

## POLICY 5005

### Safe Schools – Student Behavior

A. The following definitions shall apply under this policy:

1. "Suspension" means removal of a student from the student's regular classroom assignment for a definite period of time.
2. "In-School Suspension" means temporary reassignment, for a specific period of time, to a designated suspensions classroom within the school.
3. "Short-Term Suspension" means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time, which is equal to or less than 10 school days.
4. "Long-Term Suspension" means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time which is greater than 10 school days.
5. "Expulsion" means termination of the student's status as a student enrolled in the school. Expulsion may be for an indefinite or fixed period of time.
6. "Involuntary Transfer" means reassignment of a student from one school, campus, or academic program, to a different school, campus, or academic program within the District. Involuntary transfer may be for an indefinite period of time or for a fixed period of time.
7. "Disruptive Behavior" means conduct which unreasonably interferes with the educational process or instruction of students in the classroom or elsewhere, including foul, profane, vulgar or abusive language.
8. "Weapon" means "dangerous weapon," which includes any firearm or any object that is used for, or is readily capable of, causing death or serious bodily injury. "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive. The following factors are used in determining whether an object other than a firearm is a dangerous weapon:
  - a. the location and circumstances in which the object was used or possessed;
  - b. the primary purpose for which the object was made;
  - c. the character of the wound, if any, produced by the object's unlawful or improper use;

- d. the manner in which the object was unlawfully or improperly used;
  - e. whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
  - f. the lawful purposes for which the object may be used
9. "Unlawful Conduct" means any conduct by a student which violates any local, state, or federal law or regulation, or violates any District or school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:
- a. Sexual harassment; Sexual harassment includes engaging in sexual harassment or fabricating charges of sexual harassment with intent to defame the character of another;
  - b. Battery; battery means the unlawful and intentional touching or striking of another person against his or her will;
  - c. Assault; assault means placing another person in fear or apprehension of harmful or offensive touching;
  - d. Burglary; burglary means breaking, entering or remaining in a structure without authorization during the hours when the premises are closed to students;
  - e. Larceny; larceny means the unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another;
  - f. Criminal mischief; criminal mischief means willful or malicious injury or damage in excess of \$200.00 to public property or to real or personal property belonging to another;
  - g. Gang-related activity; gang related activity includes but is limited to:
    - 1) Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang.
    - 2) Use of a name associated with or attributable to a gang.
    - 3) Designating "turf" or an area for gang activity or occupation.
  - h. Hazing; hazing is defined by the District's policy prohibiting hazing, and includes any activity that subjects another student to extreme embarrassment or inappropriate behavior.

- i. Making a false alarm: a student makes a false alarm if he or she initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause the evacuation of any building or public transport; improper activation of school alarms or safety systems.
- j. Harassment: the crime of harassment occurs when a student, with intent to frighten or harass another, communicates a written or recorded threat to commit any violent act.

[Utah Code § 76-5-106 \(1995\)](#)

- B. Publication of Safe Schools Policy – A copy of this policy will be posted on the district webpage and individual school webpages and shall be provided to each student. Each student transferring from outside the school district shall receive a copy of this policy. Students and their parent or guardian will be given access to the electronic version of this policy. A summary of this policy shall be posted in a prominent place in each school in the district.
- C. Conduct Warranting Discipline – A student may be disciplined for the conduct described below. The type of the discipline imposed will depend on the nature of the particular conduct.
  - 1. Conduct which may warrant but does not require suspension or expulsion: A student may be disciplined for any of the following prohibited conduct when it occurs:
    - (a) in a school building, or on or in proximity to school property, (b) in conjunction with any school sponsored activity, (c) in or on a school vehicle, (d) in the presence of or is directed at or against another student or a district employee, or (e) when it threatens harm or does harm to the school, school property, a person associated with the school; or property of a person associated with the school.
  - a. Any unlawful conduct, as that is defined above.
  - b. Frequent or flagrant willful disobedience or defiance of proper authority or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
  - c. Willful destruction, defacing, or damaging of school property.
  - d. Behavior, or threatened behavior, which poses an immediate and significant threat to the welfare, safety or morals of other students or school personnel or to the operation of the school.
  - e. Disruptive behavior, as that is defined above.

