Policy Number:	3030
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Discipline and Behavior Policy

Purpose

Students at American Leadership Academy Spanish Fork (ALA SF) are expected to act as examples and leaders in all settings. This includes making choices in accordance with this discipline policy and taking responsibility for their actions. Every student is expected to follow accepted rules of conduct, show respect for other people and property, and obey persons in authority. In order to maintain a secure and orderly learning environment, 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

The terms **"alcohol," "drugs," "controlled substances," and "imitation controlled substances"** shall have the meanings ascribed to them in the Utah Controlled Substances Act (UTAH CODE ANN. § 58-37-1, et seq.); the Utah Drug Paraphernalia Act (UTAH CODE ANN. § 58-37a-1, et seq.); the Imitation Controlled Substances Act (UTAH CODE ANN. § 58-37b-1, et seq.); and the Alcoholic Beverage Control Act (UTAH CODE ANN. § 32A-1-101, et seq.); or any successor acts thereto of the Utah Code.

"Imitation and other harmful substances" includes, but is not limited to any substance ingested, injected, inhaled, or otherwise consumed with the intent to affect the structure or any function of the body; cause a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or in any manner change, distort, or disturb the audio, visual, or mental processes.

"Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

The terms **"explosive device"** and **"noxious or flammable material"** include, but are not limited to, bombs, bullets and ammunition, fireworks, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

"Expulsion" means Board of Trustee's removal of a student from school for a fixed (more than ten (10) consecutive school days) or indefinite period of time. In such an event, the expelled student will not receive any educational services from the school during the period of expulsion. Parents of expelled students are responsible to comply with the compulsory education laws of the State of Utah by providing other educational services for the student and paying all associated costs thereof.

The term **"facsimile firearm"** or **"look-alike firearm"** includes, but is not limited to, starter pistols, air-soft guns, cap guns, or toy guns.

"Firearm" includes, but is not limited to, handguns, rifles, shotguns, BB or pellet guns, or any device from which is expelled a projectile by action of an explosive.

"Gang" as defined in this policy means any ongoing organization, association, or group of three (3) or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts. They have a unique name or identifiable signs, symbols, or marks, and its members, individually or collectively, engage in criminal, threatening, or violent behavior to persons 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 using any speech, either verbal or non-verbal (i.e., flashing signs, gestures, handshakes, etc.) that demonstrates membership in or an affiliation with a gang;
3. Soliciting others for membership in a gang;
4. Requesting any person to “pay for protection" or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;
5. Possessing a weapon, alcohol, tobacco, controlled substance, drug paraphernalia, or other contraband;
6. Advocating or promoting a gang or any gang-related activities;
7. Marking school property, books or schoolwork with gang names, slogans, or signs;
8. Aiding or abetting an activity described above by a person’s presence or support;
9. Committing any illegal act; OR
10. Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

“Long-term suspension” means removing a student from school for a period longer than ten (10) consecutive school days. In such an event, the suspended student will not be allowed to attend regular school classes or participate in any school activities or events during the period of suspension, but will be required to do all their school through our online platform.

“Pornographic or indecent material” mean any material: (a) defined as harmful to minors in UTAH CODE ANN. § 76-10-1201, such as a description or representation, in any form whatsoever, of nudity, sexual conduct, sexual excitement, abuse, etc.; (b) described as pornographic in UTAH CODE ANN. § 76-10-1203, which material, when applying community standards, appeals to the prurient interest in sex, is patently offensive, and does not have any serious literary, artistic, political, or scientific value; or (c) described in UTAH CODE ANN. § 76- 10-1227, which describes illicit sex or sexual immorality

“Prohibited substances” means those substances identified as:

