

2110 Safe Schools Policy

Student Discipline Washington County School District - Revised 10-12-99; Revised 4-17-01; Revised 08/08/08; Revised 05-14-13; Revised 8-9-16; Revised 09-27-18.

1.0. Purpose:

The Board of Education of the Washington County School District (WCSD) protects the rights of students and recognizes that every student in the schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. To foster such an a safer learning environment the following policy WCSD promotes positive behavior has been adopted and is the policy based upon the following principles:

2.0. Policy:

2.1. Each student is expected to follow accepted rules of conduct.

2.2. Each student is expected to show respect for other people and obey persons in authority at the school.

2.3. School is a social community where every child belongs and where behavioral challenges are addressed through teaching students the expectations and teaching responsible behavior. The district promotes the key principles of restorative school discipline, including: self-discipline, citizenship, civic and social skills, which are all crucial for positive social interactions, relationships, and peaceful resolution of problems and conflict. (R277-609-4; Meyer L. & Evans I. Restorative School Discipline)

2.3.1. Multi-tiered systems of supports (MTSS) shall be implemented as a method of systematic reinforcement of expected behaviors and uniform methods for correction of inappropriate behaviors. (R277-609-3)

2.4. Schools shall work collaboratively with the district/state to implement and respond to reports from the School Safety and Crisis Line; i.e.: a crisis intervention; including suicide prevention, for individuals experiencing emotional distress or psychiatric crisis. Services are established as means for an individual to anonymously report (24 hours a day, seven days a week) any unsafe, violent or criminal activities, or the threat of such activities; incidents of bullying, cyber-bullying, harassment or hazing; and incidents of physical or sexual abuse. When necessary such report will promptly be forwarded to the appropriate school and law official. (UCA 53G-8-202(2);UCA 53E-10-502(3))

2.4.1. A school shall notify a parent if the parent's student threatens to commit suicide; notification shall also be provided to the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation of the incident. (UCA 53G-9-604(2))

2.5. School Principals and School Resource Officers (SRO) shall participate in a discipline training program made available through the Utah State Board of Education (USBE). Such training may include: childhood and adolescent development; responding age appropriately to students; working with disabled students; techniques to de-escalate and resolve conflict; cultural awareness; restorative justice practices; identifying a student exposed to violence or trauma and referring the student to appropriate resources; student privacy rights; negative consequences associated with youth involvement in the

juvenile and criminal justice systems; strategies to reduce juvenile justice involvement; and roles and distinctions between a school resource officer and other school staff who help keep a school secure. (UCA 53G-8-702; R277-609-1(e))

2.6. Due Process: The school must ensure that the student's rights are protected by having a fair and impartial process before discipline or punishment is imposed, including any restriction or denial to their right to an education for disciplinary reasons. Due process shall include: parental notification; allegation explained; an opportunity to present his/her version of events and/or an explanation for their conduct; and an explanation of the proposed corrective action. In addition, for restrictions longer than ten days due process also includes: an explanation of the evidence concerning the infraction; an opportunity to refute/respond to the evidence; the right to representation and the right to appeal as per Sections 3.10; 3.11. (US Department of Education; Office of Civil Rights; Lear & Lear Education Law Group)

~~2.3.~~ 2.7. The policy applies to students enrolled in school, while in the classroom, while on school grounds, and on in school vehicles. The policy applies when school is in session and in connection with school-sponsored activities or events regardless of the location (~~53A-11-902~~ HB 132).

~~3.12.~~ 2.7.1. Application of Policy to for Students with Disabilities: This policy applies to student with disabilities to the extent permissible under consistent with applicable state and federal law. If application of any requirement of this policy to a student with a disability is not permissible under applicable law, rules and/or regulation, the appropriate school/district administrator shall be responsible for using and following disciplinary procedures; including procedures for the use of reasonable and necessary physical restraint or force in dealing with disruptive students, consistent with Utah Code ~~53A-11-802~~. (UCA 53G-8-208)

2.7.2. Application of Policy for Students Involved in Extracurricular Activities: Students who participate in student government and extracurricular activities, particularly competitive athletics and related activities, become role models for others in the school and community; play major roles in establishing standards of acceptable behavior and in establishing; maintaining the reputation of the school. It is of upmost that those involved comply with all applicable laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities. There is no constitutional right to participate in these types of activities; therefore, such students are subject to consequences as per this policy. (53G-8-209(1))

~~2.4. For mandatory Reporting of Prohibited Acts Section 3.2 refers to: Utah Administrative Code (UCA) 53A-11-13 and 53A-11-401-404.~~ Moved to Reporting

~~2.8. For mandatory compliance to School Discipline and Conduct Plans Section 3.2 policy refers to: Utah Administrative Code: (UCA) 53A-11-4; 53A-11-9; and 53A-11-13~~

House Resolution 1; 2018: Urging Restorative Justice in Utah's Education System

House Bill 239 Juvenile Justice Oversight Committee, School Offense Referral Guide, June 2018

House Bill 132; 2018: Juvenile Justice Modifications

House Bill 239; 2017: Juvenile Justice Amendments

Rule R277-609; 2018: Standards for LEA Discipline Plans and Emergency Safety Interventions

Utah Code 53G-6-403 (3)(b)) School District Enrollment: Rules for Acceptance and Rejection of Applications, 2018

Utah Code 53G-8 Discipline and Safety, 2018

Utah Code 53G-8-209: Extracurricular Activities – Prohibited Conduct – Reporting of Violations...