- f. Possession, control or use of an alcoholic beverage on or in proximity to school property;
- g. Selling, giving, delivering, transferring, possessing, controlling, or distributing tobacco products, e-cigarettes, or vaporizers on or in proximity to school property or at or in proximity to any school sponsored event.
- h. Being under the influence of an alcoholic beverage or controlled substance on or in proximity to school property or at or in proximity to any school sponsored event.
- i. Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing.
- j. Inappropriate use of a cellular phone or other electronic devices. Cellular phones or other electronic devices shall not be used in class or in any other way that disrupts the educational environment. Teachers and administrators may confiscate cellular phones or other electronic devices that are used inappropriately.
  - 1) Any use of an electronic device or camera to record sounds or images or otherwise capture material in an unauthorized setting or at an unauthorized time shall subject the user of the device to increased discipline based on the circumstances and whether the student has been involved in prior violations of this policy. The use of any device or any electronic device or camera to threaten, intimidate or embarrass another or to capture and transmit test information or any other information in a manner constituting fraud, theft or academic dishonesty is prohibited.
- k. Gang-related activity: A "gang" as defined in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. Gang-related activity includes but is not limited to:
  - 1) Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang.
  - 2) Use of a name associated with or attributable to a gang;
  - 3) Designating "turf" or an area for gang activity or occupation.

2. Other District policies provide for specific procedures and penalties for conduct involving alcohol, drugs and tobacco. Those more specific procedures and penalties will be used when they apply.
  3. Conduct Which Requires Suspension or Expulsion – A student shall be suspended or expelled from school for participation in any of the following prohibited conduct when it occur (a) in a school building or on school property, (b) in or on a school vehicle (c) in proximity to school property, (d) in proximity to and in conjunction with any school sponsored activity, or (e) in the presence of or is directed at or against another student or a district employee:
    - a. The sale, control, delivery, transfer or distribution of a drug or controlled substance, as defined in [Utah Code § 58-37-2](#), an imitation controlled substance, as defined in [Utah Code § 58-37b-2](#), or drug paraphernalia as defined in [Utah Code § 58-37a-3](#);
    - b. 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.
  4. Conduct Which Required 1-year Expulsion – A student shall be expelled from school for not less than one year, subject to the 45-day review process for mandatory year expulsions set forth below, if the student commits one of the following violations:
    - a. Possession, control or actual or threatened use of a real weapon, explosive, or flammable device or material.
    - b. The actual or threatened use of a look-alike or pretend weapon with intent to intimidate another person or to disrupt normal school activities.
  5. Discipline Rules for Students with Disabilities – Federal and state law impose particular requirements regarding discipline of students identified as having a disability. Discipline of such students must comport with the requirements set forth in [Policy 5006 – Safe Schools – Discipline of Students with Disabilities](#).
- D. Remedial Measures and Disciplinary Sanctions – Following a determination that a student has committed a violation, the student may be subject to one of the following remedial measures or disciplinary sanctions, as is determined to be appropriate for the violation or as is required by the terms of this policy or other District policies.
1. Remedial Measures
    - a. Continued school attendance subject to the terms of a remedial discipline plan prepared to correct the violation. This remedial measure is available only when the violation is for willful disobedience; defiance of authority, or disruptive

