



OGDEN PREPARATORY ACADEMY

Official Policy

7. Students

7.07.POL Safe School Policy

Effective/Revision Date: 04/18/2019

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DEFINITIONS

1. The School: Ogden Preparatory Academy
2. The Board: Ogden Preparatory Academy Board of Directors
3. CMT: Case Management Team.
 - a. For the purposes of the Safe School Policy, the CMT functions as the designee of the Chief Administrative Officer.
 - b. The CMT shall consist of an odd number of individuals, at least 5, including the Building Principal, an additional Principal or Vice Principal from a different building ~~delegate of the Board~~, a teacher, and two other ~~of one other~~ members ~~member~~ of administration or school staff (for example, Counselor, Academic Mentor, Teacher, Special Education Case Manager, etc.). The Building Principal shall ensure that the CMT has at least one individual who can advocate for the student.

PURPOSE

1. To require student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the school community;
2. To require student responsibility for learning and behavior in all grades;
3. To require parents and guardians of all students to assume proper legal responsibility for their students' behavior, and to cooperate with school authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

4. To foster a School and community-wide expectation of good citizenship for students, and a sense of responsibility in the school community for rules and standards of behavior.
5. To comply with state and federal laws requiring suspension or expulsion for certain types of student behavior.

POLICY

1. Safe School Environment

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

2. Discrimination Prohibited

It is the policy of the School to provide equal educational and employment opportunities for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be filed promptly with the Administration or the Board.

DISCIPLINARY TERMS

1. **SUSPENSION:** For purposes of this policy, suspension is a temporary (10 consecutive school days or less) interruption of school services and activities. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program, but will not be allowed to attend classes or participate in any school activities during the period of suspension.
2. **LONG TERM SUSPENSION** For purposes of this policy, suspension is an interruption of school services and activities ranging from 11-180 days. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program, but will not be allowed to attend classes or participate in any school activities during the period of suspension.
3. **EXPULSION:** For purposes of this policy, expulsion means removal from the school of attendance for a period longer than ~~180~~^{ten (10)} consecutive school days. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student, where appropriate and feasible. However, the Principal retains the authority to exclude the student from all programs, or activities for the period of expulsion. In cases of total expulsion from the School, the legal obligation of complying with state compulsory education laws becomes the sole responsibility of the student's parents or legal guardian.

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4. CHANGE OF PLACEMENT (for Students with Disabilities under IDEA and Section 504): For purposes of removal of a student with a disability from the student's current educational placement, a change in placement occurs if the removal is for more than ten (10) consecutive school days; or, the student is subjected to a series of removals that constitute a pattern, because they cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "Change of Placement" requires compliance with the procedures outlined in §Due Process for Change of Placement of Students with Disabilities.

GROUND FORS SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

1. SUSPENSION:

A student may be issued a suspension, including a long term suspension suspended from school for any of the following reasons:

- a. frequent, flagrant, or willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting, gang activity, noncompliance with school dress code, harassment, including sexual, racial, or religious harassment, the use of foul, profane, vulgar or abusive language, or other unreasonable and substantial disruption of a class, activity, or other function of the school;
- b. willful destruction or defacing of school property;
- c. 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;
- d. possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32A-1-105;
- e. possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;
- f. possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;
- g. inappropriate use or possession of a personal electronic communication device. Personal electronic communication devices shall not be used during the academic day, and they may be confiscated by school officials if used during the academic day or in any other way that substantially disrupts the educational environment;
- h. criminal activity or other serious violation involving weapons, drugs, or the use of force which threatens harm or causes harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs.

2. EXPULSION:

A student may be expelled from school for any violations listed under Suspension if the violation is serious or persistent.

