



Policy Number: 3030

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## **POLICY DISCIPLINE BEHAVIOR**

### **PURPOSE**

Students at American Leadership Academy are expected to act as examples and leaders in all settings. This includes making choices in accordance to this discipline policy and taking responsibility for their actions. We believe that every student should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.

### **DEFINITIONS**

1. **Aggravated Assault:** Assault committed with the intention of committing an additional offense; aggravated assault includes assault with intent to kill or to inflict serious bodily injury, whether or not a dangerous weapon is used.
2. **Arson:** The intentional damaging of any property by means of fire or explosives.
3. **Assault:** An attempt, with unlawful force or violence, to do bodily injury to another; a threat, accompanied by a show of immediate force or violence, to do bodily injury to another or creates a substantial risk of bodily injury to another
4. **Battery/Fighting:** The unlawful and intentional touching or striking of an employee, volunteer, or student with the intention of causing bodily harm to that individual. The encouragement of others to do so would also constitute battery.
5. **Behavior Contract:** A written plan developed by the school, in consultation with the student to be disciplined and the parent/guardian, which may include a variety of interventions meant to reduce or eliminate specific behaviors.
6. **Bullying:** Intentionally or knowingly committing an act that endangers the physical health or safety of a student or employee for the purpose of creating fear of physical harm to the student or employee or harm to the property of the student or employee. Typically, bullying is behavior that is intended to cause personal harm or distress, exists in a situation or relationship in which there is an imbalance of power or strength, and may be repeated over time.
7. **Burglary:** Unlawfully entering a building or any portion of a building with intention to commit a felony or theft or commit an assault on any person.
8. **Controlled Substance:** Any substance that requires a physician's prescription or which is illegal for students to possess.
9. **Criminal Mischief/Vandalism:** Any action that intentionally damages, defaces, or destroys the property of another, including the use of graffiti.

10. **Cyber bullying:** Using the Internet, a cell phone, or other device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, intimidate, harass, express aggression towards, or threaten an individual regardless whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
11. **Emergency Safety Intervention:** The use of seclusionary time or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An emergency safety intervention shall not be used for disciplinary purposes.
12. **Expulsion:** A removal from school with no offer of educational services.
13. **Extortion:** Obtaining money, information, or personal property from another person by coercion or intimidation.
14. **Gang Behavior:** A group of two or more people who form an allegiance and engage in a range of disruptive behaviors that may include violent and unlawful activity or which advocate hatred or discrimination on the basis of race, religion, sex, national origin, or disability.
15. **Harassment/Hazing:** Includes, but is not limited to, any intentional behavior, expression, or activity that stigmatizes or victimizes individuals or groups of people because of their race, color, religion, sex, national origin, disability, or any other classification protected by law.
16. **Major Infractions:** Severe infractions of school rules that result in immediate office discipline referrals to school administration and usually lead to out of school suspension.
17. **Minor infractions:** Infractions of school rules that are usually handled by teachers in the classroom.
18. **Drug Paraphernalia:** Any equipment, product or accessory that is modified for making, using, or concealing drugs.
19. **Vaping:** An electronic device used to inhale a substance.
20. **Pornography:** Printed or visual material containing the description or display of sexual organs, or behavior that depict acts in a sensational manner so as to arouse a quick intense emotional reaction.
21. **Stealing/Larceny:** The intentional unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another.
22. **Suspension:** A disciplinary removal from school for 3 or more days.
23. **Weapon:** Includes any item that is used for or is readily capable of, causing death or serious bodily injury. Includes any firearm, which means a pistol, revolver, shotgun, rifle, or any device that could be used as such. Also includes any facsimile or representation.
24. **Willful Disobedience:** Any student that causes repeated disruptions, whose behavior is willful and overt and requires the attention of school personnel to deal with the disruption.

## TEACHING

American Leadership Academy believes that students should be educated in student behavior, including self-discipline, citizenship skills, and social skills. Plans and policies shall be developed for classroom and student management which will include:

1. Written standards for student behavior expectations, including classroom management.

2. Effective instructional practices for teaching student expectations, including self-discipline, citizenship, civic skills, and social skills.
3. Uniform methods for correction of student behaviors.

On-going staff development shall be provided for all staff regarding:

1. Effective instructional practice for teaching and reinforcing behavior expectations.
2. Effective intervention strategies.
3. Effective strategies for evaluation of the efficiency and effectiveness of interventions.

## **GROUNDINGS FOR DISCIPLINARY ACTION**

### **MINOR INFRACTIONS**

Chronic or excessive minor infractions can become major infractions and result in office discipline referral to school administration.