Utah Code 53G-8-505-510: Substance Abuse Reporting and Weapons Notification

Utah Code 53G-9-604; Parental Notification of Certain Incidents and Threats Required, 2018

Utah Code 53E-3-509 Gang prevention and Intervention Policies, 2018

Utah Code 76-9-901 Prohibition of Gang Activity

Utah Code 76-10-105; 2017 Buying or Possessing a Cigar, Cigarette, Electronic Cigarette or Tobacco by a Minor

Utah Code 76-10-505.5; 2013 Possession of a Dangerous Weapon, Firearm, or Short Barreled Shotgun on or About School Premises – Penalties

~~3.1.1.~~ **2.9. Definitions:** *For consistency removed quotations around beginning word*

2.9.1. Corporal punishment means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure. A school employee may not inflict or cause the infliction of corporal punishment upon a student. Corporal punishment is prohibited. Child abuse reporting and investigation requirements of apply to complaints of corporal punishment. (UCA 53G-8-302;303; R277-608; UCA 76-5-109)

~~3.1.1.~~ 2.9.2. Days for the purpose of this policy, means calendar days unless otherwise stated in the policy.

2.9.3. Disruptive student behavior means any behavior that prevents the ability of instructors to teach or students to learn. It includes any behavior as described in policy as grounds for suspension or expulsion from school. Behavior which is disruptive is unacceptable, procedures must be followed and disciplinary action(s) may be imposed. (UCA 53G-8-210)

2.9.4. Emergency Safety Intervention (ESI) means the use of: 1) physical restraint, or 2) seclusionary time out; and may only be imposed when a student presents an immediate danger and/or threatens or causes serious bodily injury.

a) Immediate danger is considered to be an imminent threat of physical violence or actual presence of aggression toward oneself or others that is likely to cause serious physical harm.

b) Serious bodily harm/injury means a serious risk of death; protracted or obvious disfigurement; protracted loss of impairment of the function of a bodily organ, member or mental faculty; or extreme physical pain.

2.9.4.1. Physical restraint means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

2.9.4.2. Seclusionary time out means that a student is placed in a safe enclosed area by school personnel to purposefully be isolated from adults and peers. The student is prevented from leaving, or reasonably believes that he/she may not leave. The enclosed area must be in accordance with the requirements of Design, Health & Safety of Schools (R392-200) and Building Fire Safety (R710-4).

2.9.5. Evidence-based intervention means a program or practice that has had multiple randomized control studies or meta-analysis demonstrating that the program or practice is effective for specific population; has been rated as effective by a standardized program evaluation tool; or been approved by the Utah State Board of Education. (UCA 53G-8-211(1)). School based examples may include: social emotional learning programs/practices; and multi-tiered systems of support.

2.9.5.1. Restorative school discipline utilizes strategies that build healthy communities; decrease anti-social behavior; and foster, repair/restore relationships within the school. Practices emphasize connectedness through collaboration and communication; building character traits; developing metacognitive skills for problem-solving and interpersonal skills. Evidence-based interventions are components of restorative school discipline in WCSD.

2.9.5.2. Restorative **justice** program means an evidenced based program adopted by a district/school which is designed to enhance school safety, reduce school suspensions, and limit referrals to court. It is intended to help students take responsibility for and repair the harm of behavior that occurs at school. (UCA 53G-8-211(1)). Examples of restorative justice programs include: Southwest Behavioral Center (mental health services); Division of Juvenile Justice Services (crisis intervention teams, life skills groups, etc.); Southwest Utah Public Department of Health Programs, (nicotine & electronic cigarette prevention and cessation courses); and/or programs through the Department of Human Services.

2.9.6. Expulsion means the removal of school and the cessation of educational services provided by Washington County School District for any period longer than 10 consecutive school days, but not more than one school year.

2.9.7. Functional Behavior Assessment (FBA) means a systematic process of identifying problem behaviors and events that reliably predict occurrence and nonoccurrence of those behaviors and maintain the behaviors across time.

2.9.8. Gang or "criminal street gang," ~~consistent with state law as defined in this policy~~ means any organization, association, or group of three or more **who form an allegiance and engage in a range of anti-social behaviors; which operates and may be** formally or informally and is currently in operation. ~~and whose~~ Members may individually or collectively: engage in criminal or violent behavior to persons or property; ~~or who~~ create an unreasonable and substantial disruption; or create a risk of disruption to a class, activity, program, or other function of a school. ~~which has a unique name or~~ **Criminal street gangs have identifiable names, signs, symbols, marks or other items which are evidence of gang membership, or a desire to be affiliated with, or be recruited by any criminal street gang. Members or those interested in gang affiliation may wear, possess, or display gang attire (Utah Code 76-9-802-UCA 76-9-901)**

2.9.9. Parent means **custodial parent, legally appointed guardian, or any other person purporting to exercise any authority over the minor which could be exercised by a custodial parent or legally appointed guardian.** ~~parent, legal guardian or guardian under federal law.~~ (UCA 53G-8-210(b))

2.9.10. School administrator means a principal of a school (UCA 53G-8-211(1)(d)); and/or an educator: (a) serving in a position that requires a Utah Educator License with an Administrative area of concentration; and (b) who supervises Level 2 educator. (R277-531(2)(6))

2.9.11. School Resource Officer "SRO" means a law enforcement officer whose law enforcement agency contracts with the school district to provide law enforcement services which promote a safer school environment. SROs have authority within the schools; act as a positive role model to students; work to create a cooperative, proactive, and problem-solving partnership; emphasize the use of restorative approaches to address negative behavior; and if requested, may teach vocational law enforcement class(es).

2.9.11.1. The SRO shall intervene in matters of public safety to prevent harm to students, faculty/staff or community. The officer shall act to resolve the problem, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances. While disciplining students who violate school rules or the code of conduct is the school administrator's responsibility; the SRO and administrator may consult about the conduct of a minor enrolled at the school.

2.9.11.2. The SRO may investigate criminal offenses and conduct, including conducting probable cause searches; transporting a minor enrolled in a school to a location if the location is permitted by law; and taking temporary custody of a minor pursuant to 78A-6-112(1). (UCA 53G-8-211(3); HB 132)

2.9.12. Status offense means a violation of the law that would not be a violation except for the age of the offender. A status offense does not include a violation that by ruling is made a misdemeanor or felony. (UCA 53G-8-211(1)(h)). Typical status offenses include: truancy, underage possession and use of alcohol or tobacco and general ungovernability.

