



## Student Conduct and Discipline

### Draft 1

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Date of Last Change:	
Authorized By: Utah State Board of Education	

### 1. Background and Purpose

- 1.1. This policy is designed to meet the requirements of Utah Code sections [53G-8-202](#) and [53G-8-211](#) as well as State Board Rule 277-609.
- 1.2. Consistent with Utah Code [53G-8-202](#), this policy is based on:
  - 1.2.1. the recognition that “every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption,” and
  - 1.2.2. “The principle that every student is expected to follow accepted standards of conduct and to show respect for other people and to obey persons in authority at the school.”
- 1.3. USDB recognizes that every student should have the opportunity to learn in an environment that is safe, conducive to learning, and free from unnecessary disruption.
- 1.4. This plan for student and classroom management and school discipline is intended to reduce the use of the most restrictive level of interventions and comply with [Utah R277-609](#).
- 1.5. The following expectations have been adopted for training students and staff members, as well as to set high standards of conduct for USDB programs and activities.
- 1.6. These expectations apply to all USDB students and school guests.

### 2. Definitions

- 2.1. “Abusive Conduct,” “Bullying,” “Hazing,” and “Retaliation” mean the same as defined in Utah Code Section [53G-9-601](#) and the USDB [Bullying Policy](#).
- 2.2. “Behavior Intervention Plan” refers to an individualized behavior plan developed and implemented by the IEP team, which includes plans and strategies that emphasize the skills the student needs to learn, as well as strategies to address

inappropriate behavior.

- 2.3. “Constitutionally Protected Speech” means any expressive activity protected by the First Amendment of the Constitution of the United States of America. Speech that has the effect of causing substantial disruption to the educational environment or that is so severe, pervasive, and objectively offensive that it effectively bars access to another student’s ability to participate in or benefit from USDB educational programs is not protected. True threats are not protected if they advocate imminent violence or unlawful conduct.
- 2.4. “Dangerous Conduct” includes but is not limited to:
  - 2.4.1. Possessing (regardless of intent), using, selling or attempting to possess, use or sell any firearm, weapon, knife, explosive device, noxious or flammable material, firework, chemical weapon, martial arts weapon or another instrument including those which eject a projectile or substance of any kind, or any replica or facsimile of any of the above, whether functional or non-functional, whether designed for use as a weapon or for some other use.
  - 2.4.2. Causing or attempting, threatening, or conspiring to cause damage to personal or real property
  - 2.4.3. Causing or attempting, threatening, or conspiring to cause harm to any person.
  - 2.4.4. Involvement in any activity which violates federal, state, or local law or regulation, disrupting normal school proceedings, or causing, or attempting, threatening, or conspiring to cause other students to violate federal, state, or local law or regulation or to disrupt school proceedings, or attempting, threatening, or conspiring to do any of these. These activities may include, but are not limited to, arson, assault, burglary, criminal mischief, defamation of character, gang-related activity, sexual misconduct, theft, extortion, forgery, lewdness, vandalism, unlawful harassment, and distributing obscene materials.
- 2.5. “Functional Behavior Assessment (FBA)” refers to the **systematic collection of information regarding a problem behavior and its potential** ~~structured gathering of information regarding a problem behavior and its possible functions.~~ This information is used to design an intervention to manage and support a student with behavioral needs.
- 2.6. “Gang-related Activity” means dangerous or disruptive activity, which may include but is not necessarily limited to the following:
  - 2.6.1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other things which evidence

- membership in a gang;
- 2.6.2. using a name which is associated with or attributable to a gang; or
- 2.6.3. designating turf or an area for gang activities, occupation, or ownership.
- 2.7. “Manifestation of Determination”(300.530) means an analysis employed to review the relationship between a student’s disability and the behavior subject to disciplinary action. This determination is required when the LEA removes or considers removing a student for possessing or using weapons or drugs, behavior that is substantially likely to result in injury to the student or others, or behavior that violates any rule or code of conduct applicable to all students, resulting in a change of placement.