3. Weapons - Mandatory Expulsion for One Year, Utah Code Ann. §~~53G-8-205(2)(b)-53A-11-904(2)(b)~~; 20 U.S.C.A. § 7151

- a. Any student who, in a school building, in a school vehicle, on school property, or in conjunction with any school activity (a) possesses, controls, uses, or threatens use of a real weapon, explosive, noxious or flammable material; or (b) actually uses or threatens to use a look-alike or pretend weapon with the intent to intimidate another person or to disrupt normal school activities; shall be expelled from all school programs and activities for a period of not less than one year, subject to the following:
 - i. Within forty-five (45) days after the expulsion the student shall appear before the CMT, accompanied by a parent or legal guardian; and
 - ii. The CMT, *servicing as the School's Chief Administrative Officer's designee*, shall determine:
 1. what conditions must be met by the student and the student's parent for the student to return to school;
 2. if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § ~~53G-8-20753A-11-907~~, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and
 3. if it would be in the best interest of both the School and the student to modify the expulsion term to less than a year giving highest priority to providing a safe school environment for all students.
 - iii. For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.
- b. Students with Disabilities under IDEA and Section 504: Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to school or a school function the procedures outlined in §Due Process for Change of Placement of Students with Disabilities (Section V.E.5 of the OPA Sped Policies and Procedures Manual) of this policy must be followed.

4. Drugs and Controlled Substances - Mandatory Suspension or Expulsion Utah Code Ann. §~~53G-8-205(2)(a)-53A-11-904(2)(a)~~

- a. A student shall be suspended or expelled from his/her school of attendance for any of the following reasons:
 - i. use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a school building, in a

school vehicle, on School property, or in conjunction with any school activity.

- ii. misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function.
 - iii. misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at school only in compliance with the School's Medication Administrative Procedures.
- b. Students with Disabilities under Section 504: Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any school activity.

c. Drug Testing

- i. Any student who is reasonably suspected of ~~using drugs at school violating the Drugs and Controlled Substances section~~ may be subject to a drug test for cause, arranged and paid for by the School.
 - ii. Any student who has been suspended or expelled for a violation of the Drugs and Controlled Substances section may be required to provide a clean drug test and evidence of drug assessment and drug counseling programs as a condition of readmission to school. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.
 - iii. Students who refuse to submit to required drug testing and counseling programs, or to cooperate with School officials with respect to the sharing of appropriate information, may be denied readmission to the School.
 - iv. Any student who is suspended or expelled for violation of the Drugs and Controlled Substances section may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.
- d. Students with Disabilities under IDEA. Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the procedures outlined in §Due Process for Change of Placement of Students with Disabilities of this policy must be followed.

5. Gangs:

A "gang" as defined in this policy means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its

primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

- a. Gang Activity and Apparel Prohibited. Students who engage in any form of gang activity on or about school property, or at any school activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following.
 - i. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;
 - ii. Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or an affiliation with a gang;
 - iii. Soliciting others for membership in a gang, or engaging in initiations;
 - iv. Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;
 - v. Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;
 - vi. Committing any illegal act;
 - vii. Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.
- b. Confiscation of Gang Items. Subject to the search and seizure provisions of this policy, school officials may confiscate gang paraphernalia, apparel, or weapons at any time.
- c. Per Utah's Gang prevention and intervention policies ([53E-5-50953A-15-603](#)), the following actions will be taken to ensure proper prevention and intervention of Gang related activity:
 - i. school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;
 - ii. a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;
 - iii. gang-related graffiti or damage to school property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;
 - iv. if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school

property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents and guardians of students in the school within the guidelines expressed in the Utah policy.

- d. Consultation with Law Enforcement Authorities.
School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.
- e. Training and prevention.
School faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

AUTHORITY TO SUSPEND OR EXPEL

1. Regular Education Students:

Authority to Suspend and Duration of Suspension for Regular Education Students

- a. The Principal has the authority to suspend a regular education student for up to ten (10) school days per incident. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to:
 - i. the severity of the offense;
 - ii. the student's age;
 - iii. disability;
 - iv. academic status;
 - v. disciplinary record;
 - vi. parental capabilities; and
 - vii. community resources.
- b. The Principal is prohibited from suspending for longer than ten (10) school days, expelling, or otherwise changing student placement. Whenever such action is contemplated or desired, the Principal shall make a referral to the School's CMT.