1. Addictive Prescription Drugs, which means drugs for which a prescription is required and which have a high potential for abuse and may lead to severe or moderate psychological or physical dependence. Examples include, but are not limited to, oxycodone (such as Percocet and OxyContin), Fentanyl, Morphine, hydrocodone/codeine (such as Lortab and Vicodin), and Paregoric.
2. Alcohol, alcoholic beverages, or alcoholic products as defined in the Utah Alcoholic Beverage Control Act, Utah Code Ann., Section 32B-1-102.
3. Illegal Drugs, which means drugs as defined in the Utah Controlled Substances Act, Utah Code Ann., Section 58-37-2, the use of which is prohibited by law.
4. Imitation and Other Harmful Substances, including, but not limited to, imitation controlled substances as defined in the Utah Imitation Controlled Substances Act, Utah Code Ann., Section 58-37b-1 et seq., psych

toxic chemical solvents as defined by Utah Code Ann., Section 76-10-107, nitrous oxide as defined by Utah Code Ann., Section 76-10-107.5, performance enhancing drugs, and any other substance ingested, injected, inhaled, or otherwise consumed with the intent to affect the structure or any function of the body; cause a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or in any manner change, distort, or disturb the audio, visual, or mental processes.

5. Paraphernalia, as defined in the Utah Drug Paraphernalia Act, Utah Code Ann., Section 58-37a-3, including any equipment, product, or material used or intended for use to store, contain, conceal, inject, ingest, inhale, or to otherwise introduce any of the above Prohibited Substances into the human body. Notwithstanding this provision, students with written authorization from a parent or legal guardian and an appropriate health care provider may use and possess asthma inhalers, epinephrine auto-injectors (EpiPens), and equipment necessary for the administration of diabetes medication.
6. Tobacco, including, but not limited to, cigarettes, cigars, smokeless tobacco, electronic cigarette or cigar cartridges, Electronic Nicotine Delivery System (ENDS) devices, blunts, bidis, clove cigarettes, dissolvable tobacco, hookah and hookah products, products containing nicotine vapor/oil, or other tobacco/nicotine products in any form, including as these terms may be used by Utah Code Ann., Section 76-10- 101.

“Public Display of Affection” (PDA) is the term used to describe any form of physical contact between couples in a public setting. It includes everything from kissing and cuddling to holding hands.

"Sell” and "Distribute” have the meanings ascribed to them in the Utah Controlled Substances Act, UTAH CODE ANN. § 58-37-1, et seq., and the Imitation Controlled Substances Act, UTAH CODE ANN. § 58-37b-1 et seq. To sell or distribute means the actual, constructive, or attempted transfer, delivery, or dispensing to another. Such delivery does not require an exchange of goods or services.

"Use” and "Possession” have the meanings ascribed to them in the Utah Controlled Substances Act, UTAH CODE ANN. § 58-37-1, et seq., and mean the ownership, control, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption of any prohibited substance.

“Weapon” includes, but is not limited to, firearms, knives, explosive device, noxious or flammable material, martial arts weapon, or other dangerous object, material, or device that is used for, or is readily capable of, causing death or serious bodily injury.

“Adjudication" Defined under juvenile law for minors, or as a formal conviction under criminal procedure if the student is 18 years or older.

"Arrest": Defined as temporary custody for minors, or standard law enforcement arrest for adult students

Authority to Administer Corrective Discipline

1. School principals or assistant principals have the authority to suspend a student for up to ten (10) school days.
2. The Executive Director may suspend a student for up to one (1) school year.
3. The Board of Trustees may expel a student for a fixed or indefinite period of time. However, all expulsions shall be reviewed by the Executive Director and the conclusions reported to the Board at least once each school year. UTAH CODE ANN. § 53G-8- 206.

4.

Grounds for Disciplinary Action

A student may be suspended, expelled, and/or subject to other disciplinary action for any of the following reasons:

