

# Davis School District Policy and Procedures

**Subject:** 5S-100 Student Conduct and Discipline  
**Index:** Student Services – *Student Conduct and Discipline*  
**Revised:** October 6, 2020

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## 1. PURPOSE AND PHILOSOPHY

It is the purpose of this policy to promote a safe and orderly school environment for all students and employees. The Davis School District (District) holds all students, employees, and other adults to the highest standards of behavior on school grounds and during school-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated and any individual who engages in such activity will be subject to school disciplinary action, prosecution, or both.

## 2. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

- 2.1. A student **may be** suspended or expelled from school for any of the following reasons:
- 2.1.1. frequent, flagrant, or willful disobedience, defiance of proper authority, or disruptive behavior including but not limited to fighting, noncompliance with school dress code, or the use of foul, profane, vulgar, or abusive language, or other unreasonable and substantial disruption of a class, activity, or other function of the school;
  - 2.1.2. willful destruction or defacing of school property;
  - 2.1.3. behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of school;
  - 2.1.4. possession, distribution, control use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. §32B-1-102;
  - 2.1.5. possession, distribution, use sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, tobacco, alternative nicotine product, or electronic cigarette substance or product defined by Utah Code Ann. §76-10-101;
  - 2.1.6. possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to fireworks, matches, lighters, mace, pepper spray, laser pointers, or any other material or item that has caused or will imminently cause substantial disruption to school operations;
  - 2.1.7. possession or use of pornographic material, in any format, on school property;
  - 2.1.8. sexting that causes disruption to school operations regardless of where it occurs;
  - 2.1.9. behavior which threatens harm or causes 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;
  - 2.1.10. bullying, including sexual, racial, ethnic, religious, or disability-related;
  - 2.1.11. inappropriate use of privately-owned electronic devices, District electronic resources, or violation of the District Acceptable Use Agreement; or
  - 2.1.12. criminal activity.
- 2.2. A student **shall** be suspended or expelled from school (or considered for a change in placement if a student with a disability) for:
- 2.2.1. 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;
  - 2.2.2. making a threat against a school as described in Utah Code §76-5-107.1;
  - 2.2.3. any violations listed under Section 2.1 of this policy if the violation is serious or persistent; or
  - 2.2.4. 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.

2.3. Weapons – Mandatory One Year Expulsion

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; shall be expelled from all District schools, programs, and activities for a period of not less than one year, subject to the following:

2.3.1. 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 ; and 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 consistent with Utah Code Ann. §53G-8-208, 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.

2.3.2. Students with Disabilities under IDEA and Section 504

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 of the policy must be followed.

2.4. Drugs and Controlled Substances – Mandatory Suspension or Expulsion

2.4.1. A student shall be suspended or expelled from his/her school of attendance for any of the following reasons:

- [a] use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol, tobacco in any form, electronic cigarettes, and electronic cigarette product or substance), 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;
- [b] misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function; or
- [c] 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.

2.4.2. Drug Testing

- [a] Any student who is reasonably suspected of violating section 2.4 of the policy may be subject to a drug test for cause, arranged and paid for by the District.
- [b] Any student who has been suspended or expelled for a violation of section 2.4 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.

- [c] 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 expelled from the District.
- [d] Any student who is suspended or expelled for violation of section 2.4 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 once, he/she may be transferred to an alternative placement. If the student tests positive a second time, he/she may be expelled from all District programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all District programs or activities.

2.4.3. Students with Disabilities Section 504

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, may be disciplined in all instances under the District's regular code of student conduct discipline procedures.

2.4.4. Students with Disabilities under IDEA

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 8 of this policy must be followed.

2.5. 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 school administration after consultation with law enforcement.

