

S-3: Administrative Procedures

Student Conduct and Discipline

REFERENCES

[Board Policy S-3](#)

[Special Education Handbook](#)

[Board Policy G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited](#)

[Board Policy G-20: Bullying, Cyberbullying, Hazing, and Abusive Conduct Prohibited](#)

[S3: Gang Signs, Symbols, Signals, Words, and Conduct Prohibited](#)

DEFINITIONS

Bullying: See, Board Policy G-20: Bullying, Cyberbullying, Hazing, and Abusive Conduct Prohibited.

Corporal Punishment: The intentional infliction of physical pain upon the body of a student as a disciplinary measure.

Emergency Safety Intervention: 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, and is likely to cause serious physical harm. An emergency safety intervention shall not be used for disciplinary purposes.

Expulsion: Removal from a school for more than ten school days without an offer of alternative educational services.

Gang: A group of three or more people who form an allegiance and engage in criminal activity, which uses violence or intimidation to further its criminal objectives. A gang may have a name, turf, colors, symbols, distinct dress, or any combination of the preceding characteristics.

Gang-related Activity: A dangerous or disruptive activity, which may include, but is not limited to, the following:

- A. wearing, possessing, using, distributing, displaying or selling any clothing, clothing decoration, jewelry, emblem, badge, tattoos, manner of grooming, symbol, sign or other item which evidences membership in a gang;
- B. body signals or movements which are recognized as denoting a gang or is a sign, signal or movement utilized in connection with gang communications,
- C. using a name which is associated with or attributable to a gang;
- D. engaging in any activity, including posturing, which is determined to be related to or affiliated with any known or unknown gang;
- E. soliciting students to become gang members, participation in gang initiation or ceremonies, engaging in gang-related violence or threats of violence;
- F. threatening others, including threats by brandishing a weapon or a replica of a weapon on school campus, or at a supervised school function;
- G. engaging in any behavior undertaken in such a manner as to be reasonably likely to incite violence or endanger persons or property; or
- H. designating turf or an area for gang activities, occupation or ownership.

Harassment: See, Board Policies G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited.

Parent:

For purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (FERPA) with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

"Parent" does not include the state or any political subdivision of government.

Physical Escort: A temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

Physical Restraint: Personal restriction immobilizing or significantly reducing a student's ability to move his/her arms, legs, body, or head freely.

Retaliation: See Board Policies G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited, and G-20: Bullying, Cyberbullying, Hazing, and Abusive Conduct Prohibited.

School Administrator: For the purposes of these procedures, school administrator means the principal, assistant principal, or the principal's designee who must be a licensed staff member.

Seclusionary Time Out: The act of placing a student in a safe enclosed area isolated from adults and peers, and the student is, or reasonably believes, s/he will be prevented from leaving the area.

Suspension: Removal from school for a defined period of time with an offer of educational services to the suspended student.

Tobacco Paraphernalia: Any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a tobacco product or an electronic cigarette substance into the human body. See, Utah Code Ann. §76-10-104.1.

PROCEDURES FOR IMPLEMENTATION

I. Student Conduct and Discipline

Each school must have written standards for student behavior expectations, including self-discipline, administrative responsibility for student discipline, citizenship, civic skills, and social skills. Schools shall also adopt and enforce rules and standards that cover topics including but not limited to, school and classroom management, adult supervision, and disruptive behaviors. Such school rules and standards must be compatible with board policies, district administrative procedures, and state and federal law. The district Special Education Procedures must be followed when issues involve special education students.

- A. Each school will have a Positive Behavioral Interventions & Supports (PBIS) guidelines that includes:
 1. establishing behavioral expectations applicable across school settings that are taught explicitly and reinforced, and correcting behavioral errors;
 2. annually evaluating school level data to determine the efficiency and effectiveness of PBIS;
 3. training for students, faculty, and staff related to student self-discipline, good citizenship, and recognizing and preventing disruptive behaviors, including overt aggression, covert or relational aggression, and gang involvement; and
 4. articulating pathways for students to repair harm, resolve conflict with peers, and restore standing within the classroom after a behavior infraction.
- B. Each school must also develop a Positive Behavior Plan to address the causes of student use of tobacco, alcohol, electronic cigarette products, and other controlled substances through promoting positive behaviors. The plan shall address issues including peer pressure, mental health, and creating positive relationships. The plan may include programs, clubs, service opportunities, and pro-social activities.
 1. The school principal shall create the plan based on input from students, parents, and staff through discussions at SIC and SCC meetings; and submit the proposed plan to the board for approval.
 - a. Plans must be submitted to the director of social and emotional learning by the first week in October. The director of social and emotional learning will ensure they are placed on the agenda for the next board meeting.
 2. The school principal shall also designate either an assistant principal, school counselor, or teacher leader as a "positive behaviors specialist" to administer the plan.
 - a. Annually, the positive behavior specialist must submit a report to the board detailing how the plan was implemented in the prior year.
 - i. By May 1 of each year, the positive behavior specialists must submit their reports to the director of social and emotional learning.
 - ii. The director of social and emotional learning will ensure that the reports are placed on the agenda for the next board meeting.
- C. A continuum of school rules and standards, including those that deal with habitually disruptive students, must be developed through a cooperative effort of the administration, instructional and support staff, students, parents, and community members.
- D. School rules will be clearly stated, and written with clear expectations and consequences.
- E. School rules, the board's conduct and discipline policy, these procedures, and S-3: Gang Signs, Symbols, Signals, Words, and Conduct Prohibited ("gang identifiers") will be made available to students upon their registration, and through student handbooks, the district website, and other forms of communication.
- F. School rules, the board's conduct and discipline policy, these procedures, and gang identifiers will be distributed to and reviewed with students annually.
- G. Schools will obtain parents' signatures acknowledging receipt of the school rules, the board's conduct and discipline policy, these procedures, and gang identifiers.