1. Frequent or flagrant willful disobedience; defiance of proper authority; or disruptive behavior, including, but not limited to, using foul, profane, vulgar, or abusive language, fighting, assault, threats, or other unreasonable and substantial disruption of a class, activity, event, or other function of the school.
2. Discrimination and harassment (including sexual, racial, religious, disability, or any other classification protected by law).
3. Engaging in any gang activities on school property, or at any school activity. Students may also be excluded from participation in extracurricular activities, including interscholastic athletics.
4. Possession, distribution, request for, or production of pornographic or indecent material on school property or at a school sponsored event.
5. Trespassing or loitering on school property; stealing; burglary; or vandalism, graffiti, or other willful destruction or defacing of school property or the property of others
6. Criminal mischief; terroristic threats; intimidation; harassment; bullying; hazing; or behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or to school personnel or to the operation of the school.
7. Demeaning behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, PDA or inappropriate public display of affection, or inappropriate exposure of body parts not normally exposed in public settings.
8. Improper use of cellular phones, Mp3 players, iPods, laser pointers, or other electronic devices.
9. The use, possession, sale, or distribution of drugs or controlled substances, imitation controlled substances, other similarly harmful substances, or drug paraphernalia. The use, possession, sale, or distribution of alcoholic beverages. The use, possession, sale, or distribution of tobacco products.
10. The use, possession, sale, or distribution of any real or facsimile (look-alike) firearm, weapon, knife, explosive device, chemical device, noxious or flammable material, martial arts weapon, or other dangerous objects.
11. The actual or threatened use of a real or facsimile (look-alike) firearm, weapon, knife, explosive device, noxious or flammable material, martial arts weapon, or other dangerous objects with intent to intimidate another person or to disrupt normal school operations.
12. Bullying, cyber-bullying, hazing, and retaliation of students and employees. School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at school activities, or causes or threatens a significant interference with a student's educational performance or involvement in school activities.
13. Misuse of computers, e-mail, or the Internet.
14. Sexting that causes disruption to school operations regardless of where it occurs.
15. Truancy or attendance violations.
16. Violation of dress and grooming standards.
17. Cheating, plagiarism, academic dishonesty, or lying to a school employee.
18. Any other serious violation affecting another student or school personnel, or which occurs in a school building, on school property, or in conjunction with any school activity or event.
19. The commission of any act which would constitute a crime under federal, state, or local law.
20. Inciting, encouraging, being an accomplice to, or promoting any of the prohibited conduct listed above, including taking or sharing videos, pictures, or other recordings of real or apparent violations of this policy with the effect of belittling others, celebrating the conduct, or interfering with ALA's efforts to maintain a safe learning environment.

According to Utah Code 53G-8-205 a student who commits a violation involving an actual or look alike weapon with intent to intimidate or threaten another person or to disrupt normal school activities, or in possession or control of an explosive, noxious or flammable material shall be expelled from school for a period of not less than one year subject to the following:

1. Within 45 days after the expulsion the student shall appear before the Executive Director, accompanied by a parent or legal guardian; and
2. The Executive Director shall determine:
    a. what conditions must be met by the student and the student's parent for the student to return to school;
    b. 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, conditioned on approval by the local school board and giving highest priority to providing a safe school environment for all students.

Violations and Discipline

Disciplinary Action: It is the responsibility of school employees to report prohibited behavior to a school administrator. Any student who engages in conduct in violation of this policy or any other policy concerning student behavior and conduct shall be subject to disciplinary action. Consequences shall be firm and fair and correspond to the severity of the infraction. Disciplinary action may include, but is not limited to, before or after school detention, in-school suspension, short-term suspension, long-term suspension, expulsion, exclusion from or loss of extracurricular activities, and probation. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account. Some disciplinary consequences may be specifically prescribed by this policy, another school policy, and/or applicable local, state, or federal law.

Coordination with Law Enforcement

School administrators have the responsibility and the authority to determine when the help of law enforcement authorities is necessary as outlined in this policy and Utah State law. School Administrators may invite law enforcement authorities to the school to:

1. Conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity.
2. Maintain a safe and orderly educational environment.
3. Maintain or restore order when the presence of such authorities is necessary to prevent injury to persons or property.

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 administrator has reason to suspect that a criminal act has been committed, and in the opinion of the administrator, law enforcement authorities should be notified, the following procedure should be followed:

1. The administrator shall request that law enforcement authorities conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.
2. Unless circumstances dictate otherwise, questioning of the student by school officials shall not begin or continue until law enforcement authorities arrive.

3. Under direction of the administrator, a school official shall inform the student's parent as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be or are involved in the investigation.
4. The administrator shall document the contact or attempted contact with the student's parents.

School officials shall cooperate with School Resource Officers (SROs) and other law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas etc., as outlined in Utah Code 78A-6-1110.

