

# Davis School District Policy and Procedures

**Subject: 5S-100 Student Conduct and Discipline**

**Index: Student Services – *Student Conduct and Discipline***

**Revised**DRAFT: ~~July 16, 2024~~ August 5, 2025

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## 1. PURPOSE AND PHILOSOPHY

Davis School District (District) is dedicated to promoting a safe, supportive, and orderly school environment for all students and employees. An essential part of this work is maintaining and supporting the dignity of all students in the educational environments we provide. Policies 5S-100 and 11IR-100 guide District employees on student conduct and discipline as well as nondiscrimination, harassment and complaint procedures. The District holds all students, employees, and other adults to the highest standards of behavior on school grounds and during school-sponsored activities. It is the District's intent to implement standardized responses to common behaviors, emphasizing positive behavior supports, inspired by the supportive nature of our philosophy. Disruptive behavior will be investigated and individuals who engage in such activity may participate in supportive measures and/or school disciplinary action. Our commitment includes ensuring clear definitions for prohibited conduct, consistency in expectations, and a Multi-Tiered System of Support (MTSS) that includes both supportive and disciplinary measures. The District recognizes that tiered responses, coupled with discretion based on situational factors, is the best practice to address the complexity and uniqueness of each interaction.

The District will not discriminate when enforcing these policies or the Student Code of Conduct, including law enforcement referrals. Students who believe they have been discriminated against in the application of this policy on the basis of race, color, national origin, sex (including gender identity and sexual orientation), religion or disability may file a complaint with the Office of Equal Opportunity.

## PROHIBITED CONDUCT AND RESPONSE TO PROHIBITED CONDUCT

## 2. PROHIBITED CONDUCT

2.1. The following conduct is prohibited by Policy 5S-100.

2.1.1. Academic dishonesty, any form of dishonest academic behavior including unauthorized collaboration, cheating, plagiarism, fraudulent misrepresentation, or falsifying documents.

2.1.2. Arson, defined as willful burning of student, staff, or school district property.

2.1.3. Truancy, defined as being absent for at least half of the school day without a valid excuse.

2.1.4. Habitual truancy, defined as unlawfully absent from school for 3 times per quarter, 5 times per semester, or 20 times during one school year.

2.1.5. Unexcused Absence and Persistent/Excessive Unexcused Absence.

2.1.6. Bullying, cyberbullying, and hazing, as defined and discussed more fully in Section ~~109~~ of this policy.

2.1.7. Violations of bus policies, including eating, drinking, being too loud, standing,

fighting, attacking the driver, etc.\_

- 2.1.8. Disruptive behavior in the classroom, hallways or school events.
- [a] Disruptive behavior in the classroom includes, but is not limited to talking out in class, talking out of turn, picking on or teasing other students, and other behaviors that detract from student learning.
  - [b] Disruptive behavior in the hallways or events includes, but is not limited to running, making excessive noise, loitering, or persistent hall-walking.
  - [c] Serious disruptive behavior in the classroom, hallways or school events includes, but is not limited to, disruption that directly affects safety of others such as throwing harmful items, turning over tables, disrupting a safety drill, disrupting testing, verbal abuse of staff, or other persistent and/or extreme disruption.
- 2.1.9. Defiance of authority and/or insubordination, defined as a failure to follow directions or a failure to respond to school staff questions or requests\_.
- 2.1.10. Disrespectful behavior including profanity/vulgarity, inappropriate gestures, symbols or comments.
- 2.1.11. Electronic device disruption, defined as device use that inhibits the learning environment for either the student or the classmates as outlined in policy 5S-105 Student Electronic Devices.
- 2.1.12. Violations of local school dress code policies as described in Section 4 of this Policy.
- 2.1.13. Gambling, defined as playing games of chance for money or other goods\_.
- 2.1.14. Gang activity, as defined and discussed more fully in Section ~~8~~7 of this Policy.
- 2.1.15. Graffiti and/or vandalism, defined as willful defacing or destroying student, staff, or school district property\_.
- 2.1.16. Harassment, including discriminatory harassment as defined in Policy 11IR-100, and Title IX Sexual Harassment as defined in Policy 5S-102.
- 2.1.17. Homicide, defined as the killing of one person by another\_.
- 2.1.18. Rape/Attempted rape, as defined in Utah Code Ann. §76-5-402\_.
- 2.1.19. Physical altercation
- [a] Physical altercation includes assault, defined as an actually or attempting, with unlawful force or violence, to do bodily injury to another person\_.
  - [b] Physical altercation also includes fighting, defined as taking part in a violent struggle involving the exchange of physical blows\_.
- 2.1.20. Use, possession, distribution or selling prohibited substances, including paraphernalia, as discussed more fully in Section ~~9~~8 of this policy, including the following substances:
- [a] Alcohol\_.
  - [b] Illegal drugs/uncontrolled substances\_.

- [c] Prescription medications/controlled substances.
- [d] THC/marijuana, or
- [e] Tobacco.

2.1.21. Robbery/Extortion, defined as taking anything of value from another by force or threat.

2.1.22. Theft, defined as taking anything of value without force or threat.

2.1.23. Sexual Misconduct, defined as sexual conduct that does not meet the definition of Sexual Harassment in Policy 5S-102 and Title IX, but which is disruptive to the educational environment or threatens the welfare, safety, or morals of other students, and includes, but is not limited to: pornography, sexting, and sextortion as defined below. Sexual misconduct is prohibited at school, a school-related event, or off campus where the conduct has a nexus to school or, if speech, where the speech creates a substantial and material disruption at school. Sexual misconduct includes:

- [a] Creating, possession, requesting, or sharing pornographic images of nude or semi-nude adults or minors.
- [b] Sexting, defined the sending or receiving of sexual words, pictures, or videos via technology, typically a mobile phone.
- [c] Sextortion, defined as soliciting nude images or videos of someone, and then demanding money, more images, or other demands, threatening to share the images with the victim's family and friends if they don't comply.

2.1.24. Threats, including:

- [a] Threats against a school, as defined in Utah Code Ann. §-76-5-107.1.
- [b] Threats to others, defined as an expression to inflict bodily injury or harm to another.

2.1.25. Possession or use of weapons as discussed more fully in Section 7, including

- [a] Explosive devices, ~~defined as~~
- ~~[b] Handgun, defined as~~
- ~~[c]~~[b] Rifle, ~~defined as~~
- ~~[d]~~[c] Shotgun, ~~defined as~~
- ~~[e]~~[d] Knife or other sharp object, and defined as
- ~~[f]~~[e] Look alike weapon, ~~defined as~~

2.1.26. Using any object, including an uncontrolled or controlled substance, as a weapon when it is intended to harm or injure another person.

2.2. Prohibited Conduct will be addressed in accordance with the School Level Behavior Plans, as described in Section 3 and the District-wide Student Code of Conduct (attached to this Policy as Appendix A).

### 3. RESPONSE TO PROHIBITED CONDUCT

#### 3.1. School Level Behavior Plans

The District recognizes the importance of local community involvement and site-based decision making; therefore, each school shall develop a written School Level Behavior Plan with clear rules of conduct and consequences for violating those rules. The Behavior Plan shall be consistent with District policy, District Student Code of Conduct (attached to this Policy as Appendix A) and state law, federal law. The District may

review local school rules and procedures and require the school to modify any rule or procedure that are not consistent with Board policy or state statutes on discipline in the public schools.

- 3.1.1. School Level Behavior Plans shall recognize the following principles:
- [a] every person deserves to be respected;
  - [b] every person deserves to be safe, to feel safe, and to be free from danger;
  - [c] students attend school to learn (academics, behavioral skills, social emotional skills, etc.), and learning is enhanced in a physically and emotionally safe environment;
  - [d] learning is enhanced in an organized environment and the establishment of academic and behavioral expectations is essential for this environment; and
  - [e] there is an intrinsic relationship between academics and behavior.
- 3.1.2. Each School Level Behavior Plan shall include:
- [a] evidence-based behavior practices and leveled interventions within a Multi-Tiered System of Supports (MTSS) framework, as described in the District Student Code of Conduct;
  - [b] goals which give special emphasis to the teaching of self-discipline, supportive discipline practices, good citizenship, social emotional skills, positive behavioral interventions and support;
  - [c] an evaluation process which provides for an annual assessment of goals;
  - [d] a staff development program related to student self-discipline, supportive practices, good citizenship, social emotional skills, and positive behavioral interventions and support;
  - [e] school-wide preventive supports, including, but not limited to:
    - (i) school-wide expectations established and taught;
    - (ii) student reinforcement systems (e.g., tickets, tokens);
    - (iii) effective error correction strategies (e.g., one-minute skill builders, precision commands);
    - (iv) office discipline referral process (flow chart, referral form, data management system);
    - (v) student connection (adult mentoring program);
    - (vi) school-wide problem solving team (MTSS team);
    - (vii) school-wide data for problem solving (e.g., discipline referrals, school climate, behavior screening);
  - [f] implementation of the District Truancy Intervention Program;
  - [g] implementation of policies described below regarding the use and abuse of alcohol, tobacco, drug paraphernalia and real or imitation controlled substances, and other harmful trends by students;
  - ~~[h]~~ compliance with due process, investigation guidelines, and other procedures; ~~and~~
  - ~~[i]~~ [h] a bullying, hazing and harassment prevention program, as outlined in Section ~~40-9~~ 9 of this policy; ~~and~~
  - ~~[j]~~ [i] gang prevention and intervention policies, considering the individual school's unique needs or circumstances.
- 3.1.3. School administrators shall establish procedures to provide for written notice of a school's Behavior Plan to:
- [a] new and continuing students at the beginning of each school year;
  - [b] transfer students at the time of their enrollment in the school; and

[c] the student's parent.