- H. Each school will develop a continuum of multi-tiered systems of support and intervention strategies to assist students whose behavior in school does not meet reasonable expectations. Specific student skill building interventions that may be provided in a classroom or by the school counselor include, but are not limited to, training on: responsible decision-making, relationship skills, social awareness, self-management, self awareness, self-esteem, and specific pathways to repair harm.
- I. Administrators are responsible for disciplining students and enforcing these administrative procedures. A school resource officer (SRO) should only be involved in school discipline when necessary to prevent harm to students, faculty or staff; however a SRO may consult with school administration about the conduct of a student enrolled in a school. The SRO shall act to resolve the problem and preserve the safe school climate. In all other circumstances, disciplining students is a school administrator responsibility, and the SRO will take students who violate school rules or the code of conduct to the principal's office for discipline to be taken by school administrators.
- J. Parents will be notified when their child has committed a major infraction or is being suspended, including in-school suspensions. Parents may also be notified when their child commits a minor infraction. See, Section III below.
- K. In accordance with uniform district methods, schools will conduct an annual evaluation of the efficiency and effectiveness their school rules and standards.

II. Detaining Elementary School Students After School

- A. Elementary students shall not be detained after school for disciplinary purposes.
- B. An elementary student may be detained after school for health or safety reasons, to participate in special activities, or for a short period of time (no more than 30 minutes) in order to support the student in completing school work.
- C. If it is necessary to detain an elementary student after regular school hours, the following procedures must be followed:
 - 1. The parent of the student being detained must be contacted before 12:00 p.m. to: inform him/her of the school's intention to detain the student after school that day; explain the reason(s) for that decision, and receive authorization from the parent to detain the student.
 - a. If a student is detained for health or safety reasons, notification to the parent prior to the detention may not be possible. In such cases, every effort must be made to contact the parent immediately upon learning that the student needs to be detained.
 - 2. Notification should be made by an administrator or a licensed staff member.
 - 3. Notification should be documented in Powerschool and include:
 - a. Name and grade of the student who was detained.
 - b. Name of the individual who made contact with parent.
 - c. Date and time of contact with parent.
 - d. Date and time that student was detained.
 - e. Reason for detaining student.
 - f. Verification that student was released to parent, law enforcement, or medical personnel.

III. Due Process

- A. Students are entitled to both procedural and substantive due process when their continued attendance is in question. Substantive due process requires that any disciplinary actions imposed by a school administrator not be arbitrary, capricious, or unfair.
- B. Minimal Due Process: If a school administrator intends to suspend a student for 10 days or less, the following procedures must be followed prior to the student's suspension.
 - 1. The student hears a brief explanation of the reason(s) for the intended suspension.
 - 2. The student has an opportunity to tell the student's side of the story.
 - 3. The school administrator documents in powerschool the meeting/conversation with the student.
 - 4. Students and parents must be notified immediately of the school's intent to suspend.
 - 5. If the school intends to suspend the student immediately, parents should be notified immediately.
 - a. Parents who cannot immediately pick-up a student can request an in-school suspension for the remainder of that school day.
 - b. Students younger than 14 should only be released into their parent's custody or pursuant to arrangements made between the school administrator and parent.
 - c. Students 14 and older should be released to a parent, and should never be sent from school prior to the end of the school day without permission from a parent or emergency contact.
- C. Formal Due Process: If a school administrator intends to expel or suspend a student for more than 10 days, the procedures outlined above in Minimal Due Process must be given to the student as well as:
 - 1. written notice of the reasons for the suspension provided to the student and parents;

2. notice of the opportunity for a timely district-level safe school hearing; and
 3. notice of appeal rights and procedures.
- D. If a student and/or parent is offered the opportunity to explain, and/or have a district-level safe school hearing, and the student and/or parent refuses that opportunity, due process is satisfied.