When law enforcement authorities can show a need to do so, they shall be permitted to conduct an investigation on school grounds during school hours. 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 law enforcement authorities shall be required to get prior approval of the school administrator or other designated person before beginning an investigation on school premises.
2. The school administrator shall document the circumstances warranting the investigation as soon as practical.
3. Alleged criminal behavior related to the school environment brought to the school administrator's attention by law enforcement authorities shall be dealt with under the provisions of this policy in addition to any court action.
4. Law enforcement authorities 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 or serve as a designated SRO.78A
5. Law enforcement authorities may, without a court order, take a student into custody, as outlined in Utah Code 78A-6-112.
6. The school administrator shall immediately notify the Executive Director of the removal of a student from school by law enforcement authorities.

School Property Theft or Damage: Students being disciplined for the theft, willful destruction, or defacing of school property will be subject to appropriate disciplinary action, including, but not limited to, being required to pay for the damages or make arrangements to work off the cost of the damages. The student's parents are also liable for damages as provided in UTAH CODE ANN. § 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. § 53G-8-212.

Cheating, Plagiarism, or Academic Dishonesty: Students being disciplined for cheating, plagiarism, or academic dishonesty will be subject to appropriate disciplinary action including academic consequences. The test, homework, or other assignment on which the student cheated may not be credited toward the student's grade for that class. Further appropriate academic and non-academic disciplinary action may be imposed.

Off-Campus Behavior: Students may be disciplined for conduct that occurs off campus if any of the following criteria are met:

1. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from the extracurricular activity; or
2. The conduct involves the theft or vandalism of school property; or

3. The conduct involves bullying or harassment and occurs while the student is traveling to or from school or a school-sponsored event, including on a bus, at a bus stop, or traveling to or from the bus or bus stop; or
4. The conduct involves hazing or cyberbullying.
5. Sexting that causes disruption to school operations.

Conduct Alleging Sexual Harassment Protected Under Title IX

When a school administrator receives a report or otherwise learns of alleged conduct that possibly rises to the level of sexual harassment as defined in Title IX, the school administrator shall follow the due process procedures as outlined in ALA SF Policy 1120 Sexual Harassment Title IX.

Searches

Students have no right or expectation of privacy in school lockers, desks, or other storage areas. While lockers, desks, and other storage areas are under the joint control of students and the school they are solely school property.

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 may be summoned with probable cause 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.

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).

Responsibility of Parents

If a student is suspended or expelled for more than ten (10) school days, the parents are responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion. The parents can work with designated school personnel to determine how that responsibility might best be met through an alternative educational placement or program offered through the school, private education, or other alternative which will satisfy the legal and educational needs of the student. The parents and school personnel may enlist the cooperation of the Division of Child and Family Services (DCFS), the juvenile court, or other appropriate state agencies to meet the student's educational needs. Costs for educational services which are not provided by the school are the responsibility of the student's parents. UTAH CODE ANN. § 53G-8-208.

Extracurricular Activities

Participation in student government, competitive athletics, and other extracurricular activities may confer important educational and lifetime benefits upon students. However, there is no constitutional or legally protected property right to participate in these types of extracurricular activities. Students who participate in extracurricular activities become role models for others in the school and community. These students often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded to the school. Accordingly, students involved in extracurricular activities must comply with school policies, team or organization rules, and applicable local, state, and federal laws in regards to their conduct and behavior. Any violations of the foregoing may subject the student to disciplinary action, including, but not limited to, suspension, probation, or exclusion from participation in the extracurricular activities. For students participating in extracurricular activities shall in all respects conduct themselves in a manner befitting their positions and responsibilities. UTAH CODE ANN. § 53G-8-209.

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. § 53G-8-302.

EMERGENCY SAFETY INTERVENTIONS (ESI)

An emergency safety intervention (ESI) is using seclusionary time out or physical restraint when a student presents an immediate danger to self or others likely to cause serious physical harm. An ESI shall not be used for disciplinary purposes. A school employee may not subject a student to physical restraint or seclusionary time out unless such action is utilized as a necessary ESI in compliance with these procedures and consistent with evidence-based practices.