2. Students with Disabilities:

Authority to Suspend and Duration of Suspension for Students with Disabilities

- a. The Principal has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. A school need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly removed.
- b. **The Principal is prohibited from suspending a student with a disability for longer than ten (10) school days, expelling, or otherwise changing student placement.**

Whenever such action is contemplated or desired, the Principal shall convene a CMT.

- c. For any suspension exceeding 10 cumulative days during the school year, the IEP or 504 team shall meet and determine appropriate methods of providing services during suspension or compensatory services after suspension.
3. Long Term Suspension and Expulsion:
Authority to ~~issue Long Term Suspensions and Expulsions~~ ~~Expel~~ and Duration of ~~Suspensions and Expulsions~~.
 - a. The ~~CMT Board~~, by a majority vote, may ~~issue long term suspensions and expulsions~~ ~~expel to~~ a student for violations ~~under this part~~ for a fixed or indefinite period.
 - b. Parental Responsibility: If a student is ~~subject to a long term suspension~~ ~~expelled~~ for a period longer than ten (10) days the student's parent or legal guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of ~~the long term suspension~~ ~~expulsion~~. The parent or guardian shall work with designated school officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which shall reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the responsibility of the student's parent or guardian.
 - c. The parent or guardian and designated school officials may enlist the cooperation of the Division of Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.
 - d. The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress.
 - e. **Only the Board has authority to expel a student.**
4. Change of Placement:
Authority to Institute Change of Placement for Student with Disabilities
 - a. Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

ALTERNATIVES TO EXPULSION, OR CHANGE OF PLACEMENT FOR FREQUENT OR FLAGRANT DISRUPTIVE BEHAVIOR - Utah Code Ann. §~~53G-8-207~~~~53A-11-906~~

A continuum of intervention strategies shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations. Prior to expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so

extreme or violent that immediate removal is warranted, good faith efforts shall be made at the school level to implement a remedial discipline plan to allow the student to remain in the School.

1. Before referring the student to the CMT for expulsion, or change of placement under this section, school staff should demonstrate that they have attempted some or all of the following interventions:
 - a. Talking with the student;
 - b. Class schedule adjustment;
 - c. Phone contact with the parent or legal guardian;
 - d. Informal parent/student conferences;
 - e. Behavioral contracts;
 - f. After-school make-up time;
 - g. Short-term in-school suspension (ISS);
 - h. Short-term at-home suspensions;
 - i. Appropriate evaluation;
 - j. Home study;
 - k. Alternative programs;
 - l. Law enforcement assistance as appropriate.

2. Parental Attendance with Student U.C.A. §~~53G-8-20753A-11-906~~(1) -(2).

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

DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

1. A School Administrator shall notify the custodial parent or guardian of the student of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with a designated school official to review the suspension.
2. A School Administrator shall also notify the noncustodial parent, if requested in writing, of the suspension and expulsion of, or denial of admission to their student.
 - a. Does not apply to the portion of school records that would disclose any information protected under a court order.
 - b. The custodial parent is responsible to provide the school a certified copy of any pertinent court order.
3. A School Administrator shall document the charges, evidence, and action taken.

4. The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.
5. If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to a School Administrator.
6. In general, the notice and informal conference shall precede the student's removal from school.
7. If, in the judgment of School Administration, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

