

Duchesne County School District
Policy Committee Recommendations

<p style="text-align: center;">Current Policy Statement (Proposed deletions from current policy highlighted in red.)</p>	<p style="text-align: center;">Policy Proposal (Proposed additions to our current policy highlighted in blue.)</p>
<p>5.0820 STUDENT DISCIPLINE: DISCIPLINE</p> <p>5.0820.01 MAINTAIN DISCIPLINE</p> <p>Issue Date: 5/8/97</p> <p>The use of force, but not deadly force, against a student is justified if the teacher or administrator believes that reasonable force is necessary, to further the purpose of education or to maintain discipline in a group.</p>	<p>Student Discipline</p> <p>General authority—</p> <p>If a particular type of conduct has the effect of disrupting the learning atmosphere, it should be subject to regulation. The Board possesses discretion in promulgating regulations for the proper conduct of students.</p> <p>Utah Code § 53E-3-501(1)(b)(v) (2019)</p> <p>Utah Admin. Rules R277-609-1 (May 8, 2018)</p> <p>Comprehensive conduct and discipline plan—</p> <p>The District shall, with input from administration, instructional and support staff, students, parents, community councils, and other community members, develop a comprehensive plan for student and classroom management and school discipline. This plan shall meet the content requirements set forth in Utah Admin. Rules R277-609-4(3).</p> <p>Utah Admin. Rules R277-609-4 (May 8, 2018)</p> <p>Relation of school discipline rules to other policies—</p> <p>Rules and procedures shall prohibit corporal punishment and shall restrict the use of reasonable and necessary physical restraint as set forth in these policies and pursuant to Utah Code § 53G-8-302 and Utah Administrative Rules R277-609. Policies shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law, including Utah Code § 53G-8-204 et seq. Moreover, all rules and procedures shall be consistent with all other policies of the Board, and all state statutes and federal laws governing school discipline, including Utah Code § 53G-8-203, Utah Code § 53G-8-204 and Section 504 of the Rehabilitation Act of 1974 (29 U.S.C. § 794).</p>

Utah Code § 53G-8-203 (2019)

Revising discipline rules—

In adopting or revising the District's rules and regulations, the school board shall solicit input from various interest groups at the school and in the community, including district employees, parents of students, and students.

Utah Code § 53G-8-202(2)(a) (2019)

Emergency Removals—

Students may be removed from regular classes or District premises for non-disciplinary health, safety, and welfare reasons when the Board or its designee determines that an emergency exists.

Any student removed from school for any "emergency" reason who is in a condition that threatens his or her own welfare or the welfare of others shall be released to the student's parent or guardian, the parent's or guardian's representative, or other proper authority, including, but not limited to, law enforcement officers and medical personnel.

The District shall make reasonable efforts to notify the parent or guardian prior to removing a student from school premises for emergency reasons. If the parent cannot be notified prior to the removal, the parent shall be notified as soon as possible after the removal and the reasons for it.

Students with Disabilities—

Removal of a student with a disability for any of these reasons shall be used only in emergency situations and shall not exceed ten school days. Consecutive ten-day removals are prohibited, unless the Special Education Committee determines that the student poses an immediate threat to the safety of himself or others or disrupts the safety of the learning environment. If the parents appeal the Special Education Committee's decision and refuse to permit a change in placement, the District may seek a court injunction to remove a dangerous student with a disability for more than ten consecutive days.

If emergency removals, suspensions, or removals to alternative education total 10 school days in a year, the Special Education Committee shall review

the student's IEP, unless the discipline management portion of the IEP specifies otherwise.

Teacher's Authority—

A teacher may send a student to the Principal's office in order to maintain effective discipline in the classroom. The Principal shall respond by employing appropriate discipline management techniques.

A teacher may remove from class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class. Not later than the third class day after the day on which the student is removed from the class, the Principal shall schedule a hearing to be attended by the Principal or the Principal's designee, a parent or guardian of the student, the teacher, and the student.

Following the hearing, whether or not all requested parties are in attendance after valid attempts to require their attendance, the Principal shall take one or more of the following actions:

1. Suspend the student for a period not to exceed six school days.
2. Place the student in an alternative education program.
3. Place the student back in the class.

If the student is removed by the teacher a second time within the same semester, the student may be returned to that class only by action of the Superintendent at the Principal's request. If the student is removed by the teacher a third or subsequent time within the same semester, the student may be returned to that class only by action of the Board at the request of the Superintendent.

Corporal Punishment—

A school employee may not inflict or cause the infliction of corporal punishment upon a student.

Utah Admin. Rules R277-608 (September 21, 2017)

<p>5.0820.02 CORPORAL PUNISHMENT</p> <p>Issue Date: 5/8/97</p> <p>The term “corporal punishment” means the intentional infliction of physical pain upon the body of a student as a disciplinary measure:</p> <p>Utah Code § 53A-11-701</p> <p>A school employee may not inflict or cause the infliction of corporal punishment upon a student under the age of eighteen (18), or under the age of twenty-three (23) if the student is receiving educational services as an individual with a disability.</p> <p>Written permission shall be valid only if delivered by the parent or guardian to the student’s teacher or to the school administration, and shall be kept and maintained by the school administration.</p> <p>Utah Admin Rule 277-609</p> <p>Utah Code § 53A-11-701</p> <p>Utah Code § 53A-11-702</p> <p>5.0820.03 APPROPRIATE CONDUCT</p> <p>Issue Date: 5/10/97</p> <p>This policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to:</p> <ol style="list-style-type: none"> 1. Obtain possession of a weapon or other dangerous object in the possession or under the control of a child; 2. Protect the child or another person from physical injury; 	<p>Utah Code § 53G-8-302(1) (2019)</p> <p>The term “corporal punishment” means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.</p> <p>Utah Code § 53G-8-301(1) (2018)</p> <p>Appropriate Conduct—</p> <p>A school employee may use of reasonable and necessary physical restraint in self-defense or when otherwise appropriate to the circumstances to:</p> <ol style="list-style-type: none"> 1. obtain possession of a weapon or other dangerous object in the possession or under the control of a student; 2. protect the student or another individual from physical injury; or 3. remove from a situation a student who is violent; or 4. protect property from being damaged, when physical safety is at risk. <p>A school employee may also use less intrusive means, such as a physical escort, to address these types of circumstances. (A “physical escort” is temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.)</p> <p>Policy FHAF sets forth specific provisions governing the use of physical restraint with students.</p> <p>Utah Code § 53G-8-301(2) (2018)</p>
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<p>3. Remove from a situation a child who is violent or disruptive; or</p> <p>4. Protect property from being damaged.</p> <p>Utah Code § 53A-11-702</p> <p>An employee of the District may not be subjected to any sanction for failure or refusal to commit an act prohibited by this policy.</p> <p>Utah Code § 53A-11-701</p> <p>Utah Code § 53A-11-702</p> <p>Policy FDD regarding Child Abuse Reporting and Investigation shall apply to complaints made to the District regarding improper or unauthorized use of corporal punishment.</p> <p>Utah Code § 53A-11-703</p> <p>5.0820.04 LIMITATION</p> <p>Issue Date: 5/10/97</p> <p>This policy does not restrict the use of corporal punishment which is considered to be reasonable discipline for purposes of behavior reduction intervention, and which is also in compliance with state regulations and District policies adopted pursuant to Utah Code § 53A-15-301 regarding provision of education for handicapped students.</p> <p>Utah Code § 53A-11-704</p> <p>Utah Code § 53A-11-705</p> <p>Utah Code § 53A-11-401</p>	<p>Utah Code § 53G-8-302 (2019)</p> <p>Utah Admin. Rules R277-609-4(3)(k) (May 8, 2018)</p> <p>An employee of the District may not be subjected to any sanction for failure or refusal to commit an act prohibited by this policy.</p> <p>Utah Code § 53G-8-302(4) (2019)</p> <p>Policy FDD regarding Child Abuse Reporting and Investigation shall apply to complaints made to the District regarding improper or unauthorized use of corporal punishment.</p> <p>Utah Code § 53G-8-303 (2018)</p> <p>Limitation—</p> <p>This policy does not restrict the use of physical contact which is considered to be reasonable discipline for purposes of behavior reduction intervention and which is also in compliance with state regulations and District policies adopted pursuant to Utah Code § 53E-7-204 regarding provision of education for students with disabilities.</p> <p>Utah Code § 53E-7-204 (2019)</p> <p>Disciplinary Record—</p> <p>Disciplinary records shall be made available to parents/legal guardians or the student, whichever is appropriate, pursuant to the District's student records policy.</p> <p>Collection and Reporting of Incident Data—</p> <p>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</p>
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5.0820.05 DISCIPLINARY RECORD

Issue Date: 5/10/97

Disciplinary records shall be made available to parents or the student, whichever is appropriate, pursuant to the District's student records policy.

and which involve (1) suspension or expulsion of a student, or (2) arrest of a minor or (3) "other law enforcement activities" (defined below).

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 (1) a search and seizure by an SRO, (2) issuance of a criminal citation, (3) issuance of a ticket or summons, (4) filing a delinquency petition, or (5) referral to a probation officer.

The report of the incident shall also include information on the student or minor's age, grade level, race, sex, and disability status. To collect the data, school personnel shall use the form established by the State Superintendent in consultation with law enforcement agencies.

The District shall report the data to the State Superintendent in a timely manner as required by the State Superintendent. Beginning with the 2020-21 school year, 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 (2018)

Utah Admin. Rules R277-912-2 (February 7, 2019)

Notice of rules—

A copy of the rules and procedures shall be made available to all students at the time of their enrollment in the school. If a school makes significant changes to its discipline rules and procedures, written notice of the adopted and revised discipline rules and procedures shall be distributed to all new and continuing students. In the case of all new, continuing or transfer students, a copy of the rules and procedures shall be mailed to the student's parents.