1. Disrespect
2. Disruptive behavior including chronic talking and out of seat
3. Inappropriate language or actions (written or spoken)
4. Minor damage to property or equipment
5. Plagiarism
6. Public displays of affection
7. Rough housing (kicking, pushing, tripping, etc.)
8. Tardies
9. Technology violation

### **MAJOR INFRACTIONS**

Students will be sent to the Administrator's office immediately for the following:

1. Bullying
2. Cheating
3. Cyber bullying
4. Drug, alcohol, tobacco, drug paraphernalia, vaping, or misusing any substance violation
5. Extortion
6. Fighting
7. Gang behavior
8. Harassment
9. Hazing
10. Language that is foul, profane, vulgar or abusive
11. Pornography
12. Safe school violations, including assault, threats to kill/harm, discrimination
13. Stealing/Larceny
14. Willful Disobedience

A student who is representing their school in any capacity, whether elected or appointed, may be released from that responsibility or privilege for the remainder of the school year if found guilty of one or more major infraction.

## **PROHIBITED CONDUCT**

Prohibited conduct is forbidden at school, on school property, including school vehicles, and at any school activity. A serious violation that threatens or harms a school, school property, a person connected with the school, or property associated with a person connected with the school is forbidden regardless of where it occurs. The decision to remove or to discipline in some other way is made by administration based on the circumstances.

A student WILL be removed from school for at least 1 year for a serious violation involving the following:

1. A real weapon or
2. Explosive or flammable material or
3. Actual or threatened use of a look-alike weapon with intent to intimidate or cause disruption.

A student WILL be removed from school for the following:

1. Possession, control, actual or threatened use of a real weapon, explosive, noxious, or flammable material;
2. Actual or threatened use of a look-alike weapon with intent to intimidate or cause disruption;
3. The sale, control or distribution of a drug, controlled substance, imitation controlled substance, or drug paraphernalia;
4. Using or threatening to use serious force;
5. The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felon or class A misdemeanor; or

A student MAY be removed from school for the following:

1. Willful disobedience or violating a school rule;
2. Defying authority;
3. Disruptive behavior;
4. Foul, profane, vulgar, or abusive language;
5. Defacing or destroying school property;
6. Truancy;
7. Theft;
8. Posing a significant threat to the welfare, safety or morals of a student, school personnel, or the operation of the school;
9. Fighting;
10. Bullying (including, but not limited to, behavior intended to cause harm or distress in a relationship with an imbalance of power, especially if repeated over time);
11. Possessing, using, controlling, or being under the influence of alcohol, a drug, an imitation drug, drug paraphernalia, vaping, or misusing any substance;
12. Possessing or using tobacco;
13. Hazing, demeaning, or assaulting someone, or forcing someone to ingest a substance;
14. Inappropriate exposure of body parts;
15. Sexual or other harassment; or
16. Gang-related attire or activity.

## **INFRACTION PROCEDURE**

*(These procedures do not apply to a safe-school violation)*

For Minor Infractions

First Offense – Teacher record/Parent contact

Second Offense – Teacher record/Parent contact

Third Offense – Teacher record/Parent contact

Fourth Offense – Sent to the office for up to 5 day suspension

Fifth Offense – Sent to the office for up to 10 day suspension

Sixth Offense – Sent to the office and suspended until board meeting for Expulsion hearing

#### For Major Infractions

First Offense – **Strike 1** up to 5 day suspension

Second Offense – **Strike 2** up to 10 day suspension

Third Offense – **Strike 3** suspended until board meeting for Expulsion Hearing

#### DRESS CODE POLICY VIOLATION

Violation 1-5 - Write up, parents contacted, dress code fixed before returning to class

Violation 6 – Meet with administration to discuss next step, categorized as a major infraction, under “Willful Disobedience”.

#### TRUANCY VIOLATION

1. First Offense – 5 hours of school service
2. Second Offense – **Strike 1** = 3 Day Suspension
3. Third Offense – **Strike 2** = 5 Day Suspension
4. Fourth Offense – **Strike 3** = Suspended until board meeting for Expulsion Hearing

#### ELECTRONIC MEDIA DEVICE VIOLATION

1. First Offense – Warning/Device confiscated until the end of the day
2. Second Offense - Warning/Device confiscated until the end of the day (parent pick up and sign form)
3. Third Offense – Device is confiscated until the end of the term (parent pick up and sign form)
4. Fourth Offense – Device is confiscated until the end of school year - **Strike 1** = 3 Day Suspension
5. Fifth Offense – Any Device is confiscated until the end of school year - **Strike 2** = 5 Day Suspension
6. Six Offense – Any Device is confiscated until the end of school year - **Strike 3** = Suspended until Board meeting for Expulsion Hearing.