2.5.1. 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] communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

[g]

2.5.2. Gang Apparel Prohibited

Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation

with any gang is prohibited. Recognizing the gang styles and clothing continually evolve and change, and that no list could comprehensively define all clothing affiliated with gangs, the Board of Education of Davis School District (Board) provides the following representative list of prohibited clothing items that, according to Davis County gang detectives, commonly denote gang membership or affiliation:

- [a] excessively baggy clothing;
- [b] belts worn excessively long in the front and hanging on either side;
- [c] Boy-Scout-style belt buckle with the initials of the person or gang etched on it;
- [d] baseball hat or other cap with gang symbols, moniker, or insignia on it, particularly on inside of brim;
- [e] bandannas, or “rags,” worn on a person or displayed;
- [f] shirts or apparel with gang symbols, monikers, insignia, colors, or other gang identifiers;
- [g] clothing or apparel displaying Old English style or “graffiti” style writing;
- [h] hair nets;
- [i] button shirts with the top button fastened and shirt tails hanging out;
- [j] pants with one pant leg rolled up or shirts with one shirt sleeve rolled up;
- [k] any apparel or style of wearing clothing that school officials, in light of the totality of the circumstances, and after consultation with law enforcement authorities, view as denoting gang membership or affiliation.

2.5.3. 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.

2.5.4. Consultation with Law Enforcement Authorities

School officials shall consult with local law enforcement authorities and gang detective whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

2.6. 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 victims 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 discipline 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.

2.6.1. Definitions

- [a] “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.
- [b] “Bullying” means 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:

- (i) causing physical or emotional harm to the school employee or student;
- (ii) causing damage to the school employee's or student's property;
- (iii) placing the school employee or student in reasonable fear of:
  - (1) harm to the school employee's or student's physical or emotional well-being; or
  - (2) damage to the school employee's or student's property;
- (iv) creating a hostile, threatening, humiliating, or abusive educational environment due to:
  - (1) the pervasiveness, persistence, or severity of the actions; or
  - (2) a power differential between the bully and the target; or
- (v) 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.

[c] "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.

[d] "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:

- (i) endangers the physical health or safety of a school employee or student;
- (ii) 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;
- (iii) involves consumption of any food, alcoholic product, drug, or other substance, or
- (iv) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
- (v) 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
- (vi) 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.

[e] "Retaliate" or "retaliation" means an act or communication intended:

- (i) as retribution against a person for reporting bullying or hazing; or
- (ii) to improperly influence the investigation of, or the response to a

- report of bullying or hazing.
  - [f] 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.
- 2.6.2. Prohibited Conduct
  - [a] No school employee or student may:
    - (i) 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;
    - (ii) engage in hazing a school employee or student at any time or in any location;
    - (iii) 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
    - (iv) make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.
  - [b] No parent or student may engage in abusive conduct directed toward a school employee.
- 2.6.3. Investigation and Discipline

Each reported violation of the prohibitions noted previously shall be promptly investigated and discipline determined in accordance with this policy.
- 2.6.4. Reporting Requirement
  - [a] 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.
  - [b] 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.
- 2.6.5. Coordination with other Policies
  - [a] School employees who engage in any of these prohibited behaviors may be subject to individual investigation resulting in employment action.
  - [b] Bullying, cyberbullying, hazing or retaliation that is found to be based on a protected class is further prohibited under federal anti-discrimination laws and is subject to provisions of District policy 11IR-100 Nondiscrimination Policy and Complaint Procedure.
- 2.6.6. Parental Notification of Certain Incidents and Threats

A school administrator shall promptly notify a parent personally of:

  - [a] a parent's student's threat to commit suicide; or
  - [b] an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a victim or an individual who is alleged to have engaged in prohibited conduct.
- 2.6.7. Record Notification

When a parent has been notified by a school administrator of a threat or incident,

the school administrator shall complete [a Record of Parent Notification of Student Threat or Incident](#) form.

- [a] This record shall be securely and confidentially maintained by the school consistent with state and federal law.
- [b] A school shall provide a student a copy of the *Record of Parent Notification of Student Threat or Incident* related to the student if the student requests a copy of record; and expunge the record maintained in accordance with this section if the student has graduated from high school and requests the record be expunged.