Utah Code § 53G-8-204 (2019)

Board review of school discipline rules—

Each school shall file a copy of its school discipline rules and procedures with the Board within thirty days after adoption of the rules and procedures. The Board shall review the rules and procedures filed by each school and may

5.0810 SAFE SCHOOLS

5.0810.01 SAFE SCHOOLS

Issue Date: 12/20/94

This policy is adopted by the Board of the District pursuant to Utah Code § 53A-11-901 through 907 and Gun Free School Act 18 USC § 3351. It is the intent of the Board to provide every student in the District with the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. The Board has invited and received input from District employees, students and the community. The Board now adopts this policy based on the principle that every student is expected to follow rules of conduct, to show respect for others and to obey persons in authority at the school.

5.0810.02 DELEGATION OF AUTHORITY

Issue Date: 12/20/94

Students should be aware that certain behavior outlined herein and in other policies of the District, are unacceptable and will result in disciplinary action. The Superintendent/designees will enforce District policies in order to make

require the school to modify any rule or procedure that is not consistent with Board policy or state statutes on discipline in the public schools.

Utah Code § 53G-8-202 (2019)

Utah Code § 53G-8-203 (2019)

Safe Schools

The following definitions shall apply under this policy—

1. “Suspension” means removal of a student from the student’s regular classroom assignment for a definite period of time.
2. “In-school suspension” means temporary reassignment, for a specific period of time, to a designated suspension classroom within the school.
3. “Short-term suspension” means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is equal to or less than 10 school days.
4. “Long-term suspension” means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is greater than 10 school days.
5. “Expulsion” means termination of the student’s status as a student enrolled in the school. Expulsion may be for an indefinite or fixed period of time.
6. “Involuntary transfer” means 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.
7. “School district location” means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

students and their parents/guardians understand that unacceptable behavior will be dealt with in accordance with the Board's discipline policies and will not be tolerated.

Utah Code § 53A-11-901

18 USC § 3351 (1)

The Board hereby delegates, to principals and assistant-principals in each school, the authority to expel/suspend students in the District for up to ten (10) days.

5.0810.03 PUBLICATION OF SAFE SCHOOLS POLICY

Issue Date: 12/20/94

A copy of this policy shall be given to each student upon enrollment in the school. Each student transferring to a school from another district shall receive a copy of this policy.

Utah Code § 53A-11-903 (2) (a)

5.0810.04 CONDUCT ON OR NEAR CAMPUS RESULTING IN SUSPENSION/EXPULSION

Issue Date: 4/10/97

A student may be suspended/expelled from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, in conjunction with any school sponsored activity, or when it occurs in the presence of or is directed against another student or a District employee and persistent defiance of proper authority.

1. Continued willful disobedience or open and persistent defiance of proper authority;
2. Willful destruction or defacing of school property;

8. "Disruptive behavior" means conduct which unreasonably interferes with the educational process or instruction of students in the classroom or elsewhere, including foul, profane, vulgar or abusive language.

9. "Bullying" means intentionally committing a written, physical, or verbal act that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:

- a. causing physical or emotional harm to the school employee or student:
- b. causing damage to the school employee or student's property;
- c. placing the school employee or student in reasonable fear of:
 - i. harm to the school employee's or student's physical or emotional well-being; or
 - ii. damage to the school employee's or student's property.
- d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - i. the pervasiveness, persistence, or severity of the actions; or
 - ii. a power differential between the bully and the target; or
- e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

Utah Code § 53G-9-601(2) (2019)

10. "Communication" means the conveyance of a message, whether verbal, written, or electronic.

Utah Code § 53G-9-601(3) (2019)

11. "Cyber-Bullying" means:

- a. Using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard,

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 to the operation of the school;

4. Behavior which unreasonably disrupts or interferes with the educational process for other students;

5. Possession control or use of an alcoholic beverage within one thousand (1,000) feet of school property or any school-sponsored event.

6. Sale, gift, delivery, transfer, possession, control or distribution of tobacco products within one thousand (1,000) feet of school property or school-sponsored event.

7. Being under the influence of an alcoholic beverage or of other controlled substances within one thousand (1,000) feet of any school-sponsored event.

5.0810.05 HABITUALLY DISRUPTIVE BEHAVIOR

Issue Date: 12/20/94

A student may be suspended/expelled when s/he is habitually disruptive and has failed or refused to comply with his/her remedial discipline plan.

1. When a student has caused his/her first serious, willful or overt disruption, the student's principal/designee shall develop a remedial discipline plan to assist the student in altering his/her conduct to avoid the occurrence of another disruption. The principal/designee will review the plan with the student at the time it is implemented.

Utah Code § 53A-11-904

2. A "habitually disruptive student" is one who has caused disruption in a classroom on school grounds, in a school vehicle, or at school sponsored activities or events more than five (5) times during a school year and whose behavior was willful and overt and required the attention of school employees.

5.0810.06 EXPULSION FOR CONDUCT OFF SCHOOL PROPERTY

that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

b. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.

Utah Code § 53G-9-601(4) (2019)

12. "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act that:

a. meets one of the following:

i. endangers the mental or physical health or safety of a school employee or student; or

ii. 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;

iii. 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

iv. 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 either;

b. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in any school or school sponsored team, organization, program, club, or event; or

c. is directed toward a school employee or student whom the individual who commits 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,

<p>Issue Date: 4/10/97</p> <p>A student may be expelled, as provided in this policy, for conduct off school premises that 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.</p> <p>Utah Code § 53A-11-902 (5)</p> <p>5.0810.07 MANDATORY EXPULSION/ SUSPENSION</p> <p>Issue Date: 4/10/97</p> <p>Non-disabled students must be suspended/expelled from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, within one thousand (1,000) feet of school property, or within one thousand (1,000) feet of and in conjunction with any school sponsored activity, or is directed against another student or a district employee.</p> <p>18 USC § 921 (25)</p> <p>1. Possession, control, or actual or threatened use of a real, look alike or pretend weapon, explosive, noxious or flammable material.</p> <p>18 USC § 3351</p> <p>2. Sale, control, delivery, transfer, or distribution of a drug or controlled substance or drug paraphernalia as defined in Utah Code § 58-37-2 or by 21 USC § 801;</p> <p>3. Sale, control, distribution, delivery or transfer of imitation controlled substances defined in Utah Code § 58-37b-2 or by 21 USC § 801;</p> <p>4. Sale, control, or distribution of drug paraphernalia as defined in Utah Code § 58-37a-3;</p> <p>5. 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 a class A misdemeanor;</p>	<p>organization, program, club, or event in which the individual who commits the act also participates.</p> <p>The conduct described above constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.</p> <p>Utah Code § 76-5-107.5 (2011)</p> <p>Utah Code § 53G-9-601(5) (2019)</p> <p>13. “Retaliate” means an act or communication intended:</p> <p>a. as retribution against a person for reporting bullying, cyber-bullying, abusive conduct, or hazing; or</p> <p>b. to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, abusive conduct, or hazing.</p> <p>14. “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. “Firearm” means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive. The following factors are used in determining whether an object other than a firearm is a dangerous weapon:</p> <p>a. the location and circumstances in which the object was used or possessed;</p> <p>b. the primary purpose for which the object was made;</p> <p>c. the character of the wound, if any, produced by the object's unlawful or improper use;</p> <p>d. the manner in which the object was unlawfully or improperly used;</p> <p>e. whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and</p> <p>f. the lawful purposes for which the object may be used.</p>
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<p>6. Assault of a teacher or other individual.</p> <p>Utah Code § 53A-3-502</p> <p>5.0810.08 SUSPENSION/EXPULSION OF HANDICAPPED/CHALLENGED</p> <p>Issue Date: 12/20/94</p> <p>Students identified as disabled under the Individuals with Disabilities and Education Act (I.D.E.A.), or under § 504 of the Rehabilitation Act of 1973 must be given special considerations. Expulsion of a student for misbehavior that is related to a disability may constitute discrimination.</p> <p>5.0810.09 SHORT-TERM SUSPENSION OF HANDICAPPED/CHALLENGED</p> <p>Issue Date: 12/20/94</p> <p>1. The District may suspend students with handicaps for a period not to exceed ten (10) school days if it is determined that:</p> <p>a. Maintaining the student in a current placement is likely to result in injury to self or to other persons; or</p> <p>b. The student has engaged in conduct which would otherwise warrant suspension or removal for a non-handicapped student.</p> <p>2. SPECIAL NOTE: The maximum number of ten (10) days suspension is considered on a cumulative basis, within one school year. The number of days should be only as many as are necessary in the specific case. Other options should be considered before using out-of-school suspension with a disabled student. Any suspension should consider the least restrictive environment.</p> <p>State Office of Special Education Rules</p> <p>5.0810.10 LONG-TERM SUSPENSION OF HANDICAPPED/CHALLENGED</p> <p>Issue Date: 12/20/94</p> <p>1. Any expulsion/suspension of a student with disabilities for more than ten (10) days constitutes a change in placement. Prior to a change-in-placement, parents/guardians of the student must be notified of the proposed change</p>	<p>Possession of a weapon shall not violate this policy if possession is approved in writing by the responsible school administrator or if the item or material is present or to be used in connection with a lawful activity approved in writing by the responsible school administrator before the material in question is brought on school premises.</p> <p>Utah Code § 76-10-501 (2015)</p> <p>Utah Code § 76-10-505.5 (2013)</p> <p>15. “Unlawful conduct” means any conduct by a student which 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:</p> <p>a. Harassment: the crime of harassment occurs when a student, with intent to frighten or harass another, communicates in writing a written or recorded threat to commit any violent felony.</p> <p>Utah Code § 76-5-106 (1995)</p> <p>b. Burglary: burglary means entering or remaining in a building or any portion of a building with the intent to commit an additional crime.</p> <p>Utah Code § 76-6-202 (2012)</p> <p>c. Theft: theft means obtaining or exercising unauthorized control over the property of another with the purpose to deprive him or her thereof.</p> <p>Utah Code § 76-6-404 (1973)</p> <p>d. Criminal mischief: criminal mischief means intentionally damaging, defacing, or destroying the property of another; or recklessly or willfully shooting or propelling a missile or other object at or against a motor vehicle, bus, airplane, locomotive, train, railway car, or caboose, whether moving or standing, or intentionally and unlawfully tampering with the property of another so as to recklessly endanger human life, health, or safety or recklessly causes or threatens a substantial interruption or impairment of critical infrastructure.</p>
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and the Special Education Committee must first determine whether the alleged behavior is related to a handicapping condition. If the parents/guardians contest the proposed change, notice of due process rights must be given to the parents/guardians and the student must, remain or “stay put” in the present educational environment unless the parents/guardians agree otherwise pending resolution of the hearing.