#### SCHOOL PROPERTY THEFT OR DAMAGE

Students being disciplined for the theft, willful destruction, or defacing of school property will be required to pay for the damages or make arrangements to work off the cost of the damages. Failure to do so shall result in the withholding of official written grades, diploma, and transcripts. The student's parents are also liable for damages as provided in Utah Code Ann., Section 78-11-20. If the student and the student's parents are unable to pay for the damages, or if it is determined by the school in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then the school shall provide for a program of voluntary work for the student in lieu of the payment. Utah Code Ann., Section 53A-11-806.

#### SEARCHES

1. School personnel may search students, lockers, personal property, and vehicles parked on school property based on reasonable suspicion.
2. School personnel may also conduct random searches that might include all lockers and other school property.

3. All searches of student property shall be witnessed by an objective third party (such as another administrator, teacher, or police officer).
4. Any contraband discovered in a search by school officials should 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.
5. Searches of a Person: School officials shall make sure the search meets the following guidelines:
  - The search shall be conducted in a private area of the school by a school official of the same gender as the student being searched.
  - The search shall be observed by an objective third party of the same gender as the student being searched (i.e., administrator, teacher, or police officer).
  - 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.
  - 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 shirt, pants, or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation. School officials shall, in a timely manner, contact the student's parents to inform them that a search was conducted by a law enforcement officer.
6. Searches of electronics: Browsing the content of a student's phone, tablet or other electronic device is considered a search and may be conducted consistent with reasonable suspicion.
7. Canine Searches: The sniffing of a locker or vehicle by a trained canine for the detection of drugs, explosives, etc. may be conducted only by law enforcement officers. Students may also be asked to relinquish personal items such as backpacks to facilitate the search.
8. Documentation of Searches: School officials are required to thoroughly document the details of any search conducted of a student's person or property, especially in the case of drugs, alcohol, tobacco, weapons, or other items of criminal or significant importance. Documentation should be made at the time of the search, or as soon as possible thereafter, and should include the following: (a) the time, place, and date of the search; (b) the reasonable suspicion giving rise to the search (i.e., What did school officials suspect to find during the search?); (c) the name and title of individuals conducting and observing the search; (d) a statement about evidence that was found or not found as a result of the search; (e) a statement about who took possession of contraband (i.e., police officer, school official, etc.); and (f) information regarding the attempts of school officials to notify parents about the search.

## **GANG POLICY**

Gangs have a unique name or identifiable signs, symbols, or marks, and its members, individually or collectively, engage in criminal, threatening, or violent behavior to personal or property, or create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

"Gang Activities" include, but are not limited to, any of the following:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos, accessories, symbols, signs, or other things which are evidence of membership in or affiliation with any gang.
2. Committing any act or omission or using any speech, either verbal or non-verbal that demonstrates affiliation with a gang.

3. Soliciting others for membership in a gang.
4. Requesting any person to “pay for protection”, claiming “turf”, or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person.
5. Possessing a weapon, alcohol, tobacco, controlled substance, or other contraband.
6. Committing any illegal act.
7. Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

There shall be no tolerance for behavior and activities promoting gangs or hate groups in school, at school activities, or on the property of American Leadership Academy. This applies to all educational and non-educational events, transportation and other services, buildings, grounds, and property. Students who engage in any form of gang activity on or about school property or in any form of gang activity may be suspended or expelled. Students may also be excluded from participation in extracurricular activities, including interscholastic athletics and determined by the school administration after consultation with law enforcement.

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by school officials at any time.

#### **POSITIVE BEHAVIOR SUPPORTS ADMINISTRATIVE EXPECTATIONS AND INTERVENTIONS: (STAFF RESPONSIBILITIES AND EMERGENCY SAFETY INTERVENTIONS)**

1. Principals shall work with school employees, parents, and students to provide positive behavior expectations and supports consistent with Charter policies.
2. Individual instructors are responsible for maintaining a positive learning environment in the classroom and at extracurricular events.
3. All staff members will assist in maintaining positive behavior expectations in common areas of the building.
4. In situations where student behavior becomes disruptive to the extent it interferes with the learning and teaching process, the principal or teacher should engage in the least restrictive interventions.
  - Student disciplinary action must be consistent with established rules and regulations.
  - No one may inflict or cause the infliction of corporal punishment upon a student or exercise other liberties prohibited by statutory law as defined under (53A-11-801.2) of the Utah Code.
  - Students requiring discipline are to be treated in a professional and objective manner, without undue emotional display

#### **RECIPROCITY AND ENROLLMENT**

In accordance with the reciprocity agreements and understandings with other school districts in the State of Utah, it is the practice of American Leadership Academy to recognize and honor disciplinary action imposed upon a student by other school districts and schools. Accordingly, American Leadership Academy will not enroll a student who is currently under suspension or expulsion from another school district or school. In addition, a student may be denied admission to American Leadership Academy on the basis of having been suspended or expelled from another school district or school during the preceding twelve months. Utah Code Ann., 53A-11-904(3).