1. **General Emergency Safety Intervention Procedures**
    1. 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.
    2. An ESI may only be used for maintaining physical safety and shall not be used as a means of discipline or punishment.
    3. Students with Qualified Disabilities
        1. 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.
2. **Physical Restraint**
    1. A school employee may, when acting within the scope of employment, use and apply reasonable and necessary physical restraint as an ESI only under the following circumstances:
        1. the student's behavior poses an imminent danger to the student and or others likely to cause serious physical harm;
        2. to take possession of a weapon, or other dangerous objects in the possession or under the control of a student; or
        3. to stop the student from destroying property, when physical safety is at risk.
    2. All physical restraint shall:
        1. be applied for the minimum time necessary to ensure safety and a release criteria must be implemented;
        2. use the least amount of force necessary to diffuse the emergency situation
        3. be discontinued as soon as the imminent danger of physical harm to self or others has dissipated;
        4. be discontinued if the student is in severe distress; and never be imposed for more than 30 minutes.
    3. If an employee uses physical restraint as an ESI on a student, use of the following restraints are prohibited:
        1. prone, or face-down physical restraint;
        2. supine, or face-up physical restraint;
        3. physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
        4. mechanical restraint, except for protective, stabilizing, or legally required mechanical restraints, such as seatbelts or safety equipment used to secure students during transportation; or
        5. 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
3. **Seclusionary Time Out**
    1. A school employee may, when acting within the scope employment, place a student in seclusionary time out as an ESI only under the following circumstances:
        1. the employee uses the minimum time necessary to ensure safety and uses a release criteria;
        2. any door remains unlocked;
        3. the student is within line of sight of an employee at all times; and
        4. the student is not placed in a seclusionary timeout for more than 30 minutes.
    2. Seclusionary time out shall meet the following conditions:

1. the student is placed in a safe enclosed area by school personnel
2. the student is purposefully isolated from adults and peers
3. the student is prevented from leaving or the student reasonably believes that they are prevented from leaving the enclosed area any door remains unlocked; and
4. the student is within line of sight of an employee at all times; and

4. Parent Notification of Emergency Safety Intervention

1. If a crisis situation occurs that requires an ESI, at the first possible moment after the onset of the ESI the school employee shall immediately notify the school administrator, and the school administrator shall immediately notify the student's parent/legal guardian.
2. If the ESI is applied for longer than fifteen minutes, the school administration shall immediately notify the student's parent/legal guardian and school administration.
3. Parent/legal guardian notifications made under this section shall be documented in the student information system.
4. Within 24 hours of using ESI, the school administration shall notify the parent/legal guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.
5. Upon request of a parent/legal guardian, the school administration shall provide a copy of any notes or additional documentation taken during a crisis situation.
6. A parent/legal guardian may request a time to meet with school staff and administration to discuss the crisis situation.

Alternatives to Suspension or Expulsion

A continuum of intervention strategies shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations. Prior to suspension or expulsion of 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 warranted, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school. A number of interventions may be tried, including, but not limited to:

1. Talking with the student;
2. Class schedule adjustment;
3. Contact with the parents;
4. Parent/student conferences;
5. Behavioral contracts;
6. After-school make-up time;
7. Short-term in-school suspension;
8. Short-term at-home suspensions;
9. Multi-disciplinary team involvement and assistance.

Investigation and Documentation

The investigation and documentation of student incidents by the school administrator should include the following: (a) conduct interviews of students and others who were involved in or witnessed the incident(s); (b) obtain statements from students and others who were involved in or witnessed the incident(s); (c) obtain and secure any relevant evidence; (d) prepare any necessary forms and other documentation; (e) involve school personnel, local law enforcement personnel, and/or DCFS, as applicable; and (f) perform any other tasks necessary to properly investigate and document the student incident(s).