34 CFR 300.513

2. If a disabled student brings a firearm to school and the disabling condition contributed to such behavior, then that student must be placed in an interim alternative educational setting for not more than forty-five (45) days.

a. The appropriate interim educational setting shall be determined by the IEP team.

b. If the parent or guardian of such a student requests a due process hearing, the student shall remain in the alternative setting during the pendency of any due process proceedings unless the parents and special educational coordinator agree otherwise.

c. The IEP team must convene prior to the end of the forty-five (45) day maximum removal to the alternative educational setting to determine the least restrictive environment for the student when the student’s removal is concluded.

5.0810.11 HANDICAPPED/CHALLENGED STUDENTS

Issue Date: 4/10/97

A student having or regarded as having a disability (a “disabled student”) may be expelled for engaging in conduct that would warrant such action for a non-handicapped student only if the Special Education committee determines the misconduct is not related to the handicapping condition or inappropriate placement unless the student brought a weapon to school.

In determining whether a student’s disruptive behavior is related to a handicapping condition, the Special Education Committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The Committee shall consider whether the

Utah Code § 76-6-106 (2012)

e. Assault: assault means an attempt, with unlawful force or violence, to do bodily injury to another.

Utah Code § 76-5-102 (2015)

f. Gang activity.

Utah Code § 76-9-801 to 804

Utah Code § 76-9-901 to 907

g. Willfully defaces or otherwise damages school property.

Utah Code § 53G-8-212 (2019)

16. Making a false alarm: a student makes a false alarm if he or she initiates or circulates a 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; improper activation of school alarms or safety systems.

Utah Code § 76-9-105 (2017)

17. Disrupting the operation of a school: Disrupting the operation of a school occurs when a person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of the school.

Utah Code § 76-9-106 (1992)

18. Terroristic Threats: A student commits a terroristic threat if the student threatens to commit any offense involving bodily injury, death, or substantial property damage, and:

a. Threatens to use a weapon of mass destruction or hoax weapon of mass destruction; or

student's behavior indicates the need for new assessment or evaluation data. Unless the parents/guardians agree otherwise, the student must be returned to his/her current placement after ten (10) days while additional assessments are being conducted.

The Special Educational Committee shall determine the instructional and related services to be provided during the time of the suspension. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

5.0810.12 PROCEDURES FOR SUSPENSION/EXPULSION

Issue Date: 4/10/97

When a student engages in conduct for which suspension/expulsion is possible or required under section III of this policy, the following procedures shall occur:

1. Notwithstanding any other provision of this policy, if the suspension involves a student who brought a real, look-alike or pretend firearm, explosive or flammable material to school then the student must be expelled for at least one year.

18 USC § 337

For purposes of this policy, a "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by action of any explosive; the frame or receiver of such a weapon; any muffler or silencer, or any destructive device.

18 USC § 921; 53A-11-904(2) (In)

2. If the conduct described does not require mandatory suspension or mandatory expulsion, the principal or assistant principal at his/her discretion, may suspend the student for up to ten (10) days, and in addition may recommend that the Superintendent suspend the student for up to an entire school year or its equivalent imposed over consecutive portions of two (2) school years.

3. If the conduct described requires mandatory expulsion/suspension, then the principal or assistant principal shall suspend the student for ten (10) days

b. The student acts with intent to:

- i. Influence or affect a government or unit of government or intimidate or coerce a civilian population; or
- ii. Cause action of any nature by an official or volunteer agency organized to deal with emergencies; or
- iii. Prevent or interrupt the occupation of a building or a portion of a building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier.

Utah Code § 76-5-107.3 (2013)

19. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, when:

- a. Submission to or rejection of the conduct affects the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or
- b. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive education environment.

See Policy FHAB.

Publication of Safe Schools Policy—

A copy of this policy shall be given to each student in school upon enrollment in the school. Each student transferring to a school in the district who was not attending a school in the district just prior to the transfer shall receive a copy of this policy. When a copy of this policy is provided to a student, a copy shall also be provided to the student's parent.

Utah Code § 53G-8-204(2)(a) (2019)

A copy of this policy shall be posted in a prominent place in each school in the district. Any significant change in this policy shall be posted in each school in

and in addition shall recommend that the Superintendent suspend the student for up to an entire school year or its equivalent imposed over consecutive portions of two (2) school years.

4. If a student is suspended for a period of time less than or equal to ten (10) days, the principal or assistant principal shall immediately provide notice to the student's parent/guardian. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent/guardian by telephone are unsuccessful, then written notice shall be sent to the parent or guardian. The notice, whether verbal or written, shall include the following:

- a. The student has been suspended,
- b. The grounds for suspension,
- c. The period of time for which the student is suspended, and ,
- d. The date, time and place for the parent/guardian to meet with the principal/designee to review the suspension. This meeting shall be scheduled to occur as soon as practicable, but in all cases prior to the end of the tenth (10th) day of suspension.

If the principal/assistant principal has recommended that the superintendent suspend the student for a period longer than ten days, the fact shall be included in the notice to the parent or guardian. The student shall also attend the meeting.

5. At the meeting with the student, the parent/guardian, and the principal/assistant principal, the student shall be informed of the charges and evidence against him/her.

S/he shall be given an opportunity to tell his/her side of the story.

If the parent/guardian and/or the student fail or refuse to attend the meeting at the scheduled date, time and place, and reasonable efforts to contact the absent person(s) are unsuccessful, the principal/assistant principal shall mail notification to the parent/guardian describing the charges against the student and the evidence against him/her.

Goss v. Lopez, 410 U.S. 565 (1975). 565 (1975)

the district, and a copy of the revised policy shall be distributed to the students in each school.

Utah Code § 53G-8-204(2)(b), (c) (2019)

Conduct Warranting Discipline—

A student may be disciplined for the conduct described below. The type of the discipline imposed will depend on the nature of the particular conduct.

1. Conduct Which May Warrant, But Does Not Require, Suspension or Expulsion:

a. A student may be disciplined for any of the following prohibited conduct when it occurs in a school building, or on or in proximity to school property; in conjunction with any school sponsored activity; in or on a school vehicle; is directed at or against another student or a district employee; or 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.

i. Any unlawful conduct, as that is defined above.

ii. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.

iii. Willful destruction, defacing, or damaging of school property.

iv. 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.

v. Disruptive behavior, as that is defined above.

vi. 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.)

6. Upon the conclusion of the meeting, or upon a determination that the parent/guardian has not appeared for the meeting, the principal/assistant principal shall take one of the following actions (if the reported conduct provides for the discretionary suspension/expulsion):

a. Take no further disciplinary action to extend the suspension beyond the previously stated period of suspension.

b. Increase the time of suspension up to a total of ten (10) days.

c. Increase the time of suspension up to a total of ten (10) days, with a recommendation to the Superintendent that the student is suspended for a period of time greater than ten (10) days up to an entire school year or its equivalent imposed over consecutive portions or two (2) school years.

d. Rescind the suspension already imposed and return the student to classes or impose disciplinary measures not including suspension/expulsion.

7. If the student is expelled for willful disobedience, defiance of authority, or disruptive behaviors which are not so violent or extreme that immediate removal is required; then good faith effort shall be made that would allow the student to return to school.

8. If the reported conduct requires mandatory expulsion then the determination shall be one of the following:

a. Increase in the time of suspension up to a total of ten (10) days, with a recommendation to the Superintendent that the student be suspended for a period of time equivalent to an entire school year, imposed if necessary over consecutive portions of two (2) school years.

b. Rescind the suspension already imposed and return the student to classes.

9. If the principal/assistant principal recommends suspension for a period greater than ten (10) days, s/he shall notify the Superintendent of that recommendation as soon as possible. The Superintendent shall then schedule a hearing to be held with the student's parents/guardian, and the student. The hearing shall be scheduled to take place prior to the tenth (10th) day of the student's suspension when possible.

vii. Bullying, abusive conduct, cyberbullying, retaliation, and making false allegations of bullying, bullying or retaliation. See Policy FGAD.

viii. Any use of an electronic device or camera to record sounds 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 has been involved in prior violations of this policy.

1. 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 will result in an immediate suspension of not less than three (3) days nor more than ten (10) days.

ix. 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, will result in an immediate suspension of not less than three (3) days nor more than ten (10) days. When a student repeatedly engages in such behavior, the punishment may be increased as is appropriate.

b. 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. See FHAA.

c. 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. "Tobacco products" includes an electronic cigarette as that has been defined by state law (Utah Code § 76-10-101).

d. 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. See FHAA.

e. Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing, Policy FHAC.

