

POLICY 5005

Safe Schools – Student Discipline/Behavior

- A. A necessary part of the learning process is self-control. Our goal in education is the growth of the individual in learning to control and appropriately conduct him/herself. Students are expected to follow accepted rules of conduct, to show respect for other people, and to obey persons in authority at the school.
- B. Alternatives to suspension for non-violent and less extreme disciplinary situations should be developed in each school.
- C. The primary purpose of a resource officer is to be proactive in the attempt to avoid crime within the school as well as the community. Our primary goal regarding student discipline is to change behavior. The school resource officer functions as a member of a team charged with accomplishing that goal.
- D. 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\(2\)\(a\) \(2024\)](#)

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

[Utah Code § 53G-8-204\(2\)\(b\), \(c\) \(2024\)](#)

- F. The following definitions shall apply under this policy:
 - 1. "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:

- 1) harm to the school employee's or student's physical or emotional well-being;
or
 - 2) damage to the school employee's or student's property.
 - d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - 1) the pervasiveness, persistence, or severity of the actions; or
 - 2) 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;
 - f. Bullying does not include:
 - 1) a single incident, unless the incident is objectively severe; or
 - 2) mutual or reciprocating behaviors between students that might otherwise constitute bullying if one student was clearly the aggressor.
 2. "Communication" means the conveyance of a message, whether verbal, written, or electronic.
 3. "Cyber-Bullying" means 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, 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.
 - a. 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\(45\) \(2024\)](#)
4. "Disruptive behavior" means Conduct which unreasonably interferes with the educational process or instruction of students in the classroom or elsewhere, including the use of foul, profane, vulgar, or abusive language.
 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. "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act that meets one of the following:
- a. Endangers the mental or physical health or safety of an individual;
 - b. Involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - c. Involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and either:
 - 1) Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or
 - 2) Is directed toward an individual whom the actor of the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the actor also participates.
 - d. The conduct described above constitutes hazing, regardless of whether the individual against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

[Utah Code § 76-5-107.5 \(2022\)](#)

[Utah Code § 53G-9-601\(56\) \(2024\)](#)

7. "Involuntary transfer" means the reassignment of a student from one school, campus, or academic program, to a different school, campus, or academic program within the District. Involuntary transfer may be for an indefinite period of time or for a fixed period of time.
8. "Making a false alarm" means a student-initiated or circulated report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause the evacuation of any building or public transport or improper activation of school alarms or safety systems.

[Utah Code § 76-9-105 \(2017\)](#)

9. "Retaliate" means an act or communication intended:
- as retribution against a person for reporting bullying, cyber-bullying, abusive conduct, or hazing; or
 - to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, abusive conduct, or hazing.
10. "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.
11. "Sexual harassment" means uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (such as an employee or student). See [Policy 3015 Title IX Sexual Harassment](#).
12. "Suspension" means removal of a student from the student's regular classroom assignment for a definite period of time.
- "In-school suspension" means a temporary removal from the student's regular classroom for at least half a school day while remaining under the direct supervision of school personnel.
 - "Out-of-school suspension" means removal of the student from school grounds for disciplinary reasons, except:
 - If the student is served solely under a Section 504 plan, "out-of-school suspension" means excluding the student from school for disciplinary purposes for one day or longer; or
 - If the student is a student with disabilities under IDEA, "out-of-school suspension" means the temporary removal of the student from the student's regular school to another setting for disciplinary reasons.
- [Utah Admin. Rules R277-100-2\(33\)](#)
- "Short-term suspension" means an out-of-school suspension with exclusion of the student from the school, school grounds, and school activities and functions or a specific period of time that is equal to or less than 10 school days.
 - "Long-term suspension" means an out-of-school suspension with 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.