2.6.8. Grievance Process for Incident of Abusive Conduct

- [a] A school employee who has experienced abusive conduct as defined in section 2.6.1 [a] and is not satisfied with initial efforts to resolve the issue, may file a grievance not later than thirty (30) days after the incident(s) in order to be effectively investigated and resolved, unless the time for filing is extended by the District for good cause shown.  
Grievance Process: Step 1
  - (i) The grievance must be in writing, dated, and signed by the grievant and delivered to the principal.
  - (ii) Within ten (10) business days, the principal shall meet with the grievant to discuss the grievance and possible resolutions.
  - (iii) Within ten (10) business days after the meeting, the principal will respond in writing explaining the principal's position and offer options for substantive resolution of the complaint.
- [b] Grievance Procedure: Step 2
  - (i) If the response by the principal does not satisfactorily resolve the issue, the grievant may appeal the response in writing within ten (10) calendar days after receipt of the response to the school director.
  - (ii) Within ten (10) business days after receipt of the grievance, the school director will meet with the grievant to discuss the grievance and possible resolutions.
  - (iii) Within fifteen (15) calendar days after the meeting, the school director will respond in writing with a final resolution of the grievance.
- [c] The school director's written response shall be the final administrative action in the matter.

### 3. INVESTIGATIONS

#### 3.1. 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, whether or not the alleged conduct is a violation of criminal law. School administrators shall conduct investigations according to the following general guidelines:

- 3.1.1. Administrators shall conduct investigations in a way that does not unduly interfere with school activities.
- 3.1.2. Administrators shall separate witnesses and offenders in an attempt to keep witnesses from corroborating their statements and have all parties write separate statements concerning the incident under investigation.
- 3.1.3. Administrators shall advise students suspected of wrongdoing orally or in writing

of the nature of the alleged offense.

- 3.1.4. Students must be provided an opportunity to give their version of the incident under investigation, however, refusals to respond or provide information should be respected.
- 3.1.5. When questioning students as part of an investigation, school staff should have another adult present whenever possible.
- 3.1.6. In conducting an investigation, a school administrator may review disciplinary reports of involved students and review relevant physical evidence.
- 3.1.7. Administrators shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.
- 3.1.8. All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.
- 3.1.9. All students involved in the investigation shall be instructed to keep all details of the investigation confidential.
- 3.1.10. When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

3.2. Conduct Alleging Sexual Harassment Protected Under Title IX

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*.

3.3. 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 restorative justice practice action and support involved students through trauma-informed practices.

3.4. Coordination with Law Enforcement

- 3.4.1. School administrators have the responsibility and the authority, within their respective jurisdictions, to determine when the help of law enforcement authorities is necessary, as outlined in this policy and Utah State law.
- 3.4.2. Under Utah Code Ann. §53G-8-211, a student 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; or that is truant:
  - [a] may not be referred to law enforcement or court if the alleged offense is a class C misdemeanor, an infraction, or a status offense on school property, or an offense that is truancy. The student may be referred to evidence-based alternative interventions created and developed by the school or District.
  - [b] If the student refuses to participate in an evidence-based alternative intervention, a school may refer a student to a court or a law enforcement officer or agency for an alleged class C misdemeanor committed on school property or for allegedly being a habitual truant, as



defined in Utah Code §53G-8-211.

- 3.4.3. School Administrators may invite law enforcement authorities to the school to:
- [a] conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity;
  - [b] maintain a safe and orderly educational environment; or
  - [c] maintain or restore order when the presence of such authorities is necessary to prevent injury to persons or property.

3.4.4. Investigation Initiated by School Authorities of Criminal Code

During an investigation for violation of school rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the school administrator has reason to suspect that a criminal act has been committed, and in the opinion of the administrator, law enforcement authorities should be notified, the following procedure should be followed:

- [a] The administrator shall request that law enforcement authorities conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior are.
- [b] Unless circumstances dictate otherwise, questioning of the student by school officials shall not begin or continue until law enforcement authorities arrive.
- [c] Under direction of the administrator, a school official shall inform the student's parent as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be or are involved in the investigation.
- [d] The administrator shall document the contact or attempted contact with the student's parents.

