



Policy Number: 101
Policy Section: 100 – Administration
Effective Date: November 17, 2004
Revision Date: September 18, 2025

Prohibited Conduct and Weapons Policy (SAFE SCHOOL POLICY)

I. Policy Statement

It is the policy of DaVinci Academy to promote a safe and orderly school environment for all students and employees. Criminal acts or disruptive behavior will not be tolerated. DaVinci implements a proactive and preventative discipline policy while maintaining a safe and secure learning environment.

There are obviously violations, which are so severe that a student or any individual may be removed from the regular school setting, perhaps permanently. However, DaVinci has access to alternative educational programs with differing degrees of supervision and support services to continue to provide educational service to a student who has been removed for serious incidents after due process.

II. References

- Utah Code Ann. Title 53G-8-2 – School discipline and conduct plans
- Utah Code Ann. Title 53G-8-302 – Physical restraint guidelines
- Utah Code Ann. Title 53G-9-6 – Bullying and hazing
- Utah Code Ann. Title 78A-6-1113 – Property damage by minors
- Utah Administrative Code, Rule 277-609 – Standards for LEA discipline plans

III. Scope

This policy applies to:

- a. students
- b. employees
- c. volunteers
- d. visitors

IV. Enforcement Philosophy

- a. students will be disciplined on a case-by-case basis to ensure fairness and continued access to education.
- b. severe violations may lead to removal from the regular school setting.
- c. Law enforcement will be partnered with and notified of behaviors needing immediate police involvement or to protect others and property.



V. Prohibited Conduct & Discipline

Prohibited conduct is strictly forbidden on school property, in school vehicles, and at school events. serious violations that threaten people or property are prohibited regardless of location.

a. Grounds for suspension or expulsion (Utah code § 53g-8-205)

1. Student may be suspended or expelled for:

- i. Frequent or flagrant willful disobedience, defiance of authority, or disruptive behavior, including foul, profane, vulgar, or abusive language
- ii. willful destruction or defacing of school property
- iii. behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of others or to school operations
- iv. possession, control, or use of an alcoholic beverage as defined in Utah code § 32b-1-102
- v. behavior that threatens or causes harm to the school, school property, personnel, or students, regardless of location
- vi. possession or use of pornographic material on school property

b. Mandatory Suspension or Expulsion:

1. A student shall be suspended or expelled for:

- i. A serious violation affecting another student or staff, or occurring on school property, including:
 - a) possession, control, or actual/threatened use of a real weapon, explosive, or noxious/flammable material
 - b) actual use of violence or sexual misconduct
 - c) actual or threatened use of a look-alike weapon with intent to intimidate or disrupt
 - d) sale, control, or distribution of a drug, controlled substance, imitation controlled substance, or drug paraphernalia under Utah code §§ 58-37-2, 58-37b-2, and 58-37a-3
 - e) committing an act involving force or threatened force that, if committed by an adult, would be a felony or class a misdemeanor
 - f) making a false report of an emergency at a school under Utah code § 76-9-202(2)(d)

c. One-year expulsion for weapons violations:

1. A student who violates V(b)(1)(i) by possessing or using a real or look-alike weapon, explosive, or flammable material shall be expelled for not less than one year, subject to the following:
 - i. within 45 days, the student must appear before the superintendent, charter school chief administrator, or designee with a parent/guardian.
 - ii. the administrator will determine:
 - a) conditions for return to school, including any policy-based requirements (Utah code § 53g-8-203)



- b) whether the student should be placed on probation in a regular or alternative school under Utah code § 53g-8-208
- c) whether modifying the expulsion (to less than a year) is appropriate, ensuring student and school safety, and requiring local governing board approval
- 2. Denial of admission for expelled students:
 - i. a student may be denied admission to davinci academy or any other public school if they were expelled in the last 12 months.

- d. You MAY be removed from school for but limited to the list below of minor infractions that may result in a student being removed from class for a period of time up to suspension.
 - 1. Willful disobedience or violating a school rule
 - 2. Defying authority
 - 3. Disruptive behavior
 - 4. Foul, profane, vulgar or abusive language
 - 5. Defacing or destroying school property
 - 6. Truancy
 - 7. Theft
 - 8. Posing a significant threat to the safety or morals of a student, school employees or school facilities
 - 9. Possessing, using, controlling or being under the influence of alcohol, a drug, an imitation drug or drug paraphernalia or misusing any substance
 - 10. Possessing or using tobacco
 - 11. Hazing, demeaning or assaulting someone or forcing someone to ingest a substance
 - 12. Inappropriate exposure of body parts
 - 13. Sexual or other harassment; or
 - 14. Gang-related attire or activity.
 - 15. Issued a Habitual Student Behavior Citation - qualified Minor of 9 or will be 9 that school year
 - 16. Issued a Notice of Student Disruptive Behavior for:
 - i. Engaged in 3 non-suspended actions or one act resulting in suspension
 - ii. Met with parents about notice of student behavior and offered resources