13. "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.
14. "Firearm" is a pistol, revolver, shotgun, short barreled rifle or any device that could be used as a dangerous weapon from which a projectile is expelled by action of an explosive.
- a. The following factors are used in determining whether an object other than a firearm is a dangerous weapon:
- 1) the location and circumstances in which the object was used or possessed;
 - 2) the primary purpose for which the object was made;
 - 3) the character of the wound, if any, produced by the object's unlawful or improper use;
 - 4) the manner in which the object was unlawfully or improperly used;
 - 5) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
 - 6) the lawful purposes for which the object may be used.
- b. Possession of a weapon ***by a student*** 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. (Persons under 21 years of age are not permitted to carry concealed firearms on school premises even if they have a permit or provisional permit to carry a concealed firearm.)

[Utah Code § 76-10-501\(6\), \(10\) \(2023\)](#)

[Utah Code § 76-10-505.5 \(2024\)](#)

15. "Unlawful conduct" means any student conduct that violates any local, state, or federal law or regulation, or violates any District or school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:
- a. Harassment is the crime of harassment occurs when a student, with intent to frighten or harass another, communicates a written or recorded threat to commit a violent felony.

[Utah Code § 76-5-106 \(2022\)](#)

- b. Burglary means entering or unlawfully remaining in a building or any portion of a building with the intent to commit an additional crime.

[Utah Code § 76-6-202 \(2023\)](#)

- c. Theft means obtaining or exercising unauthorized control over the property of another with the purpose to deprive him or her thereof.

[Utah Code § 76-6-404 \(2023\)](#)

- d. Criminal mischief means 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.

[Utah Code § 76-6-106 \(2023\)](#)

- e. Assault means an attempt, with unlawful force or violence, to inflict bodily injury on an individual.

[Utah Code § 76-5-102 \(2022\)](#)

- f. Gang activity.

[Utah Code § 76-9-801 to 804](#)

[Utah Code § 76-9-901 to 907](#)

- g. Willfully defaces or otherwise injures school property.

[Utah Code § 53G-8-212 \(2021\)](#)

- 16. 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 \(1992\)](#)

- 17. Threat of Terrorism: A student commits a threat of terrorism if the student threatens to commit an offense involving bodily injury, death, or substantial property damage, and the student:

- a. Threatens to use a weapon of mass destruction or hoax weapon of mass destruction; or
- b. The student acts with intent to:
 - 1) Influence or affect a government or unit of government or intimidate or coerce a civilian population; or
 - 2) Cause action of any nature by an official or volunteer agency organized to deal with emergencies due to the student's conduct posing a serious and substantial risk to the general public; or
 - 3) 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 \(2022\)](#)

G. Student Conduct Warranting Discipline

- 1. A student may be disciplined for the conduct described below. The type of discipline imposed will depend on the nature of the particular conduct.
- 2. 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.
 - 1) Unlawful conduct, as that is defined above.
 - 2) Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
 - 3) Willful destruction or defacing of school property.
 - 4) 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.
 - 5) Disruptive behavior, as that is defined above.

- 6) 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.)
- 7) Bullying, abusive conduct, cyberbullying, retaliation, and making false allegations of bullying or retaliation. See [Policy 5270](#) and [Utah Code § 53G-6](#).
- 8) Use of an electronic device or camera to record sound or images or otherwise capture material in an unauthorized setting or at an unauthorized time shall subject the user of the device to increased discipline based on the circumstances and whether the student was involved in prior violations of this policy.
 - a) 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 may result in an immediate suspension.
- 9) 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, may result in an immediate suspension. When a student repeatedly engages in such behavior, the punishment may be increased as is appropriate.
- 10) 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 [Policy 5290](#).
- 11) 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.
- 12) "Tobacco products" includes an electronic cigarette or electronic cigarette product as that has been defined by state law ([Utah Code § 76-10-101](#)). See [Policy 5290](#), [Policy 5291](#), and [Policy 5294](#).
 - a) Teachers or authorized school employees shall confiscate electronic cigarette products from school-age students on school property consistent with the District or school policy for identifying illegal substances in the possession of students and confiscating those substances.