### **3. General Policy Provisions**

- 3.1. All students at USDB are expected to contribute to and maintain a positive, safe, healthy, and accessible school environment through their actions, language, responses, and interactions. Students are expected to partner with the school and staff in creating a positive school environment.
- 3.2. Educators and school administrators are responsible for designing and implementing classroom management strategies and the school discipline plan described in this policy.
- 3.3. Assemblies. Assemblies and other school activities are considered special student privileges where participation is contingent upon appropriate behavior. Students shall show respect to all presenters and performers. Students who disturb, disrupt, or show disrespect shall lose the privilege of attending and may be subjected to Discipline Procedures as outlined in this policy.
- 3.4. Competitive events. Students are expected to demonstrate sportsmanship at all competitive events and to conduct themselves in accordance with the rules of fair play, both as spectators and participants. While healthy competition is encouraged, cheating or rude and disruptive conduct will not be tolerated. Students who disturb, disrupt, or show disrespect during sporting or other competitive events will lose the privilege of attending and may be subjected to Discipline Procedures as outlined in this policy.
- 3.5. Patriotism and Respect for the Flag
  - 3.5.1. Students shall have respect for the flag and civility toward all during patriotic activities. Participation in the Pledge of Allegiance is voluntary and not compulsory. It is acceptable for an individual to choose not to participate in the Pledge of Allegiance for religious or other reasons. Students should show respect for individuals who participate and individuals who choose not to participate.

- 3.5.2. Students shall show proper respect for their country's emblem. Instructions should include the frequent repetition of the Pledge of Allegiance by students and teachers. Discourteous treatment of the flag or other national symbols shall be cause for disciplinary action as outlined in the Discipline Procedures of this policy.
- 3.6. Electronic Devices. Possession of an electronic device by a student is a privilege that may be forfeited by any student who uses a device inappropriately. A student who possesses an electronic device is responsible for its care. USDB is not responsible for preventing theft, loss, or damage to personally owned electronic devices on school property or in transit. All devices accessed at USDB are subject to the [Acceptable Use Policy](#). Devices may be restricted or confiscated for misuse.
- 3.7. Public Displays of Affection. The USDB administration, students, and staff are responsible for maintaining a safe and appropriate school environment. Being overly affectionate in school creates a disruptive environment that is not conducive to learning. Demonstrating affection on the school campus is limited to hand-holding, high-fives, handshakes, and quick side hugs. Unacceptable and intimate behaviors on campus or at school-related events and activities are not permitted, including kissing. Students are expected to show good taste and conduct themselves respectfully at all times.
- 3.8. Gang Activity and Apparel. Students who engage in any form of gang activity on USDB or district school property, or at any school-related activity, may be subject to disciplinary action. Gang paraphernalia, apparel, or weapons may be confiscated by USDB officials. USDB officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.
- 3.9. Off-Campus Conduct. A student may be disciplined for behavior that threatens harm or causes harm to the school or its property, to a person associated with the school, or to property associated with that person, regardless of where it occurs.
- 3.10. Abusive conduct, bullying, hazing, and retaliation are prohibited at USDB, as outlined in the [Bullying Policy](#), which is incorporated by reference into this policy.
- 3.11. Dangerous conduct as defined in this policy is prohibited on school property, at school-sponsored activities, or while traveling in school-funded or school-dispatched vehicles. Threats of dangerous conduct are also prohibited, whether or not they are intended as actual planning of conduct. Acts or threats of dangerous conduct are subject to disciplinary action as outlined in this policy.