The type and length of discipline is based on factors such as previous violations, severity of conduct and other relevant educational concerns. When appropriate, students will be placed on remedial discipline plans

VI. Reporting requirements

The LEA (local education agency) shall submit an annual report to the Utah state board of education, detailing:

- a. each violation committed under this policy



b. each disciplinary action taken

VII. Emergency safety interventions (ESI's – Corporal Punishment)

-Moved to sub policy 101.A Emergency Safety Intervention (ESI) and Corporal Punishment Policy (Effective September 18, 2025)

VIII. Searches: (See DaVinci Academy Search and Seizure Policy 105)

- a. School personnel can search you, your locker, your personal property and your vehicle parked on school property based on reasonable suspicion. Reasonable suspicion may be based on, but not limited to: use of dogs, or metal detectors, and reported violations, or other circumstantial evidence.
- b. School personnel can also conduct random searches that might include all lockers and other school property.
- c. School property: When using school property, such as lockers, electronic devices, or storage areas, all such school property is issued with the understanding that school officials have the right to inspect such areas at any time for any reason and the student has no expectation of privacy.

IX. Expulsions & Suspensions

- a. definitions:
 - 1. expulsion – removal over 10 days without alternative education
 - 2. suspension – temporary removal under 10 days
- a. readmission:
 - 1. students must show they no longer pose a danger
 - 2. parents must meet with school officials before readmission
 - 3. students expelled in the past 12 months may be denied admission

X. Due Process

Students facing disciplinary action have the right to:

- a. present evidence in their defense
- b. receive a written notice of suspension/expulsion
- c. appeal suspensions over 10 days to the DaVinci Board of Directors
- d. Steps to take to request an administrative review of procedural violations:
 - 1. The Executive Administrator or designee must provide the student an opportunity to hear all evidence and to present any information in their defense. You should present all information to the school administrator. This is your hearing.
 - 2. If a short-term suspension (less than 10 days) is assigned, then a written statement explaining the infraction, the length of the suspension, when the child may return to school, and a time to meet with the administrator will be sent home and needs to be returned signed at the end of the short-term suspension.



3. If a suspension or expulsion of more than 10 days is recommended as mandated by the specific violation, the Executive Administrator will automatically review the facts as presented during the hearing. If the Executive Administrator presided over the initial decision to suspend or expel more than 10 days than a special case management team will be assembled, consisting of the school counselor and another administrator/director, to review the decision or recommendation. You will be notified of this review in writing within 48 hours of the decision/recommendation to suspend/expel more than 10 days. After this notification, you may elect to appeal the final decision by following the appeal process below.

Appeal Process

After a disciplinary decision has been made, which resulted in a recommendation of change in placement greater than 10 day, your child's case will be reviewed by the Executive Administrator or the DaVinci Case Management Team. This team will review the case and ensure that due process was followed. The Davinci Case Management Team will finalize all paperwork and give you a copy with 48 hours. After receiving the final paperwork from the DaVinci Case Management Team, you may decide how to proceed by following the appeal process below.

Formal Request to Appeal the Disciplinary Decision

The student or his or her parents or guardian may formally appeal the disciplinary decision to the DaVinci Board of Directors within 10 days of receiving final paperwork regarding the disciplinary decision/recommendation to remove/change your student's placement greater than 10 days. To appeal please write a letter to the DaVinci Board Secretary that contains: your desire to appeal the decision/recommendation, reasons for appeal, and contact information. The DaVinci Board Secretary will ensure that your written appeal request is sent to the board. You will be contacted within 5 working days about the appeal and when to expect a board decision. The board of directors may or may not convene another hearing to make a final determination. (If you need help contacting the DaVinci Board Secretary please contact the Executive Administrator, (see Appendix D for specific names and forms).

Due Process Concerns

Please contact the Executive Administrator for any due process concerns (see Appendix D for specific names and forms). The appeal must be made in writing within 10 working days of the disciplinary decision/recommendation and cite a specific problem or oversight that resulted in an inappropriate disciplinary decision. The letter to the Executive Administrator must identify a problem or oversight in a) the Incident Report, b) the adjudication of the behavior as a Level 1 - 5 infraction, and/or c) the disciplinary decision.