- b) Teachers who confiscate electronic cigarette products shall release the products to a school administrator in a timely manner.
 - c) Administrators shall release confiscated electronic cigarette products to local law enforcement in a timely manner consistent with the law.
- 13) 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 [Policy 5270](#).
- 14) Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing. See [Policy 5270](#).
- [Utah Code § 53G-8-205\(1\) \(2024\)](#)
[Utah Code § 53G-8-602 \(2018\)](#)
[Utah Code § 53G-8-209 \(2020\)](#)
- 15) Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code.
- [Utah Code § 76-6-102 \(2023\)](#)
[Utah Code § 76-6-103 \(2023\)](#)
- 16) Engaging in conduct that contains the elements of any felony.
- 17) Sexual Harassment (See [Policy 3015 Title IX Sexual Harassment](#))
- 18) Gang-related activity as defined in the 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:
- a) Wearing, possessing, using or distributing, displaying or selling and clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang;
 - b) Use of a name associated with or attributable to a gang;
 - c) Designating "turf" or an area for gang activity or occupation.

3. Conduct requiring suspension or expulsion

- a. A student shall be suspended or expelled from school for participation in any serious violation affecting another student or 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:
 - 1) 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 5290](#)); or
 - 2) The actual use of violence or sexual misconduct; or
 - 3) The actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - 4) 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; or
 - 5) Making a false report of an emergency at a school under

[Utah Code § 76-9-202](#)
[Utah Code § 53G-8-205\(2\)\(a\) \(2024\)](#)
[Utah Code § 76-5-102 \(2022\)](#)
[Utah Code § 76-5-102.3 \(2022\)](#)
[Utah Code § 76-9-202 \(2024\)](#)

4. 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 engages in conduct which requires suspension expulsion (as set out above) and the conduct involves a real or look-alike weapon, explosive, or flammable material.

[Utah Code § 53G-8-205\(2\)\(b\) \(2024\)](#)

5. Discipline Rules for Students with Disabilities

- a. Federal and state laws impose particular requirements regarding discipline of students identified as having a disability or when the school has sufficient notice of a disability. Discipline of such students must comport with the requirements set forth in [Policy 5006](#) and [Utah Special Education Rules](#) for students with disabilities.

H. Remedial measures and Disciplinary Sanctions

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 would be required.
- b. Continued school and class attendance accompanied by the student's parent for a designated period of time. This remedial measure is available only with the consent of the student's teacher or teachers and the agreement of the student's parent. The parent must agree to attend all of the student's classes for each day of the suspension. If the parent fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.
- 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 trimester.
- e. Peer Court (for 6th-12th graders)
 - 1) Box Elder School District operates a Peer Court under the Utah Youth Court Diversion Act as a diversion program for students that have been identified by school administrators as having committed acts which indicated a need for an intervention.
 - 2) Referrals for Peer Court
 - a) The determination of whether a Peer Court referral is warranted shall be made by the school administrator in consultation.
 - b) Students may be referred to Peer Court as an appropriate behavior response for Class C type misdemeanors including disorderly conduct, petty theft, trespassing, possession/use of illegal substances, vaping.
 - 3) Procedures for Peer Court
 - a) The Director of Student Services or designee along with community Police Departments is responsible for facilitating routine Peer Court meetings.

b) The Peer Court Facilitator shall conduct regular meetings at the routinely appointed time and place.

c) The cost to the student referred to Peer Court is \$25.

4) Determinations from Peer Court

a) Box Elder School District does not make a determination of whether or not a student engaged in particular conduct, instead participation in peer court presumes the student engaged in conduct and the peer court provides a solution and encourages restorative practices.

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

f. 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.

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

1) If the student and the student's parents are unable to pay for the damages or if it is determined by the school in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then the District shall provide a program of voluntary work for the student 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.

2) 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.

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

[Utah Code § 53G-8-212 \(2021\)](#)

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.
 - 1) 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. [Policy 5285 Detention of Students After School Hours](#)
- b. Suspension (in-school or out-of-school)
- c. Involuntary transfer to another school, campus, community-based alternative school or other special program within the District.