<p>a. The Superintendent shall provide written notice of the date, time and place of the hearing to the student and his/her parent/guardian. The notice shall include a statement of the charges against the student, that suspension has been recommended beyond the ten (10) day suspension imposed by the principal or assistant, and the period of time for which suspension has been recommended.</p> <p>b. The Superintendent/designee shall preside at, and conduct the hearing. The District and the student may each be represented by a person of their choice. Each side may present witnesses and make legal arguments relevant to the issues.</p> <p>10. At the conclusion of the hearing, the Superintendent/designee shall make a final determination of the matter and shall state his/her determination to those in attendance. A written copy of the determination shall be mailed to the student and his/her parent/guardian.</p> <p>11. If the conduct provides for discretionary suspension/expulsion, then the determination shall be one of the following:</p> <p>a. No further disciplinary action beyond the ten (10) day suspension imposed by the principal or assistant principal,</p> <p>b. Rescind the suspension already imposed and return the student to classes, or</p> <p>c. An increase in the time of suspension for a period up to the entire school year of its equivalent imposed over consecutive portions of two (2) school years.</p> <p>12. If the conduct requires mandatory suspension or expulsion then the determination shall be one of the following:</p> <p>a. Rescind the suspension already imposed and return the student to classes.</p> <p>b. An increase in the time of suspension for a period up to an entire school year, imposed as necessary over consecutive portions of two (2) school years.</p> <p>13. When it has been determined that a student shall be suspended for any period of time, the parent/guardian, upon meeting with the principal/assistant principal shall be given the option of attending all classes</p>	<p>Utah Code § 53G-8-205(1) (2019)</p> <p>Utah Code § 53G-8-602 (2018)</p> <p>Utah Code § 53G-8-209 (2019)</p> <p>f. Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code.</p> <p>Utah Code § 76-6-102 (2013)</p> <p>Utah Code § 76-6-103 (1986)</p> <p>g. Engaging in conduct that contains the elements of any felony.</p> <p>h. Sexual Harassment.</p> <p>i. Gang-related activity: A “gang” as defined in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. Gang-related activity includes but is not limited to:</p> <p>i. Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang.</p> <p>ii. Use of a name associated with or attributable to a gang;</p> <p>iii. Designating "turf" or an area for gang activity or occupation.</p> <p>Be aware that there are challenging constitutional issues related to policies dealing with gang-related attire as the policy impacts students’ First Amendment speech rights. A school should be able to document evidence of real and substantial problems caused by, or at least reasonably likely to be caused by, gang clothing. In designing a dress code, school authorities should focus on problems if they exist. A school may choose to develop a specific list of clothing and accessories that “evidence membership in a gang.” Such lists must be flexible to adapt to shifts in fashion styles. Students must be given</p>
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with the student in lieu of excluding the student from school during the period of suspension. The parent or guardian must agree to attend all of the student's classes with the student for each day of the suspension if this option is accepted. If the parent or guardian wishes to accept this option, the consent of the student's teachers shall be requested. If granted, the student shall not be excluded from classes for the period of suspension provided the student's parent/guardian attends every class with the student. If the parent or guardian fails to attend a class period with the student, then the student will be excluded from classes and school activities from that time forward for the remaining period of suspension.

Utah Code § 53A-11-906

14. A student may be suspended for repeated acts of willful disobedience, defiance of authority, or disruptive behaviors which are not of such violent or extreme nature that immediate removal is required, provided that efforts shall be made to implement a remedial discipline program that will allow the student to return to school within ten (10) days.

Utah Code § 53A-11-906(1)

5.0810.13 ANNUAL REVIEW

Issue Date: 4/10/97

The Superintendent/designee shall review the expulsion of any student expelled for the remainder of the year at least annually and report to the Board his/her conclusions.

Utah Code § 53A-905(3)

5.0810.14 EDUCATIONAL SERVICES

Issue Date: 4/10/97

If a student is suspended for more than ten (10) days, alternative educational services must be provided to the student, and such services must satisfy the requirements of the state compulsory education laws.

The District will provide information to the parent/guardian to determine how the parent's or guardian's responsibility for educational services might

ample notice of the list and any amendments. The policy should also include an appeals process that allows students to dispute that particular clothing deemed gang related is actually not gang regalia.

2. Conduct Which Requires Suspension or Expulsion

a. A student shall be suspended or expelled from school for participation in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including:

i. The sale, control, delivery, transfer or distribution of a drug or controlled substance, as defined in Utah Code § 58-37-2, an imitation controlled substance, as defined in Utah Code § 58-37b-2, or drug paraphernalia as defined in Utah Code § 58-37a-3 (See Policy FHAA);

ii. 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.

Utah Code § 53G-8-205(2) (2019)

Utah Code § 76-5-102 (2015)

Utah Code § 76-5-102.3 (2017)

3. Conduct Which Requires 1-year Expulsion

a. A student shall be expelled from school for not less than one year, subject to the 45-day review process for mandatory year expulsions set forth below, if the student participates in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including one of the following violations:

i. possession, control or actual or threatened use of a real weapon, explosive, or flammable device or material;

ii. the actual or threatened use of a look-alike or pretend weapon with intent to intimidate another person or to disrupt normal school activities.

be satisfied. The District will maintain a record of all suspended students. For such student under the age of sixteen (16), the District will contact the student's parent/guardian at least once each month to determine the student's educational progress. If the student's educational progress is not satisfactory, the District may seek the cooperation of the Division of Family Services, the state juvenile court and other appropriate agencies.

Utah Code § 53A-11-907

5.0810.15 CONTINUING EDUCATION

Issue Date: 12/20/94

The Board or its designee shall provide for the continuing education of a student removed to an alternative education program, which may include any or all of the following programs:

1. In-school suspension. Student shall be instructed in the essential elements of his/her scheduled courses.
2. Transfer to a different campus.
3. Transfer to a community-based alternative program.
4. Home-based instruction, provided that combined days of suspension and assignment to home-based instruction shall not exceed six (6) school days in a semester.

The District shall contact the parent or guardian of each suspended or expelled student under the age of sixteen (16) at least once a month to determine the student's progress.

Utah Code § 53A-11-907(4)

5.0810.16 APPEAL PROCESS

Issue Date: 12/20/94

Utah Code § 53G-8-205(2)(b) (2019)

4. Discipline Rules for Students With Disabilities

a. Federal and state laws impose particular requirements regarding discipline of students identified as having a disability. Discipline of such students must comport with the requirements set forth below for students with disabilities.

Remedial Measures and Disciplinary Sanctions—

Following a determination that a student has committed a violation, the student may be subject to one of the following remedial measures or disciplinary sanctions, as is determined to be appropriate for the violation or as is required by the terms of this policy or other District policies.

1. Remedial Measures

a. 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 is required.

b. Continued school and class attendance accompanied by the student's parent or guardian 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 or guardian. The parent or guardian must agree to attend all of the student's classes for each day of the suspension. If the parent or guardian fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.

c. 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.

d. Home-based instruction. Instruction at home, provided that combined days of suspension and assignment to home-based instruction shall not exceed ten (10) school days in a semester.

A student may appeal the Superintendent's determination by writing a letter of appeal to the Board within ten (10) days after the written determination was mailed to the student.

No further hearing will be held. The Board will review the evidence submitted to the Superintendent and the written determination of the Superintendent. The Board may affirm the Superintendent's decision or modify the Superintendent's decision. The Board's written decision will be issued within thirty (30) days of receipt of the student's written notice of appeal.

5.0810.17 MISCELLANEOUS PROVISIONS

Issue Date: 12/20/94

A suspended student shall immediately leave the school building and school grounds. A joint decision between the parent/guardian and principal/designee will determine the best way to transfer custody.

A suspension may not extend beyond ten (10) days unless the student and his/her parents or guardians have been given reasonable opportunity to appear before the Superintendent for the hearing and respond to the allegations and proposed disciplinary action.

Utah Code § 53A-11-905(4) (C)

5.0810.18 RECORDS

Issue Date: 4/10/97

The District shall maintain a record of all suspended or expelled students. A notation of the recorded suspension(s) and/or expulsion(s) shall be attached to the individual student's transcript.

Utah Code § 53A-11-907(4) (b)

5.0810.19 COSTS OF EDUCATIONAL SERVICES DURING SUSPENSION

Issue Date: 12/20/94

e. Voluntary transfer. Voluntary 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.

f. Withholding grade reports, diplomas and transcripts. If a school determines that school or district property has been lost or willfully cut, defaced or otherwise damaged by a student, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or student's parent has paid for the damages.

i. 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 parent that the student's interests would not be served if the parent were to pay for the damages, then the school shall provide a program of work the student may complete in lieu of the payment. In that case, the school shall release the official grade report, diploma, or transcript of the student upon completion of the work.

ii. If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the Department or agency, may not be withheld from the Department or agency for non-payment of damages under this section.

iii. No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.

Utah Code § 53G-8-212 (2019)

2. Disciplinary Sanctions

a. Detention. Students in grades kindergarten through six may be detained in school after regular school hours in the event the responsible school administrator determines that such action is justified in disciplining the student. No student may be detained after regular school hours until his or her parent has received prior notice of the detention to take place on a particular school day.

Costs of educational services during the period of suspension which are not provided by the District are the responsibility of the student's parent/guardian.

Utah Code § 53A-11-907(3)

5.0810.20 EXPULSION CHECKLIST

Issue Date: 12/20/94

As a helpful guideline to follow when any student is suspended/expelled, District personnel may consider the following non-binding checklist:

1. Does the District have a policy regarding student discipline after consulting the State Office of Education "models"?
2. Has the policy been distributed to all students?
3. Are copies of all changes to the policy posted?
4. Has the student exhibited conduct defined in the policies and statutes such as:
 - a. Willful disobedience,
 - b. Willful destruction or defacing of school property,
 - c. Behavior which threatens safety or morals,
 - d. Possession of a weapon, explosive or flammable material and/or,
 - e. Use or threat of force that constitutes a felony or class A misdemeanor.
5. If the conduct involves "d" or "e" then expulsion is mandatory. If the conduct involves "d" the suspension is mandatory for at least one (1) year under federal law, except handicapped/challenged students who are placed in an alternative educational setting for a maximum of forty-five (45) days.
6. To whom has the authority to suspend been delegated?

i. The notice provided for under this policy need not be completed prior to detention of the student if detention is necessary for the student's health or safety.