DUE PROCESS FOR EXPULSIONS

1. If the Principal desires or contemplates **long term suspension** ~~expelling a student for~~ (longer than ten (10) school days), he/she shall convene a CMT review meeting.
2. Prior to convening the CMT, but in no instance longer than ten (10) days after the suspension began, the Principal shall meet with the parent or guardian to discuss the charges against the student and the proposed discipline. **The parent or guardian shall be provided an opportunity to submit written input.**
 - a. The Principal shall also notify the noncustodial parent, if requested in writing **by the noncustodial parent**, of the possible suspension or expulsion as outlined in this policy.
3. The CMT shall review all relevant documentation of the Safe Schools violation(s), including written student statements, written witness statements, evidence of an informal school hearing, evidence of a Principal meeting with parent or guardian and written parental input.
4. Notice to Student and Parent/Guardian
If the CMT determines, after considering the totality of the circumstances, that **the student's conduct warrants a student may be subject to a long term suspension expelled for** (longer than ten (10) school days), the Principal shall request a **CMT Hearing Board hearing** as soon as possible, and send written notice by certified mail, return receipt requested, to the student's parent or legal guardian.
5. **CMT Hearing Procedures**
Once a hearing is requested, the following procedures shall apply:
 - a. A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian of:
 - i. ~~the name of the Hearing Officer, the representative of the CMT,~~ the date, place, and time of the hearing;
 - ii. the circumstances, evidence, and issues to be discussed at the hearing;
 - iii. the right of all parties to cross-examine witnesses subject to the ~~Hearing Officer's~~ determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal;

- iv. the right of all parties to appeal to the President of the Board within ten (10) working days following the decision if the parties disagree with the ~~CMT's Hearing Officer's~~ decision; and
 - v. the right of all parties to examine all relevant records.
- b. ~~The CMT shall ensure the following procedures are followed at the hearing: The Hearing Officer, a representative of the CMT shall the hearing on the record and shall:~~
- i. ensure that a **summarized**, written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;
 - ii. consider all relevant evidence presented at the hearing;
 - iii. allow the right of cross-examination of witnesses, unless ~~the Hearing Officer determines that~~ this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;
 - iv. allow all parties a fair opportunity to present relevant evidence; and
 - v. issue a written decision including Findings of Fact and Conclusions.
- c. Hearing Rules. Formal Rules of Evidence do not apply to the Hearing and no discovery is permitted. However, the following rules will apply:
- i. parties may have access to information contained in School files to the extent permitted by law;
 - ii. hearings shall be closed to the press and the public;
 - iii. documents, testimony, or other evidence submitted by the parties after the hearing, will not be considered ~~by the Hearing Officer~~; and
 - iv. the ~~CMT Hearing Officer~~ may excuse witnesses or parties, or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Hearing Officer.
- d. Following the hearing, School Administration shall send a written notice to the parent(s)/guardian(s) of the student informing them of the Board decision **within 7 business days of the hearing.**

6. Appeals

- a. Within ten (10) working days following receipt of the ~~hearing Officer's~~ written decision, either party may appeal the decision, in writing, to the President of the Board.
- b. The Board President shall take the appeal to the Board of Directors at the next regularly scheduled meeting, a special meeting shall be called if the next meeting is more than one month following receipt of the appeal.
- c. Within five (5) ~~ten (10)~~ working days following receipt of the appeal, the Board's decision, the ~~President~~ of the Board or their designee shall notify the appealing party of the decision. ~~shall rule on the appeal.~~

DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed. See Ogden Preparatory Academy Special Education Policy and Procedure Manual for specific instructions and details.

SITE-BASED SAFE SCHOOLS MEASURES

1. Closed Campus
The Board hereby authorizes and implements a "closed campus" policy, under which students are prohibited from leaving school grounds during the school day without authorization from the school attendance office.
2. Physical Restraint
A school employee may, when acting within the scope of employment, use and apply physical restraint or force as may be reasonable and necessary under the following circumstances:
 - a. To protect any person from physical injury;
 - b. To take possession of a weapon, other dangerous objects or controlled substances in the possession of a student;
 - c. To restrain or remove a student from a situation when that student is violent or disruptive, or is a danger to him/herself or others, or
 - d. To protect property from serious damage.
 - e. When an employee exercises physical restraint, according to Utah Administrative Code: R277-609, the employee must document the incident for the use of physical restraint and within 1 hour of the incident notify the parent/guardian and administration.
3. Seclusionary Time Out
 - a. A school employee may decide a student needs a safe space to calm down and regain composure before returning to the classroom. The following are the requirements according to Utah Administrative Code R277-609:
 - i. Use minimum time to ensure safety
 - ii. Door must remain unlocked
 - iii. Student must be in line of sight with school staff
 - iv. Immediately notify parent/guardian and administration
 - v. The Child should not be in seclusionary time out for more than 30 minutes
 - vi. The time out is to ensure safety, not for discipline or punishment.
4. Corporal Punishment
School employees may not inflict or cause the infliction of corporal punishment upon a student.
5. After-School Detention
 - a. Teachers and other school officials shall make reasonable attempts to notify a parent or legal guardian before detaining a student after school.
 - b. If detention is necessary for the student's health or safety, an exception may be made to the notice requirement.