3. Expulsion

I. Authority to Impose Discipline and Due Process

1. The Board of Education hereby delegates to each school principal or assistant principal within the District the authority to suspend a student in the principal or assistant principal's school for up to ten (10) school days, in accordance with this policy.
2. The Board of Education hereby delegates to the superintendent the authority to suspend a student for up to one (1) school year.
3. The Board of Education has the authority to expel a student for a fixed or indefinite period.

[Utah Code § 53G-8-206 \(2019\)](#)

J. Procedures for Imposing Discipline

1. Remedial measures or disciplinary sanctions may be imposed on a student only after it has been determined, following appropriate due process, that the student has committed a violation. The nature of the due process required depends in part on the magnitude of the penalty to be imposed. When a student is accused of sexual harassment, the procedure set out in [Policy 5275](#) and [Policy 3015](#) shall be followed in place of the procedure in this policy.
 - a. Short-term Out-of-School Suspension
 - 1) Informal due process hearing

- a) A school principal may suspend a student from school for up to ten (10) school days for a violation. Prior to imposing a suspension, the school principal or assistant principal shall meet with the student to discuss the incident(s) and to provide the student an opportunity to respond.
- b) The principal or assistant principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate.
- c) In appropriate cases, the principal shall consider and offer the student alternatives to out-of-school suspension, including in-school suspension and parental attendance with the student (where appropriate consent from teachers is obtained). (See [Policy 6012 Parent Classroom Observation](#))

2) Short-term out-of-school suspension pending due process hearing

- a) If the school principal or assistant principal makes an initial determination that the violation warrants long-term suspension or expulsion, the school principal may recommend those sanctions and may impose a short-term suspension pending a hearing on whether those sanctions should be imposed.

b. Departure from school grounds

- 1) 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\(5\)\(a\) \(2019\)](#)

c. Notice of short-term out-of-school suspension

d. A suspended student and parent shall be notified:

- 1) 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:
 - a) That the student has been suspended from school,
 - b) The reason for the suspension,

- c) The period of time for which the student is suspended from school, and
- d) The date, time and place for the parent and student to meet with the principal or assistant principal to review the suspension.
 - i. 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.
- 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 from school for a period longer than ten days, that fact shall be included in the notice to the parent or guardian.
- f. Meeting to review out-of-school suspension
 - 1) 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.
 - 2) 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
 - 1) If the principal or assistant principal recommends long-term suspension or expulsion, the administrator shall notify the Superintendent or designee of that recommendation.
 - 2) The Superintendent or designee shall then schedule a hearing to be held with the student's parent, the student, and the Superintendent or designee.
 - 3) The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
- b. Notice of Hearing

- 1) The Superintendent or designee shall provide written notice of the date, time, and place of the hearing to the student and student's parent so as to afford a reasonable opportunity for preparation.
 - a) 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.
 - b) The statement of the allegations against the student shall include the nature of the evidence and the names of any witnesses whose testimony may be used against the student unless confidentiality is required due to the necessity to protect student witnesses.

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

3. Hearing Procedures

- a. The Superintendent or designee shall preside at and conduct the hearing at the appointed time and place.
- b. The District and the student may each be represented by a person of their choice.
- c. Each party may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues. 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

- 1) 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.
- 2) The determination shall then be placed in writing and mailed to the parent.
- 3) Upon a finding that the student has engaged in conduct warranting discipline, the Superintendent or designee may determine what discipline or remedial measures are appropriate for the conduct.

- 4) If the Superintendent or designee determines that the appropriate sanction is expulsion, that sanction must be authorized by the Board of Education.
- 5) Other than expulsion, the Superintendent or designee may impose any of the available remedial measures or sanctions determined to be appropriate.
- 6) In determining the appropriate sanction, the Superintendent or designee shall consider whether alternatives to suspension are appropriate or available.