Utah Code § 53G-8-203(2) (2019)

b. Suspension.

c. Involuntary transfer. Involuntary transfer to another school, campus, community-based alternative school or other special program within the District.

d. Expulsion.

Authority to Impose Discipline—

The Board of Education hereby delegates to each school principal within the District the authority to suspend a student in the principal's school for up to ten (10) school days, in accordance with this policy.

The Board of Education hereby delegates to the superintendent the authority to suspend a student for up to one (1) school year.

The Board of Education has the authority to expel a student for a fixed or indefinite period.

Utah Code § 53G-8-206 (2019)

Procedure for Imposing Discipline—

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. The nature of the due process required depends in part on the magnitude of the penalty to be imposed.

1. Short-term Suspension

a. Informal due process hearing. A school principal may suspend a student for up to ten (10) school days for a violation. Prior to imposing such a suspension, the school principal shall meet with the student, if possible, to discuss the incident(s) and to provide the student an opportunity to respond. The

7. Has the student's parent/guardian been notified and give the following information?

- a. That the student has been suspended,
- b. The grounds for the suspension,
- c. The period of time for the suspension, and
- d. Time and place of the informal hearing.

8. How long has the student been suspended? If more than ten (10) days, has the required informal hearing taken place?

9. What alternatives to suspension have been offered?

10. Is the student disabled under I.D.E.A. or § 504? If so, provisions of those laws must be followed.

5.0810.21 STUDENT VICTIMS OF SCHOOL SAFETY OFFENSES

Issue Date: 09/11/03

Students, who are victims of a violent criminal offense, as defined in R277-483-1J, shall have the option of transferring to a non-dangerous school in the school district. The student and their parent(s)/guardian(s) shall receive notice of available non-dangerous schools in the district as soon as reasonably possible after the school's or district's official notification of the incident by law enforcement or school district authority.

The local board shall make available a school within 15 days of parental notification or arrange for homebound/hospitalized services, under R277-419, within 15 days of parental notification. The transfer shall not result in loss of credit or reduction in grade of the victimized student as long as the parent and student cooperate fully in the transfer process.

principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate. In appropriate cases, the principal shall consider and offer the student alternatives to suspension, including in-school suspension and parental attendance with the student (where appropriate consent from teachers is obtained).

b. Short-term suspension pending due process hearing. If the school 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 hearing on whether those sanctions should be imposed.

c. Departure from school grounds. 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.

Utah Code § 53G-8-206(5)(a) (2019)

d. Notice of short-term suspension. If a short-term suspension is imposed, the principal or assistant principal shall immediately provide notice to the student's parent. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent by telephone are unsuccessful, then written notice shall be sent to the parent. The notice, whether verbal or written, shall include the following:

- i. That the student has been suspended.
- ii. The grounds for the suspension.
- iii. The period of time for which the student is suspended.
- iv. The date, time and place for the parent and student to meet with the principal or assistant principal to review the suspension. 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.

Goss v. Lopez, 410 U.S. 565 (1975)

Utah Code § 53G-8-206(4) (2019)

e. Notice of recommended expulsion or long-term suspension. If the principal or assistant principal has recommended that the superintendent expel the student or suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian.

f. Meeting to review suspension. 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. 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.

Utah Code § 53G-8-206(5)(b), (c) (2019)

2. Long-term Suspension or Expulsion

a. Due process hearing. If the principal or assistant principal recommends long-term suspension or expulsion, he or she shall notify the superintendent of that recommendation. The superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student, and the superintendent or the superintendent's designee. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.

b. Notice of hearing. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his or her parent or guardian so as to afford a reasonable opportunity for preparation. 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. The statement of the charges 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.

Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)

c. Conduct of hearing. The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. The district and the student may each be represented by a person of their choice. Each side may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues. However, the district may present hearsay evidence if confidentiality is required due to the necessity to protect witnesses.

Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)

d. Decision. At the conclusion of the hearing, the superintendent or designee shall make a final determination of the matter and shall state his or her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his or her parent. Upon a finding that the student has engaged in conduct warranting discipline, the superintendent may determine what discipline or remedial measures are appropriate for the conduct. If the superintendent determines that the appropriate sanction is expulsion, then that sanction must be authorized by the Board of Education as set out below. Apart from expulsion, the superintendent may impose any of the available remedial measures or sanctions as are found to be appropriate. In determining the appropriate sanction, the superintendent shall consider whether alternatives to suspension are appropriate or available.

Utah Code § 53G-8-206 (2019)

Utah Code § 53G-8-207 (2019)

e. Appeal. A student may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten (10) days of the date the decision of the superintendent is mailed to the student. No further hearing will be held. The Board will review the evidence submitted to the superintendent and the written determination of the superintendent. The Board may affirm the superintendent's decision or modify the Superintendent's decision. The

	<p>Board's written decision will be issued within thirty (30) days of receipt of the student's written notice of appeal.</p> <p>f. Board evaluation of expulsion recommendation. If the superintendent recommends expulsion for an indefinite or definite period of time, then the superintendent will transmit that recommendation to the Board of Education along with the record of evidence submitted to the superintendent. The Board may review the recommendation based on this record or may at its sole discretion accept further evidence. Following its review, the Board may accept, modify, or reject the recommendation, or impose other disciplinary sanctions. This decision is final.</p> <p>Utah Code § 53G-8-206(3) (2019)</p> <p>g. 45-day review of mandatory one-year expulsions. Where a student has been expelled for one year because of a violation involving a weapon, explosive, or flammable material, a hearing shall be held within 45 days of the imposition of the expulsion. This hearing shall be held before the superintendent or the superintendent's designee and shall be attended by the student and a parent of the student. At this hearing, the superintendent shall determine</p> <p>i. what conditions must be met by the student and the student's parent for the student to return to school;</p> <p>ii. 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 the student is placed in; and</p> <p>iii. 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.</p> <p>iv. If the superintendent or his or her 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, then the superintendent shall submit that recommendation</p>
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to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.

Utah Code § 53G-8-205(2)(b) (2019)

h. 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.

Utah Code § 53G-8-205(3) (2019)

Evidence in Student Hearings—

All student disciplinary hearings shall be conducted by the Board or its designee in an executive session. All evidence presented in such hearings shall constitute student educational records and shall be treated as “confidential”. The District hereby designates all student records as “protected” under the Government Records Access Management Act. The names of students giving statements used in a student hearing involving other students may be protected and redacted where necessary to protect the students from threats of harm or interference with the educational process.

Notification of Weapons on School Property—

Whenever a student is found on school property during school hours or a school sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify appropriate law enforcement personnel as well as school and district personnel who, in the good faith opinion of the principal should be informed.

Utah Code § 53G-8-510 (2018)

Education of Students Subject to Discipline—

The educational services that will be provided to students subject to discipline will depend upon the nature of the discipline.

1. Students subject to remedial measures. Students subject to remedial measures such as a remedial discipline plan, class attendance with a parent, or in-school suspension will continue to receive educational services from the

district according to the remedial measure. A student transferred to another school or program within the district will receive educational services through that school or program.

2. Parental responsibility for education. When a student is expelled or is suspended for more than 10 days, it is the responsibility of the parent's student to undertake an alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion. 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, or other alternatives which will reasonably meet the student's educational needs. Costs for educational services not provided by the district are the responsibility of the student's parent.

Utah Code § 53G-8-208 (2019)

3. Review of student progress. 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.

Utah Code § 53G-8-208(4)(b) (2019)

4. Record of disciplined students. 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.

Utah Code § 53G-8-208(4)(a) (2019)

Readmission of Suspended or Expelled Students—

1. Suspended students. A suspended student may not be readmitted to a public school until the student and the student's parent or guardian have met with a designated school official to review the suspension and have agreed with the school official upon a plan to avoid recurrence of the violation resulting in suspension. At the discretion of the principal, the student may be readmitted if the student and the student's parent or guardian have agreed to participate in such a meeting. However, a suspension may not extend beyond ten (10) days unless the student and the student's parent or guardian

have been given a reasonable opportunity to meet with a designated school official to respond to the allegations and proposed disciplinary action.

2. Expelled students. The superintendent or his or her designee shall review the expulsion sanction of each expelled student at least once per year and shall report the conclusions of such review to the Board of Education. The superintendent or his or her designee may make recommendations regarding whether such sanction should be modified or removed, and what conditions, if any, should be imposed on the student's readmission. If the Board has expelled a student for a set period of time and has not otherwise specified, at the expiration of that expulsion term a student may enroll at his or her area school on the same terms as a new student.

Information Regarding SafeUT Crisis Line—

The SafeUT Crisis line established by the State through the University Neuropsychiatric Institute provides crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis. It also provides means for an individual to anonymously report (1) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school, (2) incidents of bullying, cyberbullying, harassment, or hazing, and (3) incidents of physical or sexual abuse committed by a school employee or school volunteer. The Board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

Utah Code § 53B-17-1202(1) (2019)

Utah Code § 53B-17-1204(4) (2019)

Response to SafeUT Crisis Line Reports—

The District shall respond to reports received through the SafeUT Crisis Line in accordance with models developed by the State Board of Education.

Utah Code § 53G-8-203(1)(i) (2019)

Safe Schools: Alcohol and Drugs

Alcohol—

A person may not possess or drink an alcoholic beverage inside or on the grounds of any building operated by a part of the District or in those portions of any building, park, or stadium that is being used for an activity sponsored by or through the District or any part thereof. Violation of this provision is a misdemeanor.