The Executive Administrator will investigate the concern and make one of two decisions:

1. No due process violation occurred, and the disciplinary decision may be upheld on both procedural and substantial issues, resulting in the end of the appeal process.



2. There were due process violations, and the case will be sent back to the administration with a directive to review the case following the procedures and policies of the institution according to State and Federal Law.

Due Process

Due process is a final administrative procedure to protect the right of the student when a problem arises. A due process review of a disciplinary decision is the final review that can occur and can be made for procedural reasons (a review of whether a disciplinary decision was made following the procedures and policies of the institution) or substantial reasons (a review of whether the decision was fair and consistent with previous decisions).

If you have any questions regarding the appeal process, please contact the Executive Administrator for assistance at 801-409-0708.

XI. Compliance with Federal & State laws

DaVinci Academy adheres to:

- a. Title VII of the Civil Rights Act (1964) – prohibits discrimination
- b. Title IX of the Education Amendments (1972) – prohibits gender discrimination
- c. Section 504 of the Rehabilitation Act (1973) – protects students with disabilities
- d. Americans with Disabilities Act (1990) – prohibits disability discrimination
- e. Safe and Gun-Free Schools Act (1994) – enforces school safety



APPENDIX A

DaVinci Student Discipline Procedure:

Due process will be followed in all cases. Certain events require immediate removal of alleged violators, whether they are students, employees or visitors or volunteers. The Executive Administrator or designee will determine how to initially handle each case individually.

Employees, Volunteers or Visitors will be referred to authorities for appropriate resolution of violations of the law or policy related to prohibited conduct. The Executive Administrator will determine restoration of school access as circumstances permit.

In determining whether sufficient evidence exists to impose discipline, schools are held to a lesser standard of "reasonable suspicion" not the higher standard of "probable cause."

The Executive Administrator or designee has the authority to suspend you for less than 10 days for any of the listed activities. The DaVinci School Board also designates to the Executive Administrator the authority to suspend up to a year for serious violations of this policy. The DaVinci School Board may expel a student for a fixed or indefinite period, provided that the expulsion is reviewed by the Executive Administrator or designee, and the conclusions are reported to the board at least once a year.

The type and length of the intervention or discipline will be based on such factors as the severity of the conduct, previous violations, other educational records and the recommendations of the administrator at the school. Interventions or conditions for return may include:

- a. completion of a drug test and drug and alcohol assessment
- b. testing and evaluations
- c. counseling / intervention course(s)
- d. risk assessment; or
- e. placement at an alternative school.

If you are a student with a qualified disability, the Executive Administrator or designee will explain the separate procedures that may apply based on the procedural safeguards under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Special education students must meet with the School I.E.P. Team. Call DaVinci Office of Special Education if you have any questions the school cannot answer.

DaVinci complies with the following laws:

- a. Title VII of the Civil Rights Act of 1964, which prohibits discrimination in federally,



funded programs on the basis of race, color, or national origin. All vocational opportunities are offered without regard to race, color, or national origin, sex or disability.

- b. Title IX of the Education Amendments of 1972, which prohibits discrimination in federally, funded programs on the basis of sex.
- c. Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination for disabled students that do not require services pursuant to the Individual with Disabilities Education Act.
- d. The Americans with Disabilities Act of 1990 which prohibits employment discrimination and discrimination by a public entity against a qualified person with a disability.
- e. Safe and Gun Free Schools Act of 1994.

When a student is suspected of violating DaVinci Policy the following apply:

- a. The Executive Administrator or designee must provide the student an opportunity to hear any and all evidence and to present any information in their defense. You should present any and all information to the school administrator. This is your hearing.
- b. If a short-term suspension (less than 10 days) is assigned, then a written statement explaining the infraction, the length of the suspension, when the child may return to school, and a time to meet with the administrator will be sent home and needs to be returned signed at the end of the short-term suspension.
- c. If a suspension or expulsion of more than 10 days is recommended as mandated by the specific violation, the Executive Administrator will automatically review the facts as presented during the hearing. If the Executive Administrator presided over the initial decision to suspend or expel more than 10 days than a special case management team will be assembled, consisting of the school counselor and another administrator/director, to review the decision or recommendation. You will be notified of this review in writing within 48 hours of the decision/recommendation to suspend/expel more than 10 days. After this notification, you may elect to appeal the final decision by following the appeal process below.

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