[Utah Code § 53G-8-206 \(2019\)](#)

[Utah Code § 53G-8-207 \(2019\)](#)

e. Appeals

- 1) A student or parent on behalf of a student may appeal the determination of the Superintendent or designee to the Board of Education by filing a written notice of appeal with the Superintendent or designee within 10 days of the date the decision of the Superintendent or designee is mailed to the student. No further hearing will be held.
- 2) The Board shall review the evidence submitted to the Superintendent or designee and the written determination of the Superintendent or designee.
- 3) The Board may affirm the Superintendent or designee decision or modify the Superintendent or designee decision.
- 4) The Board's written decision shall be issued within 30 days of receipt of the student's written notice of appeal.

f. Board evaluation of expulsion recommendation

- 1) If the Superintendent or designee recommends expulsion for an indefinite or definite period of time, then the Superintendent or designee will transmit that recommendation to the Board of Education along with the record of evidence submitted to the Superintendent.
- 2) The Board may review the recommendation based on this record or may, at its sole discretion, accept further evidence.
- 3) Following its review, the Board may accept, modify, or reject the recommendation, or impose other disciplinary sanctions. This decision is final.

[Utah Code § 53G-8-206\(3\) \(2019\)](#)

g. 45-day review of mandatory one-year expulsions

- 1) 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 school days of the imposition of the expulsion.
 - a) What conditions must be met by the student and the student's parent for the student's return to school, including conditions or restrictions required as part of a student reintegration plan;
 - b) Whether the student should be placed on probation in a regular or alternative school setting, and if so, what conditions must be met by the student to assure the safety of students and staff at the school where the student is placed; and
 - c) If it would be in the best interest of both the School District and the student to modify the expulsion term to less than a year, giving highest priority to providing a safe school environment for all students;
 - d) If the Superintendent or designee determines that the student should return to school prior to the expiration of the one-year expulsion term conditioned on compliance with the conditions established by the Superintendent or designee, then the Superintendent or designee shall submit that recommendation to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.

[Utah Code § 53G-8-205\(2\)\(b\) \(2024\)](#)

h. Denial of admission and reporting

- 1) 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\(3\) \(2024\)](#)

K. Evidence in Student Hearings

1. All student disciplinary hearings shall be conducted by the Board or its designee in an executive session.
2. All evidence presented in such hearings shall constitute student educational records and shall be treated as "confidential".
3. 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.

L. Notification of Offense on School Property

- a. Whenever a minor commits an offense on school grounds when school is in session or at a school sponsored activity and that information is reported to or known by a school employee, the school employee shall notify the principal. After receiving such a notification, the principal shall notify appropriate law enforcement personnel as well as school and District personnel who the principal determines should be informed.

[Utah Code § 53G-8-510 \(2024\)](#)

M. Sexual Crimes or Serious Offenses by Students

1. For purposes of this section: “serious offense” means any of the following:
 - a. a violent felony as defined in [Utah Code § 76-3-203.5](#), or
 - b. an offense that is a violation of [Utah Code Title 76, Chapter 6, Part 4](#), theft and the property stolen is a firearm; or
 - c. an offense that is a violation of [Utah Code Title 76, Chapter 10, Part 5](#), Weapons
2. “Sexual crime” or “sexual misconduct” means any conduct described in:
 - a. [Utah Code Title 76, Chapter 5, Part 4, Sexual Offenses](#), or
 - b. [Utah Code Title 76, Chapter 5b, Sexual Exploitation Act](#), or
 - c. [Utah Code § 76-7-102](#), incest, or
 - d. [Utah Code § 76-9-702](#), lewdness, or
 - e. [Utah Code § 76-9-702.1](#), sexual battery.

[Utah Code § 53G-8-201 \(2024\)](#)

[Utah Code § 80-6-103\(1\)\(d\) \(2024\)](#)

3. When a student commits a serious or sexual crime or sexual misconduct on school property, the impact of that misconduct on the school or school facility where the misconduct occurred shall be considered in determining both the discipline to be imposed and the conditions for the student to return to school.

a. Where the misconduct was directed at another student or a school employee, the student may not return to a school where the victim attends or works.

