2110 Safe Schools Policy

Student Discipline Washington County School District (Revised 10-12-99;4-17-01; 08/08/08; 05-14-13)

1. Purpose:

The Board of Education of the Washington County School District 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 environment the following policy has been adopted and is based on the following principles:

2. 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. The policy applies to students while in the classroom, on school grounds, on school vehicles, and in school-related activities or events.

2.4. For mandatory School Reporting of Drug Use - refer to expulsion and attendance in Utah State Code referenced above.

3. Procedure:

3.1. Definitions:

3.1.1. 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 his/her presence, or a reasonable assumption that his/her presence will be disruptive or a threat to the well-being or safety of himself/herself and or other students or staff. Suspension may carry with it conditions which must be met to remove the suspension. Such conditions may be a joint responsibility of school personnel, the student and parents, or the sole responsibility of any one party. Suspension is for no more than 10 school days per incident.

3.1.2. Expulsion is defined as the removal from school and the cessation of educational services provided by the Washington County School District for any period longer than 10 consecutive days but not more than 1 school year.

3.1.3. Temporary disciplinary transfer means a student is temporarily removed 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.

3.1.3.1. The alternative educational setting should afford the student the opportunity to receive instruction 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.

3.1.3.2. 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.

3.1.3.3. For students with disabilities the procedures for change of placement under the Individuals with Disabilities Education Act (IDEA) apply.

3.1.3.4. A "Gang" as defined in this policy means any organization, association, or group of three or more which have a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

3.2. Grounds for Suspension, Transfer to Alternative Educational Setting and Expulsion:

3.2.1. A student may be suspended or expelled from school for any of the following reasons:

3.2.1.1. 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;

3.2.1.3. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school, including bullying, emotional, physical or sexual harassment (see policy 1425 on sexual harassment); (10-12-99)

3.2.1.4. Possession or use of pornographic material on school property. (H.B. 100- 4-30-07)

3.2.1.5. Possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105 of the Utah Code;

3.2.1.6. Possession, control, or use of tobacco;

3.2.1.7. Behavior described in Section 3.2.2 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.

3.2.1.8. Because of identification and association with gangs, the following will not be permitted on school campuses or at school activities: bandannas or any article of clothing bearing gang symbols, names, initials, insignia, or anything else that signals gang affiliation.

3.2.1.9. When a school official determines that time is needed to establish further facts of an act or series of acts of disobedience and misconduct disruptive to the learning process which may lead to suspension or expulsion from school.

3.2.1.10. Students are prohibited from engaging in any form of gang activity on or about school property or at any school activity, including the wearing, possessing, using, distributing, displaying, or selling of any gang attire, symbols, signs or other things which are evidence of membership in, or affiliation with recruitment, or desire to be affiliated with, any gang.

3.2.2. A student shall be suspended or expelled from school for any of the following reasons:

3.2.2.1. 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 activity, including:

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

3.2.2.1.2. 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. The sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2;

3.2.2.1.4. The sale, control, or distribution of an imitation controlled substance as defined in Section 58-37b-2;

3.2.2.1.5. The sale, control, or distribution of drug paraphernalia as defined in Section 58-37a-3.

3.2.2.2. 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.

3.2.2.3. A student who commits a violation of section 3.2.2 above 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, subject to the following:

3.2.2.3.1. 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 or legal guardian; and

3.2.2.3.2. The superintendent shall determine:

3.2.2.3.2.1. What conditions must be met by the student and the student's parent for the student to return to school;

3.2.2.3.2.2. If the student should be placed on probation in a regular or alternative school setting consistent with 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

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

3.2.2.4. A student may be denied admission to school on the basis of having been expelled from that or any other school during the preceding 12 months. A suspension or expulsion under this policy is not subject to the age limitations under Subsection 53A-11-102(1).

3.3. Suspension Procedures:

3.3.1. 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. When a student is suspended he/she will be told verbally or in writing the reasons for suspension the period of time for which the student is suspended and be given an opportunity to present his/her case to the principal or his/her designate except in an extreme case where the danger to the individual or others is such that immediate removal from school is imperative.

3.3.2. 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 guardian or other person authorized by the parent or applicable law to accept custody of the student.