IV. Range of Behaviors and Continuum of Disciplinary Procedures

- A. Minor infractions: Minor infractions are violations of school rules that are usually handled by teachers in the classroom. Chronic or excessive minor infractions can become major infractions and result in referral to the school administrator for more severe disciplinary actions. Minor infractions can result in loss of privileges, phone calls home, in-school suspensions, etc. Restricting daily recess periods will not be used as discipline at the elementary level. Examples of minor infractions include, but are not limited to:
1. dress code violations;
 2. disrespect, including put downs, talking back;
 3. public displays of affection;
 4. inappropriate language and actions; or
 5. horseplay.
- B. Major infractions: If a student violates a school rule, board policy, or a district administrative procedure resulting in his or her referral to the school administrator for disciplinary action, the administrator will determine an appropriate course of action.
1. Disciplinary action may be taken by the school administrator for an incident involving a student in locations other than on school grounds, at school-sponsored activities, or while being transported in a district designated vehicle, if the student's action threatens or does harm to the school, school property, or persons associated with the school.
 2. The decision to discipline a student will be made by the school administrator after investigation of the incident.
 3. The type and length of discipline is based on factors such as previous violations, severity of conduct, and other relevant educational concerns. The recommended discipline must be consistent with that imposed on similarly situated students committing a similar violation. When appropriate, students may be placed on remedial discipline plans or behavior contracts.
 4. Consequences that may be imposed by a school administrator include, but are not limited to, loss of privileges, removal from a school-sponsored team or activity, including school-sponsored transportation, in-school suspension, suspension from school for up to 10 consecutive school days, and other reasonable disciplinary consequences. Restricting participation in daily recess periods will not be used as punishment for elementary students.
- C. Disciplinary Incidents to be Handled at the School Level
1. Most incidents involving student behavior should be handled at the school level without the need for district involvement and/or a district-level safe school hearing. School administrators have the authority to suspend students for up to 10 consecutive school days for violating a school rule, board policy, district administrative procedure, or any state or local law.
 2. Before suspending any student for less than 10 days, the student is entitled to minimal due process, but is not entitled to formal due process, i.e., the student is not entitled to a hearing or appeal process (see Section III above.) Please note that additional due process requirements are associated with G-19/G-20 investigations for discrimination, bullying, cyber-bullying, harassment, etc.
 - a. The school administrator should provide the student/parent with written notification of the decision to suspend, and the discipline and interventions being imposed. (Again, the requirements associated with G-19/G-20 investigations are more stringent).
 3. Student actions that may warrant such a suspension include, but are not limited to, the following:
 - a. frequent or flagrant willful disobedience;
 - b. mutual combat, fighting, or simple assault where there is only minor injury or limited threats of violence;
 - c. defaming or making false statements about students or staff;
 - d. destroying, defacing or vandalizing school property, or property that belongs to students, teachers or other school personnel;
 - e. criminal mischief;
 - f. stealing;
 - g. possessing or using tobacco, tobacco paraphernalia, or tobacco products including electronic cigarettes and hookah (see Section IX, Drug and Alcohol Violations, below for more information on appropriate interventions and consequences);
 - h. repeated acts of relational aggression (which may be in connection with a G-19/G-20 investigation);

- i. engaging in gang-related activity that is dangerous or disruptive;
 - j. using profane, obscene, indecent, abusive, immoral, or highly offensive language and/or gestures (which may be in connection with a G-19/G-20 investigation);
 - k. making indecent propositions or exhibitions (which may be in connection with a G-19/G-20 investigation);
 - l. violating the school dress code, including wearing, possessing, or displaying clothing, apparel, bandanas, head gear, or jewelry bearing insignia, initials, names symbols or any other emblem or writing which is drug, alcohol, or gang related;
 - m. gambling;
 - n. minor incidents of sexually inappropriate behavior that do not rise to the level of sexual harassment;
 - o. trespassing (administrators may also contact the district's executive director of policy and legal services for assistance with issuing official trespass warnings);
 - p. isolated, minor instances of bullying, cyber-bullying, hazing, harassment, or abusive conduct (in connection with a G-19/20 investigation);
 - q. engaging in any unethical academic behavior including cheating, plagiarism, forging records, altering student records and hacking; and
 - r. possession, control, or use of an alcoholic beverage.
4. Students suspended for one or two days shall have makeup homework available to them upon their return to school. Students will be given the same number of days as they were suspended to complete the assignments and turn them into their teacher(s).
5. For students suspended for three days up to 10 days, parents can make arrangements for make-up work during the suspension period.
- D. Disciplinary Incidents that Require a District-Level Safe School Hearing and Response
- 1. Some incidents of student behavior are so severe that they warrant a district-level response and safe school hearing.
 - a. Any incident which warrants an expulsion or suspension of 10 days or more must be referred to the district for a district-level safe school hearing; in these situations, students are entitled to formal due process.
 - 2. Students will be referred to the district, and may be issued a longer suspension or expulsion for:
 - a. Any serious violation of law or board policy that affects another student or staff member, including actions which pose a significant threat, including harm to self or others, to the welfare, safety or morals of a student, school personnel, or the operation of the school.
 - b. Any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including but not limited to:
 - i. the possession, control, or actual or threatened use of a real weapon, explosive or noxious/flammable material. Weapons include any firearm, knife, martial arts instrument, chains, or other materials or devices whether designed for use as a weapon or for some other use;
 - ii. the actual or threatened use of a look-alike weapon with the intent to intimidate another person or to disrupt normal school activities; or
 - iii. the possession, control, distribution or sale of a drug or controlled substance, imitation controlled substance, or drug paraphernalia (see Section IX, Drug and Alcohol Violations, below for more information on appropriate interventions and consequences).
 - c. 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.
 - d. The commission of a serious violation of Board Policy G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited.
 - e. The commission of a serious violation of Board Policy G-20: Bullying Cyber-bullying, Hazing, and Abusive Conduct Prohibited.
 - f. The commission of a sexually inappropriate act that is serious in nature but that does not rise to the level of sexual harassment.
 - i. When determining whether the sexually inappropriate behavior was serious in nature, due consideration will be given to the effect on the victim.
 - g. Aggravated assault, which includes:
 - i. assault committed with a weapon or any other dangerous object;
 - ii. assault with the intent to commit another felony crime such as rape or robbery; and/or
 - iii. assault that results in serious physical injury to another individual.