3.1.4. Each school shall post the Behavior Plan in prominent locations in the school.

### 3.2. **Site Based Interventions**

A continuum of intervention and prevention strategies, within a positive behavioral interventions and supports MTSS framework, shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations. Prior to expelling or removing a student to an alternative educational location for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which do not pose a risk or threat of harm to others such that immediate removal is warranted, good faith efforts shall be made at the school level to implement a supportive behavior plan to allow the student to remain in his or her school of attendance.

#### 3.2.1. Administrator Responsibilities

[a] Before suspending a student for prohibited conduct that falls within Behavior Levels 1 and 2 of the Districtwide Code of Conduct, school administrators must demonstrate that they have implemented some or all of the following interventions:

- (i) parent or guardian notification;
- (ii) change in schedule or class;
- (iii) loss of privileges;
- (iv) invitation for parental shadow;
- (v) restitution (monetary or service-based);
- (vi) detention (before or after school) with parent or guardian consent;
- (vii) mindfulness;
- (viii) conflict resolution by a trained adult;
- (ix) peer mediation;
- (x) referral to IEP or 504 team;
- (xi) in-school suspension;
- (xii) counselor mentoring;
- (xiii) referral to local case management team (LCMT);
- (xiv) student behavior contracts.

[b] If interventions are not successful or prohibited conduct is severe, school administrators may, but are not required to, suspend a student for prohibited conduct that falls within Behavior Levels 3, 4, and 5, consistent with the Code of Conduct discipline matrix.

[c] Before referring the student to District Case Management for expulsion, or alternative educational location, a school administrator must—except in rare circumstances of a serious threat to the safety and welfare of the school—demonstrate that they have attempted some or all of the following interventions

- (i) supportive student conferences;
- (ii) class schedule adjustments;
- (iii) phone contact with the parent;
- (iv) information parent/student conferences;
- (v) behavioral/safety contracts;
- (vi) no-contact contracts;
- (vii) after-school make-up time;
- (viii) short-term (less than 10 school days) in-school suspension (ISS);
- (ix) short-term (less than 10 school days) at-home suspensions;
- (x) short-term (less than 10 school days) remote learning;
- (xi) resource team involvement and assistance;

- (xii) functional behavior assessment and behavior intervention plan;
- (xiii) appropriate evaluation;
- (xiv) home study;
- (xv) alternative programs, (e.g., check-in, check-out);
- (xvi) youth court for minor infractions;
- (xvii) law enforcement assistance as appropriate under Utah Code Ann. § 53G-8-211; or
- (xviii) for students with disabilities on an IEP or a 504 plan, a manifestation determination hearing

### 3.2.2. Classroom Teacher Responsibilities.

- [a] Since discipline within the classroom is the basic responsibility of each teacher, good procedure using positive behavioral interventions and supports in handling inappropriate student behavior is necessary. Classroom management and student discipline should include de-escalation, conflict resolution, and positive behavioral strategies to improve classroom culture and climate. Classroom teachers are expected to address prohibited conduct within their classroom as the first response by applying Level 1 interventions identified in the Code of Conduct.
- [b] Classroom Rules and Disclosure  
To enhance classroom discipline the teacher shall:
  - (i) develop written, clearly stated, academic, citizenship and behavioral expectations (class disclosure);
  - (ii) obtain the school administrator's approval of the classroom rules and disclosure and keep a copy on file in the school;
  - (iii) inform parents of expectations and discipline procedures by providing, in writing, a copy of classroom expectations and rules;
- [c] Teachers are encouraged to post class rules and student expectations in the classroom.
- [d] If a student displays a pattern of inappropriate behavior(s) that are not corrected following Level I interventions, the teacher shall consult with a parent and the school administration for possible referral to a counselor or the local case management team (LCMT).
- [e] A teacher may refer a student to the office when the seriousness, the persistence, or the disruptive effect of the prohibited conduct, makes the continued presence of the student unacceptable. The teacher shall document the details of the incident as soon as teaching obligations permit.
- [f] A classroom teacher should not refer a student to, or request the involvement of, an SRO or other law enforcement unless the student poses a serious risk of imminent bodily harm to self or others.

### 3.3. Suspension or Expulsion as a Response to Prohibited Conduct

#### 3.3.1. General Principles for Suspensions and Expulsions.

It is the District's philosophy that exclusionary discipline is a last resort in response to student behavior. The District applies a multi-tier system of supports and implements positive behavior interventions and supportive practices to the greatest extent possible to modify behavior and ensure a safe learning environment for all students. In the event that a suspension or expulsion is necessary, the following principles apply.

- [a] The school administrator has the authority to suspend a regular

education student for up to ten (10) school days per incident. In considering whether to suspend a student and for how long, the school administrator will follow the Code of Conduct discipline matrix, and may consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources. The school administrator is prohibited from suspending for longer than ten (10) school days, expelling, or otherwise changing student placement. Whenever such action is contemplated or desired, the school administrator shall make a referral to the District's Case Management Team (DCMT).

- [b] The school administrator has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement.
- [c] The Board or the District's Case Management Team (CMT) may expel a student for violations of policy for a fixed or indefinite period, provided that indefinite expulsions shall be reviewed by the Case Management Team and the conclusions reported to the Board, at least once each year.
- [d] If a student is expelled for a period longer than ten (10) days, the student's parent is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of expulsion. The parent shall work with designated school officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the school or District, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the District are the responsibility of the student's parent.
- [e] The parent and designated school officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate government agencies in determining how to meet the educational needs of the student.
- [f] The District shall contact the parent of each student under age sixteen (16) who has been expelled from all District programs and services at least once a month to determine the student's progress.
- [g] Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, procedures outlined in the Davis School District Special Education Policy Manual and State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### 3.3.2. Grounds for Suspension/Expulsion

On occasion, it is necessary to remove a student from school, through a suspension, expulsion, or change of placement. The following are bases for removal pursuant to [Utah Code Ann. §53G-8-202](#). The Student Code of Conduct will guide administrators when imposing discipline for the following behaviors.

A student **may be** suspended or expelled from school for any of the following reasons:

- [a] frequent, flagrant, or willful disobedience, defiance of school authority, or disruptive behavior including the use of foul, profane, vulgar, or abusive language;
- [b] willful destruction or defacing of school property;
- [c] behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of school;
- [d] possession, control, or use of an alcoholic beverage as defined in Utah Code Ann. §32B-1-102;
- [e] behavior which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs;
- [f] possession of pornographic material on school property; or
- [g] any other prohibited conduct identified in Section 2 of this policy, consistent with the Code of Conduct discipline matrix.

A student **shall** be suspended or expelled from school for:

- [a] any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
  - (i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
  - (ii) the actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities;
  - (iii) the sale, control, or distribution of controlled substance, an imitation controlled substance, or drug paraphernalia, as defined and described more fully in Section ~~9-8~~ of this policy.
- [b] 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;
- [c] making a false report of an emergency at a school under Utah Code [Ann. §76-9-202](#) ~~101~~(2)(~~db~~); or
- [d] any other prohibited conduct identified in Section 2, consistent with the Code of Conduct discipline matrix.

### 3.3.3. Automatic expulsion for weapons violation

A student who engages in a weapons violation as described in this policy shall be expelled from school for a period of not less than one year subject to Section ~~7-6~~ of this policy.

### 3.3.4. Denial of admission for expulsion

A student may be denied admission to Davis School District on the basis of having been expelled from any other school during the preceding 12 months.

### 3.3.5. Incidents Preceded by Harassment



- [a] When a student complains that harassment based on a protected class as defined in this Policy and Policy 11IR-100 caused a student to engage in prohibited conduct, the totality of the circumstances will be considered when determining appropriate disciplinary outcome, including the impact that the alleged harassment or hostile environment may have had on the student subjected to the harassment. For example, a student may be disciplined for fighting but following an investigation, it is determined that the was involved in the fight because the student had been experiencing harassment from the other student involved in the fight.
  - [b] The District will refer all incidents involving protected class harassment that come up in the context of a disciplinary incident to the Office of Equal Opportunity (“OEO”) for investigation in accordance with the Policy 11IR-100.
- 3.4. Suspensions and expulsions for students with disabilities ~~is~~are governed by Section ~~13~~12.4 of this Policy.

## DAVIS DISTRICT CONDUCT EXPECTATIONS

### 4. SCHOOL DRESS AND GROOMING EXPECTATIONS

The Board recognizes that dress and grooming affect the behavior of students, that there are sanitation and safety factors directly related to proper dress and grooming, and that school administrators, teachers, and parents need clear dress and grooming guidelines so that rules of dress and discipline can be enforced consistently. Therefore, school officials may prohibit the following types or styles of clothing at school or school activities:

- 4.1. extreme clothing, including but not limited to inappropriately short, tight, or revealing shorts, skirts, dresses, shirts, etc., clothing that is torn, ripped or frayed;
- 4.2. bare or stocking feet;
- 4.3. clothing which displays obscene, vulgar, lewd, or sexually explicit words, messages, or pictures;
- 4.4. clothing attachments or accessories which could be considered weapons, including but not limited to spikes on boots, bracelets or chokers, chains on wallets or belts, etc.;
- 4.5. clothing that exposes bare midriffs, buttocks, or undergarments;
- 4.6. clothing that advertises a substance a student cannot legally possess or use (i.e., tobacco, alcohol, illegal drugs); and
- 4.7. any clothing or apparel that conveys a specific, particularized message (e.g., political buttons, religious jewelry or apparel, etc.) that school officials can prove has caused or imminently will cause material disruption of classwork, or substantial interference with the work of the school or invasion of the rights of others may be prohibited.