- behavior when such conduct is not of such a violent or extreme nature that immediate removal from school is required.
- b. Continued school and class attendance accompanied by the student's parent or guardian for a designated period of time. This remedial measure is available only with the consent of the student's teacher or teachers and the agreement of the student's parent or guardian. The parent or guardian must agree to attend all of the student's classes for each day of the suspension. If the parent or guardian fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.
  - c. In-school suspension. Attendance in a designated in-school suspension program. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.
  - d. Home-based instruction. Instruction at home, provided that combined days of suspension and assignment to home-based instruction shall not exceed six school days in a semester.
  - e. Voluntary transfer. Voluntary transfer to another school, campus, community-based alternative school or other special program within the District, subject to the admission criteria of such alternative programs.
  - f. Withholding grade reports, diplomas and transcripts. If a school determines that school or district property has been lost or willfully cut, defaced or otherwise damaged by a student, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or student's parent or guardian has paid for the damages. No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
    - 1) If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's parent or guardian that the student's interests would not be served if the parent or guardian were to pay for the damages, then the school shall provide a program of work the student may complete in lieu of the payment. In that case, the school shall release the official grade report, diploma, or transcript of the student upon completion of the work.
    - 2) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the Department or agency, may not be withheld from the Department or agency for non-payment of damages under this section.

## 2. Disciplinary Sanctions

- a. Detention. (Detention after school is only available for students in grades K through 6 pursuant to [Policy 5285 Detention of Students After School Hours.](#))
- b. Suspension.
- c. Involuntary transfer. Involuntary transfer to another school, campus, community-based alternative school or other special program within the District.
- d. Expulsion.

E. Authority to Impose Discipline

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

F. Procedure for Imposing Discipline – Remedial measures or disciplinary sanctions may be imposed on a student only after it has been determined, following appropriate due process, that the student has committed a violation. The nature of the due process required depends in part on the magnitude of the penalty to be imposed.

1. Short Term Suspension

- a. Informal due process hearing. A school principal may suspend a student for up to 10 school days for a violation. Prior to imposing such a suspension, the school principal shall meet with the student, if possible, to discuss the incident(s) and to provide the student an opportunity to respond. The principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate. In appropriate cases, the principal shall consider and offer the student alternatives to suspension, including in-school suspension and parental attendance with the student (where appropriate consent from teachers is obtained).
- b. Short-term suspension pending the due process hearing. If the school principal makes an initial determination that the violation warrants long-term suspension or expulsion, the school principal may recommend those sanctions and may impose a short-term suspension pending a hearing on whether those sanctions should be imposed.

- c. Departure from school grounds. A suspended student shall immediately leave the school building and grounds following a determination by the school of the best way to transfer custody of the student to the parent or guardian or other person authorized by the parent or applicable law to accept custody of the student.
  - d. Notice of short-term suspension. If a short-term suspension is imposed, the principal or assistant principal shall immediately provide notice to the student's parent or guardian. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent or guardian by telephone are unsuccessful, then written notice shall be sent to the parent or guardian. The notice, whether verbal or written, shall include the following:
    - 1) That the student has been suspended.
    - 2) The grounds for the suspension.
    - 3) The period of time for which the student is suspended.
    - 4) The date, time and place for the parent or guardian and student to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.
  - e. Notice of recommended expulsion or long-term suspension. If the principal or assistant principal has recommended that the superintendent expel the student or suspend the student for a period longer than ten days, the fact shall be included in the notice to the parent or guardian.
  - f. Meeting to review suspension. At this meeting, the principal or assistant principal shall review with the parent or guardian and student the charges and evidence against the student, and shall provide the student with an opportunity to respond. During this meeting, the principal or assistant principal may determine whether the suspension previously imposed should be maintained, whether an alternative remedial measure, or whether the suspension should be terminated. The principal or assistant principal should also discuss with the parents a plan to avoid recurrence of the problem.
2. Long-Term Suspension or Expulsion
- a. Due process hearing. If the principal or assistant principal recommends long-term suspension or expulsion, he or she shall notify the superintendent of that recommendation. The superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student, and the superintendent or the