Executive Director

The Executive Director shall conduct a hearing with the student and student's parents. Student disciplinary due process hearings are not as formal as court hearings. Strict adherence to court rules of procedure and evidence are not required. However, certain rights of the student must be observed. The hearing must be impartial and the student is entitled to representation by legal counsel. Although a student is entitled to be represented by legal counsel at a hearing, the school is not responsible to provide counsel or pay for the student's expenses in obtaining counsel. The Executive Director shall issue a written decision concerning the disciplinary action to the student's parents, including a statement of their right to request, in writing, an appeal before the Board of Trustees within ten (10) calendar days.

If no request for an appeal is received within ten (10) calendar days, the Executive Director's decision concerning the disciplinary action is final. If a request for an appeal is received within the time period, the Executive Director will schedule a hearing before the Board of Education within ten (10) school days of receiving the notice of appeal.

STUDENT DISCIPLINE PROCEDURES FOR REGULAR EDUCATION STUDENTS

When a school administrator receives a report or otherwise learns of alleged conduct that possibly rises to the level of sexual harassment as defined in Title IX, the school administrator shall follow the due process procedures as outlined in ALA SF's Title IX policy.

Short-Term Suspensions - Ten (10) consecutive school days or less. See Student Discipline Due Process - Regular Education Student Flowchart. UTAH CODE ANN. §§ 53G-8-204, 205, and 206. Goss v. Lopez, 419 U.S. 565 (1975).

School Administrator:

1. Upon being apprised of a student incident in violation of school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident.
2. Minimal due process is required. The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.
3. The school administrator shall notify the custodial parent(s) or legal guardian(s) of the student of the following: (a) that the student has been suspended for ten (10) school days or less; (b) the grounds for the suspension; (c) any conditions of the suspension; and (d) the time and place for the parents to meet with the school administrator to review the suspension.
4. The school administrator shall also notify the non-custodial parent of the student of the suspension, if requested in writing.
5. The school administrator shall determine the best way to transfer custody of the suspended student to the parents. The school administrator shall then assure that the student is either released directly to the custody of the parents or has obtained permission from the parents for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds.
6. A suspended student may not be readmitted to school until: (a) the student and the parents have spoken with the school administrator to review the suspension; (b) all conditions of the suspension have been satisfied; and (c) the school administrator, student, and parents have agreed upon a plan to avoid recurrence of the problem.
7. Disagreements between the parents and the school in regards to short-term suspensions will be handled in meetings between parents, school administrators, and the student.
8. Suspended students are required to complete all of their school work through the school's online platform.

Long-Term Suspensions and Expulsions. More than ten (10) consecutive school days. See Student Discipline Due Process - Regular Education Student Flowchart. UTAH CODE ANN. §§ 53G-8-204, 205, and 206. Goss v. Lopez, 419 U.S. 565 (1975).

School Administrator:

1. Upon being apprised of a student incident in violation of school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident.
2. The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.
3. A suspension or expulsion may not extend beyond ten (10) school days unless the student and the student's parents have been given notice and a reasonable opportunity to meet with the school administrator and/or Director and respond to the allegations and proposed disciplinary action.
4. The school administrator shall notify in writing the custodial parent(s) or legal guardian(s) of the student of the following: (a) that the student has been suspended for ten (10) school days or has a pending expulsion; (b) the grounds for the suspension or pending expulsion; (c) any conditions of the suspension or pending expulsion; (d) that the student and parents need to meet with administration. A copy of this written notification shall be given to the Director.
5. The school administrator shall also notify the non-custodial parent of the student of the suspension, if requested in writing.
6. Suspended students are required to complete all of their school work through the school's online platform.
7. The school administrator shall determine the best way to transfer custody of the suspended student to the parents. The school administrator shall then assure that the student is either released directly to the custody of the parents or has obtained permission from the parents for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds.
8. If appropriate, the school administrator shall also notify law enforcement and/or the Division of Child and Family Services (DCFS) of the incident.

Student Discipline Procedures for Students with Disabilities

Short-Term Suspensions

In every situation where an eligible student with disability under the IDEA or Section 504 is subject to discipline for a violation of this or another school policy, the school administrator must first ascertain whether the student has been previously suspended during the current school year. Previous suspensions may include in-school suspensions.