### ~~5. EXPECTATIONS FOR USE OF ELECTRONIC DEVICES AT SCHOOL~~

~~The Board vests in school administrators the responsibility to develop a school-based policy governing the possession and use of both District-owned and privately-owned electronic devices~~

~~and the authority to enforce reasonable rules relating to such electronic devices in the schools.~~

~~5.1. Each school shall have a policy governing the possession and use of electronic devices on school premises and at school-sponsored activities, programs and events, which includes the following:~~

~~5.1.1. definitions of electronic devices covered by policy;~~

~~5.1.2. prohibitions against use of electronic devices during standardized assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;~~

~~5.1.3. clear information about restrictions on when or where possession of electronic devices, active or deactivated, are strictly prohibited;~~

~~5.1.4. clear information about permissible uses of an electronic device;~~

~~5.1.5. prohibitions on the use of electronic devices in ways that:~~

~~[a] significantly impair academic excellence;~~

~~[b] bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests; or~~

~~[c] violates local, state, or federal laws;~~

~~5.1.6. prohibitions or restrictions on unauthorized use that would cause invasions of reasonable expectations of student and employee privacy;~~

~~5.1.7. prohibitions on requiring the use of a privately-owned electronic device to complete course work;~~

~~5.1.8. requirement for students and employees to comply with the applicable District Acceptable Use Policy agreement;~~

~~5.1.9. procedures to report the misuse of electronic devices;~~

~~5.1.10. procedures that ensure students have non-electronic notification of and access to school activities and events and the emergency response plans as described in Utah Code Ann. §53G-4-402. This applies if the District-owned electronic devices provided to a student is not capable of receiving these electronic notifications;~~

~~5.1.11. procedures and due process for the confiscation and recovery of privately-owned electronic devices used in violation of the school's policy;~~

~~5.1.12. potential disciplinary actions for violation of the school's policy regarding the use of electronic devices; and~~

~~5.1.13. exceptions to the policy for special circumstances, health-related reasons, use consistent with a current and valid IEP and emergencies.~~

~~5.2. Schools are encouraged to involve educators, parents, students, school community councils, and school community members in developing this policy.~~

~~5.3. Schools shall provide, within the first 45 days of each school year, a school-wide or in-classroom training to employees and students that covers the requirements described in Utah Administrative Code R277-495-5.~~

**6.5. EXPECTATIONS REGARDING CLOSED CAMPUS**

School Community Councils may authorize and implement “closed campus,” under which students are prohibited from leaving school grounds during the school day without authorization from the school attendance office.

**7.6. EXPECTATIONS REGARDING WEAPONS**

~~7.1.6.1.~~ Weapons are prohibited on school grounds and at school-related events.

~~7.2.6.2.~~ “Weapons” include explosive devices, handguns, knives or other sharp objects, look-alike weapons, rifles, shotguns, and any other substance of devices use or intended to be used to injure another person.

~~7.2.1.6.2.1.~~ Any student who, in a school building, in a school vehicle, on District property, or in conjunction with any school activity, (a) possesses, controls, sales, arranges for the sale of, uses, or threatens use of a real weapon, explosive, noxious or flammable material; or (b) actually uses or threatens to use a look-alike or pretend weapon with the intent to intimidate another person or to disrupt normal school activities; may be expelled from all District schools, programs, and activities for a period of not less than one year, subject to the following:

~~7.2.2.6.2.2.~~ Within forty-five (45) days after the expulsion the student shall appear before a member of the District Case Management Team, accompanied by a parent. The Case Management Team shall determine:

- [a] what conditions must be met by the student and the student's parent for the student to return to school;
- [b] if the student should be placed on probation in a regular or alternative school setting rather than expelled, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
- [c] if it would be in the best interest of both the 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.

~~7.2.3.6.2.3.~~ Any employee who has reason to believe a student is in possession of a weapon has a mandatory obligation to report to the school principal without delay.

~~7.3.6.3.~~ Whenever a student receiving special education and related services under the Individual with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have violated Section 2.3, the due process procedure outlined in Section ~~8.12~~ of the policy must be followed.

**8.7. EXPECTATIONS REGARDING GANG AND GANG ACTIVITY****8.1.7.1. Gang Activity**

Students who engage in any form of gang activities on or about school property, or at any school activity may be suspended or expelled under the terms of this policy. Students may also be excluded from participation in extracurricular activities, including interscholastic athletics as determined by the District and school leadership.

~~8.1.1.~~7.1.1. Gang Activity Prohibited

For the purposes of this policy prohibited “gang activities” include, but are not limited to any of the following:

- [a] advocating or promoting a gang or any gang-related activities
- [b] marking school property, books or schoolwork with gang names, slogans, or signs;
- [c] conducting gang initiations;
- [d] threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang related activity;
- [e] aiding or abetting an activity described above by a person’s presence or support; and
- [f] displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one’s clothing, person, or personal property that is disruptive to the school environment;
- [g] communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

~~8.1.2.~~7.1.2. Proactive Gang Prevention and Intervention.

Schools will implement proactive and supportive interventions designed to reduce the incidents and participation in gang activity.

~~8.1.3.~~7.1.3. Confiscation of Gang Items

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by school officials at any time.

~~8.1.4.~~7.1.4. Consultation with Law Enforcement Authorities

District and/or School leadership may consult with local law enforcement authorities whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

**9.8. EXPECTATIONS REGARDING DRUGS/ALCOHOL**

~~9.1.8.1.~~ Drugs and alcohol are prohibited on school property and at school-related events.

~~9.2.8.2.~~ Definitions:

~~9.2.1.8.2.1.~~ Drug (or controlled substances) has the same meaning as in Utah Code Ann. ~~58-37-2~~§58-37c-3

~~9.2.2.8.2.2.~~ Alcohol has the same meaning as in Utah Code Ann. ~~§32B-1-102;~~

~~9.2.3.8.2.3.~~ Imitation controlled substance has the same meaning as in Utah Code Ann. ~~§58-37b-2~~

~~9.2.4.8.2.4.~~ Drug paraphernalia has the same meaning as in Utah Code Ann. ~~§58-37a-3.~~

~~9.3.8.3.~~ A student may be given supportive interventions or suspended or expelled from his/her school of attendance for any of the following reasons:

~~9.3.1.8.3.1.~~ use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance, (including tobacco in any form, electronic cigarettes, and electronic cigarette product or substance and cannabis products as defined in Utah Code ~~26-61a-102~~)Ann. ~~§26b-4-201~~, an imitation controlled

substance, or drug paraphernalia in a school building, in a school vehicle, on District property, or in conjunction with any school activity;

~~9.3.2.~~8.3.2. misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function; or

~~9.3.3.~~8.3.3. misuse or abuse of over-the-counter remedies. A student may possess and use over-the-counter remedies at school only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

#### ~~9.4.~~8.4. Drug Testing

~~9.4.1.~~8.4.1. Any student who is reasonably suspected of violating Section ~~9~~8 of this policy may be subject to a drug test for cause, arranged and paid for by the District.

~~9.4.2.~~8.4.2. Any student who has been suspended or expelled for a violation of Section ~~9~~8 may be required to provide a clean drug test and evidence of drug assessment and drug counseling programs as a condition of re-admission to school. Testing and counseling required as a condition of re-admission, rather than for the purpose of providing justification for the initial suspension or expulsion, shall be arranged, and paid for by the student's parent.

~~9.4.3.~~8.4.3. Students who refuse to submit to required drug testing and counseling programs, or to cooperate with District officials with respect to the sharing of appropriate information, may be denied re-admission.

~~9.4.4.~~8.4.4. Any student who is working through supportive practices, or suspension, for violation of Section ~~9~~8 may be subject to random drug testing, any time and for any reasons, for a period of one year from the date of offense. If the student tests positive, he/she may be transferred to an alternative placement. Any student who refuses consent for drug testing under these conditions may be expelled.

#### ~~9.5.~~8.5. Students with Disabilities

~~9.5.1.~~8.5.1. Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on District property or in conjunction with any school activities, and may be disciplined in all instances under the District's regular code of student conduct discipline procedures.

~~9.5.2.~~8.5.2. Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the due process procedures outlined in Section ~~13~~12.4 of this policy must be followed.

### ~~10.~~9. EXPECTATIONS REGARDING BULLYING

~~10.1.~~9.1. Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct

Bullying, cyber-bullying, hazing, and retaliation of students and employees are against federal law, state law, and District policy, and are not tolerated by the District or its schools. It is the intent of the District to respond to school-related incidents by implementing prevention efforts where targets of bullying can be identified and assessed, and perpetrators educated, in order to create safer schools that provide a positive learning environment.

School officials have the authority to intervene with students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at school activities, or causes or threatens a significant interference with a student's educational performance or involvement in school activities.