- h. Repeated offenses from Section IV.C.3. above, e.g. a student continues to engage in bullying or harassing behavior despite the documented implementation of appropriate lower-level interventions and discipline.
- 3. Serious violations will be reported to law enforcement officials.
- 4. A student who commits a violation of Section D.2.b. involving a real or look alike weapon, explosive or flammable material shall be expelled from school for a period of not less than one year unless the safe school committee recommends and the the board of education approves a lesser discipline. See, Section XIII below.
- 5. If a student is expelled or suspended for ten (10) or more days or expelled, documentation of such disciplinary action must be placed in the student's cumulative file.
- 6. The decision resulting from the district-level safe school hearing may be appealed using the appeals process outlined in Section XIV.
 - a. Disciplinary decisions made by the board of education are final and may not be appealed.
- 7. The district may deny admission to a student who has been expelled from another school during the preceding 12 months. Procedures for appealing the denial of admission are outlined in S-1: Administrative Procedures, School Admissions.

E. Re-entry Meetings and Plans

- 1. Before any student returns from a suspension, the school administrator will schedule a reentry meeting with the student/parent to review the expectations and interventions in place, and/or the implementation of any necessary behavior/safety plans.
- 2. The purposes of the reentry meeting are to check in with the student/parent; ensure that the student understands the expectations, consequences and plans; and demonstrate the administrator's support for getting the student back on track.

F. Transfers due to disciplinary issues

School administrators are not allowed to unilaterally transfer a student to another school based solely on disciplinary or behavior issues. Disciplinary issues that warrant such a transfer must be referred to the district's student services department (SSD) for a possible safe school hearing. Only upon the recommendation of the safe schools committee can a student be required to transfer from his or her current school.

V. Corporal Punishment

- A. School personnel shall not inflict or cause the infliction or corporal punishment upon a student.
- B. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination. Disciplinary actions and appeals of such actions are governed by Board Policy P-4: Discipline of District Employees, its accompanying administrative procedures, and any applicable written/negotiated employee agreement.

VI. Emergency Safety Interventions

A school employee may not subject a student to physical restraint or seclusionary time out unless such action is utilized as a necessary emergency safety intervention (ESI) in compliance with these procedures and consistent with evidence-based practices.

A. General Requirements

- 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 release criteria.
- 2. An ESI may only be used for maintaining safety and may not be used as a means of discipline or punishment.

B. Students with Disabilities Receiving Special Education Services

Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall comply with all applicable state and federal laws, and the district's Special Education Handbook.

C. Physical Escort

A school employee may use a less intrusive means, including a physical escort, to address circumstances described below in subsection D.

D. Physical Restraint

- 1. A school employee may use and apply reasonable and necessary physical restraint as an ESI only:
 - a. to protect the student or another person from physical harm;
 - b. to remove a violent student from a situation;
 - c. to take possession of a weapon, or other dangerous objects in the possession or under the control of a student; or
 - d. to stop the student from destroying property, when physical safety is at risk.
- 2. If an employee uses physical restraint as an ESI on a student, use of the following restraints are prohibited:
 - a. prone, or face-down physical restraint;

- b. supine, or face-up physical restraint;
 - c. physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
 - d. mechanical restraint, except for protective, stabilizing, or legally required mechanical restraints, such as seatbelts or safety equipment used to secure students during transportation; or
 - e. chemical restraint, except as prescribed by a licensed physician, or other qualified health professional, for the standard treatment of a student's medical or psychiatric condition, and implemented in compliance with a student's approved Health Care Plan.
3. All physical restraint shall:
- a. be applied for the minimum time necessary to ensure safety and a release criteria must be implemented;
 - b. be discontinued as soon as the imminent danger of physical harm to self or others has dissipated;
 - c. be discontinued if the student is in severe distress; and
 - d. never be imposed for more than 30 minutes.
- E. Seclusionary Time Out
1. A school employee may, when acting within the scope of employment, place a student in seclusionary time out as an ESI only under the following circumstances:
- a. the student presents an immediate danger of serious physical harm to self or others;
 - b. the employee uses the minimum time necessary to ensure safety and uses a release criteria;
 - c. any door remains unlocked;
 - d. the student is within line of sight of an employee at all times; and
 - e. the student is not placed in a seclusionary timeout for more than 30 minutes.
- F. Parent Notification
1. If a crisis situation occurs requiring an ESI be used, the school or employee shall notify the student's parent and the school administrator immediately. The school or employee shall notify the director of student services as soon as possible and no later than the end of the school day.
2. If the ESI is applied for longer than fifteen minutes, the school shall immediately notify the student's parent and school administration.
3. Parent notifications made under this section shall be documented in the student information system, e.g. PowerSchool, as required by Utah Admin. Code R277-609-6(C)(4).
4. Within 24 hours of using ESI, the school shall notify the parent that they may request a copy of any notes or additional documentation taken during the crisis situation.
5. Upon request of a parent, the school shall provide a copy of any notes or additional documentation taken during a crisis situation.
6. A parent may request a time to meet with school staff and administration to discuss the crisis situation.
- G. Emergency Safety Intervention (ESI) Committee
1. The district shall establish an ESI committee which includes:
- a. at least two administrators;
 - b. at least one parent of a student enrolled in the LEA, appointed by the LEA; and
 - c. at least two certified educational professionals with behavior training and knowledge in both state rules and the board's conduct and discipline policies.
2. The committee shall:
- a. meet often enough to monitor the use of ESI within the district;
 - b. determine and recommend professional development needs;
 - c. develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and
 - d. create and communicate uniform district methods for evaluation of the efficiency and effectiveness of each schools' rules and standards.
3. The district shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in district schools.
4. The district shall annually provide documentation of any school, program or district use of ESI to the State Superintendent of Schools.