2.9.13. Suspension is not to be understood as the deprivation of a right to learning, but as the temporary denial of social interaction through school contact and the removal of the person from the classroom setting because of real and present disruptive effect of the student's presence, or a reasonable assumption that the student's presence will be disruptive or a threat to the well-being or safety of the student and or other students or staff.

~~3.1.1.~~ 2.9.13.1. Suspension may carry with it conditions which must be met to remove or reduce the suspension. Such conditions may be a joint responsibility of school personnel, the student and parents, or the sole responsibility of any one party.

2.9.13.2. The parent/guardian of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension. (UCA 53G-8-207(3))

~~3.1.2.~~ 2.9.13.3. Suspension may be "short term" (10 school days or less) or "long term" (more than 10 school days). Short term and long term suspensions provide different student due process procedures.

~~3.1.2. Disciplinary or~~ 2.9.14. Temporary disciplinary transfer (TDT) means a student is removed temporarily from the regular school setting by the school administration to an alternative educational setting because of a violation of the Safe School Policy. ~~section 3.2.~~

~~3.1.2.1.~~ 2.9.14.1. The alternative educational setting should afford the student the opportunity to continue to receive educational services, and where applicable, receive credit for course work in core academic areas. The alternative setting is not intended to replicate the student's current school placement.

~~3.1.2.2.~~ 2.9.14.2. For students with disabilities, the procedures for change of placement and/or services apply under the Individuals with Disabilities Act (IDEA) and shall direct the school's decision.

2.9.15. Threat is an expression of intent to do harm or act out violently against someone or something. It may be spoken, written, or symbolic. Threats can be expressed directly or indirectly to the victim or to others, and may be explicit or implied. A threat to harm others can be transient (i.e., expression of anger

or frustration that can be quickly or easily resolved), or substantive (i.e., serious intent to harm others that involves a detailed plan and means. (National Association of School Psychologists, 2017)

3.0. Procedures:

3.1. ~~3.9. Alternatives to Suspension or Expulsion (UAC 53A-11-902 & 906): 3.9.1.~~

Prior to suspending, or temporarily transferring, or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behaviors **that do not warrant immediate student removal**, the school, i.e.: **school counselors, and/or other designated school representatives, (UCA 53G-8-210(3)(g); 53G-8-211(4)(b))** ~~or district~~ shall make good faith efforts to implement a ~~remedial discipline~~ **conduct plan** that would allow the student to remain in school. ~~Plans should make efforts to: resolve the student's inappropriate behavior; impose immediate direct consequences which holding the student accountable for disruptive behavior; and provide incentives to students that directly and regularly reward or recognize appropriate behavior.~~

3.1.1. Parents shall be notified and involved in resolving the behavior as per Section 3.4.

3.1.1.1 Evidence-based interventions and restorative school practices shall be implemented **prior** to administrative referral or referral to restorative justice programs. (R277-609-3-6)

3.1.1.2. Schools may establish an in-school suspension program allowing the parent or guardian, (with the consent of the student's teacher(s)) to attend class with the student for a period of time; however, failure on the part of the parent to do so may result in suspension of the student. (UCA 53G-8-207)

~~3.9.2. If the parent does not agree or fails to follow through with alternatives the student shall be suspended consistent with this policy. The principal or assistant principal may enlist the cooperation of the Division of Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension. (Utah Code 53A-11-103(2))~~ *clarified and moved*

3.2. Gang prevention and intervention: Schools shall implement specifically designed gang prevention projects and activities to help at-risk students stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society. (UCA 53E-3-509; R277-436)

3.3. After School Discipline Programs: Elementary school students may be detained after regular school hours given that prior notice has been given to the parent/guardian. Note: Exceptions to the notice provision are allowable if the reason for detaining the student is for their safety or health.

3.4. Notice Disruptive Student Behavior (UCA 53G-8-210): Procedures for dealing with a disruptive or unsafe student must include notifying the parent of their student's behavior and including them in resolving the disruptive behavior. The notice of disruptive student behavior shall be issued by a school administrator to the parents of qualifying minors, i.e.: students who are at least nine year old and who:

- (i) engage in disruptive student behavior three times during the school year which does not result in suspension or expulsion; or

- (ii) engage in disruptive student behavior, which does result in suspension, Temporary Disciplinary Transfer (TDT) (to an alternative educational setting) and/or or expulsion once during the school year;

3.4.1. The notice shall be mailed by certified mail to, or served on a parent and require that the qualifying minor and a parent:

- (i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and
- (ii) cooperate in correcting the school-age minor's disruptive student behavior;
- (iii) A school representative shall provide a list of resources available to assist the parent in resolving the school-age minor's disruptive behavior.

3.4.1.1. Parents may contest a Notice of Disruptive Student Behavior within a reasonable time by requesting a meeting with a different school administrator other than the one who issued the notice; if one is not available, the parent may contact a designee at the District Office. (UCA 53G-8-210(3))

3.4.2. Notice Habitually Disruptive Student Behavior: Parents may only be issued a Habitual Disruptive Student Behavior Notice when they have already received a Notice of Disruptive Student Behavior, and the student has:

- (i) engages in disruptive behavior, that does not result in suspension or expulsion, at least six times during the school year;
- (ii) engages in disruptive behavior that does not result in suspension, Temporary Disciplinary Transfer (TDT) to an alternative educational setting, 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;
- (iii) engages in disruptive behavior that results in suspension, Temporary Disciplinary Transfer (TDT) to an alternative educational setting, or expulsion at least twice during the school year.