- 3.12. Suicidal Behavior. Because protecting the health and well-being of all students is of utmost importance, comments and reports regarding suicidal thoughts, ideation, threats, and suicidal attempts will be taken very seriously, consistent with the [USDB Suicide Prevention Policy](#).
- 3.13. The correction of behavioral errors shall be consistent with [LRBI Guidelines](#) for students at USDB, which means using a hierarchy of reductive techniques. Consequence levels shall match the severity of student behavior, and developmentally appropriate practices shall be followed.
- 3.14. Duty to Report: Students with prior knowledge of dangerous or disruptive behavior have the duty to report such behavior to school administration. Students who fail to report such behavior are subject to appropriate disciplinary sanctions.
- 3.15. Violations of these expectations should be reported to the USDB administrator or staff member. Reports may be made anonymously, but formal disciplinary action *cannot be based solely on* an anonymous report.

#### **4. Notification**

- 4.1. Parents will be informed of this policy in compliance with R277-609.
- 4.2. This policy will be posted on the USDB website and linked in the individual school handbooks that are distributed to parents/guardians annually.
- 4.3. Parents/guardians will receive a copy of this policy during the enrollment process at the start of the academic year.
  - 4.3.1. Parents/guardians of each student will be required to confirm they received, been offered access to, and understand their responsibility to comply with this policy as part of the registration process.
- 4.4. During annual back-to-school events, educational directors will review the core tenets of the Student Conduct Policy, focusing on prohibited conduct, the Least Restrictive Behavior Intervention (LRBI) framework, expectations, and the process for reporting violations.
  - 4.4.1. Educational directors will document the dates, agenda, and attendance records for these events.
- 4.5. This policy may be reviewed during annual IEP/504 meetings or included in newsletters as reminders.

#### **5. Limitations**

- 5.1. These expectations shall not infringe upon any student rights, including constitutionally protected speech, the right to free expression, or the right to freedom from unreasonable search and seizure.
- 5.2. The free exercise of voluntary religious practice or freedom of speech by

students shall not be denied unless the conduct unreasonably interferes with the ability of school officials to maintain order and discipline, unreasonably endangers persons or property, or violates concepts of civility or propriety appropriate to a school setting. Any limitation under [53G-10-203](#) of the Utah Code on student expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests as stated in those sections or to satisfy another specifically identified compelling governmental interest.

- 5.3. USDB recognizes the Special Education classifications of all students attending USDB and acknowledges the need for an individualized response to any behavior problem. USDB strictly adheres to the Least Restrictive Behavior Intervention (LRBI) guidelines established by the Utah State Board of Education (USBE). The LRBI is a continuum of evidence-based behavioral support and intervention procedures.

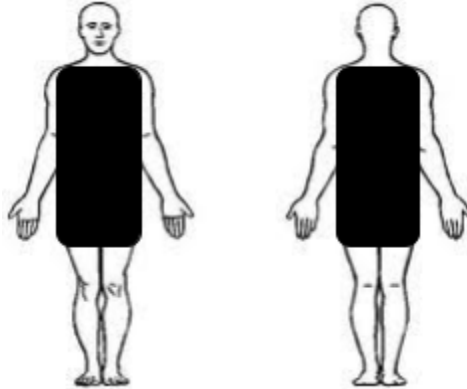
## **6. Attendance Concerns**

- 6.1. All attendance concerns are addressed in Section 6.01 of the [USDB Attendance Policy](#).

## **7. Student Dress and Grooming**

- 7.1. Student dress, grooming and personal hygiene are primarily the responsibility of the student and parent. Parents are encouraged to make sure that students are properly dressed; groomed and observe basic hygiene to protect health, safety and modesty.
- 7.2. Students shall dress in a manner that respects the educational environment and is befitting the day's activities.
- 7.3. Students' clothing and jewelry must not present a health or safety hazard or distraction that would disrupt the educational mission of USDB.
- 7.4. Disruption refers to the reactions of other individuals to the clothing or adornment that causes the teacher or staff to lose the attention of the students, to modify or cease instructional activities, or to address student confrontations or complaints. Disruptive items include anything worn, held, or carried by the student, including but not limited to the following:
  - 7.4.1. Depictions that are crude, vulgar, profane, violent, or sexually suggestive, including gang-related attire.
  - 7.4.2. Depictions of drugs, alcohol, tobacco, or other controlled substances.
  - 7.4.3. Attire that is conspicuous, extreme, or odd in a way that may draw undue attention, disrupt, or tend to disrupt or interfere with the learning environment.