#### 10.2.9.2. Definitions

10.2.1.9.2.1. "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

10.2.2.9.2.2. "Bullying" means student bullying and staff bullying. ~~a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:~~

~~[a]—causing physical or emotional harm to the school employee or student;~~

~~[b]—causing damage to the school employee's 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.~~

~~The conduct described above constitutes bullying, regardless of whether the person against whom the contact is committed directed, consented to, or acquiesced in, the conduct.~~

10.2.3.9.2.3. "Cyberbullying" 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.

~~10.2.4.~~9.2.4. "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

- [a] endangers the physical health or safety of a school employee or student;
- [b] involves any brutality of a physical nature such as 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
- [d] 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
- [e] is committed for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
- [f] 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 with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participate in.

~~10.2.5.~~9.2.5. "Retaliate" or "retaliation" means an act or communication intended

- [a] as retribution against a person for reporting bullying or hazing; or
- [b] to improperly influence the investigation of, or the response to a report of bullying or hazing.

9.2.6. The conduct defined herein constitutes bullying, cyber-bullying or hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

9.2.7. Staff bullying" means:

- [a] a school employee with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employee involving an imbalance of power that:
  - (i) creates an environment that a reasonable person would find hostile, threatening, or humiliating; and
  - (ii) substantially interferes with a student's or employee's educational or professional performance, opportunities, or

benefits.

[b] “staff bullying” does not mean instances of ordinary teasing, horseplay, argument, or peer conflict, reasonable correction of behavior by a school employee, or reasonable coaching strategies and techniques by a school employee who is a coach.

9.2.8. “Student bullying” means:

[a] one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:  
(i) creates an environment that a reasonable person would find hostile; and  
(ii) interferes with a student’s educational performance, opportunities, or benefits.

~~10.2.6.~~[b] “student bullying” does not mean instances of ordinary teasing, horseplay, argument, peer conflict, reasonable correction of behavior by a school employee, or reasonable coaching strategies and techniques by a school employee who is a coach.

~~10.3.9.3.~~ Prohibited Conduct

~~10.3.1.~~9.3.1. No school employee or student may:

- [a] engage in any form of bullying or cyber-bullying a school employee or student, on or about school property, on a school bus, at a school bus stop, or while traveling to or from a school location or school event, or at any school-related or sponsored activity regardless of location or circumstance;
- [b] engage in hazing a school employee or student at any time or in any location;
- [c] engage in retaliation against a school employee; a student; or an investigator for, or witness of, an alleged incident of bullying, harassing, cyber-bullying, hazing; or
- [d] make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student;
- [e] share a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, and retaliation in order to impact or encourage future incidents.

~~10.3.2.~~9.3.2. No parent or student may engage in abusive conduct directed toward a school employee.

~~10.4.9.4.~~ Investigation and Discipline for Bullying

~~10.4.1.~~9.4.1. Each reported violation of the prohibitions noted previously shall be promptly investigated and discipline determined in accordance with this policy.

~~10.4.2.~~9.4.2. The District or school shall create and implement an action plan to address an incident of bullying, cyber-bullying, hazing, ~~abusive conduct~~, or retaliation in accordance with Utah Code Ann. §53G-9-605.5 and Utah Administrative Code R277-613-6.

~~10.4.3.~~9.4.3. The District shall establish an appeal process for a student who causes



an incident or the student's parent to appeal one or more of the consequences included in an action plan.

9.4.4. School employees who engage in any of these prohibited behaviors may be subject to individual investigation resulting in employment action in accordance with Policy 2HR-004 Employee Discipline and Dismissal Policy.

~~10.5~~9.5. Confirmed Allegation of an Incident of Bullying, Cyber-bullying, Hazing, or Retaliation.

Following an investigation confirming an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, a school administrator may take positive supportive justice practice action and support involved students through trauma-informed practices.

~~10.6~~9.6. Reporting Requirement

~~10.6.1~~9.6.1. School employees who become aware of bullying, hazing, or related initiation activity, shall report such incident immediately to school administrators so that prompt and appropriate action can be taken. School personnel who fail to report incidents of bullying or hazing to school or District administrators may face disciplinary action.

~~10.6.2~~9.6.2. Students who observe hazing activities and fail to intervene or report the hazing to school officials may face disciplinary action for conspiring to engage in hazing.

~~10.7~~9.7. Bullying on the Basis of a Protected Class

~~10.7.1~~ Bullying, cyberbullying, hazing or retaliation on the basis of a protected class is harassment and is further prohibited under federal anti-discrimination laws.

~~10.7.2~~9.8. Harassment

Harassment will be investigated by the Office of Equal Opportunity (OEO) consistent with Policy 11IR-100 Nondiscrimination Policy and Complaint Procedure, except for sexual harassment, which will be investigated and addressed in accordance with Policy 5S-102 Student Sexual Harassment.

~~10.7.3~~9.8.1. Harassment is not tolerated and the District will take prompt and effective steps reasonably calculated to end harassment, eliminate any hostile environment and its effects, and to prevent harassment from recurring.

9.8.2. Administrators will document harassment accurately and separate from bullying in the District's student information system, and will report harassment to the ~~Office of Equal Opportunity (OEO)~~ in accordance with Policy 11IR-100.

~~10.7.4~~9.8.3. Administrators will offer supportive measures to students reporting harassment.

~~10.7.5~~9.8.4. Retaliation against a school employee; a student; or an investigator for, or witness of, an alleged incident of harassment is strictly prohibited under this policy and under Policy 11IR-100 and students who engage in retaliation may be subject to discipline.

~~10.8~~9.9. School Based Bullying and Hazing Prevention Program

Each school shall develop a bullying and hazing prevention program using a prevention program approved by the District's Student and Family Resources Department as a model.

~~10.8.1.9.9.1.~~ The school bullying and hazing prevention program shall include annual discussion and training designed to prevent hazing and bullying and procedures and plans for training students, staff, coaches, and volunteers that includes information on:

- [a] bullying, cyber-bullying, hazing and retaliation;
- [b] sexual aggression or acts of a sexual nature or with sexual overtones;
- [c] discrimination under the following federal laws:
  - (i) Title ~~IV~~VI of the Civil Rights Act of 1964;
  - (ii) Title IX of the Education Amendments of 1972;
  - (iii) Section 504 of the Rehabilitation Act of 1973; and
  - (iv) Title II of the Americans with Disabilities Act of 1990;
- [d] how bullying, cyber-bullying, hazing, and retaliation are different from discrimination and may occur separately from each other or in combination;
- [e] bullying, cyber-bullying, hazing, and retaliation based upon the students' or employee's actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identify, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; ~~and~~
- [f] the right of free speech and how it differs for students, employees, and parent~~s~~; ~~and~~
- ~~[e]~~[g] safe digital citizenship.

~~10.8.29.9.2~~ The school bullying and hazing prevention program shall also:

- [a] provide for an assessment of the prevalence of bullying in the school, specifically, locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas;
- [b] compliment the school's existing discipline plan;
- [c] include required strong responsive action against retaliation including assistance to harassed students and their parents in reporting subsequent problems and new incidents; and
- [d] include strategies for providing student and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches, with awareness and intervention skills and social emotional skills training.

## PROCEDURES FOR ADDRESSING PROHIBITED CONDUCT

### ~~11.10.~~ INVESTIGATIONS

#### ~~11.10.1~~ General Investigation Guidelines for School Administrators

School administrators have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules. School administrators shall conduct investigations according to the following general guidelines:

## **4410.2 Conduct Alleging Harassment**

4410.2.1 When a school administrator receives a report or otherwise learns of alleged conduct that may constitute harassment on the basis of a protected class, the administrator shall notify the Office of Equal Opportunity for an investigation, in accordance with the procedures outlined in District Policy 11IR-100 *Non-Discrimination Policy and Complaint Procedures*.

4410.2.2 When a school administrator receives a report or otherwise learns of alleged conduct that possibly rises to the level of sexual harassment as defined in Title IX, the school administrator shall follow the due process procedures as outlined in District policy 5S-102 *Sexual Harassment under the Jurisdiction of Title IX Protections*.

## **4410.3 Coordination with Law Enforcement**

4410.3.1 School administrators have the responsibility and the authority, within their respective jurisdictions, and in coordination with the ~~District~~ District's Security Coordinator, to determine when the help of law enforcement authorities is necessary, as outlined in this policy and Utah State law.

4410.3.2 The duties and responsibilities of a school resource officer (SRO) are defined in the interlocal agreements between the District and the law enforcement agencies providing SROs.

4410.3.3 In addition to the duties and responsibilities defined in the interlocal agreements described above, pursuant to Utah §53G-8-211, an SRO may:

- [a] Investigate possible criminal offenses and conduct, including conducting searches, provided an SRO-initiated and SRO-led search is conducted under a probable cause standard;
- [b] Consult with school administration about the conduct of a minor enrolled in school, including whether certain conduct may be referred for charges;
- [c] Transport a minor enrolled in a school off-campus;
- [d] Take temporary custody of a minor in accordance with state law; or
- [e] Protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.

4410.3.4 An SRO will **not** be involved in investigations that are not possibly criminal offenses or conduct, including conducting searches.

## **4410.4 Response to School-Based Criminal Behavior**

4410.4.1 This section applies to a student who is alleged to be a habitual truant; and a student enrolled in school who is alleged to have committed an offense on school property where the student is enrolled, when school is in session, or during a school-sponsored activity.