## **CORPORAL PUNISHMENT / PHYSICAL RESTRAINT**

A school employee may not inflict or cause the infliction of corporal punishment upon a student who is receiving educational services from the school. This section does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or in other appropriate circumstances: (a) to obtain possession of a weapon or other dangerous object in the possession or under the control of a student; (b) to protect the student or another person from physical injury; (c) to remove a violent or disruptive student from a situation; or (d) to protect property from being damaged. Utah Code Ann., Section 53A-11-802.

## **GENERAL REQUIREMENTS AND EMERGENCY SAFETY INTERVENTIONS**

1. A school employee may not subject a student to physical restraint or seclusionary time out unless such action is utilized as a necessary emergency safety intervention (ESI) in compliance with these procedures and consistent with evidence-based practices.
2. Licensed personnel and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI, as well as the safe use of ESI and release criteria.
3. An ESI may only be used for maintaining safety and may not be used as a means of discipline or punishment.
4. Students with Disabilities Receiving Special Education Services
5. Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall comply with all applicable state and federal laws, and the district policy.
6. Physical Restraint
7. A school employee may use and apply reasonable and necessary physical restraint as an ESI only:
  - to protect the student or another person from serious physical harm;
  - to take possession of a weapon, or other dangerous objects in the possession or under the control of a student; or
  - to stop the student from destroying property.
8. If an employee uses physical restraint as an ESI on a student, use of the following restraints are prohibited:
  - prone, or face-down physical restraint;
  - supine, or face-up physical restraint;
  - physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
  - mechanical restraint, except for protective, stabilizing, or legally required mechanical restraints, such as seatbelts or safety equipment used to secure students during transportation; or
  - chemical restraint, except as prescribed by a licensed physician, or other qualified health professional, for the standard treatment of a student's medical or psychiatric condition, and implemented in compliance with a student's approved Health Care Plan.
9. All physical restraint shall:
  - be applied for the minimum time necessary to ensure safety and a release criteria must be implemented;
  - be discontinued as soon as the imminent danger of physical harm to self or others has dissipated;



- be discontinued if the student is in severe distress; and
  - never be imposed for more than 30 minutes.
10. Seclusionary Time Out: A school employee may, when acting within the scope of employment, place a student in seclusionary time out as an ESI only under the following circumstances:
- the student presents an immediate danger of serious physical harm to self or others;
  - the employee uses the minimum time necessary to ensure safety and uses a release criteria;
  - any door remains unlocked;
  - the student is within line of sight of an employee at all times; and
  - the student is not placed in a seclusionary timeout for more than 30 minutes.

## **PARENT NOTIFICATION**

1. If a crisis situation occurs requiring an ESI be used, the school or employee shall notify the student's parent, the school administrator, and the director of student services as soon as possible and no later than the end of the school day.
2. If the ESI is applied for longer than fifteen minutes, the school shall immediately notify the student's parent and school administration.
3. Parent notifications made under this section shall be documented in the student information system, as required by Utah Admin. Code R277-609-6(C)(4).
4. Within 24 hours of using ESI, the school shall notify the parent that they may request a copy of any notes or additional documentation taken during the crisis situation.
5. Upon request of a parent, the school shall provide a copy of any notes or additional documentation taken during a crisis situation.
6. A parent may request a time to meet with school staff and administration to discuss the crisis situation.
7. ALA shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in their schools.
8. ALA shall annually provide documentation of any school or program use of ESI to the State Superintendent of Schools.

## **NOTIFICATIONS AND REPORTS**

1. This policy shall be posted on the school's website.
2. Within three (3) days of receiving adjudication or other information from the juvenile court or a law enforcement agency, the Director shall notify the principal of the school. The principal shall then make a notation of this information in a secure file other than the student's educational file. If the student is still enrolled in school then the principal will notify school personnel who, in his/her opinion, should be aware of this information. School personnel receiving this information may only disclose the information to other persons having both a right and a need to know. Utah Code Ann., Section 53A-11-1002.