EXTRACURRICULAR ACTIVITIES

Participation in interscholastic athletics, and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

DENIAL OF ADMISSION BASED ON PRIOR EXPULSION U.C.A. §53A-11-904(3)

A student may be denied admission to the School if he or she was expelled from that or any other school, during the preceding 12 months.

INVESTIGATIONS

Whenever a Principal has reason to believe that school rules or policies have been broken, he or she shall proceed with an investigation. However, if the Principal believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

1. General Investigation Guidelines for School Administration

School Administration has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Principal shall conduct investigations according to the following general guidelines:

- a. The Administration shall conduct investigations in a way that does not unduly interfere with school activities.
 - b. When conducting investigations, School Administration shall follow School policies and procedures and make every attempt to conduct investigations in a fair and reasonable manner.
 - c. When questioning students as part of an investigation, school staff should have another adult present whenever possible.
 - d. All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.
 - e. When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.
- ### 2. Coordination with Law Enforcement
- The Principal has the responsibility and the authority, within his/her respective jurisdiction, to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

- a. The school administration may invite law enforcement officials to the school to:
 - i. conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity;
 - ii. maintain a safe and orderly educational environment; or
 - iii. maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.
- b. Investigation of Criminal Conduct. During an investigation for violation of school rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the school official has reason to suspect that a criminal act has been committed and in the opinion of the Principal law enforcement should be notified, the following procedure should be followed:
 - i. The Principal shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.
 - ii. The school official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.
 - iii. Unless circumstances dictate otherwise, questioning of the student by school officials shall not begin or continue until the law enforcement officers arrive.
 - iv. Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities.
 - v. The Principal shall document the contact or attempted contact with the student's parents or legal guardian. If the Principal cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Principal shall be present and document generally what occurs during the interview.
 - vi. The student shall not be questioned by the police unless or until he/she has received Miranda warnings from the officer.
 - vii. If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.
- c. Investigation Initiated by Law Enforcement Authorities
 School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.
 - i. When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on school grounds during school hours.
 - ii. Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:

1. The officers shall be required to get prior approval of the Principal or other designated person before beginning an investigation on school premises.
 2. The Principal shall document the circumstances warranting the investigation as soon as practical.
 3. Alleged criminal behavior related to the school environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of this policy.
 4. Law enforcement officials (investigating school-related or student related crimes may not have access to student education records, aside from directory information, unless they have a subpoena or court order, permission from parent or guardian.
 5. Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.
- d. Release of Student to Law Enforcement Official
- i. School officials may not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.
 - ii. When students are removed from school for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.
 - iii. The Principal shall immediately notify the Board of the removal of a student from school by law enforcement authorities.
 - iv. Where it is necessary to take a student into custody on school premises, the law enforcement officer shall contact the school Principal and relate the circumstances necessitating such action.
 - v. Whenever the need arises to make arrests or take students into custody on school premises, the Principal shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.
 - vi. When possible, the Principal shall have the student summoned to the Principal's office before the student is taken into custody.
 - vii. When a student has been taken into custody or arrested on school premises without prior notification to the Principal, the school staff present shall encourage the law enforcement officers to tell the Principal of the circumstances as quickly as possible. If the officers decline to tell the Principal, the school staff members present shall immediately notify the Principal.
- e. Quelling Disturbances of School Environment
- Law enforcement officers may be requested to assist in controlling disturbances of the school environment, which a Principal has found to be unmanageable by school personnel, and has the potential of causing harm to students and other persons, or to property. Such circumstances include situations where a parent or

member of the public exhibits undesirable or illegal conduct on or near school grounds, or at a school event, and who refuse to abide by a Principal's directive to leave the premises.