3.4.2.1. A Habitual Disruptive Student Behavior Notice shall be mailed by certified mail to, or served upon the parent of the student and may be issued by a school administrator or designee. Within five days after the notice is issued, the school administration shall provide documentation to the parent of the efforts made by the school counselor, or representative to resolve the student's disruptive behavior. (UCA 53G-8-210(6)(b))

~~a school counselor or other designated school representative to work with the student before the student becomes subject to the jurisdiction of the juvenile court; implementation of a continuum of intervention strategies, (53A-11-910); an in-school suspension program, or a plan where the parent, with the consent of the student's teacher(s) or teachers, would attend class with the student for a period of time specified by the principal or assistant principal, or other reasonable alternatives.~~ *Clarified & moved*

~~3.2.~~ **3.5. Grounds for Suspension, Temporary Disciplinary Transfer to an Alternative Educational Setting and/or Expulsion** (Utah Code 53A-11-904 UCA 53G-8-205)

A student may be transferred to an alternative setting, suspended or expelled from the student's boundary school for any of the following reasons (UCA 53G-8-205(1):

~~3.2.1.~~ **3.5.1.** When a school official determines that reasonable time is needed to establish, further verify or document facts of an act or incident or series of acts of disobedience and disruptive misconduct **which impedes** the learning process., ~~which may lead to long-term suspension or expulsion from school;~~

~~3.2.1.1.~~ **3.5.2.** Illegal behavior, frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior; including the use of foul, profane, vulgar, or abusive language.

~~3.2.1.2.~~ Willful destruction or defacing of school property; which will also result in the student or parent paying for loss or damages (53A-1-806) or if unable, participate in a volunteer work program.

~~3.2.1.7.~~ **3.5.3.** Student participation in any form of criminal street gang activity **as defined per 2.11.8.** on or about school property or at any school-sponsored activity, or on school-provided transportation, and including: ~~the wearing, possessing,~~ using, distributing, displaying, or selling of any criminal street gang attire, symbols, signs or other things which are evidence of membership in, or affiliation with, recruitment, or desire to be affiliated with, any criminal street gang.

~~3.2.1.3.~~ **3.5.4.** Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school, including: **hazing**, bullying, emotionally **demeaning or assaultive behavior**, physical violence (restraint, etc.), physical or sexual harassment (**improper touching or inappropriate exposure of body parts, etc.**) (UCA 53G-8-209(2) See policy ~~1420 Sexual Harassment; Policy 1720 Non-Discrimination~~ **2115 Non-Discrimination and Prevention of Harassment**; Policy 3510 Bullying and Hazing.

~~3.2.1.4.~~ **3.5.5.** Possession or use of pornographic material on school property.

~~3.2.1.5.~~ **3.5.6.** Possession, control, or use of an alcoholic beverage as defined in Utah Code ~~32A-1-105~~ **32B-1-102.**

~~3.2.1.6.~~ **3.5.7.** Possession, control, use of cigar, electronic cigarette, or tobacco (Utah Code 76-10-105).

~~3.2.1.8.~~ **3.5.8.** **Willful destruction or defacing of school property;** behavior which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs.

3.5.8.1. If a school's property has been lost or willfully cut, defaced or otherwise damaged, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent/guardian has paid for the damages.

3.5.8.1.1. If the student or parent/guardian are unable to pay for the damages or if it's determined by the school in consultation with the student's parent/guardian that the student's interests would not be served if the parent/guardian paid, the school shall provide a program of work the student may complete in lieu of payment and the school shall release the official grades, diploma and transcripts upon completion. (UCA 53G-8-212(3-4))

~~3.2.2.~~ **3.6. Grounds for Suspension, Temporary Disciplinary Transfer to an Alternative Educational Setting and/or Expulsion** (Utah Code ~~53A-11-904~~)

A student shall be suspended or expelled from school for any of the following reasons (UCA 53G-8-205(2)):

~~3.2.2.1.~~ **3.6.1.** Any serious violation affecting another student or staff member, or any serious violation occurring during school hours, including lunch/break time, in a school building, in or on school property, or in conjunction with any school-sponsored activity, including, but not limited to:

~~3.2.2.1.6.~~ **3.6.2.** The commission of an act involving the use of force or threatened force which if committed by an adult would be a felony or class A misdemeanor.

~~3.2.2.1.1.~~ **3.6.3.** Possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

~~3.2.2.1.2.~~ **3.6.4.** The actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities;

~~3.2.2.1.3.~~ **3.6.5.** The sale, control, or distribution of a drug; **drug paraphernalia; imitation of a controlled substance** or controlled substance as defined in Utah Code **58-37-2; 58-37b-2; 58-37a-3.**

~~3.2.2.1.4.~~ The sale, control, or distribution of an imitation controlled substance as defined in Utah Code Section ~~58-37b-2;~~ **included above**

~~3.2.2.1.5.~~ The sale, control, or distribution of drug paraphernalia as defined in Utah Code Section ~~58-37a-3;~~ **included above**

3.3. 3.7. Procedures for Suspension:

~~3.3.1.~~ **3.7.1.** Authority is delegated from the Washington County School District Board of Education to school principals and assistant principals to suspend students for up to 10 school days.

~~3.3.2.~~ **3.7.2.** When a student is being considered for suspension the student will be given an opportunity to present the student's case to the principal or designee, except in an extreme case where the danger to the individual or others is such that immediate removal from school is imperative.

~~3.3.3.~~ **3.7.3.** If there is reasonable validity to the student's explanation and the student's presence in school will not be disruptive or injurious to the student or others, the student may be allowed to remain in school until a more thorough investigation regarding the facts in the case can be made at which time a decision will be made regarding whether to suspend or not to suspend the student. **Refer to District Policy 1700.**

~~3.3.4.~~ **3.7.4.** In any circumstance where the student is suspended:

~~3.3.4.1.~~ **3.7.4.1.** If it is determined by the principal or assistant principal that a suspended student must immediately leave the school building and the school grounds, the principal or assistant principal shall determine the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.

~~3.3.4.2.~~ **3.7.4.2.** The parents, **The custodial parent and, if requested in writing by a noncustodial parent (and as allowed by court documentation),** of any student who is suspended must be notified, and provided with a copy of the safe schools policy as soon as possible, but not later than 24 hours by telephone or mail other reasonable means of the suspension and asked to discuss the matter with the appropriate school official. At this conference, the reasons for the suspension will be discussed, the period of the suspension along with the conditions upon which the matters might be resolved and the student returned to school. **(UCA 53G-8-204(b))**

~~3.3.4.3.~~ **3.7.4.3.** If a satisfactory resolution cannot be reached, the student may be suspended from school for a maximum of 10 days.