Utah Code § 53G-8-602 (2018)

Student Offenses—

No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR § 1300.1 et seq., before, during or after school hours at school or in any other school district location as defined below.

School District Location Defined—

“School district location” means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

Guidelines—

Compliance with this policy should be mandatory. A student who violates the terms of this policy may be suspended or expelled from school, at the discretion of the Board. Each student found in violation of this policy shall be provided with information about drug and alcohol counseling, rehabilitation, and re-entry programs available to students through the school district or otherwise. Violations of the policy on drugs and alcohol may be reported to an appropriate law enforcement agency if permitted under Utah Code § 53G-8-211.

1. Violations—Use or Possession

a. First Violation:

i. Students violating the Drugs and Alcohol Policy for the first time will automatically be placed in an alternative education program at home for a minimum of ten (10) days. Students who are participants of teams, choirs, clubs, etc., or elected officers will give up their involvement in that extracurricular activity for the duration of the ten (10) days. They will not be allowed to attend such activities, even as a spectator. Students and their parents will have an opportunity to fulfill the ten (10) day obligation in two ways:

ii. The student will be placed in an alternative educational program based at home for the designated ten (10) school days. Parents will be required to coordinate homework assignments with a designated school representative.

iii. In lieu of the ten (10) day home-based alternative educational program, the student and his/her parents will enroll in an Early Intervention Drugs and Alcohol Class. The student will be able to return to regular classes the day following the first session of the class. Parents will be required to coordinate homework assignments with a designated school representative during the intervening time.

b. Second Violation:

i. If there is a second violation of the Drugs and Alcohol Policy, the student will be placed on a home-based alternative educational program for a period of nine (9) weeks. A certificated teacher will be sent to the home for two hours once a week for the nine-week period to aid the student with his/her learning.

ii. Any student who has a second violation of the Drugs and Alcohol Policy must submit to a written assessment for potential chemical dependence. This assessment will be conducted by a District team composed of the local school guidance specialist and a school district psychologist. Any assessment done by anyone other than this team would be at the option and expense of the parent(s). Before the student is readmitted to school, the assessment results

will be presented to the parent(s) and will be forwarded to Juvenile Court if permitted under Utah Code § 53G-8-211.

c. Third Violation:

i. If any student is involved in a third violation of the Drugs and Alcohol Policy, the student will automatically be placed in a home-based alternative education program for the remainder of the school year.

2. Violations—Selling or Distributing

a. First Offense:

i. Because of the seriousness of the offense, a student selling and/or delivering alcohol or other illegal substances shall be automatically placed in a home-based alternative educational program for a period of nine (9) weeks.

ii. Before the student is re-admitted to school, he/she must submit to a written assessment for potential chemical dependence. This assessment will be conducted by a District team composed of the local school guidance specialist and a school district psychologist. Any assessment done by anyone other than this team would be at the option and expense of the parent(s). The assessment results will be presented to the parent(s) and will be forwarded to Juvenile Court if permitted under Utah Code § 53G-8-211.

b. Second Offense:

i. Any second offense for selling and/or delivering alcohol or other illegal substance will automatically place a student in a home-based alternative educational program for the remainder of the school year.

3. Alternative Education

a. Students who violate the Drug and Alcohol Policy will be placed in alternative education programs as outlined under items 1 and 2. If the designated number of days or weeks of alternative education cannot be completed by the end of the school year, the alternative education program is to be completed at the beginning of the next school year.

4. Repeat Offenders

a. Records will be maintained on all violations of the Drug and Alcohol policy. A student with more than one violation on record will be considered a repeat offender whether the first offense was committed in the current school year or in any prior school year.

5. Removal from Campus

a. During the time a student is on the home-based alternative educational program, he/she is not to be on campus or be a spectator or participant or attend any extra-curricular activity sponsored by the school. If a senior student is placed on the home-based alternative educational program for violation of the Drugs and Alcohol Policy and that placement coincides with the end of school, he/she will not be allowed to participate in graduation exercises. The diploma will be awarded upon completion of the home-based alternative educational program and all other graduation requirements.

6. Students in Elected Positions

a. Students in elected leadership positions or representing the school through current extracurricular activities who violate this policy are subject to its guidelines regardless of the time or location of the violation. Students found in violation of this policy will also be subject to the due process under the school district's policy.

7. Disclosure

a. Utah state law requires teachers and school personnel to disclose information of suspected chemical and alcohol abuse to the parent. Personnel will complete the Suspected Abuse Report form and submit it to the appropriate school administrator for referral to the parent.

Utah Code § 53G-8-502 (2018)

Utah Code § 53G-8-503 (2019)

b. The purpose of disclosure will be to make parents aware of potential problems and dangers associated with substance abuse.

- c. The disclosure will review student behavior or situations causing concern: attendance, discipline, behavior, grades, physical symptoms, and other problems that affect school performance.
 - d. Disclosure will allow parents to seek help for further evaluation of the child from outside agencies.
 - e. Parents will be provided with information regarding agencies providing service to adolescents: assessment counseling and treatment.
 - f. In complying with Utah state law for disclosure, the school district meets this obligation to parents. The school system will not be held responsible for any financial action resulting from disclosure (assessment, treatment, or counseling). Payment for services or materials provided by chemical abuse professionals who are not school employees will be the responsibility of the parents.
8. Treatment
- a. In order to support the family and student when treatment is sought, the District will provide elective credit for education received during the treatment process. The treatment program must meet Utah State Division of Alcoholism and drug license qualifications.
 - b. Inpatient/Day Treatment—A student may earn a maximum of one health credit for inpatient treatment under the following guidelines:
 - i. Successful completion of the treatment credit will be awarded on the same basis as academic credit (90 hrs. equals 1/2 credit).
 - ii. A maximum of five and one-half (5 ½) hours per day may be counted.
 - c. Aftercare—After completion of the treatment program, a student may earn one elective health credit for participation in an approved aftercare program. The following condition must be met:
 - i. A maximum of one credit hour may be earned. This credit will be recorded as one elective health credit.

ii. Credit will be awarded on the same hourly basis as academic credit. (90 hours equals ½ credit).

iii. Students must submit a schedule of aftercare programs and verification of regular attendance.

Notice—

The following notice shall be provided to all students of the District:

YOU ARE HEREBY NOTIFIED that use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and that it is a violation of the policy of this school district for any student to distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined in Schedules I through V of Section 202 of Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15, before, during or after school hours, at school or in any other school district location as defined below.

"School district location" means in any school building and on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or other school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or during any period of time when the student is under the supervision of school district personnel or otherwise engaged in a school district activity.

Any student who violates the terms of the school district's Drug and Alcohol Policy is subject to the discipline outlined in the school district's policies including all disciplinary sanctions consistent with local, state and federal law, up to and including expulsion and referral for prosecution and/or completion of an appropriate rehabilitation program.

YOU ARE FURTHER NOTIFIED that compliance with this policy is mandatory.

Section 5145 of the Drug Free Schools and Community Act (Public Law 101-226).

Safe Schools: Sexual Harassment

Board Policy—

It is the policy of the Board of Education of the _____ School District to provide an educational environment free from sexual harassment and discrimination on the basis of sex. It shall be a violation of this policy for any student to sexually harass any other student. The District encourages all victims of sexual harassment and persons with knowledge of sexual harassment to make a written report of any harassment immediately. All complainants have the right to be free from retaliation of any kind. The District will promptly investigate all formal, informal, verbal, and written complaints of sexual harassment, and take prompt corrective action to end the harassment.

No Private Rights—

Nothing in this policy shall be construed to give any right, claim or action beyond the specific process provided in this policy.

Definitions—

1. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, when:

a. Submission to or rejection of the conduct affects the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or

b. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive education environment.

2. Complaints received will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the definitions and should be treated as sexual harassment. Unacceptable

conduct may or may not constitute sexual harassment. Normally, unacceptable behavior must be severe or pervasive to be considered sexual harassment.

3. School related conduct that the District considers unacceptable and often a part of sexual harassment includes, but is not limited to, the following:

a. Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the Utah Criminal Code.

b. Sexual invitations or requests for sexual activity in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc.;

c. Offensive public sexual display of affection, including groping, fondling, petting or inappropriate touching of oneself or others;

d. Any offensive communication that is sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings list," howling, catcalls, and whistles; sexually graphic computer messages or games, etc.;

e. Offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions;

f. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, spanking, pinching, stalking, frontal-body hugs, etc.;

g. Offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies," or "wedgies," bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;

h. Gestures that are sexually suggestive, sexually degrading or imply sexual motives or intentions;

- i. Clothing with sexually obscene or sexually explicit slogans or messages;
- j. Written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, etc.

Support of Students Subject to Sexual Harassment—

When it is determined that a student has been subject to sexual harassment, consideration should be given to what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

Protection from Reprisals—

Students filing complaints shall be free from bias, collusion, intimidation, or reprisal.

Students subjected to sexual harassment are first encouraged to confront the harasser and tell the harasser to stop the conduct because it is unwelcome. Complainants should document the incident(s) of harassment, and any conversations they have with the harasser, noting such information as time, date, place, what was said or done, and other relevant circumstances surrounding the event(s).

If the complainant's concerns are not resolved satisfactorily through a discussion with the harasser, or if the complainant feels he/she cannot discuss the concerns with the harasser, the complainant should directly inform school staff of the complaint and should clearly indicate what action he/she wants taken to resolve the complaint. Whenever reasonable, the complainant should file a written complaint.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the principal, and then shall immediately notify the principal.

Complainants who contact school staff with a complaint are encouraged to submit the complaint in writing. However, complaints may be filed verbally. Alternate methods of filing complaints shall be made available to individuals with disabilities who need accommodation.