3.4.5. Investigation Initiated by School Resource Officers (SROs) and 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, 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:
  - (i) 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;
  - (ii) the school administrator shall document the circumstances warranting the investigation as soon as practical;
  - (iii) alleged criminal behavior related to the school environment brought to the school administrator's attention by law enforcement authorities shall be dealt with under the provisions of this policy in addition to any court action;
  - (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

- (v) have a subpoena or court order, permission from parent, or serve as a designated School Resource Officer; 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.

3.4.6. 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:
  - (i) contact the school administrator and relate the circumstances necessitating such action;
  - (ii) consult with the school as to how an arrest is to be made in order to cause the least disruption to the school process;
  - (iii) when possible, have the school administrator summon the student to the administrator's office prior to taking the student into custody;
  - (iv) 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.

3.4.7. 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 undesirable 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.

3.4.8. 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.

**4. EMERGENCY SAFETY INTERVENTIONS**

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

4.1. Definitions

- 4.1.1. An “emergency safety intervention (ESI)” is the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others, which is likely to cause serious physical harm. An “emergency safety intervention” is not for disciplinary purposes.
- 4.1.2. “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.
- 4.1.3. “Physical restraint” means personal restriction immobilizing or reducing the ability of an individual to move his arms, legs, body, or head freely.
- 4.1.4. “Seclusionary time out” means 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.

4.2. General Procedures

- 4.2.1. Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criterion.
- 4.2.2. ESI shall:
  - [a] be applied for the minimum time necessary to ensure safety;
  - [b] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;
  - [c] be discontinued if the student is in severe distress;
  - [d] never be used as punishment or discipline;
  - [e] in no instance be imposed for more than 30 minutes.

4.3. Physical Restraint

- 4.3.1. 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] to protect the student or another individual from serious physical harm;
  - [b] to take possession of a weapon, other dangerous objects in the possession or under the control of a student; or
  - [c] the student is destroying property and physical safety is at risk.
- 4.3.2. A school employee may use less intrusive means including a physical escort, to address circumstances described above.
- 4.3.3. 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] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation;
  - [e] any device used by a law enforcement officer in carrying out law enforcement duties; or
  - [f] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student’s Health Care Plan.

4.4. Seclusionary Time Out

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

- 4.4.1. the student presents an immediate danger of serious physical harm to self or

- others;
- 4.4.2. any door remains unlocked consistent with the fire and public safety requirements; and
- 4.4.3. the student is within line sight of the employee at all times.

4.5. Notification

- 4.5.1. If an employee uses an ESI with a student, the employee shall provide notice as soon as reasonably possible and before the student leaves the school to the school administration and the student's parent.
- 4.5.2. 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.
- 4.5.3. If the ESI is applied for longer than fifteen minutes, the school or employee shall immediately provide notice to the student's parent and school administration.

4.6. Documentation

- 4.6.1. Parent notifications made under this section shall be documented in the student information system.
- 4.6.2. 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.
- 4.6.3. Upon request of a parent, the school shall provide a copy of any notes or additional documentation taken during the use of an emergency safety intervention.
- 4.6.4. A parent may request a time to meet with school staff and administration to discuss the use of an emergency safety intervention.

4.7. 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 R277-609-7.

4.8. Prohibition of Corporal Punishment

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

**5. 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. To protect individual rights and guard against excessive intrusion, school officials engaging in searches of students and property shall abide by the following guidelines:

5.1. General Guidelines

- 5.1.1. 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:
  - (i) a policy or law has been violated; or
  - (ii) presents an immediate danger of physical harm to students, staff or school property; and
  - (iii) the items being searched are capable of concealing such evidence.
- 5.1.2. 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.
- 5.1.3. Whenever possible, another staff member shall be present at any search of a student or student property.
- 5.1.4. A school official may at any time, request assistance of the appropriate law enforcement agency having jurisdiction over the facilities of the school.
- 5.1.5. 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.
- 5.1.6. 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.
- 5.1.7. 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.
- 5.2. 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 5.1 of this policy.
- 5.3. 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.
- 5.4. Searches of Person
  - 5.4.1 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.
  - 5.4.2. 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.