VII. General Procedures for Any Suspension or Expulsion

- A. School administrators will use the Student Suspension Notification form for all suspensions, including in-school suspensions. This form will be provided to parents either in person, or through regular or electronic mail; however, the form may be sent home with the suspended student if the administrator notifies the parent that he or she will be using that method of delivery.

- B. All suspensions will be clearly and thoroughly documented on the district's student information system in the incidents reporting section, e.g., PowerSchool and/or EdHandbook.
- C. When a student has been suspended for a serious violation, his or her re-admission is dependent upon the student presenting satisfactory evidence in a reinstatement meeting that he or she will not be a danger to self, others or school property.
 - 1. Schools will also create a re-entry plan which should include restorative practices to ensure a student's smooth and appropriate transition back into school following a suspension.
 - a. Schools should consider including in the plan supports for the student that may include: academic and social skill building lessons with the school counselor; social emotional skill building support such as Adverse Childhood Experiences (ACES) training; conflict resolution training; empathy skill building; mindfulness skill building; utilizing a grump meter; utilizing calming spaces; or making a Valley Behavioral Health referral.
 - 2. Schools should also consider appointing a staff member to serve as an adult advocate for the student. The advocate will communicate with the student's parent regarding academic and behavior data and communicate with teachers on the student's schedule prior and subsequent to the student's re-entry into school.
- D. A student's suspension or expulsion becomes a part of his or her cumulative record. Staff will code each day the student is absent for an out-of-school suspension as an "S" in the district's student information system.
- E. Suspended students must remain on the school's membership rolls, and they must be counted as absent during the period of their suspension.
- F. During the time any student is suspended from school, the student is prohibited from being on campus, being a spectator, or a participant at any school function or activity unless authorized by the school administrator.

VIII. Habitual Disruptive Behavior

- A. Definitions
 - 1. Qualifying minor means any school-age minor who is at least nine years old or turns nine years old at any time during the school year.
 - 2. Disruptive behavior means behavior outlined in Sections IV.C.3 and IV.D.2 above.
- B. Notice of Disruptive Student Behavior
 - 1. A Notice of Disruptive Student Behavior may only be issued to a qualifying minor.
 - 2. A Notice of Disruptive Student Behavior may only be issued by a school administrator.
 - 3. A Notice of Disruptive Student Behavior shall be issued when the student has:
 - a. engaged in disruptive behavior (that does not result in a suspension or expulsion) three times during the school year; or
 - b. engaged in disruptive behavior that results in suspension or expulsion once during the school year.
 - 4. A Notice of Disruptive Student Behavior shall be mailed by certified mail to, or served on, a parent of the qualifying minor.
 - 5. A Notice of Disruptive Behavior requires that the student and parent meet with the school administration to discuss the disruptive behavior.
 - 6. The student and/or parent may contest a Notice of Disruptive Student Behavior in the following manner:
 - a. a written appeal must be made within ten (10) school days of receiving the notice;
 - i. if the notice is written by an assistant principal or other designee, the appeal must be sent to the principal; or
 - ii. if the notice is written by the principal, the appeal must be sent to the appropriate network director;
 - b. The individual hearing the appeal will review the documentation, discuss the matter with the student and/or parent, and render a written decision within ten (10) school days of receiving the appeal.
 - 7. A school representative shall provide the student's parent a list of resources available to assist the parent resolving the student's disruptive behavior issues.
 - 8. The school shall establish procedures for a school counselor or other designated school representative to work with a student in order to attempt to resolve the student's disruptive behaviors.
- C. Habitual Disruptive Student Behavior Notice
 - 1. The Habitual Disruptive Student Behavior Notice may only be issued to a student who has received a Notice of Disruptive Student Behavior, and:
 - a. engages in disruptive behavior, that does not result in suspension or expulsion, at least six times during the school year;

- b. engages in disruptive behavior that does not result in suspension or expulsion at least three times during the school year, and engages in disruptive behavior that results in suspension or expulsion at least once during the school year; or
 - c. engages in disruptive behavior that results in suspension or expulsion at least twice during the school year.
2. A Habitual Disruptive Student Behavior Notice may only be issued by a principal.
 3. The Notice shall be mailed by certified mail to, or served on, the parent of the student.
 4. The student and/or parent may contest a Habitual Disruptive Student Behavior Notice by filing a written appeal with the director of social and emotional learning and multi-tiered systems of support (director of SEL/MTSS) within ten school days.
 - a. The director of SEL/MTSS shall assign either the executive director of educational equity and student or the executive director of school leadership and performance to hear the appeal.
 - i. The executive director hearing the appeal will review the documentation, discuss the matter with the student and/or parent, and render a written decision within ten (10) school days of receiving the appeal.
 5. Within five days after the notice is issued, the school administration shall provide documentation to the parent of the efforts made by the school to resolve the student's disruptive behavior.