~~3.10.2.~~ **3.7.5.** Any student temporarily suspended from regular classroom instruction shall be allowed full opportunity to make up work missed as a result of the suspension. It is the responsibility of the student to contact teacher(s) to obtain missed assignments, tests, etc. An appropriate administrator shall inform the parent(s) and student of the procedures for contacting the teacher(s) to obtain work during the suspension period.

~~3.4.~~ **3.8. Procedures for Long Term Suspension (suspension that exceeds 10 school days)/Temporary Disciplinary Transfer (TDT):**

~~3.4.1.~~ **3.8.1.** Authority is delegated from the Washington County School District Board of Education to the Superintendent or his/her designee to suspend a student from school for any period of time beyond the 10-school day suspension period, but for not more than one school year. **(UCA 53G-8-206(2))**

3.8.2. Without delay the school official shall notify the parent/guardian of the time and place for the parent/guardian to meet with a designated school official to review the proposed suspension or TDT.

3.8.2.1. A student must be provided due process. A suspension or removal from the school may not extend beyond 10 school days unless the student and the student's parent/guardian have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action. Long-term suspension and/or temporary disciplinary transfers shall be based on factors such as previous violations, severity of conduct, and other relevant educational concerns. Refer to District Policy 1700 when conducting an investigation. **(UCA 53G-8-206(4-5))**

~~3.4.1.1.~~ **3.8.3.** Recommendations for a long-term suspension/temporary disciplinary transfer shall be submitted to the Superintendent, or designee for consideration.

~~3.4.1.2.~~ **3.8.3.1.** If the Superintendent or designee agrees that a long-term suspension/temporary disciplinary transfer is appropriate, the principal shall **provide** contact the student's parent(s) without delay. A verbal contact shall be followed by a written notice **to the parents/guardian**, ~~3.4.1.3.~~ The written notice and procedures for a recommended long-term suspension/temporary disciplinary transfer shall ~~be provided and must~~ including:

~~3.4.1.4.~~ **(a)** A copy of this policy

~~3.4.1.5.~~ **(b)** A statement that the principal is recommending long-term suspension/temporary disciplinary transfer; including: a description of the school regulation(s) allegedly violated by the student; a statement of the facts as known to the principal leading to the principal's recommendation.

~~3.4.1.6.~~ **(c)** The length of time of the recommended long-term suspension/temporary disciplinary transfer to an alternative setting.

~~3.4.1.7.~~ (d) Any conditions that would afford the student the opportunity for an early return to the boundary school.

~~3.4.1.8.~~ (e) Information on how to check out of the current school, including information about turning in, providing, and receiving credit for work the student may have completed.

~~3.4.1.9.~~ (f) Information on the procedures and contact information to enroll a student in ~~the an~~ alternative educational setting, ~~and~~

(g) Notification that unless otherwise agreed upon, a suspended student may not be readmitted to school until the student and parent/guardian have met with the parent to review the suspension/TDT and agreed upon a plan to avoid recurrence of the problem. (UCA 53G-8-206(5))

~~3.4.1.10.~~ (h) Information regarding the opportunity to request an informal hearing on the matter; including that the parent must make a written request for an informal hearing to the school principal within 10 days of the receipt of the notice of the student's transfer to an alternate setting, a school contact person, with mailing or contact information.

~~3.4.1.11.~~ (i) In addition, notice must be provided to the parent(s) that the student has a right to a formal hearing if the parents choose to contest the proposed outcome of the informal hearing.

~~3.4.1.12.~~ (j) The parent must make a written request for a formal hearing with the Superintendent or designee within 10 days of the informal hearing.

~~3.10.3.~~ **3.8.4.** The parent is responsible for transportation to the alternative educational setting and is responsible for any fees associated with the program, unless such fees have been waived consistent with the state and district fee waiver criteria or for special circumstances.

~~3.10.5.~~ **3.8.5.** The school shall contact the parent of each long-term suspended/temporary disciplinary transferred or expelled under the age of 16 at least once a month to determine the student's progress. (UCA 53G-8-208(4)).

~~3.5.~~ **3.9. Procedures for Expulsion:**

Consistent with ~~Utah law (Utah Code 53A-11-905(3))~~, Utah Code 53G-8-206(3) only the board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the District Superintendent, or the Superintendent's designee, and the conclusions reported to the board at least once each year.

~~3.2.2.3.~~ A student who commits a violation 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. Exceptions to expulsion may be made on a case by case basis to the Superintendent.

~~3.5.1.~~ **3.9.1.** Recommendations for expulsions shall be submitted by the principal to the Superintendent, on behalf of the board.

~~3.5.2.~~ **3.9.2.** If the Superintendent, ~~on behalf of the board~~, agrees with the recommended that the Superintendent should consider expulsion the Superintendent, or the Superintendent's designee, on behalf of the board, shall contact the student's parent without delay. ~~Such~~ and shall also provide written notice of the expulsion ~~shall~~ including: the grounds for the expulsion, the period of time for which the student is expelled; information on how to check out of the current school, including information about turning in, providing, and receiving credit for work the student may have completed, and the time and place for the parent/guardian and student to appear as follows: ~~all information relevant to an expulsion~~

as outlined in section ~~3.9.3.1, 3.4.1.4. to 3.4.1.9.~~ as well as notice of the opportunity to make an appeal to the board.