An in-school suspension does not count as a suspension if: (a) the student was able to progress in the general curriculum; (b) the student received services as provided in his/her Individualized Education Program (IEP); and (c) the student was able to participate with non-disabled students in the current placement. Previous suspensions include bus suspensions if transportation is specifically included in the student's IEP. If the student has not previously been suspended, the administrator shall proceed in accordance with the following procedures.

If the student has previously been suspended, the administrator shall determine whether the total suspensions cumulat to more than ten (10) school days in the current school year (partial day suspensions also need to be accounted for). If the total suspensions do not cumulate to more than ten (10) school days, the administrator shall proceed in accordance with Section 15.1.

If the total suspensions do cumulate to more than ten (10) school days, then the school administrator and staff must determine if the student has been subject to a series of suspensions that constitute a pattern. A "pattern" occurs when: (a) the series of suspensions total more than ten (10) school days in a school year; (b) the student's behavior is substantially similar to previous incidents that resulted in the series of suspensions; and (c) there are other factors suggesting a pattern, such as the length of each suspension, the total amount of time the student has been suspended, and the proximity in time of those suspensions (i.e., the longer the total number days and the closer they are in proximity, the more likely it would constitute a pattern).

If there is no pattern, the administrator shall proceed in accordance with the following procedures. If there is a pattern this constitutes a "change of placement" under the IDEA, and the administrator shall proceed in accordance with the long-term suspension procedure.

Upon being apprised of a student incident in violation of school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident.
Minimal due process is required. The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.

The school administrator shall notify the custodial parent(s) or legal guardian(s) of the student of the following: (a) that the student has been suspended for ten (10) school days or less; (b) the grounds for the suspension; (c) any conditions of the suspension; and (d) the time and place for the parents to meet with the school administrator to review the suspension.

The school administrator shall also notify the non-custodial parent of the student of the suspension, if requested in writing.

The school administrator shall determine the best way to transfer custody of the suspended student to the parents. The school administrator shall then assure that the student is either released directly to the custody of the parents or has obtained permission from the parents for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds.

A suspended student may not be readmitted to school until: (a) the student and the parents have spoken with the school administrator to review the suspension; (b) all conditions of the suspension have been satisfied; and (c) the school administrator, student, and parents have agreed upon a plan to avoid recurrence of the problem. Disagreements between the parents and the school in regards to short-term suspensions will be handled in meetings between parents, school administrators, and the student, if appropriate.

Long-Term Suspensions
Upon being apprised of a student incident in violation of school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident.

The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school. On the date of the decision to remove the student from school, the school administrator shall provide the parents with notice of the suspension ("change of placement") and a copy of the IDEA or Section 504 procedural safeguards notice.

Within ten (10) school days of any decision to "change the placement" of a student with a disability because of a violation of this or another District or school policy, a determination must be made by the school administrator, parents, and relevant members of the student's IEP Team of whether the behavior is a manifestation of the student's disability by answering the following questions: (1) Whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability? (2) Whether the conduct in question was the direct result of the school's failure to implement the IEP?

If the answer to both of these questions is "no," then the behavior is not a manifestation of the student's disability. In such an event, the student shall be disciplined as any other student for a similar offense in accordance with disciplinary procedures; provided, however, that the student must continue to receive educational services during any period of suspension to assure that the student is receiving a Free and Appropriate Public Education (FAPE). The IEP Team will determine educational services and the Interim Alternative Educational Setting (IAES) where the student will receive educational services. Educational services should target the student's behavior to limit its reoccurrence, enable the student to participate in the general education curriculum, and progress towards meeting

the student's IEP goals. In the event the parents of the student challenges the manifestation or placement decision through an expedited due process hearing, the student shall be kept in the IAES pending any such challenge until a final decision is issued.

If the answer to either of these two questions is "yes," then the behavior is a manifestation of the student's disability. In such an event, the IEP Team must conduct and/or review a Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP) for the student. The IEP Team must return the student to his/her prior educational placement, unless the parent and school personnel agree to a "change of placement" as part of the BIP. Notwithstanding the manifestation determination, in the event that school personnel believe that the student's behavior is substantially likely to result in injury to the student or others, the school may seek an expedited due process hearing to prevent the student from returning to his/her prior educational placement. In such an event, the student shall be placed in an IAES pending the hearing until a final decision is issued.