4410.4.2 Under Utah Code Ann. §53G-8-211, a student who is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, or a student is alleged to be a habitual truant, the school administrator or school resource officer shall:

- [a] refer the student to an evidence-based alternative intervention as described in Utah Code Ann. §53G-8-211(3); or
- [b] refer the student for prevention and early intervention youth services, as described in Utah Code Ann. §80-5-201, by the Division of Juvenile Justice and Youth Services if the student refuses to participate in an evidence-based alternative intervention.

**4410.4.3** A school administrator or school resource officer may only refer a student to a law enforcement officer or agency, or a court, if a student allegedly committed the same class C misdemeanor, an infraction, or a status offense on school property on a previous occasion, or alleged to be a habitual truant at least twice during the same school year; and the student was referred to an evidence-based alternative intervention, or to prevention or early youth intervention services for the previous offense.

**4410.4.4** If a student is alleged to have committed a traffic offense that is an infraction, a school administrator or school resource officer may refer the student to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

**4410.4.5** If a student is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator or school resource officer may refer the minor directly to a court or to the evidence-based alternative.

#### **4410.5 Investigations of Criminal Conduct at School**

**4410.5.1** Initiated by School Administrator: When an administrator is investigating reports of policy violations that are also possible criminal activity occurring on school grounds or at a school-related event, the administrator may involve the SRO in the investigation, subject to the following:

- [a] An SRO may be present in an interview conducted by an administrator but shall not lead or conduct the interview.
- [b] An SRO may be present during a search conducted by an administrator but will not initiate and conduct a search unless there is an imminent threat of physical harm or the SRO has probable cause to search.

**4410.5.2** Initiated by SROs or Other Law Enforcement Authorities: School officials shall cooperate with SROs and other law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc., as outlined in Utah Code Ann. §80-1-103.

- [a] When law enforcement authorities can show a need to do so, as discussed below, they shall be permitted to conduct an investigation on school grounds during school hours.
- [b] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:
  - (ii) the law enforcement authorities shall be required to get prior approval of the school administrator or other designated person before beginning an investigation on school premises;
  - (iii) the school administrator shall document the circumstances warranting the investigation as soon as practical;

- (iv) law enforcement authorities investigating school-related or student-related crimes may not have access to student education records, aside from directory information, unless they have a subpoena or court order, permission from parent, or serve as a designated School Resource Officer;
  - (v) directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' home address, email address, and phone numbers for use in case of emergency.
- [c] When a caseworker from the Division of Child and Family Services ("DCFS") requests an interview with a student at school, the administrator will allow the interview when the caseworker has provided appropriate DCFS ~~ID~~ identification, and signed the District's DCFS Interview Form.

#### ~~44~~10.5.3 Release of Student to Law Enforcement Authorities

- [a] Law enforcement authorities may, without a court order or warrant, take a student into temporary custody as outlined in Utah Code Ann. §80-6-201.
- [b] Where it is necessary to take a student into custody on school premises, law enforcement authorities shall:
  - (ii) contact the school administrator and relate the circumstances necessitating such action;
  - (iii) consult with the school as to how an arrest is to be made in order to cause the least disruption to the school process;
  - (iv) when possible, have the school administrator summon the student to the administrator's office prior to taking the student into custody;
  - (v) notify the parent of the action under Utah Code Ann. §80-6-203.
- [c] The school administrator shall immediately notify the Superintendent's office of the removal of a student from school by law enforcement authorities.
- [d] When a student has been taken into custody or arrested on school premises without prior notification to school administration, school staff present shall encourage law enforcement authorities to inform an administrator of the circumstances as quickly as possible. If the officers decline to tell an administrator, the school staff members present shall immediately notify an administrator.

#### ~~44~~10.6 Quelling Disturbances of School Environment

Law enforcement may be requested to assist in controlling disturbances of the school environment which a school administrator has found to be unmanageable by school personnel and has the potential of causing harm to students and other persons, or to property. Such circumstances include situations where a parent or member of the public exhibits unruly, highly disruptive, or illegal conduct on or near school grounds, or at a school event, and who refuse to abide by a school administrator's directive to leave the premises.

#### ~~44~~10.7 Coordination of Policies and Law Enforcement Authorities

School administrators shall meet at least annually with local law enforcement authorities to discuss the District's Student Conduct and Discipline Policy and rules on law enforcement contacts with the District. Law enforcement authorities shall be asked to inform their staffs about the terms of the Student Conduct and Discipline Policy.

## 11. ~~12.~~ SEARCHES

Given the school's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that school officials have the authority to conduct reasonable searches of students and student property for evidence of policy violations, including policy violations that are also criminal. To protect individual rights and guard against excessive intrusion, school officials engaging in searches of students and property shall abide by the following guidelines:

### ~~42~~11.1 General Guidelines

~~42~~11.1.1 Searches of a student's person or personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, electronic devices, etc.) may be conducted:

- [a] **with the student's consent.** Wherever possible, before conducting the search, the school official shall request the student's consent to the inspection and inform the student that he/she may withhold consent. Such consent, if offered, shall be voluntary; or
- [b] **without the student's consent** when school officials have reasonable suspicion to believe a student possesses evidence that:
  - (ii) a policy or law has been violated; or
  - (iii) presents an immediate danger of physical harm to students, staff or school property; and
  - (iv) the items being searched are capable of concealing such evidence.

~~42~~11.1.2 The search must be reasonably related to the suspicion and not excessively intrusive in light of the student's age, history and school record and the nature of the infraction. The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, related items may also exist, the search may be extended.

~~42~~11.1.3 Whenever possible, another staff member shall be present at any search of a student or student property. The SRO may be present when searching students only if the conduct involves criminal activity.

~~42~~11.1.4 A school official may at any time, request presence of the appropriate law enforcement agency having jurisdiction over the facilities of the school.

~~42~~11.1.5 A school official shall be responsible for the custody, control, and disposition or destruction of any illegal or dangerous substance or objects taken from a student. Anything found in the course of a search which is evidence of a student violation of school rules shall be tagged for identification at the time it is seized and kept in a secure place by the school official.

~~42~~11.1.6 All contraband discovered in a search by school officials shall be immediately confiscated and turned over to law enforcement authorities if school officials have reason to believe the contraband is related to the commission of a criminal act.

~~42~~11.1.7 A school official shall dispose of or destroy a confiscated electronic cigarette product. If a school official has reason to believe the confiscated electronic cigarette product contains an illegal substance, the schools may release the confiscated electronic cigarette product to local law enforcement.

**4211.2 School Property – Lockers, Desks, Other Storage Areas Provided for Student Use**

Students have no right or expectation of privacy in school lockers, desks, or other storage areas. While lockers, desks, and other storage areas are under the joint control of students and the school they are solely school property and may be searched at any time by school officials with or without cause. Once a locker, desk or other storage area is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 42-11 of this policy.

**4211.3 Vehicles**

Vehicles in the possession of students and parked on school premises may be searched, based on consent or reasonable suspicion by the appropriate school official. Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

**4211.4 Searches of Person**

4211.4.1 In addition to the general guidelines above, search of a student's person or intimate personal belongings shall be conducted:

- [a] in a private area of the school by a school official of the same gender as the student being searched;
- [b] whenever possible, in the presence of the student (for belongings) and another staff member of the same gender.

4211.4.2 Authorized searches of a student's person are as follows:

- [a] the student's pockets;
- [b] purses, briefcases, backpacks, or any objects in the possession of the student;
- [c] a "pat-down" of the exterior of the student's clothing and the removal of any identified item;
- [d] removal of an article of exterior clothing such as a jacket, shoes, socks;
- [e] a student's privately-owned electronic device if warranted and to the extent warranted; and
- [f] requesting the student turn pockets inside out and roll up sleeves.

4211.4.3 Under no circumstances may school officials require students to remove any other items of clothing during the search.

4211.4.4 If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons, or other contraband underneath shirts, pants, or underwear), law enforcement authorities shall be summoned immediately to conduct further search and investigation.

**4211.5 Canine Searches.**

4211.5.1 The school administrator, in conjunction with local law enforcement officials, may determine when, and if, a specially trained detection canine shall be used in the school to search for drugs, weapons, or other contraband. In creating a proper and effective learning environment within the framework of mutual respect and trust, school administrators shall use caution and discretion in determining when to use a drug detecting canine in the school. No detection canine shall be used in the school for searches without the permission of the school administrator.

4211.5.2 **Students.** Sniffing of students by detection canines is considered to be a



search under the Fourth Amendment, may be embarrassing or frightening, and shall not be permitted in schools.

**4211.5.3 Lockers and Vehicles and Personal Items.** The sniffing of lockers, personal items when not in the possession of a student, (backpacks, gym bags, book bags, etc.), and vehicles in school parking lots by detection canines may be permitted. Canine searches will be random, short in duration, and with minimal disruption to educational activities. A positive alert by a detection canine may be considered reasonable suspicion for a school official to conduct a search of the locker, personal items, or vehicle as outlined in this policy.

#### **4211.6 Parent Notification of a Search**

School officials have no obligation to contact parents before detaining and questioning students. It is good practice when a student is questioned about serious allegations of the student's own misbehavior, that a parent should be notified to protect the interest and well-being of the student.

#### **4211.7 Documentation**

School officials shall thoroughly document the details of any search conducted of a student's property or person in the student information discipline screen. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

4211.7.2 the time, place, and date of the search;

4211.7.3 information received that established the need for the search and the name of who provided the information, if any.