~~3.5.3.~~ **3.9.2.1.** Within 45 days after the expulsion the student shall appear before the student's Local School Board Superintendent or the Superintendent's designee accompanied by a parent. The Superintendent, or designee shall determine:

a) ~~What conditions must be met by the student and the student's parent for the student to return to school;~~

b) ~~a) If the student should be placed on probation~~ **on a provisional basis** into a regular or alternative school setting ~~consistent with Utah Code Section 53A-11-907,~~ 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/or

e) ~~b) If it would be in the best interest of both the school district and the student to modify the expulsion term to less than one year, conditioned on approval by the board and giving highest priority to providing a safe school environment for all students.~~

~~3.10.1.~~ **3.9.3.** **When** a student is removed from school without educational services (**expelled**) ~~for more than 10 days,~~ the parent is responsible for an alternative education plan which will ensure that the student's education continues during the period of removal. The parent shall ~~work~~ **consult** with the principal or assistant-principal to determine how that responsibility might best be met through other alternatives which will reasonably meet the educational needs of the student. Costs for educational services which are not provided by the school district are the responsibility of the student's parent.

~~3.2.2.3.~~ **3.9.4.** A student may be denied admission to a Washington County School District school on the basis of having been expelled from any other school during the preceding 12 months **for having committed a serious infraction that endangered persons or property; and/or having caused serious disruptions.** (UCA 53G-6-403 (3)(b))

~~3.6.~~ **3.10. Procedures for an Informal Hearing Following a Long-term Suspension/Temporary Disciplinary Transfer**

~~3.6.1.~~ **3.10.1.** The informal hearing is conducted with the school principal, or designee and other school personnel as determined. It must be conducted within 10 days of receiving the parent's written request, subject to reasonable flexibility for either party.

~~3.6.2.~~ **3.10.2.** The parent shall: **(request for an "a,b,c" format)**

~~3.6.2.1.~~ **3.11.2.1.(a)** Receive notice of the date, time, and place of the informal hearing.

~~3.6.2.2.~~ **3.11.2.2. (b)** Receive a brief outline of the school administration's decision to transfer the student to an alternative educational setting, including the circumstances that led to the transfer, the student's previous disciplinary record, if any, and other relevant information about the transfer.

~~3.6.2.3.~~ **(c)** **Be notified of** the opportunity to present witnesses, although witnesses cannot be compelled to attend.

~~3.6.2.4.~~ **(d)** Receive a copy of the District Safe School Policy, including the right to a formal hearing.

~~3.6.2.5.~~ (e) A parent may provide a written explanation of parent's/student's objection to the transfer and/or alternative placement.

~~3.6.2.6.~~ (f) The student shall remain in the alternative educational setting pending the decision of the informal hearing.

~~3.6.2.7.~~ (g) The parent shall be informed of the decision in writing via certified mail within ~~24~~ 48 hours.

~~3.7.~~ **3.11. Procedures for a Formal Hearing Following a Long-term Suspension/Temporary Disciplinary Transfer:**

~~3.7.1.~~ **3.11.1.** The hearing shall be conducted before an impartial hearing panel, appointed by the Superintendent, or the Superintendent's designee and at least two other professional staff persons who have not been involved in the student incident. In the formal hearing process, findings of fact and proposed penalties shall be determined by a majority vote of the hearing panel.

~~3.7.2.~~ **3.11.2.** All persons presenting information shall appear in person at the hearing. Each of the complaining parties (the school administration and the parent) will have the opportunity to present the party's information and evidence to the hearing panel. The school administration and the parent may present and question witnesses, although witnesses cannot be compelled to attend.

~~3.7.3.~~ **3.11.3.** The hearing may be recorded either by an audio or video recording device.

~~3.7.4.~~ **3.11.4.** The parent may be accompanied by legal counsel if the school administration is represented by legal counsel. The hearing panel may be assisted by legal counsel, at the Superintendent's discretion.

~~3.7.5.~~ **3.11.5.** The hearing panel may contact persons or otherwise obtain facts that will assist the panel in reaching an informed decision. The parent must have the opportunity to hear and respond to all information and evidence that the panel members consider in making a decision.

~~3.7.6.~~ **3.11.6.** The hearing panel's decision is final.

~~3.7.7.~~ **3.11.7.** The written decision of the hearing panel will be sent to each of the parties no more than 10 days after the hearing.

~~3.7.8.~~ **3.11.7.1.** The hearing panel's written decision shall use the following format:

- (a) A statement of the time, date, place of and individuals in attendance at the hearing.
- (b) A summary of the information and evidence presented at the hearing.
- (c) A statement of the hearing panel's final decision.
- (d) A time period for a long-term suspension/temporary disciplinary transfer.
- (e) A statement of the hearing panel's recommended conditions for a long-term suspension/temporary disciplinary transfer that a student must satisfy to be considered for re-instatement in the student's boundary school.

~~3.7.9.~~ Results of all hearings shall be reviewed by the Superintendent or designee, and the conclusions reported to the State Board of Education at least annually.

~~3.8.~~ **3.12. Appeal of Expulsion Recommendation to the Board of Education:**

3.12.1. Requests for an appeal hearing to the board of education shall be made in writing to the Superintendent.

~~3.8.1.~~ **3.12.2.** The board's review of an expulsion recommendation shall be scheduled and completed as soon as possible, and no longer than 30 days following the Superintendent's receipt of the request for board review.

~~3.8.2.~~ **3.12.3.** The board, with the assistance of the Superintendent, shall review all materials and evidence provided by the principal and parent.

~~3.8.3.~~ **3.12.4.** Each of the complaining parties may address the board regarding the evidence and the appropriateness of the decision.

~~3.8.4.~~ **3.12.5.** If the board finds that (1) there were no procedural errors, (2) that the penalty is consistent with the evidence and information presented and (3) that the student expulsion is appropriate considering all evidence and circumstances discussed at the hearing, the board shall uphold the Superintendent's decision.

~~3.8.5.~~ **3.12.6.** If the board finds that grounds for expulsion and procedures were not satisfied, the board may modify the expulsion consistent with the evidence and information before the board. The board may modify the decision to include any conditions for alternative educational services and/or early reinstatement into school as per Section 3.5.3., and communicate the modified decision in writing to both parties within 10 days.

~~3.8.6.~~ **3.12.7.** The board's decision is the final administrative decision.