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

5.4.4. 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.

#### 5.5. Canine Searches

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.

5.5.1. **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.

5.5.2. **Lockers and Vehicles.** The sniffing of school lockers, personal items (backpacks, gym bags, book bags, etc.) or a student's vehicle on school property by detection canines of lockers and vehicle in school parking lots may be permitted. A positive alert by a detection canine may be considered reasonable grounds for a school official to conduct a search of the locker, personal items, or vehicle as outlined in this policy.

#### 5.6. Parent Notification

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.

#### 5.7. Documentation

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

- 5.7.1. the time, place, and date of the search;
- 5.7.2. information received that established the need for the search and the name of the informant, if any;
- 5.7.3. the name and title of individuals conducting and observing the search;
- 5.7.4. substances or objects found, and the disposition made of them (police, school, etc.); and

5.7.5. subsequent action taken including parental notification.

**6. AUTHORITY TO SUSPEND OR EXPEL**

6.1. Authority to Suspend and Duration of Suspension for Regular Education Students

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, the school administrator shall 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 (CMT).

6.2. Authority to Suspend and Duration of Suspension for Students with Disabilities

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.

6.3. Authority to Expel and Duration of Expulsion

The Board or the District's Case Management Team (CMT) may expel a student for violations of policy or law 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.

6.4. Parental Responsibility

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.

6.4.1. The parent and designated school officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

6.4.2. 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.

6.5. Authority to Institute Change of Placement for Student with Disabilities

Where 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 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.

## **7. 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:

- 7.1. 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.
- 7.2. 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 a school administrator.
- 7.3. The student shall present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.
- 7.4. The school administrator shall notify the custodial parent of the student of the following without delay:
  - 7.4.1. that the student has been suspended;
  - 7.4.2. the grounds for the suspension;
  - 7.4.3. the period of time for which the student is suspended; and
  - 7.4.4. the time and place for the custodial parent to meet with a designated school official to review the suspension.
- 7.5. The school administrator shall also notify the non-custodial parent, if requested in writing, of the suspension.
  - 7.5.1. This does not apply to the portion of school records which would disclose any information protected under a court order.
  - 7.5.2. The custodial parent is responsible to provide the school a certified copy of any court order prohibiting notification to the non-custodial parent.
- 7.6. School administrators shall document the charges, evidence, and action taken.
- 7.7. In general, the notice and informal conference outlined in 7.1 through 7.3 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.

## **8. DUE PROCESS FOR EXPULSIONS**

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.

- 8.1. 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.
- 8.2. If the school administrator desires or contemplates expelling a student for longer than ten (10) school days, he/she shall submit a Safe Schools referral to the (CMT) on the CMT referral forms.
- 8.3. 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 to discuss the charges against the student 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 section 7.5 of this policy.

8.4. 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 parent , which includes all of the following elements:

- 8.4.1. a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;
- 8.4.2. the penalty being imposed (duration of expulsion);
- 8.4.3. a statement that a due process hearing may be requested in writing within ten (10) working days of receipt of the notice;
- 8.4.4. 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;
- 8.4.5. 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;
- 8.4.6. the date of the notice; and
- 8.4.7. 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.

8.5. Hearing Procedures

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

- 8.5.1. 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.
- 8.5.2. 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, 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.
- 8.5.3. 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.

8.5.4. 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.

8.5.5. 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] Within ten (10) working days following receipt of the appeal, the Superintendent shall rule on the appeal or refer the appeal to the President of the Board.
- [c] If the appeal is referred to the Board, the Board may schedule, and hold, a hearing consistent with District policy.

**9. 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](#).

**10. 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.

**11. 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.

## 12. SCHOOL LEVEL DISCIPLINE PLANS

The District recognizes the importance of local community involvement and site-based decision making; therefore, each school shall develop a written school discipline plan containing clear rules of conduct and consequences consistent with this policy.