IX. Drug and Alcohol Violations

- A. General principles: All drug and alcohol violations must be reported to a law enforcement officer. A student shall be suspended or expelled from his or her school of attendance for any of the following reasons:
 1. use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), 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;
 2. misuse or abuse, distribution, sale, or arranging for the sale of prescription medication at school or a school function; or
 3. misuse or abuse of over-the-counter medication, or sharing, distributing, selling or arranging for the sale of over-the-counter remedies.
- B. Violations by elementary students, grades K – 3
School administrators must file a report with the Department of Child & Family Services for all drug and alcohol violations at these grade levels. School administrators will assign consequences and social and emotional supports, as needed.
- C. Violations by elementary students, grades 4 – 6
 1. First offense: Parents will be notified, and students will be suspended for one day for their first drug and alcohol violation. School administrators will refer the student to the student services committee to determine site-level interventions and support.
 2. Second offense: Parents will be notified, and students will be suspended for up to three days. School administrators will refer the student to the school counselor for additional interventions and support.
 3. Third offense: Parents will be notified and the student will be suspended for up to five days. The student must also complete the Insight program with their parent, and provide a certificate of completion to school administration. Failure to complete the Insight course may result in a safe school hearing referral.
 4. Additional drug/alcohol violations by the same student may warrant longer suspensions and a safe school hearing referral.
- D. Violations by secondary students, grades 7 – 12
 1. First offense: Parents will be notified and students will be suspended for up to three days. School administrators will refer the student to the student services committee to determine site-level interventions and support.
 2. Second offense: Parents will be notified and students will be suspended for up to five days. The student must also complete the Insight program with their parent, and provide a certificate of completion to school administration. Failure to complete the Insight course may result in a safe school hearing referral.
 3. Third offense: Parents will be notified and the student will be suspended for 10 days, and the student will be referred to a safe school hearing. The district Safe School Committee may recommend the student be referred to peer court or be transferred to an alternative school placement.
 4. Additional drug/alcohol violations by the same student may warrant longer suspensions, subsequent safe school hearings, and/or longer alternative school placements.

5. If the violation involves the sale or distribution of drugs or controlled substances: Students must be suspended for up to 10 school days and must be referred for a district-level safe school hearing if the administrator can provide evidence that the student has sold or distributed drugs, controlled substances, imitation drugs, imitation controlled substances, or any other illegal substance. The district-level safe school committee may require the student to complete the Insight program with their parent, and submit a certificate of completion to school administration.
 - a. Additional consequences may be assigned if the student continues to engage in the sale or distribution of drugs or controlled substances; and/or fails to complete the Insight program as required.
 - b. Additional consequences may include a referral to peer court or an alternative school placement.
- E. Violations by high school seniors
 1. In addition to the disciplinary measures listed above, high school seniors who violate the district's drug and alcohol policy or these procedures during the last quarter of the school year will also not be allowed to participate in graduation exercises unless they successfully complete the Insight program or another alternative program prior to the date of the graduation exercises.
 2. High school seniors who are referred to a district-level safe school hearing for sale or distribution of drugs or illegal substances will comply with the ruling of the Safe School Committee.
 3. The diploma will be awarded upon the student's completion of the graduation requirements, and will not be withheld under this disciplinary procedure.

X. Tobacco and E-cigarette Violations

- A. General principles:
 1. All tobacco and e-cigarette violations must be reported to a school administrator.
 2. Tobacco violations, including the use of e-cigarettes, can be handled by school administrators without a law enforcement referral; a referral to the SRO may be made at the discretion of the principal.
 3. Administrators shall confiscate any and all electronic cigarette products found in the possession of a student.
 - a. Upon confiscation of an electronic cigarette product, the administrator must dispose of the product in a secured hazardous waste disposal container.
 - b. The administrator is not allowed to return any electronic cigarette product to the student or the student's parent.
 4. A student in possession of an e-cigarette that contains an illegal drug or controlled substance will be disciplined in accordance with Section IX of these procedures.
- B. Violations by elementary students, grades K – 3
 1. School administrators will assign consequences and social and emotional supports, as needed.
 2. School administrators will notify the student's parent of the situation and whether any products were confiscated.
- C. Violations by elementary students, grades 4 – 6
 1. First offense: Parents will be notified, and school administrators will refer the student to the student services committee to determine site-level interventions and support.
 2. Second offense: Parents will be notified, and students may be suspended for one day. School administrators will refer the student to the school counselor for additional interventions and support.
 3. Third offense: Parents will be notified and the student may be suspended for up to three days. The student must also complete the Insight program with their parent or the Clearing the Vapor program, and provide a certificate of completion to school administration. Failure to complete the designated program may result in a safe school hearing referral.
 4. Additional tobacco and e-cigarette violations by the same student may warrant additional interventions, longer suspensions, and/or a safe school hearing referral.
- D. Violations by secondary students, grades 7 – 12
 1. First offense: Parents will be notified and students may be suspended for one day. School administrators will refer the student to the student services committee to determine site-level interventions and support.
 2. Second offense: Parents will be notified and students may be suspended for up to three days. The student must also complete the Insight program with their parent or the Clearing the Vapor program, and provide a certificate of completion to school administration. Failure to complete the designated course may result in a safe school hearing referral.
 3. Third offense: Parents will be notified and the student may be suspended for up to five days, and referred to tobacco cessation program.
 - a. The following tobacco cessation services are available to all individuals who wish to stop using tobacco products:

- b. The Utah Tobacco Quit Line (1.800.QUIT.NOW) provides telephone-based counseling, support materials, and referrals to local classes and additional assistance when appropriate. Callers may also qualify for free nicotine replacement therapy.
 - c. Utah QuitNet (www.utahquitnet.com) provides quitting guides, peer support through message boards and email, expert advice and other services to help people quit using tobacco.
 - d. Tobacco Free Resource Line (1.877.220.3466 or theTRUTH@utah.gov) provides materials including brochures, Quit Line cards, posters and fact sheets.
4. Additional tobacco and e-cigarette violations by the same student may warrant additional interventions, longer suspensions and a referral for a district-level safe school hearing.
- E. Violations by high school seniors
1. In addition to the disciplinary measures listed above, high school seniors who violate the district's tobacco and e-cigarette policy or these procedures during the last quarter of the school year may not be allowed to participate in graduation exercises unless they successfully complete the Insight program, Clearing the Vapor program, or another alternative program prior to the date of the graduation exercises.
 2. High school seniors who are referred to a district-level safe school hearing will comply with the ruling of the Safe School Committee.
 3. The diploma will be awarded upon the student's completion of the graduation requirements, and will not be withheld under this disciplinary procedure.