Confidentiality—

It is District policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's right to confidentiality must be balanced with the District's obligations to cooperate with police investigations or legal proceedings, or to investigate and take necessary action to resolve a complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances.

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by Utah Code § 62A-4a-412.

1. Initial Investigative Procedures.

a. The school administrator has the responsibility to conduct a preliminary review when he/she receives a verbal or written complaint of sexual harassment, or if he/she observes sexual harassment. The site administrator should take the following steps:

i. Interview the complainant and document the conversation. Instruct the complainant to have no contact or communication regarding the complaint with the alleged harasser. Ask the complainant specifically what action he/she wants taken in order to resolve the complaint. Notify the complainant of his/her right to have someone of the same gender conduct or be present during the investigation. The Complainant should be urged to make a written statement where feasible under the circumstances.

ii. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation.

iii. Instruct the alleged harasser to have no contact or communication regarding the complaint with the complainant and to not take any retaliatory action against the complainant.

iv. If the alleged harasser admits all or part of the allegations, issue a written warning/reprimand to the harasser and place a copy in the student's cumulative education record/file. If the harasser is an employee, submit a copy of the written warning/ reprimand to the District Human Resources Department for inclusion in the harasser's personnel file. In certain cases expulsion may be warranted for a first offense if the conduct is egregious. Repeated offenses may warrant suspension and expulsion. In addition, promptly contact the Human Resources Department, Area Director, or Title IX Coordinator in situations involving repeated violations or severe infractions such as criminal touching, quid pro quo (e.g., offering educational rewards or punishments as an inducement for sexual favors), or acts which shock the conscience of a reasonable person.

v. If the alleged harasser denies the allegations, promptly conduct a further investigation including interviewing witnesses, if any.

vi. Submit a copy of all investigation and interview documentation to the District Compliance Officer/Title IX Coordinator, and to the Human Resources Department if the complaint involves a School District employee.

vii. Report back to the complainant, notifying him/her in person and in writing regarding the action taken to resolve the complaint. Instruct the complainant to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.

viii. Notify the complainant that if he/she desires further investigation and action, the complaint will be forwarded for a District level investigation.

Principal's Recommendation—

The principal must consider the severity or pervasiveness of the conduct and exercise discretion in determining whether a District level investigation is necessary regardless of the complainant's desires. If a blatant violation occurs involving criminal touching, quid pro quo (e.g., offering an academic reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint should be referred promptly to the appropriate Area Director, Assistant Superintendent, Superintendent, Human Resources Director, or Compliance Officer/Title IX Coordinator. In addition, where the principal has reasonable suspicion that

the alleged harassment involves criminal activity, he/she should immediately contact appropriate law enforcement authorities.

Whenever a sexual harassment complaint is made, the principal must take action to investigate the complaint or to refer the complaint for investigation even if the student does not request any action or withdraws the complaint.

Investigations should commence as soon as possible.

If the initial investigation results in a determination that sexual harassment did occur, and the harasser repeats the wrongful behavior or retaliates against the complainant, the principal will take prompt disciplinary action and will notify the District Compliance Officer/Title IX Coordinator.

District Level Investigation—

Complainants who are not satisfied with the outcome of the initial investigation may request a District level investigation by submitting the written complaint to the appropriate Compliance Officer/Title IX Coordinator.

The District level investigation should commence as soon as possible.

In conducting the District level investigation, the District may choose to use an investigative team that has received training in sexual harassment investigation or that has previous experience investigating sexual harassment complaints.

If this investigation results in a determination that sexual harassment did occur, prompt corrective action may be taken including suspension, expulsion, change of placement, or loss of extracurricular activities.

Following the District investigation and determination, the District will notify the complainant in writing of the action taken.

The District level review exhausts all process and remedies provided under this policy.

Retaliation Prohibited—

Any act of reprisal against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and therefore subject to

disciplinary action. Likewise, reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited and therefore subject to disciplinary action.

Discipline—

Any individual who violates this policy will be subject to appropriate disciplinary action under applicable school discipline policies, District Human Resource policies, and the District Safe Schools Policy.

Depending on the severity or persistence of the harassment, an individual who violates this policy may be subject to suspension, exclusion, probation, termination, or alternate placement. In addition, students who violate this policy may lose the privilege of participating in extracurricular activities.

If school administrators have reasonable suspicion that the harassment involves sexual assault, rape, or any other activity of a criminal nature, the District shall notify appropriate law enforcement authorities and immediately initiate proceedings to remove the accused party from the situation.

If the accused is a student with a disability whose education involves services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, no disciplinary action, change of placement, or other steps shall be taken without convening a multi-disciplinary team to determine the extent to which the harassing behavior is a manifestation of the student's disability.

False Complaints—

False, malicious or frivolous complaints of sexual harassment shall result in corrective or disciplinary action taken against the complainant.

Records—

Separate confidential records of all sexual harassment complaints and initial investigations shall be maintained in the principal's office. Records of district level investigations shall be maintained in the office of the Compliance Officer/Title IX Coordinator, as follows:

1. Records of initial complaints and investigations shall be retained for at least one (1) year.

2. Records of district level investigations shall be retained for at least three (3) years.

3. Records of complaints and investigations of blatant violations involving criminal touching, quid pro quo, other criminal acts, or acts which shock the conscience of a reasonable person shall be retained permanently.

Dissemination of Policy—

A summary of this policy and related materials shall be posted in a prominent place in each District facility. The policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the District Compliance officer/Title IX Coordinator.

Safe Schools

Discipline of Students with Disabilities

Discipline Procedures for Students with a Disability—

Federal and state laws restrict disciplining a student for conduct which is a manifestation of a disability. Therefore, where a student who has been identified as eligible for special education services engages in conduct which is a violation of school rules or is conduct subject to discipline under this general policy, additional procedures may apply. If the student has not previously been identified as eligible for special education, but asserts that he or she should receive the procedural protections, application of the procedural protections will depend on the criteria set forth below.

Identified Students with a Disability

Change of Placement for Disciplinary Reasons—

For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:

	<p>1. The removal is for more than ten (10) consecutive school days.</p> <p>2. The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, and because of a such as the length of each removal, the total amount of time each student is removed, and the proximity of the removals to one another.</p> <p>Removals—</p> <p>1. Ten (10) School Days or Less</p> <p>a. Short-term suspension</p> <p>i. To the extent removal would be applied to students without disabilities, a principal may remove a student with a disability who violates the code of student conduct found in Policy FHA from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) school days without implicating any of the additional IDEA safeguards.</p> <p>State Office Special Education Rules</p> <p>34 CFR § 300.530</p> <p>20 U.S.C. § 1415(k)(1)(B)</p> <p>2. Change in Placement: Removals for More than Ten(10) School Days</p> <p>a. Long-term suspension or expulsion.</p> <p>i. Any suspension of a student with a disability for more than ten (10) days constitutes a change in placement, as does a change in the student's educational program (classroom assignment) for disciplinary reasons. Prior to a change in placement, parents of the student must be notified of the proposed change and provided the procedural safeguards notice described in the state's Special Education Rules, and the student's IEP team and other qualified personnel must conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to the disciplinary action. The manifestation determination review must take</p>
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place immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to take action was made.

34 CFR § 300.530

Manifestation Determination—

Within ten (10) days of any decision to change the placement of the student with a disability because of a violation of the code of student conduct, the school, the parent or guardian, and relevant members of the IEP Team (as determined by the parent/guardian and school) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided to the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of the school's failure to implement the IEP.

If the school, the parent or guardian, and relevant members of the IEP Team determine that either section one (1) or (2) above is applicable to the student, the conduct shall be determined to be a manifestation of the student's disability.

1. If the IEP Team determines that the student's disruptive behavior is a manifestation of the disability or the result of inappropriate placement, the student may not be disciplined for the conduct. If the student's behavior indicates an inappropriate placement, the IEP Team shall review the placement and recommend alternatives. If the IEP Team determines that the behavior was a manifestation of the disability, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.
2. If the IEP Team determines that the conduct is not a manifestation of the disability or a result of inappropriate placement, then the student may be disciplined under the same standards as are applied to non-disabled students. Provided, however, that if the student is suspended for more than 10 days in a given school year, the District still must provide services to the disabled

student to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. The IEP Team shall determine the instructional and related services to be provided during the time of suspension. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

3. If the student's parent or guardian disagrees with the IEP Team's manifestation determination, or regarding decisions for the student's placement, the parents may request a due process hearing pursuant to the policies governing students with disabilities.

34 CFR § 300.121(d)

34 CFR § 300.530

Students Not Identified as Eligible for Special Education—

If a student who has not been previously identified as eligible for special education services, or the student's parents, assert that the student is entitled to the special discipline procedures applicable to students with disabilities, then those procedures shall apply to the student if any of the following conditions are satisfied, subject to paragraph 5 below:

1. The student's parent or guardian has previously expressed in writing to the District that the student needs special education services.
2. The student's previous behavior or performance demonstrates the need for special education services.
3. The student's parent or guardian has previously requested that the student be evaluated for eligibility for special education services.
4. The student's teacher or other school personnel have previously expressed concern about the student's behavior or performance to the special education director of the school.
5. If, prior to the conduct for which discipline is contemplated, the District, either in response to information from any of the sources listed in paragraphs 1-4 above, either (a) evaluated the student and determined that the student was not a child with a disability or (b) determined that an evaluation was not

necessary, and provided notice to the parent or guardian of the determination, then the special discipline procedures for students with disabilities shall not apply to the student, and the student shall be disciplined in accordance with the procedures for non-disabled students.