4211.7.4 the name and title of individuals conducting and observing the search;

4211.7.5 substances or objects found, and the disposition made of them (police, school, etc.); and

4211.7.6 subsequent action taken including parental notification.

### **43.12. DUE PROCESS**

#### **4312.1 Due Process for Suspensions of 10 Days or Less.**

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

4312.1.1 The school administrator shall inform the student of the allegations against him/her, the disciplinary action being recommended, and provide the student with the opportunity to present his or her version of the facts.

4312.1.2 If the student denies the allegations, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to a school administrator.

4312.1.3 The student shall present his/her version of the incident in writing. Students with disabilities, young students, or students who do not speak English who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, translator, etc.



~~43~~12.1.4 The school administrator shall notify the custodial parent/guardian of the student of the following without delay:

- [a] that the student has been suspended;
- [b] the grounds for the suspension;
- [c] the period of time for which the student is suspended; and
- [d] the time and place for the custodial parent to meet with a designated school official to review the suspension.

~~43~~12.1.5 The school administrator shall also notify the non-custodial parent, if requested in writing, of the suspension.

- [e] This does not apply to the portion of school records which would disclose any information protected under a court order.
- [f] The custodial parent is responsible to provide the school a certified copy of any court order prohibiting notification to the non-custodial parent.

~~43~~12.1.6 School administrators shall document disciplinary outcome in accordance with this Policy.

~~43~~12.1.7 In general, the notice and informal conference shall precede the student's removal from school. If, in the judgment of the administrator, notice is not possible because the student poses a danger to a person or property or an on-going threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and informal hearing shall follow as soon as possible.

~~43~~12.2 **Due Process for Expulsions of More than 10 Days.**

The school administrator shall inform the student of the charges against him/her, the disciplinary action being recommended, and provide the student with the opportunity to present his or her version of the facts.

~~43~~12.2.1 If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to school administrators.

~~43~~12.2.2 If the school administrator desires or contemplates suspending a student for longer than ten (10) school days, he/she shall submit a Safe Schools referral to the Case Management Team (CMT) on the CMT referral forms.

~~43~~12.2.3 Prior to sending the referral to the CMT, but in no instance longer than ten (10) school days after the suspension began, the school administrator shall meet with the custodial parent/guardian to discuss the allegations against the student, the evidence gathered, and the proposed discipline. The school administrator shall also notify the noncustodial parent, if requested in writing by a noncustodial parent, of the possible expulsion as outlined in this policy.

~~12~~3.2.4 School administrators shall document the disciplinary outcome in accordance with this Policy.

~~43~~12.2.5 Notice to Student and Parent

If the CMT determines, after considering the totality of the circumstances, that a student should be expelled for longer than ten (10) school days, the Department of Student and Family Resources shall send written the student's custodial

parent/guardian which includes all of the following elements:

- [a] a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;
- [b] the penalty being imposed (duration of expulsion);
- [c] a statement that a due process hearing may be requested in writing within ten (10) working days of receipt of the notice;
- [d] a statement that, if a hearing is requested, the Superintendent has the authority to appoint an impartial Hearing Officer(s), who may be an employee of the District;
- [e] a statement that the expulsion is taking effect immediately and will continue for the stated period unless a hearing is requested in a timely manner and the Hearing Officer determines otherwise;
- [f] the date of the notice; and
- [g] a statement that, if a hearing is not requested within ten (10) working days after receipt of the notice, the District's decision to expel the student will be final, and the parent's right to oppose the District's decision will be waived.

### **4312.3 Hearing Procedures**

If a hearing is requested in response to the Notice of Expulsion, the following procedures shall apply:

- 4312.3.1 After receipt of the request, the District shall schedule a hearing as soon as possible but not later than ten (10) working days following receipt of the request.
- 4312.3.2 A written Hearing Notice shall be sent to the custodial parent informing the custodial parent of:
  - [a] the name of the Hearing Officer;
  - [b] the date, place, and time of the hearing;
  - [c] the circumstances, evidence, and issues to be discussed at the hearing;
  - [d] the right of all parties to cross-examine witnesses subject to the Hearing Officer's determination that this right should be limited to protect student witnesses from retaliation, including ostracism or reprisal;
  - [e] the right of all parties to appeal to the Superintendent within ten (10) working days following the decision if the parties disagree with the Hearing Officer's decision;
  - [f] the right of all parties to examine all relevant records.
- 4312.3.3 The Hearing Officer shall conduct the hearing on the record and shall:
  - [a] ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the District;
  - [b] consider all relevant evidence presented at the hearing; allow the right to cross-examination of witnesses, unless the Hearing Officer determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;
  - [c] allow all parties a fair opportunity to present relevant evidence; and
  - [d] issue a written decision including Findings of Fact and Conclusions.
- 4312.3.4 Hearing Rules. Formal Rules of Evidence do not apply to the Hearing and no discovery is permitted. However, the following rules will apply:
  - [a] parties may have access to information contained in District files to the

- extent permitted by law;
- [b] hearings shall be closed to the press and the public;
- [c] documents, testimony, or other evidence submitted by the parties after the hearing, will not be considered by the Hearing Officer;
- [d] the Hearing Officer may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Hearing Officer.

**12.3.5**

**Appeals**

- [a] Within ten (10) working days following receipt of the Hearing Officer's written decision, either party may appeal the decision, in writing, to the Superintendent.
- [b] A hearing will be scheduled, consistent with District policy. The Superintendent or his designee will act as the hearing officer for all appeals.
- [c] Within ten (10) working days following the hearing, the Superintendent or his designee shall rule on the appeal and issue a final determination in writing.
- [d] The Superintendent's or designee's decision is final.

**12.4 Due Process for Change of Placement of Students with Disabilities**

When the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the [Davis School District Special Education Policies and Procedures Manual](#) and [Utah State Board of Education Special Education Rules](#) shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

When a determination is made that the conduct of a 504 or ADA student is not a manifestation of the student's disability, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from school without educational services.

NOTE: These procedures can also be found in [Parental Procedural Safeguard for Children with Disabilities and their Parents](#).

**13. TRANSFER AND ALTERNATIVE PLACEMENT FOR REGULAR EDUCATION STUDENTS**

Students do not have a right to placement at their neighborhood school. Therefore, any regular education student who is expelled from his/her school of attendance and transferred to another school or referred to Case Management for alternative placement because of disciplinary violations shall continue to receive educational services provided by the District and may not invoke due process procedures to challenge the District's decision, unless the student will be out of school for more than ten (10) school days as a result of the expulsion and transfer.

**14. EXTRA-CURRICULAR ACTIVITIES**

Participation in interscholastic athletics, cheerleading, and other extra-curricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation. Additional

standards of conduct and behavior for students participating in extra-curricular activities are found in the District's Policy 5S-200 *Minimum Standards of Eligibility for Extracurricular Participation*.

## 46.15. EMERGENCY SAFETY INTERVENTIONS

A school employee may not subject a student, including a student with disabilities, to physical restraint or ~~seclusionary time out~~~~seclusion~~~~seclusion~~ unless utilized as a necessary emergency safety intervention (ESI) in compliance with this section.

### 46.15.1 Definitions

16.1.1 An "emergency safety intervention (ESI)" is the use of ~~seclusionary time out~~~~seclusion~~~~seclusion~~ or physical restraint when a student presents an immediate ~~imminent~~ danger of physical violence/aggression towards to self or others, ~~which is likely to cause serious physical harm~~. An "emergency safety intervention" is not for disciplinary purposes.

46.15.1.2 "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

46.15.1.3 "Physical restraint" means personal restriction ~~immobilizing or that~~ immobilizes or significantly reduces ~~reducing~~ the ability of an individual to move his arms, legs, body, or head freely.

46.15.1.4 ~~"Seclusionary time out"~~ "Seclusion" means ~~seclusionary time out that a student is placed, by school personnel, in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he will be prevented from leaving the enclosed area~~ is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including: placing a student in a locked room; or placing a student in a room where the door is blocked by furniture or held closed by staff.

### 46.15.2 General Procedures

46.15.2.1 Teachers and other personnel who may work directly with students shall be trained, consistent with the requirements of UAC R277-608-4, on: ~~the use of effective alternatives to ESI as well as the safe use of ESI and a release criterion.~~

[a] evidence-based alternatives to the use of ESIs;

[b] the safe use of ESIs, including:

(i) proper physical restraint techniques;

(ii) seclusionary time out procedures; and

(iii) release criteria;

[c] identification and prevention of behaviors that may lead to ESI; and

[d] de-escalation strategies and trauma-informed practices.

18.1.2. School administrators, special education teachers, and teacher assistants designated by the Human Rights Committee will receive ongoing comprehensive ESI training as defined in R277-608-4(3).

46.15.2.2 ESIs shall:

[a] be used only when a student presents an immediate danger of serious physical harm to self or others;

~~[a]~~[b] be applied only for the minimum time necessary to ensure physical safety;

[c] be discontinued immediately;

(ii) when the ~~imminent danger of physical harm~~ immediate and significant threat to self or others has dissipated; or

(iii) if the student is in severe physical or emotional distress.

15.2.3 ESIs shall never be used:

- [a] never be used as a form of punishment or discipline; or
- [b] to threaten, coerce, or intimidate a student; or
- [a][c] in place of appropriate less restrictive interventions.;
- ~~[a] in no instance be imposed for more than 30 minutes.~~

15.2.4 In no instance should ESI be imposed for more than 30 minutes, unless school administration authorizes continued use based on an ongoing imminent safety threat.