- 12.1. School discipline plans shall recognize the following principles:
  - 12.1.1. every person deserves to be respected;
  - 12.1.2. every person deserves to be safe, to feel safe, and to be free from danger;
  - 12.1.3. students attend school to learn (academics, behavioral skills, social emotional skills, etc.), and learning is enhanced in a physically and emotionally safe environment;
  - 12.1.4. learning is enhanced in an organized environment and the establishment of academic and behavioral expectations is essential for this environment; and
  - 12.1.5. there is an intrinsic relationship between academics and behavior.
- 12.2. The purpose of an effective discipline plan is to help students achieve their educational goals; therefore, discipline means the "action taken" when:
  - 12.2.1. behavior interferes with learning; and
  - 12.2.2. warrants action.
- 12.3. Each school's discipline plan shall include:
  - 12.3.1. goals which give special emphasis to the teaching of self-discipline, restorative discipline practices, good citizenship, social emotional skills, and positive behavioral interventions and supports;
  - 12.3.2. an evaluation process which provides for an annual assessment of goals;
  - 12.3.3. a staff development program related to student self-discipline, restorative practices, good citizenship, social emotional skills, and positive behavioral interventions and support;
  - 12.3.4. implementation of the District Truancy Intervention Program;
  - 12.3.5. implementation of District policies regarding the use and abuse of alcohol, tobacco, drug paraphernalia and real or imitation controlled substances, and other harmful trends by students;
  - 12.3.6. compliance with due process, investigation guidelines, and other procedures; and
  - 12.3.7. a bullying and hazing prevention program as outline in section 12.4 of this policy;
  - 12.3.8. gang prevention and intervention policies, taking into account the individual school's unique needs or circumstances.
- 12.4. 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.

  - 12.4.1. 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 of the Civil Rights Act of 1964; Title IX of the Education

- Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and 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 parents.
- 12.4.2. 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.

12.5. 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, each school shall establish expectations for student dress and appearance at the school level to include the following

12.5.1. Hair

All students shall wear their hair in a clean and well-groomed manner. Extreme hairstyles or colors are prohibited.

12.5.2. Clothing

The Board emphasizes the importance of school, parent, and student collaboration in encouraging students to come to school dressed appropriately for schoolwork. School officials may prohibit the following types or styles of clothing at school or school activities:

- [a] extreme or slovenly clothing, including but not limited to, baggy or "sagging" pants or shorts, excessively oversized jackets, or coats, inappropriately short, tight, or revealing shorts, skirts, dresses, shirts, etc., clothing that is torn, ripped or frayed;
- [b] bare or stocking feet;
- [c] clothing which displays obscene, vulgar, lewd, or sexually explicit words, messages, or pictures;
- [d] hats and bandannas;
- [e] 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.;
- [f] exaggerated cosmetics and body paint;

- [g] exaggerated body piercing;
- [h] clothing that exposes bare midribs, buttocks, or undergarments;
- [i] clothing that advertises a substance a student cannot legally possess or use (i.e., tobacco, alcohol, illegal drugs); and
- [j] 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.

12.6. Electronic Device Policy

The Board vests in school administrators the responsibility to develop a 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.

12.6.1. Each school shall have a policy governing the possession and use of electronic devices on school premises and at school sponsored activities which includes the following:

- [a] definitions of electronic devices covered by policy;
- [b] prohibitions against use of electronic devices during standardized assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;
- [c] clear information about restrictions on when or where possession of electronic devices, active or deactivated, are strictly prohibited;
- [d] clear information about permissible uses of an electronic device;
- [e] prohibitions on the use of electronic devices in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests, or violates local, state, or federal laws;
- [f] prohibitions or restrictions on unauthorized use that would cause invasions of reasonable expectations of student and employee privacy;
- [g] requirement for students and employees to comply with the applicable District Acceptable Use Policy agreement;
- [h] procedures to report the misuse of electronic devices;
- [i] procedures and due process for the confiscation and recovery of privately-owned electronic devices used in violation of the school's policy;
- [j] potential disciplinary actions for violation of the school's policy regarding the use of electronic devices; and
- [k] exceptions to the policy for special circumstances, health-related reasons, use consistent with a current and valid IEP and emergencies.