f. **Coordination of Policies with Law Enforcement Authorities**

The Principal shall meet at least annually with local law enforcement authorities to discuss the School's Safe and Orderly Schools Policy and rules on law enforcement contacts with the School. Law enforcement authorities shall be asked to inform their staffs about the terms of the Safe and Orderly Schools Policy.

INVESTIGATION OF CHILD ABUSE AND NEGLECT

Utah law requires that whenever any person, including any school employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Family Services.

1. The school shall distribute annually to all school employees copies of the School's procedures for reporting suspected child abuse or neglect and the School's Child Abuse-Neglect Reporting Form.
2. If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the school employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.
 - a. When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.
 - b. A copy of the written report shall be put in a Child Abuse-Neglect file to be maintained by the Principal, for all reported cases of suspected child abuse or neglect.
 - c. The Child Abuse-Neglect Reporting form shall not be placed in the student's personal file.
3. It is not the responsibility of the Principal or other school employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.
 - a. Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.
 - b. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional school employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.
 - c. Interviews with the child or suspected abuser shall not be conducted by the Principal or school employees.
 - d. Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

- e. Principal, school employees, Division of Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.
- f. Investigations are the responsibility of the Division of Family Services.
 - i. Principal or other school employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
 - ii. School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.
- g. Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune from any civil or criminal liability that otherwise might arise from those actions.

SEARCHES OF PERSON OR PROPERTY

Given the school's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that school officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

1. General Guidelines for Searches of Person or Property
 - a. Student Lockers

Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the school, lockers are solely school property and may be searched at any time by school officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in this policy.
 - b. Searches of Students and Student Property

Searches of a student's person, personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular school rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which school officials have reasonable suspicion that the student or student property is concealing weapons, drugs, alcohol, tobacco, unsafe contraband, pagers or lost/stolen/misplaced items.
2. Searches of Personal Belongings
 - a. Personal belongings may be searched by school officials whenever school officials have reasonable suspicion to believe a student is concealing evidence of

a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings, and to turn over personal property for search by a school official. All searches of student property by school officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

- b. All contraband discovered in a search by school officials shall be immediately confiscated and turned over to law enforcement officers if school officials have reason to believe the contraband is related to the commission of a criminal act.
- c. Searches of Person. School officials shall make sure the search meets the following guidelines:
 - i. The search shall be conducted in a private area of the school by a school official of the same sex as the student being searched;
 - ii. The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Principal, teacher, police officer);
 - iii. School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;
 - iv. Under no circumstances may school officials require students to remove any other items of clothing or touch students in any way during the search.
 - v. If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.
 - vi. In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines of this policy in addition to State and Federal laws..
- d. Documentation of Searches
School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:
 - i. The time, place and date of the search;
 - ii. The reasonable suspicion giving rise to the search (what did school officials suspect to find during the search);
 - iii. The name and title of individuals conducting and observing the search;
 - iv. A statement about evidence that was found or not found as a result of the search;
 - v. A statement about who took possession of contraband (i.e., police, school, etc.);
 - vi. Information regarding the attempts of school officials to notify parents about the search.