15.2.5 Further detail on ESI procedures can be found in the ESI Procedure Handbook.

### ~~46~~15.3 **Physical Restraint**

~~46~~15.3.1 A school employee may, when acting within the scope of employment, use and apply physical restraint or force as an ESI as may be reasonable and necessary under the following circumstances:

- [a] in self-defense;
- ~~[a]~~[b] to protect the a student or another individual from serious physical harm injury;
- [c] to take obtain possession of a weapon, other dangerous objects in the possession or under the control of a student; or
- ~~[b]~~[d] to remove from a situation a student who is violent;
- ~~[c]~~[e] the student is destroying to protect property from being damaged, and when physical safety is at risk.

~~46~~15.3.2 A school employee ~~may~~shall first use the less intrusive means restrictive intervention available to the school employee, including a physical escort, to address circumstances described above.

~~46~~15.3.3 When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

- [a] prone, or face-down;
- [b] supine, or face-up;
- [c] physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
- ~~[d]~~[f] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation;
- ~~[e]~~[g] any device used by a law enforcement officer in carrying out law enforcement duties; or
- [h] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.\_\_\_\_

~~[f]\_\_\_\_\_~~

### ~~46~~15.4 **~~Seclusionary Time Out~~**

A school employee may, when acting within the scope of employment, place a student in grade one or higher in ~~seclusionary~~ time out as an ESI under the following circumstances:

~~46~~15.4.1 the student presents an immediate ~~danger of serious physical harm and significant threat to self~~the student or others, and when no other safe or effective intervention is available;

16.4.2 any door remains unlocked consistent with the fire and public safety requirements; and

16.4.3 ~~the student is within line sight of the employee at all times~~a staff member who is familiar to the student is actively supervising the student for the duration of the seclusion.

#### ~~16~~15.5 Notification

~~16~~15.5.1 If an employee uses an ESI with a student, the employee shall ~~provide notice~~notify school administration and the student's parent as soon as reasonably possible and before the student leaves the school on the same day.  
~~to the school administration and the student's parent.~~

~~16.5.2 If a crisis situation occurs requiring an ESI be used, the school or employee shall notify the student's parent, the school administrator, and the school director as soon as possible and no later than the end of the school day.~~

~~16~~15.5.3~~2~~ If the ESI ~~is applied~~continues for longer than fifteen minutes, the school or employee shall immediately ~~provide notice to~~notify the student's parent and school administration.

#### ~~16~~15.6 Documentation

~~16~~15.6.1 Parent notifications made under this section shall be documented in the student information system.

~~16~~15.6.2 Within 24 hours of using ESI with a student, the school shall notify the parent that they may request a copy of any ~~notes or additional~~ documentation taken during the ~~emergency safety intervention~~ESI.

~~16~~15.6.3 Upon ~~request of a parent~~request, the school shall provide a copy of ~~any notes or additional~~such documentation ~~taken during the use of an emergency safety intervention~~and offer to schedule a meeting with staff and administration to review the incident.

~~16.6.4 A parent may request a time to meet with school staff and administration to discuss the use of an emergency safety intervention.~~

#### ~~16~~15.7 ESI Committee

The District has established and maintains an ESI Committee to monitor the use of emergency safety interventions in District schools in accordance with Utah Administrative Rule R277-609-~~76~~75.

#### ~~17.4.~~ 15.8 Prohibition of Corporal Punishment

A school employee may not inflict or cause the infliction of corporal punishment upon a student.  
School authorities shall take prompt and appropriate action, including in-service and other administrative action, upon confirming a violation.

### 16 ~~17.~~ PARENT NOTIFICATIONS

#### ~~17~~16.1 Parental Notification of Certain Incidents and Threats

~~17~~16.1.1 A school administrator shall:

- (i) notify a parent personally if a parent's student threatens suicide; or
- (ii) notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, or retaliation and the action plan to address the incident.

~~17~~16.2 When notifying a parent of a student's threat of suicide, a school administrator shall provide the parent with suicide prevention materials and information on ways to limit the student's access to fatal means, including a firearm or medication.

[4 Simple Steps to a Medication-Safe Home](#)  
[When Firearm Safety and Safe Storage is Your Goal](#)

### 17 ~~18.~~ REINTERGRATION PLAN

- ~~18.17.1~~ 17.1 If the District receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a serious offense as defined in Utah Code Ann. §80-6-103, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and student's parent, within five (5) school days after the day on which the school received notification.
- 18.2. The school may deny admission to the student until the school completes the reintegration plan.
- 18.3. The reintegration plan shall address:
- ~~18.3.1.17.2.3~~ 17.2.3 a behavioral intervention for the student;
- ~~18.3.2.17.2.4~~ 17.2.4 a short-term mental health or counseling service for the student; and
- ~~18.3.3.17.2.5~~ 17.2.5 an academic intervention.
- ~~18.4.17.3~~ 17.3 If the serious offense was directed at a school employee or another student within the school, the reintegration plan shall include notification of the plan to the school employee or student and the student's parent.
- ~~18.5.17.4~~ 17.4 A school may not reintegrate a student into a school where:
- ~~18.5.1.17.4.3~~ 17.4.3 a school employee or student has a protective order against the student being reintegrated; or
- ~~17.4.4~~ 17.4.4 a school employee or student is the victim of a sexual crime committed by the student being reintegrated unless the victim consents.
- ~~18.5.2.17.5~~ 17.5 Notwithstanding section 187.5.21, a school may elect to not integrate a student into a school if the student has committed or allegedly committed a forcible felony. If a school elects not to integrate a student, the school district shall provide alternative education options for the student.
- ~~18.6.17.6~~ 17.6 A reintegration plan is classified as a protected record under Utah Code Ann. §63G-2-305. All other student records are governed by the 20 U.S.C. §1232g Family Education Rights and Privacy Act.
- ~~18.7.17.7~~ 17.7 School officials shall not release personally identifiable student discipline records to other government agencies unless the:
- ~~18.7.1.17.7.3~~ 17.7.3 student is the agency's custody;
- ~~17.7.4~~ 17.7.4 agency produces a subpoena or court order;
- ~~18.7.2.17.7.5~~ 17.7.5 or student's parent or guardian has authorized disclosure

## ~~19.18.~~ 18. TRAINING

- ~~19.1.18.1.~~ 18.1. All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information at least every three years regarding this policy and the District's commitment to a safe and orderly school environment.
- ~~19.2.18.2.~~ 18.2. Administrative employees who have specific responsibilities for investigating and resolving safe schools' violations shall receive yearly training on this policy and related



legal developments. Training for administrative employees will include monitoring discipline data to ensure equitable application of this policy and identifying and eliminating discriminatory discipline practices.

~~19.3.~~18.3. Students will receive annual age-appropriate training on bullying and harassment intervention. This training will cover the type of conduct prohibited by this and other District policies, and the processes for notifying school staff of incidents or harassment.

~~19.4.~~18.4. School administrators in each school and program directors shall be responsible for informing students, parents, and staff of the terms of this policy including the procedures outlined for investigation and resolution of violations.

## **19. REPORTING**

### **~~20.~~**

~~20.1.~~19.1. Each school shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the District Department of Student and Family Resources. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Case Management Team.

~~20.2.~~19.2. The Case Management Team shall compile all of the suspension/expulsion data submitted by the schools into a single report for the review of the Superintendent and the Board.

~~20.3.~~19.3. Each month, schools will analyze classroom, grade, and school-level discipline data to ensure students of color are not disciplined more harshly than their similarly situated white peers. Schools will prepare this data in a report for District review and will develop and implement plans to address concerns, including professional development to remedy discriminatory practices and implement positive behavioral supports, where necessary.

~~20.4.~~19.4. On a quarterly basis, the District will review the reports from the schools and will provide assistance to schools to implement plans to address concerns of disproportionate discipline, including professional development to remedy discriminatory practices and implement positive behavioral supports.

## **~~21.~~20. POLICY DESSEMINATION**

~~21.1.~~20.1. A summary of this policy shall be posted in a prominent place in each District facility.

~~21.2.~~20.2. A summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications.

~~21.3.~~20.3. School employees; students who are at least eight years old; and parents/guardians of students enrolled in the District are required to sign a statement annually indicating that the individual signing the statement has received a copy of this policy.



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**DEFINITIONS**

**“Change of Placement for Students with Disabilities under IDEA.”** For purposes of removals of a student with a disability from the student’s current educational placement, a change in placement occurs if the removal is for more than ten (10) consecutive school days; or, 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 factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

**“Corporal punishment”** means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

**“Detection Canines”** means police trained and controlled dogs used to investigate the possible presence of controlled substances or explosive materials such as weapons, ammunition, or bombs.

**“Electronic cigarette product”** means “electronic cigarette” as that term is defined in [Utah Code Ann. §76-109-1011101](#).

**“Electronic device”** means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including: (1) a smart phone; (2) a smart or electronic watch; (3) a tablet; or (4) a virtual reality device.

**“Expulsion”** means removal from the school with no educational services provided.

**“Firearm, Explosive, and Noxious or Flammable Material”** include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, fireworks, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

**“Forcible felony”** means the same as that term is defined in [Utah Code Ann. §76-2-402](#).

**“Gang”** means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

**“Law enforcement authorities”** means officers working under the direct supervision and in the employment of police or law enforcement, as opposed to under the supervision of a public education agency. Law enforcement authorities have received police officer training and are acting in that capacity.