- 7.4.4. Attire that poses a health or safety issue in any way.
- 7.5. Students who participate in work placement or mainstream classes may be required to follow the dress code requirements and expectations of the participating organization.
- 7.6. USDB may require students to wear certain types of clothing in connection with ~~certain~~ specialized activities.
- 7.7. Clothing may not show the skin or underwear of the portions of the body depicted below by a shaded box. Clothing should also not be so tight as to essentially show the portions of the body depicted below by a shaded box.



- 7.8. A student who violates dress and grooming expectations may be required to change or remove the item in violation.

## **8. Classroom Management and School Discipline Plan**

- 8.1. Prevention Emphasis. Three assumptions are made when implementing effective classroom management:
- 8.1.1. Schools with effective behavior systems invest in preventing behavioral problems by establishing clear expectations/rules, teaching and reinforcing appropriate behavior for all students and staff, while consistently correcting behavioral errors and re-teaching necessary skills. This focus on prevention encourages appropriate behavior and helps school staff avoid a pattern of reacting to behavioral problems on a case-by-case basis.
- 8.1.2. Effective classroom and school systems have support systems readily available to identify and address the needs of students who are at risk of developing behavioral and/or academic problems. Efforts to integrate behavior and academic instruction at the school-wide and classroom level are best practices. Studies have demonstrated a predictive relationship between academics and behavior, in that success or proficiency in one domain closely predicts success in the other. Not surprisingly, further

research has shown that integrating early intervention reading skills with positive behavior intervention and support programming has resulted in reduced behavioral difficulties and increased academic achievement.

- 8.1.3. Effective classroom and school systems develop and maintain policies and practices that deliver high levels of support to students with chronic behavioral and/or academic problems.

## 8.2. Educational Expectations

- 8.2.1. One of the strongest findings in educational research and literature is that when teachers hold high expectations for their students, those students are significantly more likely to acquire academic and behavioral skills. Well-defined classroom and school expectations/rules are the foundation for effective behavioral support and academic skill instruction. Best practice dictates that expectations/rules should deal with broad classes of behavior. Teachers shall incorporate the following characteristics of effective and proactive expectations/rules into their classroom routines:

- 8.2.1.1. Prioritize expectations by limiting the number to 3 to 5, school- and classroom-wide, positively stated behaviors that are expected
- 8.2.1.2. Use developmentally appropriate language in the wording (vocabulary appropriate to the student's age, functional level, and skill level)
- 8.2.1.3. Explicitly state what the behavior looks and sounds like
- 8.2.1.4. Make rules observable (applies to data collection)
- 8.2.1.5. Make rules measurable (able to be counted or quantified for monitoring)
- 8.2.1.6. Publicly post the rules so they are accessible to all

## 8.3. Explicit Instruction

- 8.3.1. Teaching students to understand basic school-wide and classroom rules/expectations is proactive and often prevents behavioral problems from occurring. One of the greatest benefits is an increase in instructional time. When teaching behavioral expectations/rules, the teacher shall:
  - 8.3.1.1. Keep a record of plans for institutional memory (a handbook or syllabus) and future planning
  - 8.3.1.2. Keep notes during the teaching process for things to adjust when re-teaching
  - 8.3.1.3. Be sure to adapt the lesson presentation for developmental levels (i.e., student age)
  - 8.3.1.4. Plan for re-teaching opportunities (i.e., following extended breaks from school)