3.9. Alternatives to Suspension or Expulsion (UAC 53A-11-902 & 906): **Moved alternatives should be considered first**

~~A school representative shall provide a list of resources available to assist the parent in resolving the school-age minor's disruptive behavior.~~

~~3.9.1. Prior to suspending, temporarily transferring, or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior that do not warrant immediate student removal, the school or district shall make good faith efforts to implement a remedial discipline plan that would allow the student to remain in school. These efforts may include: a school counselor or other designated school representative to work with the student before the student becomes subject to the jurisdiction of the juvenile court; implementation of a continuum of intervention strategies (53A-11-910); an in-school suspension program, or a plan where the parent, with the consent of the student's teacher(s) or teachers, would attend class with the student for a period of time specified by the principal or assistant principal, or other reasonable alternatives.~~

~~3.9.2. If the parent does not agree or fails to follow through with alternatives the student shall be suspended consistent with this policy.~~

~~3.9.3. The parent of a suspended student and the principal or assistant principal may enlist the cooperation of the Division of Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension. (Utah Code 53A-11-103(2))~~ **Moved**

3.10. Education of Excluded Students:

3.10.1. If a student is removed from school without educational services for more than 10 days, the parent is responsible for an alternative education plan which will ensure that the student's education continues during the period of removal. The parent shall work with the principal or assistant principal to determine how that responsibility might best be met through other alternatives which will reasonably meet the educational needs of the student. Costs for educational services which are not provided by the school district are the responsibility of the student's parent. **Addressed in expulsion**

3.10.2. Any student temporarily suspended from regular classroom instruction shall be allowed full opportunity to make up work missed as a result of the suspension. It is the responsibility of the student to contact teacher(s) to obtain missed assignments, tests, etc. An appropriate administrator shall inform the parent(s) and student of the procedures for contacting the teacher(s) to obtain work during the suspension period. **Addressed in suspension**

3.10.3. The parent is responsible for transportation to the alternative educational setting and is responsible for any fees associated with the program, unless such fees have been waived consistent with the state and district fee waiver criteria or for special circumstances. **Addressed in TDT**

3.10.4. The parent and administrators may enlist the cooperation of the Division of Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.

3.10.5. The school shall contact the parent of each long-term suspended/temporary disciplinary transferred or expelled under the age of 16 at least once a month to determine the student's progress. **(UCA 53G-8-208(4)). Moved**

3.13. Procedures for Risk and Threat Assessment:

3.13.1. School student support and intervention teams shall meet regularly to address concerning student behaviors such as: a marked decline in performance; increased absenteeism; withdrawal or isolation; sudden or dramatic changes in behavior or appearance; drug or alcohol use; erratic depressive and other emotional or mental health symptoms. While these behaviors may not be indicative of violence they *may* warrant conducting further assessment.

3.13.2. Threat Assessment: In the event of: frequent bullying or harassing others; possession of, or threatened use of, a weapon; committing an act of school violence, including force or assault, or making a threat to do so; or other concerning or criminal behaviors, an interdisciplinary team, consisting of district/school administrators, educational and mental health representatives, and the school resource officer (SRO), may conduct Threat Assessment. After the school administration has conducted an investigation as per Policy 1700 and has initiated a request, the team will guide an analysis of facts, inquiry and investigation as to whether the student poses substantive threat of violence and develop an intervention plan to protect potential victims, reduce the threat posed by the student, and address the underlying problem or conflict.

3.13.2.1. A threat assessment is not a predictor of future violence nor is the assessment a foolproof method of assessing an individual's risk of harm to others. The data is utilized to address the needs of the student while keeping in mind the safety of the school as a whole. (NASP; US Dept. of Education; US Dept. of Homeland Security, US Secret Service National, Threat Assessment Center, 2018)

3.14. Procedures for Referrals to Juvenile Court:

School administrators and School Resource Officers (SROs) or law enforcement officers who have cause to believe that a minor committed an offense on school property, even when school is not in session or during a school-sponsored activity, may refer the minor to an school-based intervention and/or may refer the minor to court. UCA 53G-8-211(4); HB 132) Administrators and officers should use their discretion about whether to refer and/or charge students who have committed offenses. Considerations should be made on a case by case basis keeping in mind that just because an offense may be eligible for referral, does not always mean that it should. When at all possible, school-based restorative discipline practices and restorative justice programs should be exhausted prior to a referral to juvenile court.

(Utah Commission on Criminal and Juvenile Justice: School Offense Referral Guide)

<https://justice.utah.gov/Juvenile/HB239/School%20Offense%20Referral%20Guide.pdf>

3.14.1. If the alleged offense is a class C misdemeanor, an infraction, and/or status offense on school property the minor **may** be referred to court **only** if the student refuses to participate in an evidence-based intervention. (UCA 53G-8-211 (3); 53G-6-201; HB 239 Juvenile Justice Oversight Committee, School Offense Referral Guide, June 2018)

3.14.2. If the alleged offense is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to the juvenile court for review by the school administrator, the school administrator's designee, or a school resource officer, or the minor may be referred to the evidence-based alternative interventions.

3.14.3. When a minor is referred to court the school shall appoint and provide the contact information of a school representative (may not be the SRO) to continue to engage with the minor and the minor's family through the court process.