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

12.6.3. 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.

12.7. 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.

12.8. Adoption of School Rules and Procedures

Each school shall establish rules and procedures on school discipline and dress that are compatible with District policy, state law, and federal law. School rules and procedures shall be developed through a cooperative effort of the administration, instruction and support staff, students, parents and community members. The District may review local school rules and procedures and require the school to modify any rule or procedure that is not consistent with Board policy or state statutes on discipline in the public schools.

12.9. Written Notice and Posting of School Rules

12.9.1. School administrators shall establish procedures to provide for written notice of a school's discipline rules and procedures 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.

12.9.2. Each school shall post a list of school rules consistent and in conjunction with the District Student Conduct and Discipline Policy in prominent locations in the school.

12.9.3. Teachers are encouraged to post class rules in the classroom.

12.10. Site Based Interventions

A continuum of intervention strategies, including positive behavioral interventions and supports, shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations. Prior to expelling or changing the placement of a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made at the school level to implement a remedial discipline plan to allow the student to remain in his or her school of attendance.

12.10.1. Before referring the student to District Case Management for expulsion, or change of placement under this section, school staff should demonstrate that they have attempted some or all of the following interventions:

- [a] talking with the student using positive behavioral interventions and supports;
- [b] class schedule adjustments;
- [c] phone contact with the parent;
- [d] information parent/student conferences;
- [e] behavioral contracts;
- [f] after-school make-up time;
- [g] short-term in-school suspension (ISS);
- [h] short-term at-home suspensions;
- [i] resource team involvement and assistance;
- [j] appropriate evaluation;
- [k] home study;
- [l] alternative programs;
- [m] youth court for minor infractions;
- [n] law enforcement assistance as appropriate.

12.10.2. Parental Attendance with Student

As part of a remedial discipline plan for a student, a school may require the student's parent, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated school official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of school and District discipline policies.

12.10.3. Peer Mediation

School community councils may authorize and implement peer mediation programs, in which students are taught and encouraged to use mediation and other conflict resolution methods to peacefully resolve disputes.

12.10.4. After-School Detention

Teachers and other school officials shall make reasonable attempts to notify a parent before detaining a student after school. If detention is necessary for the student's health or safety, an exception may be made to the notice requirement.

**13. CLASSROOM TEACHER RESPONSIBILITIES**

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. All teachers shall establish and communicate classroom rules that are compatible with school level plans and District policies.

13.1. Classroom Rules and Disclosure

To enhance classroom discipline the teacher shall:

- 13.1.1. develop written, clearly stated, academic, citizenship and behavioral expectations (class disclosure);
- 13.1.2. secure the school administrator's approval of the classroom rules and disclosure and keep a copy on file in the school;
- 13.1.3. inform parents of expectations and discipline procedures by providing, in writing, a copy of classroom expectations and rules; and
- 13.1.4. involve students in the development of classroom rules for reasonable behavior and consequences and discuss expectations and rules with students as needed.

13.2. Referral for Inappropriate Behavior

If a student displays a pattern of inappropriate behavior(s) or of serious intensity the teacher shall consult with a parent and the school administration for possible referral to:

- 13.2.1. Counselor;
- 13.2.2. Administrator;
- 13.2.3. Special education/504 team for evaluation;
- 13.2.4. Student and Family Resources Department.

13.3. Suspension by Teacher to Office

- 13.3.1. A teacher may exclude a student from class when the seriousness of the offense, the persistence of the behavior, or the disruptive effect of the violation makes the continued presence of the student unacceptable.
- 13.3.2. In such cases the student shall be excluded from the class for at least the remainder of the class period in secondary grades and as determined by the teacher(s) and the administrator in elementary grades, with the appropriate transmittal slip to the administrator.
- 13.3.3. The teacher shall furnish the administrator with documentation of the full particulars of the incident as promptly as teaching obligations permit.
- 13.3.4. The excluded student shall report to a designated area within each school and remain there until a decision is made.
- 13.3.5. The parent shall be notified of action taken.
- 13.3.6. The school administrator shall determine whether the student may remain at school.
- 13.3.7. If the student is to be sent home the parent shall provide transportation.