1) In which circumstance, the parent will be responsible for transportation to and from school.

[Utah Code § 53G-8-203\(4\)\(b\)\(ii\) \(2024\)](#)

[Utah Code § 53G-8-213\(5\) \(2024\)](#)

4. When a student commits a serious offense or sexual crime or sexual misconduct in connection with engaging in hazing, the discipline shall include loss of membership in or participation with the related team, organization, program, club, or event and unless a specific substantial justification is established otherwise shall also result in the student being permanently ineligible to participate in any extracurricular activity or association in the District.

[Utah Code § 53G-8-203\(4\)\(b\)\(i\) \(2024\)](#)

5. When a student is suspended or expelled from school because the student has committed a serious offense or sexual crime or sexual misconduct, or when a juvenile court or law enforcement agency provides notice as addressed in [Policy 5380](#), a student reintegration plan shall be established for the student's return to school as provided for in [Policy 5380](#).

[Utah Code § 53G-8-203\(4\)\(b\) \(2024\)](#)

[Utah Code § 53G-8-213 \(2024\)](#)

N. Education of Students Subject to Discipline

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

a. 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.

b. Parent and District responsibilities

1) If a student is expelled or suspended for more than 10 days, it is the responsibility of the student's parent to undertake an alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion.

- 2) 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.
- 3) Costs for educational services not provided by the District are the responsibility of the student's parent.

[Utah Code § 53G-8-208 \(2020\)](#)

c. Review of student progress

- 1) 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\(4\)\(b\) \(2020\)](#)

d. Record of disciplined students

- 1) 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\(4\)\(a\) \(2020\)](#)

O. Readmission of Suspended or Expelled Students

1. Suspended students

- a. 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.
- b. At the discretion of the principal, the student may be readmitted if the student and the student's parent have agreed to participate in such a meeting.
- c. However, a suspension may not extend beyond ten (10) days unless the student and the student's parents 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

- a. 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.
- b. 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.
- c. 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.

P. Information Regarding SafeUT Crisis Line

1. The SafeUT Crisis line established by the State through the Huntsman Mental Health 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
 - a. unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;
 - b. incidents of bullying, cyberbullying, harassment, or hazing; and
 - c. incidents of physical or sexual abuse committed by a school employee or school volunteer.
2. The Board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

[Utah Code § 53B-17-1202\(1\) \(20192024\)](#)

[Utah Code § 53B-17-1204\(43\) \(20192024\)](#)

Q. Response to SafeUT Crisis Line Reports

1. 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\(1\)\(i\) \(2024\)](#)

NOTICE OF SHORT-TERM SUSPENSION

We have attempted to contact you concerning the short-term suspension of your child. _____ (student name) has been suspended from school for _____ (reason). The dates of suspension have been set as _____ to _____.

A meeting has been scheduled to review the suspension with _____ (principal's name) on _____ (date) at _____ (time) at _____ (place). Please plan to attend this meeting along with your child. If you are unable to attend at this time, please contact _____ to reschedule. This meeting must be held prior to the end of the suspension term in order for your child to return to school.

[In case of expulsion or long-term suspension add:]

It has been recommended to the Superintendent that your child be (expelled or suspended longer than ten days). You will be contacted when a decision has been made. A meeting will then be scheduled with the Superintendent.

Thank you,

Principal or assistant principal

SCHOOL SUSPENSION/EXPULSION RECOMMENDATION FORM

Student Information:

Student Name: _____
Grade Level: _____
Date of Incident: _____

Incident Details:

Description of Misconduct (Attach additional documentation if needed):

Previous Disciplinary Actions Taken (Check all that apply):

- ☐ Verbal Warning
- ☐ Parent Conference
- ☐ In-School Suspension
- ☐ Short-term Suspension (under 10 days)
- ☐ Behavioral Contract
- ☐ Other (specify): _____

Recommendation:

- ☐ Long-Term Suspension (more than 10 days)
- ☐ Expulsion

Justification for Recommendation:

Principal's Signature

Date