- superintendent's designee. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
- b. Notice of hearing. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his or her parent or guardian. The notice shall include a statement of the charges against the student, that a recommendation has been made for suspension for more than 10 days or for expulsion and the period of time for which suspension or expulsion has been recommended.
  - c. Conduct of hearing. The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. The district and the student may each be represented by a person of their choice. Each side may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues.
  - d. Decision. At the conclusion of the hearing, the superintendent or designee shall make a final determination of the matter, and shall state his or her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his or her parent or guardian. Upon a finding that the student has engaged in conduct warranting discipline, the superintendent may determine what discipline or remedial measures are appropriate for the conduct. If the superintendent determines that the appropriate sanction is expulsion, then that sanction must be authorized by the Board of Education as set out below. Apart from expulsion, the superintendent may impose any of the available remedial measures or sanctions as are found to be appropriate. In determining the appropriate sanction, the superintendent shall consider whether alternatives to suspension are appropriate or available.
  - e. Appeal. A student may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten days of the date the decision of the superintendent is mailed to the student. No further hearing will be held. The Board will review the evidence submitted to the superintendent and the written determination of the superintendent. The Board may affirm the superintendent's decision or modify the superintendent's decision. The Board's written decision will be issued within thirty days of receipt of the student's written notice of appeal.
  - f. Board evaluation of expulsion recommendation. If the superintendent recommends expulsion for an indefinite or definite period of time, then the superintendent will transmit that recommendation to the Board of Education along with the record of evidence submitted to the superintendent. The Board may review the recommendation based on this record or may at its sole discretion accept further evidence. Following its review, the Board may accept,

modify, or reject the recommendation, or impose other disciplinary sanction. This decision is final.

- g. 45-day review of mandatory one-year expulsion. Where a student has been expelled for one year because of a violation involving a weapon, explosive, or flammable material, a hearing shall be held within 45 days of the imposition of the expulsion. This hearing shall be held before the superintendent or the superintendent's designee, and shall be attended by the student and parent or guardian of the student. At this hearing, the superintendent shall determine.
  - 1) What conditions must be met by the student and the student's parent or guardian for the student to return to school.
  - 2) Whether the student should be placed on probation in a regular or alternative school setting, and if so what conditions must be met by the student to assure the safety of students and staff at the school the student is placed in.
  - 3) If it would be in the best interest of both the school district and the student to modify the expulsion term to less than a year, giving highest priority to providing a safe school environment for all students.
- h. If the superintendent or his or her designee determines that the student should return to school prior to the expiration of the one-year expulsion term conditioned on compliance with the conditions established by the superintendent, then the superintendent shall submit that recommendation to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.
- i. A student may be denied admission to a public school on the basis of having been expelled from that school or any other school during the preceding 12 months.

#### G. Education of Students Subject to Discipline

- 1. The educational services that will be provided to students subject to discipline will depend upon the nature of the discipline.
  - a. Students subject to remedial measures. Students subject to remedial measures such as a remedial discipline plan, class attendance with a parent, or in-school suspension will continue to receive educational services from the district according to the remedial measure. A student transferred to another school or program within the district will receive educational services through that school or program.

- b. Parental responsibility for education. When a student is expelled or is suspended for more than 10 days, it is the responsibility of the student's parent or guardian to undertake an alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion. The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, alternative programs offered by the district, or other alternatives which will reasonably meet the student's educational needs. Costs for educational services not provided by the district are the responsibility of the student's parent or guardian.
- c. Review of student progress. The district shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once per month to determine the student's progress.
- d. Record of disciplined students. The district shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the student's transcript.

#### H. Readmission of Suspended or Expelled Students

- 1. Suspended students. A suspended student may not be readmitted to a public school until the student and the student's parent or guardian have met with a designated school official to review the suspension and have agreed with the school official upon a plan to avoid recurrence of the violation resulting in suspension. At the discretion of the principal, the student may be readmitted if the student and the student's parent or guardian has agreed to participate in such a meeting. However, a suspension may not extend beyond 10 days unless the student and the student's parent or guardian have been given a reasonable opportunity to meet with a designated school official to respond to the allegations and proposed disciplinary action.
- 2. Expelled students. The superintendent or his or her designee shall review the expulsion sanction of each expelled student at least once per year and shall report the conclusions of such review to the Board of Education. The superintendent or his or her designee may make recommendations regarding whether such sanction should be modified or removed, and what conditions, if any, should be imposed on the student's readmission. If the Board has expelled a student for a set period of time and has not otherwise specified, at the expiration of that expulsion term a student may enroll at his or her area school on the same terms as a new student.