3.3.3. If there is reasonable validity to the student's explanation and his/her presence in school will not be disruptive or injurious to himself/herself and others, he/she will 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. In any circumstances where suspension is made, the parents or legal guardian must be notified as soon as possible, but not later than 24 hours by telephone or mail 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 along with the conditions upon which the matters might be resolved and the student returned to school.

3.3.4. If a satisfactory resolution cannot be reached, the student may be suspended from school a maximum of 10 days. If a satisfactory resolution cannot be reached and the student returned to school within the 10-day period, the student may be subject to a temporary disciplinary transfer or a recommendation made that the student be expelled from school.

3.4. Expulsion Procedures:

3.4.1. Authority is delegated from the Washington County School District Board of Education to the Superintendent or his/her designee to expel students from school for any period of time beyond the 10-day suspension period, but not more than one school year. Recommendations for expulsions are to be submitted by the principal to the Superintendent. If the principal recommends expulsion, he/she shall contact the student and his/her parent(s) or guardian(s) within 24 hours of the time of the recommendation by telephone or certified mail. (If contacted by phone the principal will follow the contact with a written notice.) Such notice shall include:

3.4.1.1. A statement that the principal is recommending expulsion;

3.4.1.2. The length of time for which the expulsion is being recommended;

3.4.1.3. A description of the school regulation(s) allegedly violated by the student;

3.4.1.4. A statement of the facts as known to the principal leading to the recommendation for expulsion;

3.4.1.5. The time and place of the expulsion hearing;

3.4.1.6. A copy of this policy.

3.5. The Expulsion Hearing:

3.5.1. The hearing shall be conducted before an impartial tribunal consisting of the Superintendent of Schools or his/her authorized representative and two other professional staff persons, not complaining parties, to the action against the student. In expulsion proceedings, findings of fact and penalties shall be determined by a majority vote of the hearing panel.

3.5.2. All persons presenting information shall appear in person at the hearing. Each of the complaining parties will have the opportunity to present its views on the situation to the hearing panel. The school administration and the parent may present witnesses, although witnesses cannot be compelled to attend.

3.5.2.1. The parent may be accompanied by legal counsel if the tribunal will be accompanied by legal counsel.

3.5.3. The tribunal reserves the right to contact persons or otherwise obtain facts that will assist them in reaching an informed decision.

3.5.4. The decision of the tribunal will be sent in writing via registered mail to each of the complaining parties within 24 hours of the decision. The decision shall contain notice of the right of either party to appeal the decision to the Board of Education.

3.5.5. Results of all expulsion hearings shall be reviewed by the Superintendent or his/her designee, and the conclusions reported to the Board of Education at least once each year.

3.6. Appeal of Expulsion to the Board of Education:

3.6.1. The student or principal may request an appeal hearing before the School Board, or a committee consisting of at a majority of the voting members of the school board. Requests for an appeal hearing to the Board of Education shall be made in writing to the Superintendent and must be received within seven (7) days upon receiving the written decision of the hearing panel. This appeal hearing shall be held within one week, if possible, of the date such a request is received, or as soon thereafter as can be scheduled.

3.6.2. The Board or committee thereof conducting the appeal hearing, shall determine specifically if there was sufficient evidence to find that the alleged violation(s) occurred and if the penalty imposed was appropriate for the violation(s). At the appeal hearing:

3.6.2.1. The Board or committee shall review all written documents in the case;

3.6.2.2. Each of the complaining parties may address the Board or committee on the evidence and the appropriateness of the decision of the hearing panel.

3.6.3. The decision of the tribunal shall be in effect upon the student pending the decision of the appeal to the Board or committee. The decision of the Board or committee shall be forwarded via registered mail to each of the complaining parties within 24 hours of the decision.

3.7. Alternatives to Suspension or Expulsion:

3.7.1. Prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school. These may include an in-school suspension program, or a plan where the parent or guardian, with the consent of the student's teacher or teachers, would attend class with the student for a period of time specified by the principal or assistant-principal.

3.7.2. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and this policy.

3.7.3. The parent or guardian 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. (See Utah Code, Title 53A-11-903 and 53A-11-103(2).)

3.8. Education of Excluded Students:

3.8.1. If a student is expelled from school without educational services for more than 10 days, the parent or guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with the principal or assistant-principal to determine how that responsibility might best be met through private education or 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 or guardian.