XI. Gang-related Activities Prohibited

Engaging in any gang-related activity on school property, at a school activity, and/or in school sponsored transportation is prohibited. The district will cooperate with members of the Salt Lake City Police Department or other agencies to educate district employees, parents, and students of current identifiers that commonly denote gang membership or affiliation. In addition to the items identified in these administrative procedures as prohibited gang attire or gang symbols, document S-3: Gang Signs, Symbols, Signals, Words, and Conduct Prohibited outlines current gang indicators that may result in student disciplinary action.

- A. School officials will publish the gang identifiers document in student handbooks and on the district website, and the document will be provided annually to students and parents through the registration process, in their home language. Notice of any updates to the list of prohibited gang activity and/or gang symbols will be broadcast through School Messenger. The updated document will also be available in school offices and on the district website.
- B. Wearing a specific color by itself will not be cause for discipline, nor will just wearing a cross or Star of David without augmentation or alteration.
- C. Subject to the search and seizure provisions of these procedures, gang paraphernalia, apparel, or weapons may be confiscated by school authorities at any time.
- D. If appropriate, the student must remove suspected gang attire and should be given substitute clothing.
- E. Refer to Section III.A-C. for disciplinary procedures.

XII. Students with Qualified Disabilities

If a student has a qualified disability under the Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act (Section 504), the school administrator will explain separate procedures that may apply based on the procedural safeguards provided by the IDEIA and Section 504. Students with qualified disabilities have certain rights regarding cumulative days of suspension.

- A. If a student with any qualified disability has violated a school rule, board policy, or district administrative procedure, contact the student's special education teacher before determining consequences that may include suspension from school.
- B. A district-level safe school hearing for a student with any qualified disability (IDEIA or Section 504) will not be scheduled until the principal is certain that all due process requirements for that student have been met.
- C. Contact the designated special education consultant or supervisor, or the Section 504 district supervisor, for assistance.
- D. Students with qualified disabilities are subject to the one-year expulsion imposed for violations involving firearms, explosives, and flammable materials.
- E. Students with qualified disabilities who are studying under an Individualized Education Plan (IEP) may not be expelled or have their school placement changed without an IEP team meeting being held, except for serious violations including weapons, drugs, or serious bodily injury.

XIII. District-Level Safe School Hearing Procedures

- A. If a school administrator is recommending a suspension of more than ten consecutive school days or expulsion or the student has committed a safe school violation, the school administrator must contact the SSD.

- B. The school administrator will complete the incident report on the district's student information system. The administrator will complete and submit the following materials to the district discipline specialist in student services: a copy of camera footage (if any) of the incident, a safe school incident investigation report, the formal letter that was sent home to the student's parents, witness statements, and if applicable, a victim statement and victim's parent impact statement.
- C. Once the information above has been submitted, the SSD will call to schedule the district-level safe school hearing, and notify the parent and other participants of the date and time of the hearing.
- D. The student will serve an out of school suspension until the hearing has been held and a determination of the appropriate consequences has been made.
- E. The student and parent are expected to attend the hearing, and may present evidence relevant to determining the appropriate consequence.
- F. If a student and his or her parent fail to attend the hearing, the right to present their position at the hearing will be considered waived, and the hearing may proceed without the parent and student.
- G. The hearing will be conducted by the safe schools committee; during the hearing the committee will review all the documentation and hear any testimony.
 - 1. In cases involving a suspension, the safe schools committee will issue a written decision to the student and parent within five business days of the hearing.
 - 2. In cases in which an expulsion is mandated by state law, the safe schools committee will either:
 - a. issue a written decision informing the student and parent that the student has been expelled; or
 - b. make a recommendation to the board of education that the student not be expelled and that some type of lesser discipline be imposed.
 - i. If the safe schools committee makes a recommendation to the board of education for lesser discipline, such recommendation will be placed on the agenda of the next public board meeting.
 - 1) The student and parent(s) will be informed of the board's decision by the director of SEL/MTSS as soon as practicable after the board meeting.
 - 2) The board's decision is final and not appealable.
 - 3. The parent or student should inform the SSD whether they would like to receive the decision electronically or have a hard copy mailed to their home address.
- H. The safe schools committee may impose any of the following: placing the student on alternative study; suspending or expelling the student from school for a period of time; or disciplining the student in other ways in accordance with state and federal law.
 - 1. The district's student discipline specialist will follow-up with the student on a regular basis regarding any conditions required by the committee.
 - 2. The student discipline specialist will support the student, and work with the school to create a restorative plan for a student's re-entry at the home school or with a transition to Horizonte.
 - 3. The student discipline specialist will advocate for school level support that may include academic and social skill building with the school counselor and/or social emotional skill building support such as Adverse Childhood Experiences (ACES) training, conflict resolution training, empathy skill building, mindfulness skill building, utilizing a grump meter, utilizing calming spaces, or making a Valley Behavioral Health referral.
 - 4. The student discipline specialist will communicate with the student's parent regarding academic and behavior data, and communicate with school administrators and teachers on the student's schedule prior and subsequent to the student's re-entry into school.
- I. If a student is suspended for more than 10 consecutive school days and the parent rejects alternative educational services offered by the district, the parent becomes responsible for undertaking an alternative educational plan sufficient to ensure that the student's education continues during the period of suspension. Any costs associated with alternative educational services not provided by the district are the responsibility of the parent.