RECORDS--INTERAGENCY COLLABORATION
- 20 U.S.C. § 1232g(h)(i)-(2); U.C.A. § 53A-11-1001-1004

1. Board and Principal Notification by Juvenile Court and Law Enforcement Agencies.
 - a. Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in UCA § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Principal of the School.
 - b. Upon receipt of the information, the Principal shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Principal shall notify staff members who should know of the adjudication, arrest or detention.
 - c. Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.
2. Student Discipline Records/Education Records
School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
 - a. Disclosure of Discipline Records to Other Educators
School officials may disclose student discipline information described above to teachers and other school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.
 - b. Disclosure of Discipline Records to Other Agencies
School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), or unless the student's parent or guardian has authorized disclosure.

TRAINING

1. All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy and the School's commitment to a safe and orderly school environment.
2. Employees who have specific responsibilities for investigating and resolving safe school violations shall receive yearly training on this policy and related legal developments.
3. The Principal of the school shall be responsible for informing students, parents, and staff of the terms of this policy including the procedures outlined for investigation and resolution of violations.

POLICY DISSEMINATION AND REVIEW

1. The school shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.
2. A summary of this policy shall be ~~available posted at the front office of each in a prominent place in the School~~ and online. A summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.
3. This policy shall be reviewed as necessary with appropriate revisions recommended to the Board.

Document History

Approved: UNKNOWN

Revised: 02/23/2017 *Minor wording changes.*

4/18/2019 *Minor changes to bring into compliance with current State policies*

Legal References

Gun Free Schools Act; 20 U.S.C. §7151

Requires school Schools that receive federal financial assistance to have a policy requiring the expulsion from school for a period of not less than one year of any student who brings a weapon firearm, explosive or flammable material to school.

Individuals with Disabilities Education Act; 20 U.S.C. §1415(K); 34 C.F.R. §300.520-529.

Student with a disability who carries a weapon to school or to a school function, or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be placed by school officials in an interim alternative educational setting, in accordance with State law, for not more than 45 days. A hearing officer may order a change in placement for a student with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer determines that there is substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Family Educational and Privacy Rights Act; 20 U.S.C. §1232g (h)(1)-(2),34 C.F.R. §99.36

Allows school Schools to include appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Also allows school Schools to disclose such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

7.07.POL Safe School Policy

Effective/Revision Date: 04/18/2019

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Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400-1485.
Assures all children with eligible disabilities a free appropriate public education and related services designed to meet their unique needs.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.
Prohibits discrimination on the basis of disability.

Rehabilitation Act of 1973, 29 U.S.C. §705 (2)(C)(iv).
Stipulates that schools may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not disabled.

Americans with Disabilities Act (ADA), Title II, 42 U.S.C. §12132.
Prohibits public entities from discriminating on the basis of disability.

U. S. Department of Education, Office of Special Education Programs (OSEP) Memorandum (April 26, 1995). Questions and answers on disciplining students with disabilities.

U. S. Department of Education, Office for Civil Rights (OCR) Memorandum (January 28, 1991) ADA Amendments to Section 504 - Discipline of Students Using Drugs or Alcohol.

Utah Code Ann. § 53A-6-502 - Mandatory reporting of physical or sexual abuse of students
Utah Code Ann. § 53A-11-802 - Use of reasonable and necessary physical restraint or force.
Utah Code Ann. §§ 53A-11-901 to 53A-11-907 - School Discipline and Conduct Plans
Utah Code Ann. §§53A-11-1001 to 1004 - Notification of juvenile court and law enforcement agencies
Utah Code Ann. § 62A-4a-410 - Immunity from liability
Utah Code Ann. § 32A-1-105
Utah Code Ann. § 76-10-101
Utah Code Ann. § 53a-11-904(2)(b)
20 U.S.C.A. § 7151
Utah Code Ann. § 53A-11-907
Utah Code Ann. § 53A-11-904(2)(a)
Utah Code Ann. §53A-11-906
Utah Code Ann. §53A-11-906(1) -(2)
Utah Code Ann. §53A-11-904(3)
20 U.S.C. § 1232g(h)(i)-(2);
Utah Code Ann. § 53A-11-1001-1004
Utah Code Ann. § 76-3-203.5
Title 76, Chapter 10, Part 5 Weapons