**“Privately-owned electronic device”** means a device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is not owned or issued by the District to a student or employee.

**“Reasonable suspicion”** means a particularized and objective basis, supported by objective and articulable facts leading the searcher to believe that there is a moderate chance of finding evidence of wrongdoing.

Reasonableness considers the totality of the circumstances including such factors as the scope and manner of the intrusion, the justification for the search, the nature of the infraction, the place where the search is conducted, the student’s age, history and school record, the prevalence and seriousness of the problem in the school, the exigency requiring the search without delay, the reliability of the information used as a justification for the search, and the school official’s prior experience with the student. The search shall be reasonable both in inception of the search and the scope of the search.

**“School employee”** means an individual working in the individual’s official capacity as: a school teacher, a school staff member, a school administrator, or an individual who is employed, directly or indirectly, by a school, an LEA governing board, a school district, or an individual who works on a school campus.

**“Supportive practice”** means an approach to behavior and discipline that provides students and adults with an intentional, inclusive, and respectful way of thinking about, talking about, and responding to behavioral issues. When integrated in a school community, supportive practices help to promote positive relationships, build and repair those relationships, prioritize student agency, and de-emphasize punitive discipline in favor of communication to resolve conflict. “Supportive measures” are an example of Supportive Practices intended to support the person harmed by the conduct but can also be used to educate the person engaging in the harm.

**“Status offense”** means an offense that would not be a violation but for the age of the offender. Status offense does not mean an offense that by statute is a misdemeanor or felony.

**“Suspension”** means a temporary (10 consecutive school days or less) interruption of District services and activities. A student who is suspended may, at the school administrator’s discretion, have access to homework, tests, and other schoolwork through a home study program, but will not be allowed to attend classes or participate in any school or District activities during the period of suspension.

**“Trauma-informed practice”** means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological, and emotional safety for both offenders and victims, and creating opportunities for victims to rebuild a sense of control and empowerment.

**“Weapon”** shall include firearms (as defined above), as well as any substance or object which, when combined

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with the conduct or intent of its possession or with the circumstances in which it is being used, attempted to be used or threatened to be used, is capable of or does in fact, harm, intimidate, threaten, or harass a person or those persons in the vicinity of its possessor.

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## **REFERENCES**

Gun Free School Act; 20 U.S.C. §7961

Family Educational and Privacy Rights Act; 20 U.S.C. §1232g (h)(1) -(2), 34 C.F.R. §99.36

Education of Individuals with Disabilities Education Act (IDEA), Title 20, Chapter 33

Rehabilitation Act of 1973, 29 U.S.C. §705 (20) (C) (iv)

Americans with Disabilities Act (ADA), 42 U.S.C. §12132.

[Utah Code Ann. §53E-3-509](#) – Gang prevention and intervention policies.

~~Utah Code Ann. Title 53E, Chapter 10, Part 5– School Safety and Crisis Line.~~

~~Utah Code Ann. Title 53G, Chapter 8, Part 2– School Discipline and Conduct Plans.~~

~~Utah Code Ann. §53G-8-301 – Emergency safety interventions -Appropriate uses -- Penalties~~

~~Utah Code Ann. §53G-8-302 – Prohibition of corporal punishment – Use of reasonable and necessary physical restraint.~~

~~Utah Code Ann. Title 53G, Chapter 8, Part 4– Juvenile Court and Law Enforcement Notification to Public Schools.~~

~~Utah Code Ann. Title 53G, Chapter 9, Part 6– Bullying and Hazing.~~

~~Utah Code Ann. §76-5-107.1 – Threats against schools.~~

~~Utah Code Ann. §80-1-103 – Cooperation of political subdivisions and public or private agencies and organizations.~~

~~Utah Code Ann. §80-6-201 – Minor taken into temporary custody by peace officer, private citizen, or probation officer – Grounds –Protective custody.~~

~~Utah Administrative Code R277-608 – Emergency Safety Interventions and Prohibition of Corporal Punishment in Utah's Public Schools.~~

~~Utah Administrative Code R277-609 – Standards for LEA Discipline Plans and Emergency Safety Interventions.~~

~~Utah Administrative Code R277-613 –Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct.~~

~~Utah Administrative Code R277-615 – Standards and Procedures for Student Searches.~~

~~Utah Administrative Code R277-736 – Juvenile Court or Law Enforcement Notice and Information Dissemination.~~

~~USBE - LRBI Technical Assistance Manual~~

~~ESI Procedure Handbook~~

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## **FORMS**

[Davis School District Acceptable Use Agreements \(in Forms\)](#)

[Record of Parent Notification of Student Threat or Incident](#)

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## **RELATED POLICY**

[5S-102 Sexual Harassment under the Jurisdiction of Title IX Protections](#)

[5S-105 Student Electronic Devices](#)

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**DOCUMENT HISTORY:**

**Adopted: December 5, 1995** - Adoption of this policy repeals policy 5S-401 "Safe Schools Policy."

**Revised: August 1, 2000** - Comply with the new IDEA regulations and eliminate repetitive language and the term exclusion.

**Revised: October 16, 2001** - Legislative changes concerning weapons; Case Management Team review of expulsion issues; Allows appropriate student use of cell phones in schools; Notice to noncustodial parent of suspension.

**Revised: August 25, 2004** - Technical change to reflect change in law made in 2004 Legislative Session revised Section 17.1 Notification by Juvenile Court and Law Enforcement Agencies.

**Revised: August 16, 2006** - Added section on bullying prevention as required by State Administrative Rule.

**Revised: February 20, 2007** - Changed cellular phone to electronic communication device.

**Revised: March 28, 2007** - Changes in Due Process section for Change of Placement of Students with Disabilities in accordance with changes in federal regulations.

**Revised: April 30, 2008** - Non substantive change - added section on off-campus conduct.

**Revised: September 1, 2009** - Reorganized policy to combine all policies that outline expected behavioral conduct and related discipline. Changed name and number of policy from, 5S-401 Safe and Orderly School Policy to 5S-100 Student Conduct and Discipline. Bully policy formerly in both 5S-401 Safe and Orderly Schools and 5S-400 School Attendance and Discipline. Hazing policy formerly 11IR-106 Hazing. Dress Code formerly 11IR-108 will maintain School Uniform Policy (5S-103), Electronic Device Policy formerly 11IR-111 Possession and Use of Personal Electronic Devices by Students in Schools. School Attendance and Discipline put discipline into this policy, Attendance in policy now called 5S-101 Attendance and Truancy Intervention Policy.

**Revised: December 1, 2009** - Made minor modifications with adopted of new Rule R277-613. Modified the definitions of bullying and hazing and added a definition for cyber-bullying.

**Revised: November 17, 2010** (by consent) - Made minor modification to gang prevention and intervention policy (SB59). Included relevant provisions of a separate "Drug Detecting Canine" policy 5S-105 and repealed policy 5S-105.

**Revised: December 6, 2011 (by consent)** - Non-substantive changes to comply with legislation.

**Revised: July 10, 2012** - Minor revisions to searches of person or property consistent with changes in rule.

**Revised: September 17, 2013** - Minor revisions consistent with changes in law and rule.

**Revised: October 19, 2015** - Updated consistent with changes in State law related to parental notification and maintenance of student records involving student suicide threat and involvement in bullying. Updated consistent with changes in State rule related to standards of emergency safety interventions. Reorganized to more closely mirror the chronological order in which actions would naturally occur in the school setting. Non-substantive technical changes made.

**Revised: August 2, 2016** - Non-substantive changes made to comply with current practice.

**Revised: February 7, 2017 (by consent)** - Minor revisions consistent with changes in Rule R277-609 regarding emergency safety interventions.

**Revised: August 1, 2017** - Updated to comply with changes in state law and administrative rule. HB92 Physical Restraint; HB239 Juvenile Justice, and portions of SB161, which removed the term harassment from policy and revised definitions of bullying and cyber-bullying.

**Revised: September 5, 2017** - Updated dress standards.

**Revised: May 1, 2018** - Updated to comply with changes in state law and administrative rule (2017 SB161 and HB62). Added language on abusive conduct and a grievance process for a school employee who has experienced abusive conduct. Updated language on policy dissemination requirements.

**Revised: September 4, 2018** - Updated to comply with changes in state law (2018 HB132). Non-referral to court for a class C misdemeanor only if the offense is committed on school property where the student is enrolled during school hours or at a school-sponsored activity. Updated definitions.

**Revised: July 16, 2019** - Updated to comply with changes in State Board Rule R277-495 Electronic Devices in Public Schools.

**Revised: August 4, 2020** - Added reference to investigation of alleged conduct that falls under the jurisdiction of the new Title IX regulations and District policy 5S-102.

**Revised: October 6, 2020** - Updated to comply with 2020 legislative changes and administrative rules. HB34, HB58, HB171, HB384, R277-609 and R277-613. Removed language on sending certified mail notice of suspension for longer than 10 school days.

**Revised: August 5, 2025** - Updated to comply with changes in State Law. SB 223 amends the definition of bullying. SB 249 addresses school integration plan for a student who commits a forcible felony. SB170 amends the standard for the use of physical restraint and allowed incidents of seclusion in schools. Removed Electric Devices from this policy to its own policy.