If, during the period of time in which a student is subject to disciplinary sanctions, the student's parent or guardian requests that the student be evaluated for eligibility for special education services, an evaluation shall be conducted on an expedited basis. Until the evaluation is complete, the student's educational placement shall remain the same (if the child has been suspended or expelled, for example, the suspension or expulsion shall remain in effect).

34 CFR § 300.534

Removal of Disabled Students for Weapon or Risk of Immediate Harm

Removal for Bringing Weapon to School—

If a disabled student brings a weapon to school and that action was a manifestation of the student's disability, then that student must be placed in an interim alternative educational setting for a period to be determined but not to exceed 45 days.

1. The appropriate interim alternative educational setting shall be determined by the IEP Team.

2. If the student's parent or guardian requests a due process hearing, the student shall remain in the alternative educational setting during the pendency of any due process proceedings unless the parents and the special educational coordinator agree otherwise.

3. The IEP Team must convene prior to the end of the period of removal to the alternative educational setting to determine the least restrictive environment in which the student may be placed when the period of removal is concluded.

34 CFR § 300.530(g)

18 U.S.C. § 930(g)(2)

Removal for Immediate Risk of Harm—

The educational placement of a student with a disability may be changed to an appropriate interim alternative placement for a period of time up to 45 days following an expedited due process hearing by a due process hearing officer if the hearing officer:

1. Determines that the District has shown by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or to others;
2. Considers the appropriateness of the student's current placement;
3. Considers whether the District has made reasonable efforts to minimize the risk of harm in the student's current placement, including by use of supplementary aids and services;
4. Determines that the proposed interim alternative educational placement is proposed by school personnel who have consulted with the student's special education teacher; and
5. Determines that the placement is selected to enable the student to progress in the general curriculum and to progress toward the goals in the IEP, and includes services and modifications designed to prevent recurrence of the behavior prompting the change in placement.

For purposes of this interim alternative placement hearing, "substantial evidence" means "beyond a preponderance of evidence."

Safe Schools: Disruptive Student Behavior

Disruptive Student Behavior—

It is a violation of District policy for a student to engage in disruptive student behavior. Disruptive student behavior includes:

1. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

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| | <p>2. Willful destruction or defacing of school property;</p> <p>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 to the operation of the school;</p> <p>4. Possession, control, or use of an electronic cigarette as defined by Utah Code § 76-10-101, tobacco or an alcoholic beverage contrary to law;</p> <p>5. 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.</p> <p>6. Behavior listed below which threatens harm or does harm to the school or school property, or to a person associated with the school, or property associated with that person, regardless of where it occurs; as well as violation listed below that affect another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:</p> <ul style="list-style-type: none">a. the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;b. the actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; orc. 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. <p>7. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.</p> <p>Utah Code § 53G-8-210 (2019)</p> <p>Utah Code § 53G-8-209 (2019)</p> |
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Notice of Disruptive Student Behavior—

A school principal or the principal's designee shall issue a Notice of Disruptive Student Behavior to a student, nine years of age or older, who:

1. Engages in disruptive student behavior, which does not result in suspension or expulsion, three times during the school year; or
2. Engages in disruptive student behavior, which results in suspension or expulsion, once during the school year.

The Notice of Disruptive Student Behavior shall:

1. Include a list of available resources, including a school counselor or other school representative designated to work with the student, to assist the parent in resolving the student's disruptive behavior problem before the student becomes subject to the jurisdiction of the juvenile court as discussed below;
2. Require the student and a parent of the student to meet with school authorities to discuss the student's disruptive behavior and cooperate in correcting the disruptive student behavior;
3. Outline the procedure the parent can follow to contest the notice of disruptive student behavior; and
4. Shall be mailed by certified mail to, or served on, the parent of the student.

Utah Code § 53G-8-210 (2019)

Utah Admin. Rules R277-609-10 (May 8, 2018)

A copy of the Notice of Disruptive Student Behavior and any related documentation shall be retained by the school as documentation regarding the notice.

Habitual Disruptive Student Behavior Notice—

A habitual disruptive student behavior notice may only be issued by the school principal, a designee of the school principal, or a truancy specialist, to a student, nine years or age or older, who:

1. Engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
2. Engages in disruptive student behavior, that (A) does not result in suspension or expulsion, at least three times during the school year; and (B) that results in suspension or expulsion, at least once during the school year; or
3. Engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district shall provide documentation, to a parent of the student who receives the notice, of the efforts to attempt to resolve the minor's disruptive student behavior problems made by the designated school counselor or representative identified in the notice of disruptive student behavior.

Utah Code § 53G-8-210 (2019)

Safe Schools: Emergency Safety Interventions

This policy governs the use of emergency safety interventions, which are used to address situations where a student presents an immediate danger (to self or others) but which are not used for disciplinary purposes.

Definitions—

“Emergency safety intervention” means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.

“Seclusionary time out” means that a student is:

1. Placed in a safe enclosed area by school personnel (the area must meet applicable health department and fire marshal regulations);

2. Purposefully isolated from adults and peers; and

3. Is prevented from leaving (or reasonably believes that the student will be prevented from leaving) the enclosed area.

“Physical restraint” means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

“Immediate danger” means the imminent danger of physical violence or aggression towards self or others which is likely to cause serious physical harm.

Utah Admin. Rules R277-609-2(3), (5), (8), (17) (May 8, 2018)

Emergency Safety Intervention—

An emergency safety intervention is using seclusionary time out or physical restraint when a student presents an immediate danger to self or others (not for disciplinary purposes). The District shall implement policies and procedures for the use of emergency safety interventions for all students which are consistent with evidence-based practices.

Physical restraint as part of an emergency safety intervention may not be used with a student except within the guidelines stated below under Physical Restraint. Mechanical restraint may not be used as part of an emergency safety intervention, except those which are protective, stabilizing or required by law, or any device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation. Chemical restraint may not be used as part of an emergency safety intervention, except as prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law.

Seclusionary time out as part of an emergency safety intervention may not be used with a student except when a student presents an immediate danger

of serious physical harm to self or others and within the guidelines stated below under Seclusionary Time Out.

For a student with a disability, emergency safety interventions may not be written into a student's individualized education program as a planned intervention unless school personnel, the family, and the IEP team agree less restrictive means have been attempted to address the qualifying circumstances (that is, circumstances where the student presents an imminent danger of physical violence or aggression towards self or others which is likely to cause serious physical harm) have been attempted, a functional behavior analysis has been conducted, and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

Utah Admin. Rules R277-609-4(3)(k) (May 8, 2018)

Utah Admin. Rules R277-609-5 (May 8, 2018)

Physical Restraint—

Physical restraint may only be used when a student presents a danger of serious physical harm to self or others. It may not be used as a means of discipline or punishment. The student may not be placed in a prone (face-down) or supine (face-up) position in physical restraint. No restraint may be used which obstructs the airway of a student or which adversely affects a student's primary mode of communication.

All physical restraint must be immediately terminated when the student either (a) is no longer an immediate danger to self or others, or (b) is in severe distress. The restraint must be for the minimum time necessary to ensure safety and the District's release criteria must be implemented. However, a student may not be physically restrained for more than 30 minutes.

Utah Admin. Rules R277-609-4(3)(k)(i) (May 8, 2018)

Utah Admin. Rules R277-609-5 (May 8, 2018)

Seclusionary Time Out—

A seclusionary time out may only be used for purposes of maintaining safety and may not be used as a means of discipline or punishment. Seclusionary time out shall be used for the minimum time necessary to ensure safety and shall end according to the District's release criteria. However, a student may not be placed in seclusionary time out for more than 30 minutes. In using seclusionary time out, any door must remain unlocked and the student must be maintained within line of sight of the employee using the seclusionary time out and the employee must confirm that the area meets applicable health department and fire marshal regulations.

Utah Admin. Rules R277-609-4(3)(k)(vii) (May 8, 2018)

Utah Admin. Rules R277-609-5(6), (8) (May 8, 2018)

Parental Notice—

When a crisis situation occurs that requires the use of an emergency safety intervention (physical restraint or seclusionary time out) to protect the student or others from harm, a school shall notify the student's parent or guardian and District administration immediately and in any event no later than the end of the school day. If a crisis situation occurs for more than 15 minutes, or if physical restraint or seclusionary time out is used for more than 15 minutes, the foregoing notice shall include that information.

The notice provided shall be documented in the student information system records.

The school shall, upon his or her request, provide to the student's parent or guardian a copy of any notes or additional documentation taken during a crisis situation. Within 24 hours of a crisis situation, the school shall notify the student's parent or guardian that such a request may be made. A student's parent or guardian may request a time to meet with school staff and administration to discuss the crisis situation.

Utah Admin. Rules R277-609-4(3)(k) (May 8, 2018)

Utah Admin. Rules R277-609-5(2), (4), (7), (9) (May 8, 2018)

Utah Admin. Rules R277-609-8(3), (4) (May 8, 2018)

	<p>ESI Committee—</p> <p>The District shall establish an Emergency Safety Intervention (ESI) Committee with members appointed by the Superintendent and consisting of two or more administrators, at least one parent or guardian of a student enrolled in the District, and at least two certified educational professionals with behavior training and knowledge of state rules and District discipline policies.</p> <p>The ESI Committee shall meet often enough to monitor the use of emergency safety intervention in the District, shall determine and recommend professional development needs relating to emergency safety intervention; and shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions.</p> <p>The District shall collect, maintain, and periodically review documentation and other records of the use of emergency safety interventions at schools within the District, according to procedures defined by the State Superintendent of Public Instruction. Such documentation and records shall be provided annually to the State Superintendent. In addition, the District shall submit all required UTREx discipline incident data elements as part of the District’s daily UTREx submission.</p> <p>Utah Admin. Rules R277-609-7 (May 8, 2018)</p> <p>Utah Admin. Rules R277-309-8 (May 8, 2018)</p>
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