3.14.3.1. When the school receives notification that the student's violation/behavior will result in court action, the school shall provide to the courts: a report of evidence-based interventions used by the school before referral, including outcomes; a formal written assessment of the student, including: the number and timeline of disruptions; attendance; grades; behavioral reports; student suspension, temporary transfer or expulsion data which resulted in court involvement.(UCA 53G-8-211(4)(c); R277-609-8 & HB 132)

3.14.4. If a minor is referred to court, the court may not order the minor to or placed in secure detention; however, the court may use the resources of the Division of Juvenile Justice Services or the Division of Substance Abuse and Mental Health to address the minor. (UCA 53G-8-211(4)(d))

3.14.5. The juvenile court and law enforcement shall provide notification to the superintendent, or designee as to any student who has been adjudicated. Within three days, the superintendent, or designee, shall notify the principal of the school the juvenile attends or last attended. The principal shall make notation on a secure file other than the student's permanent file; and may notify staff members who have a right and a current need to know of the adjudication. (UCA 53G-8-403)

3.15. Procedures for Emergency Safety Interventions (ESI) for All Students (preschool through post-high school) (UCA 53G-8-302; R277-609):

An emergency safety intervention is not for disciplinary purposes. A school employee may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate to the circumstances to:

- (a) obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- (b) protect a student or another individual from physical injury;
- (c) remove from a situation a student who is violent; or
- (d) protect property from being damaged, when physical safety is at risk

3.15.1. The use of the restraint must only be for the minimum time necessary, but not to exceed 30 minutes, to ensure safety and meet criteria; including that the student must be standing or sitting. The law prohibits physical restraint if the student is prone, or face-down; supine or laying down face-up, has an obstructed airway or primary mode of communication is obstructed in anyway. A school employee may use less intrusive means, including a physical escort, to address circumstances as described.

3.15.2. Mechanical restraint is prohibited, except those that are protective, stabilizing or required by law, and/or a device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation:

3.15.3. Chemical restraint is prohibited, except as: prescribed by a licensed physician or other qualified health professional acting, for the standard treatment of a student's medical or psychiatric condition; and administered as prescribed by the licensed physician or other qualified health professional.

3.15.4. Seclusionary time out is prohibited, except when a student present an immediate danger of serious physical harm to self or to others; or for a student with a disability it is written into the student's Individualized Education Program (IEP) as a planned intervention, and only after less restrictive means have been attempted, and which is agreed upon by the parent(s). Seclusionary time out shall only be used for the minimum time necessary to ensure safety, not to exceed 30 minutes; the door shall remain unlocked; the student must be within the line of sight of an employee at all times; the enclosed area must meet fire and public safety requirements (R392-200 and R710-4).

3.15.5. Emergency Safety Intervention Notification: If a public education employee uses physical restraint or seclusionary time out, the school shall immediately (as soon and possible but no later than the end of the school day) notify the student's parent/guardian and the school administration. If the ESI is applied for longer than 15 minutes such information must be immediately provided to the parent and school administration. Notice shall be documented within the student information system. Within 24 hours, the school shall notify a parent/guardian that they may request a copy of any notes or additional documentation taken during a crisis situation. A parent may request a time to meet with school staff and administration to discuss the crisis situation. (R277-609-8)

3.15.6. Emergency Safety Intervention (ESI) Committee: The district shall establish an ESI committee which includes: at least two administrators; at least one parent of a student (appointed by the District); and at least two certified educational professionals with behavior training and knowledge in both state rules and the board's conduct and discipline policies.

3.15.6.1. The committee shall: meet often enough to monitor the use of ESI within the District; determine and recommend professional development needs; develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and create and communicate uniform district methods for evaluation of the efficiency and effectiveness of each school's rules and standards.

3.15.7. School/district shall develop procedures for ongoing training of appropriate school personnel in crisis intervention training and emergency safety intervention professional development which are consistent with evidence-based practice. (R277-609-4(h))

~~3.11. Maintenance of Record:~~

3.16. Reporting and Records:

3.16.1. If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act relating to alcohol, controlled substances or drug paraphernalia, he/she shall immediately report that to the school's principal, or designated educator. An educator who in good faith makes a report is immune from any liability, civil or criminal, that might otherwise result from that action. (UCA 53G-8-501; 502; 504)

3.16.1.1. The principal, or his/her one designated educator, upon receiving a report of a prohibited act shall immediately report the violation to the student's parent/guardian and may report the violation to an appropriate law enforcement agency/official. The designated educator may not disclose to the student or to the student's parent/guardian the identity of the educator who made the initial report. (UCA 53G-8-503)

3.16.2. Notification of teachers of weapons on school property: Whenever a student is found on school property to be in possession of a dangerous weapon and that information is known to the principal, the principal shall notify law enforcement personnel and district/school personnel who, in the opinion of the principal, should be informed. (53G-8-510(1))

3.16.3. Violations, as outlined below, that are committed by students who participate in student government and extracurricular activities, particularly competitive athletics, require two levels of reporting. First, any school employee who reasonably believes that a violation may have occurred must **immediately** report it *to the principal*. Second, the principal who receives such an account shall submit a report, **within 10 working days** after receipt of the report, *to the superintendent* or the superintendent's designee. The report shall include the alleged incident, and the actions taken in response.

(a) use of foul, abusive, or profane language while engaged in school related activities;

(b) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette, tobacco, or alcoholic beverages, and

(c) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law. (UCA 53G-8-209(3))

3.16.3.1. Failure of a person holding a professional certificate to report as required under this section constitutes an unprofessional practice. (UCA 53G-8-209(3))

3.16.3. Schools shall report safe school violation as well as the action taken against the student in a student information system. This includes collecting, maintaining, and periodically reviewing the documentation or records regarding the use of Emergency Safety Interventions (ESI).

3.16.2.3. The report will be submitted on an annual basis to the State Board of Education via UTREx and when required to Civil Rights Data Collection (CRDC).

3.16.4. The District shall maintain a record of all suspended and expelled students and a notation of the suspension or expulsion shall be attached to the individual student transcript which may be removed at the end of the suspension or/expulsion period, with a written parent request.(UCA 53G-8-208(4))

3.16.5. When a school notifies a parent of an incident or threat as per 2.4.1., the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat. (UCA 53G-9-604(3)(a)(2))

~~3.13.~~ **3.17. Distribution of Policy:**

The policy is available on the district website. A copy of the grounds for suspension and expulsion from this policy shall be provided to each parent/ student upon the student's enrollment in a school in the Washington County School District. The policy may be posted in a prominent location in each school and shall be included in the student handbook. Any significant changes to the policy shall be distributed to the students in the school and posted in the school in a prominent location.