3.8.2. 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 his/her teacher(s) to obtain missed assignments, tests, etc.. The principal or assistant principal shall inform the student as to the procedures for contacting the teacher(s) to obtain work during the period of suspension.

3.8.3. The parent or guardian and the principal or assistant-principal 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.

3.8.4. The school shall contact the parent or guardian of each expelled student under the age of 16 at least once a month to determine the student's progress.

3.8.5. Application of Policy to Students With Disabilities:

3.8.6. 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 and may be removed at the end of the suspension or/expulsion period.

The policy applies to student with disabilities to the extent permissible under applicable law or regulation. If application of any requirement of this policy to a student with a disability is not permissible under applicable law or regulation, the principal or assistant-principal shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this policy.

3.9. Temporary Disciplinary Transfer Procedure:

3.9.1. The parent must be notified in writing within 10 days of the administrative decision to transfer the student to an alternative educational setting as a result of a violation of Section 3.2. The notice shall include:

3.9.1.1. The reason for the transfer to an alternative setting.

3.9.1.2. The length of stay in the alternative educational setting.

3.9.1.3. Any conditions that would afford the student the opportunity for an early return to school.

3.9.1.4. Information on how to check-out of the current school, including information about turning-in work the student may have completed.

3.9.1.5. Information on how to enroll in the alternative educational setting, and

3.9.1.6. The opportunity to request an informal hearing on the matter. A written request for a hearing must be submitted by the parent to the school principal within 10 days of the receipt of the notice.

3.9.1.7. A copy of the letter is forward to the Superintendent (or designee).

3.10. Procedures for an Informal Hearing

3.10.1. The informal hearing must be conducted within 10 days of receiving the written request, unless the school calendar requires more time, or if either the parent or hearing officer is unable to meet the deadline.

3.10.2. The hearing officer can be one person or a panel of up to 5 people approved by the school principal as being able to objectively review the situation. This does not imply that the hearing officer or panel members are uninformed of the situation.

3.10.3. The parent shall receive written notice of:

3.10.3.1. The date, time, and place of the hearing.

3.10.3.2. A brief outline of the circumstances that led the school administration's decision to transfer the student to an alternative educational setting, including names of witnesses (e.g., school staff, or law enforcement officers) unless the school principal deems that releasing the names of witnesses may lead to physical or emotional harm.

3.10.3.3. The opportunity to present witnesses, although witnesses cannot be compelled to attend.

3.10.3.4. The opportunity to be accompanied by legal counsel if the hearing officer and/or panel will be accompanied by legal counsel.

3.10.3.5. A copy of the Safe School Policy.

3.11. The written decision of the hearing officer or panel shall be made available to the parent within 10 days. The decision will include notice of the opportunity to appeal the hearing decision to the Superintendent (or designee). (The parent must exhaust all administrative remedies and cooperate and participate in the administrative process prior to appealing the decision to a court of law.)

3.12. An appeal hearing before the Superintendent (or designee) must be requested in writing within 10 days of receipt of the hearing decision. An appeal hearing must be conducted within 10 days of receiving the written request, unless the school calendar requires more time, or if either the parent or hearing officer is unable to meet the deadline. The Superintendent (or designee) may select a panel of up to 5 people approved by the Superintendent as being able to objectively review the situation. This does not imply that the panel members are uninformed of the situation.

3.12.1. The parent shall receive written notice of the appeal hearing which includes:

3.12.2. The date, time, and place of the appeal hearing.

3.12.3. The opportunity to present witnesses, although witnesses cannot be compelled to attend.

3.12.4. The opportunity to be accompanied by legal counsel if the appeal hearing officer and/or panel will be accompanied by legal counsel.

3.12.5. A copy of the Safe School Policy.

3.13. The Superintendent (or designee) shall obtain a copy of the record used at the hearing which may be reviewed at the appeal.

3.14. The decision of the appeal hearing shall be made available to the parent in writing within 10 days of the decision.

3.15. The student remains in the alternative educational setting pending the decision of the informal hearing or appeal.

3.16. Distribution of Policy:

A copy of the grounds for suspension and expulsion from this policy shall be provided to each student upon enrollment in a school in the Washington County School District. A copy of the grounds for suspension and expulsion from this policy shall be posted in a prominent location in each school. Any significant changes shall be distributed to the student in the school and posted in the school in a prominent location. (Approved 6-13-95)