Weapons, Drugs, or Serious Bodily Injury: Regardless of whether the misconduct is a manifestation of the student's disability, school personnel may remove a student with a disability for up to forty-five (45) days to an IAES if the student's misconduct involved: (a) possessing or using a weapon at school, on school premises, or at a school function; (b) possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; OR (c) inflicting serious bodily injury upon another person while at school, on school premises, or at a school function. For purposes of this section, the term "weapon" is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length. For purposes of this section, the terms "illegal drugs" or "controlled substances" have definitions contained in federal law, but do not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under federal law. For purposes of this section, words "serious bodily injury" is defined as bodily injury which involves: (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Expulsions. The Board of Trustees removal of a student from school for a fixed (more than ten (10) consecutive school days) or indefinite period of time. The expelled student will not receive any educational services from the school during the period of expulsion. Students with disabilities eligible under the IDEA are not subject to expulsion as a disciplinary measure. For a serious violation committed by an IDEA student, proceed with a long-term suspension set forth above. Students with disabilities eligible under Section 504 are subject to expulsion as a disciplinary measure. For an expulsion involving a Section 504 student, follow the procedures set forth above. UTAH CODE ANN. §§ 53G-8- 204, 205, and 206.

Notifications and Reports

This policy will be posted on the website.

1. 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.
2. Pursuant to UTAH CODE ANN. § 53G-8-209, employees shall immediately report to the principal if they reasonably believe that a student or employee has violated the school's prohibition against any of the following:
    a. Foul, abusive, or profane language;
    b. Use, possession, or distribution of a controlled substance or drug paraphernalia, and the use possession, or distribution of an electronic cigarette, tobacco, or alcoholic beverage contrary to law;
    c. Hazing, demeaning, or assaultive behavior, whether consensual or not.

Emergency Removals

Students may be removed from regular classes or any school premises for non-disciplinary health, safety, and welfare reasons when the Executive Director or his designee determines that an emergency exists.
Any student removed from school for any "emergency" reason who is in a condition that threatens his or her own welfare or the welfare of others shall be released to the student's parent or guardian, the parent's or guardian's representative, or other proper authority, including, but not limited to, law enforcement officers and medical personnel.
The school shall make reasonable efforts to notify the parent or guardian prior to removing a student from school premises for emergency reasons. If the parent cannot be notified prior to the removal, the parent shall be notified as soon as possible after the removal and the reasons for it.

Comprehensive Conduct and Discipline Plan

Administration with input from instructional and support staff, students, parents, and other community members, shall develop a comprehensive plan for student and classroom management and school discipline. This plan shall meet the content requirements set forth in UTAH ADMIN RULES 4277-609-4(3).

Protocol for Serious Offenses and Sexual Crimes (HB 299 Compliance)

Per **Utah HB 299 (School Response to Sexual Offense)**, specific protocols must be followed when a student is arrested for, charged with, or adjudicated in the courts for a serious offense or a sexual crime:

Multi-Agency Coordination & Reintegration Risk Assessments

- If a student is seeking reintegration or continued enrollment following an arrest or adjudication for a serious offense or sexual crime, the administration will convene a multidisciplinary team.
- The **School Resource Officer (SRO)** must provide formal input regarding any safety risks the student may pose to the student body or staff upon reintegration.
- The administration will establish an automated or formal channel to immediately inform the SRO if a student is actively placed on court-ordered probation.

Victim Protections & Mandatory Alternative Placement Procedures

To guarantee a safe learning environment for victims and comply with statutory separation mandates, the LEA will enforce mandatory alternative placement procedures:

Mandatory Separation: Clear administrative procedures will determine an **interim or permanent alternative placement** (e.g., an online learning platform, community-based alternative program, or involuntary transfer to another LEA campus) if the offending student currently attends the same physical school as:

- The explicit **victim** of the student's crime.
- An individual who possesses a legally binding **protective order** against the student.

Scope of Application: These placement parameters strictly apply regardless of whether the underlying offense occurred on or off school property. Reference: HB299