**14. RECORDS—INTERAGENCY COLLABORATION**

- 14.1. Superintendent and School Administrator Notification by Juvenile Court and Law Enforcement Agencies

- 14.1.1. Within three (3) days of being notified by the Juvenile Court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. §76-3-203.5, or an offense in violation of Utah Code, Title 76, Chapter 10, Part 5 Weapons, the superintendent shall notify the school administrator of the school the juvenile attends or last attended.
- 14.1.2. Upon receipt of the information, the school administrator shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the school administrator's school, the school administrator shall notify staff members who should know of the adjudication, arrest or detention.
- 14.1.3. Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

14.2. **Student Discipline Records/Education Records**  
School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. If a student is expelled for more than ten (10) school days, a notation of the expulsion shall be attached to the student's cumulative file.

14.3. **Disclosure of Discipline Records to School Officials**  
School officials may disclose student discipline information described above to school officials, including school officials in other schools, who have legitimate educational interests in the behavior of the student.

14.4. **Disclosure of Discipline Record to Other Agencies**  
School officials shall not release personally identifiable student discipline records to other government agencies unless the:

- 14.4.1. student is the agency's custody;
- 14.4.2. agency produces a subpoena or court order; or
- 14.4.3. student's parent or guardian has authorized disclosure.

## **15. TRAINING**

- 15.1. 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.
- 15.2. Administrative employees who have specific responsibilities for investigating and resolving safe schools' violations shall receive yearly training on this policy and related legal developments.
- 15.3. 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.

## **16. REPORTING**

- 16.1. 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.

- 16.2. 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.

**17. POLICY DESSEMINATION**

- 17.1. A summary of this policy shall be posted in a prominent place in each District facility.
- 17.2. A summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications.
- 17.3. 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.

**"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.

**"District-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 identified as being owned, provided, issued, or lent by the District to a student or employee.

**"Electronic cigarette product"** means **"electronic cigarette"** as that term is defined in [Utah Code §76-10-101](#).

**"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 for Regular Education and 504 Students"** means removal from the school of attendance for a period longer than ten (10) consecutive school days. Recognizing that students who commit violent or disruptive acts may pose safety problems for the community as well as schools, the Davis School District will work with parents to provide alternative educational placement and programs for students, where appropriate and feasible. However, the Board retains the authority to exclude the student from all District schools, programs, or activities for the period of expulsion. In cases of total expulsion from the District, the legal obligation of complying with state compulsory education laws becomes the sole responsibility of the student's parents .

**"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.

**"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.

**"Restorative justice program"** means a discipline program designed to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts, and is designed to help minors take responsibility for and repair harmful behavior that occurs in school.

**"Restorative practice"** means the building and sustaining of relationships among students, school personnel, families and community members to build and strengthen social connections within communities and hold individuals accountable to restore relationships when harm has occurred.

**"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

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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 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-8-302](#) – 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. §80-6-201](#) – Minor taken into temporary custody by peace officer, private citizen, or probation officer – Grounds –Protective custody.  
[Utah Code Ann. §80-1-103](#) – Cooperation of political subdivisions and public or private agencies and organizations.  
[Utah Administrative Code R277-495](#) –Electronic Devices in Public School.  
[Utah Administrative Code R277-608](#) – 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](#)

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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](#)

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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 (Section 4.3); Case Management Team review of expulsion issues (section 4.3); Allows appropriate student use of cell phones in schools (Section 4.1.7); Notice to noncustodial parent of suspension (Section 7.2 et seq. and section 8.2.1).

**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** - Section 4.1.7 changed cellular phone to electronic communication device.

**Revised: March 28, 2007** - Changes in Section 9 Due Process 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 (4.3).

**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 offense is committed on school property where student is enrolled during school hours or 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.