XIV. Appeals Processes

- A. The parent may make a written appeal of the decision of the safe schools committee by mailing, through the USPS, or hand delivering the appeal to the SSD. Any appeal must be made within 10 calendar days of the date of the decision. In special circumstances the SSD may accept an appeal submitted electronically; please contact the SSD for approval and directions on electronically submitting an appeal.
- B. Appeals will only be considered and acted upon if they are based on one or more of the following:
 - 1. evidence of bias or ill will on the part of a member of safe school committee;
 - 2. new evidence or documentation that was not available during safe school hearing that would be determinative or impact the outcome; or
 - 3. evidence that the safe school committee failed to thoroughly consider the evidence and testimony.

- C. A director within the educational equity and student support department will review the appeal, and render a written decision and notify parents through USPS within 15 business days.
- D. The decision of the assigned director may be appealed to the superintendent.
- E. The appeal to the superintendent must be made in writing, and mailed through the USPS or hand delivered to the superintendent within 10 calendar days of the decision of the appeals committee. An appeal to the superintendent may not be made through electronic means.
- F. The superintendent may, at his or her discretion, hold a meeting with the student and parent.
- G. The superintendent will render a written decision on the appeal and notify parents through USPS within 15 school days of receipt of the appeal.
- H. During the appeals process, the student will adhere to the decision of the safe schools committee until such decision is reversed, unless otherwise prohibited by state or federal law.

XV. Searches

All students will be free from unreasonable searches of their persons, clothing, and other personal property. School disciplinary procedures may be brought against a student who fails to comply with a reasonable inspection request of a school administrator. However, in order to provide and preserve a safe environment for all students and staff, a school administrator has the authority to conduct reasonable and limited searches of students, lockers, personal property, and vehicles parked on school property under the following conditions:

- A. the school administrator has reasonable suspicion to believe that the search will produce evidence of a violation of the law or school rules;
- B. the search is conducted in a manner that is rationally related to the reasonable suspicion and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction;
- C. items found during a search may be confiscated by a school administrator and turned over to the police for inspection or retained by a school administrator for use in a school or district disciplinary proceeding; and
- D. the police may be contacted or called if the school administrator determines there is a serious and immediate threat to the physical safety of students, school personnel, or the public.

XVI. Search of Person or Personal Property

- A. The search of a student will be conducted in a private area of the school by a school administrator of the same sex as the student being searched.
- B. Any search of a student or his or her personal property will be observed by an objective third party, for example, an administrator, teacher or police officer, of the same sex as the student who is being, or whose belongings are being, searched.
- C. The nature and scope of a search must be reasonable in light of the suspected infraction and any concern for safety and order in the school.
- D. A school administrator may ask the student to remove his or her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband. Under no circumstances may a school administrator require students to remove other items of clothing during the search.
- E. A school administrator may perform a "pat down" of the exterior of the student's clothing, but must refrain from touching students in any other way during the search.
- F. If this limited search does not reveal suspected contraband and school administrators still have a reasonable suspicion that the student is concealing contraband in his or her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement shall be summoned.
- G. A school administrator shall thoroughly document the details of any search conducted of a student's person or property.
- H. In general, all questioning and searching of students conducted by law enforcement will be in accordance with Board Policy S-7: Law Enforcement Access to Students and Student Records, and related administrative procedures.

XVII. Search of Locker, Desk, or Other Storage Area

While lockers, desks, and other storage areas are provided to students by the school, students have no right or expectation of privacy in any such areas. These areas are solely school property, and therefore, the school retains control and access to all lockers, desks, and other storage areas. These areas are assigned to students for their use on the condition that they will be used in a manner consistent with the law and school rules. A school administrator may conduct inspections or searches of these areas at any time, with or without the student present, and with or without cause, in order to fulfill their responsibility of maintaining proper control and management of the school. 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 stated above in Section XVI.

XVIII. Search of Student Vehicles Parked on School Property

A school administrator who has reasonable grounds to believe that the search of a student’s vehicle will produce evidence of a violation of policy or law may ask the driver of the vehicle to open the vehicle and may inspect the vehicle in the driver’s presence. If a driver fails to comply with the requests of the school administrator, or if an inspection reveals any evidence of a violation, the school administrator may take measures reasonably calculated to maintain the safety and control and management of the school, including revoking a student’s parking privilege. A school administrator may disable the vehicle until police or parents can be summoned.

XIX. Searching Students and Personal Property While at School-Sponsored Activities

- A. The authorization to search shall apply to all situations in which the student is under the jurisdiction of the district, including all students participating in extracurricular activities and athletics, dually enrolled students, and students taking online courses, when applicable.
- B. A school administrator has no obligation to contact parents before detaining and questioning students. Depending on the particular circumstances of the search, notifying parents of the student search is often a good idea.

XX. Training

All employees with responsibility for working with students shall receive mandatory professional development training on topics which include the use of restorative approaches to address negative behavior, appropriate role of school resource officers and school administrators, juvenile court processes, adolescent development, mental health problems, conflict resolution and de-escalation techniques, cultural competency, alternative to the juvenile justice system, and the rights of students.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United States Code, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations/Title IX Coordinator, 440 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.