regularly scheduled meeting in closed session and make a final determination. A student will be suspended from school pending a school board meeting reviewing the hearing officers' decision to expel.

## VI. Procedures for Suspension/Expulsion

- A. When a student is suspended from school, the administrator will contact parents immediately.
  - 1. Elementary school students who are suspended will remain at school until a parent/guardian or a designee of the parent/guardian picks the student up.
  - 2. Junior high and high school students who are suspended may either leave school immediately with parent permission, or wait to be picked up by a parent/guardian or designee.
- B. If a student is being put on a short-term suspension (less than 10 days), notice must be sent to parents with the following information: [LINK TO FORM]
  - 1. that the student has been suspended;
  - 2. the grounds for the suspension;
  - 3. the period of time for which the student is suspended; and
  - 4. a suggested time and place for the parent to meet with the administrator to review the suspension.
- C. Parents are strongly encouraged to meet with the administrator prior to readmission of the student to discuss a plan to avoid recurrence of the prohibited conduct. If parents cannot meet with administrators prior to the end of the suspension term, the administrator will meet with the student without the student's parents to discuss a plan to avoid recurrence of the prohibited conduct.
- D. If a school administrator is recommending a long-term suspension for any prohibited conduct identified in Section IV.F. of this Policy, the notice described in Section V.B.1.a. will be used, and administrators will refer the matter to Student Services.
- E. A **risk assessment** may be required if the student has engaged in a **safe school violation**.
  - 1. Risk assessment results may be used at a hearing to inform the impartial hearing officer of the appropriate placement for the student.
  - 2. A student who has completed a risk assessment may be referred to the district's Threat Management Team.
  - 3. A risk assessment may not be administered without parental consent.
  - 4. If a parent of a student who has engaged in a safe school violation refuses to provide consent, the District may either assume the student is high risk and place the student appropriately, or the District may refer the Student to juvenile court for a court-ordered risk assessment.
- F. Safety Plans
  - 1. If a student was harmed or threatened harm from bullying, harassment (including Discriminatory Harassment and Sexual Harassment), or self-harm, a safety plan shall be implemented for that student.

- a. The safety plan shall at a minimum include an adult point of contact for any student who was harmed or threatened harm.
  - b. The safety plan shall separate a student who engaged in the bullying or harassment from the student who was harmed or threatened harm. Schedule changes may be necessary for the student who is alleged to have engaged in the bullying or harassment.
  - c. The safety plan will be in place until the student who engaged in bullying or harassment or the students who were harmed or threatened harm, or both, are no longer students at the school.
2. A Safety Plan is considered a supportive measure under Sexual Harassment Policy XXXX.
  3. A safety plan should be developed by administrator with support of the school counselor and Student Services, if necessary

## **VII. Investigations**

- A. Administrators will follow the investigative procedures outlines in Policy 5201, unless an administrator is investigating a formal complaint of Sexual Harassment under Title IX. Investigative procedures for Title IX Sexual Harassment claims will follow Policy XXXX.
- B. Administrators shall document all investigations of prohibited conduct in MyStudent, and will tag the incident appropriately.
- C. Investigations of formal complaints of Bullying and all allegations of Discriminatory Harassment must be documented using the Bullying Investigation Forms. [LINK HERE].
- D. Prohibited Conduct that is Also Criminal
  1. Investigations of criminal conduct that occurred ON campus should be coordinated with the School Resource Officer (SRO). Whenever possible, administrators should conduct student interviews jointly with law enforcement so as not to duplicate an investigation.
  2. Searches and interrogations where an SRO is present, but initiated by and led by an administrator, will comply with administrator and school standards in accordance with the District's Search and Seizure Policy 5300.
  3. Investigations of criminal conduct that occurred OFF campus should be coordinated with local law enforcement.
  4. Where a criminal investigation is being conducted by law enforcement and administrators have been directed by law enforcement to suspend further investigation, the school administrator will work with district administrators to determine the appropriate placement of the student pending the criminal investigation.



5. The District will work with local law enforcement to facilitate a speedy investigation to allow the school to proceed with its investigation as soon as practically possible.
6. If law enforcement has interviewed students in connection with prohibited conduct that is the subject of this Policy, administrators will request copies of those interviews as part of the school investigation.
7. District Law Enforcement Relations Protocol [\[LINK HERE\]](#) will be followed when law enforcement is involved with Weber District schools.

**VIII. Students with Disabilities**

- A. If a student has a qualified disability, the school administrator will explain the separate procedures that may apply based on the procedural safeguards under the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act.

**IX. Restraint**

- A. School personnel may use reasonable physical restraint, if necessary, to:
  1. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
  2. protect a student or another individual from physical injury;
  3. remove from a situation a student who is violent; or
  4. protect property from being damaged, when physical safety is at risk.
- B. Any use of physical restraint or seclusion must comply with Policy 52XX [\[LINK\]](#) and will be documented on appropriate forms. [\[LINK\]](#)