- 8.3.1.5. Plan for how following the expectation/rule will be positively acknowledged
- 8.3.1.6. Plan for how failure to follow the expectation/rule will be corrected and re-taught
- 8.3.2. Best practice for teaching expectations/rules is to use an explicit instructional process. Teachers shall use the following instructional sequence for teaching behavioral expectations:
  - 8.3.2.1. Define expectation/rule
  - 8.3.2.2. Provide a rationale for the expectation/rule
  - 8.3.2.3. Teach critical discrimination of expectation/rule (model examples and non-examples)
  - 8.3.2.4. Practice the behavior (in a setting where behavior is required, if possible)
  - 8.3.2.5. Discuss what will happen when expectations/rules are followed and what will happen if behavioral errors occur
- 8.3.3. In addition to establishing and teaching behavioral expectations/rules, teachers shall systematically teach basic classroom routines/procedures, anticipating when behavioral infractions tend to occur, such as the following:
  - 8.3.3.1. Transitions (i.e., moving from one activity to another, in or out of the classroom)
  - 8.3.3.2. Getting assistance
  - 8.3.3.3. Working independently or in groups
  - 8.3.3.4. Lining up
  - 8.3.3.5. Handing in homework and assignments
  - 8.3.3.6. Sharpening pencils and preparing materials
  - 8.3.3.7. Using hall passes
  - 8.3.3.8. Following procedures specific to classroom equipment (i.e., computers)
  - 8.3.3.9. Following the classroom schedule
- 8.4. Reinforcement of Expectations
  - 8.4.1. Positive adult attention to appropriate student behaviors is the most powerful way to encourage, increase, and maintain positive behavior in the school setting. **Well-defined and explicitly taught expectations and rules** ~~Expectations/rules that are well-defined and explicitly taught~~ are an essential component of proactive and preventive school-wide and classroom management. However, acknowledging and positively reinforcing students for demonstrating the desired behavioral skill

increases the likelihood that they will continue to follow expectations and rules. For this reason, there must be consistent reinforcement. The goal of reinforcement is to make doing things the right way more efficient for meeting needs, rather than doing things the wrong way. There are many ways to positively reinforce students; however, simply noticing students and acknowledging their positive behavior and success socially is a powerful practice that is often underutilized. Teachers shall incorporate positive types of reinforcement into their classroom management system, such as:

- 8.4.1.1. Positive social acknowledgment, including verbal feedback
- 8.4.1.2. Privileges (i.e., line leader)
- 8.4.1.3. Social activities (i.e., games with other students)
- 8.4.1.4. Additional opportunities to make choices (i.e., preferred seating in the classroom)
- 8.4.1.5. Tangibles (i.e., homework passes, school supplies)
- 8.4.1.6. Parental/guardian feedback (i.e., positive notes or phone calls to home)

#### 8.5. Administrative Supervision of Classroom Environment

8.5.1. Effective administrative supervision of classrooms is necessary to ensure the fidelity of USDB policy implementation and adherence to state standards and guidelines. Research on effective behavioral and academic practices in the instructional setting has yielded the following basic behavior benchmarks:

- 8.5.1.1. Alignment with expectations and classroom environment, such as the “Classroom Management Checklist” found in the LRBI manual.
- 8.5.1.2. Disruption: Refers to the number of occurrences or amount of instructional time lost when disruptive behavior interrupts the instructional activity.
- 8.5.1.3. Opportunities to respond: Refers to the number of occasions during the instructional period that students are afforded the chance to participate in the lesson in a meaningful manner. This is demonstrated by teaching interactions and student participation.
- 8.5.1.4. The ratio of positive to negative interactions refers to the number of positive interactions between students and school staff compared to the number of negative interactions. It is recommended that effective instructional settings maintain a ratio of at least 4 positive to 1 negative.

- 8.5.1.5. Time on task refers to the amount of time spent academically engaged. This is demonstrated by student behavior as it relates to the instructional activity.

## 9. Student Discipline

- 9.1. The following policy and procedures are consistent with the requirements of Part B of the IDEA and all applicable state of Utah state laws, rules, policies, and procedures.
- 9.2. Discipline Philosophy. Disciplinary actions at USDB are intended to:
- 9.2.1. Instruct the student about inappropriate behaviors
  - 9.2.2. Help students understand the severity of their actions
  - 9.2.3. Instruct the student on alternatives to the inappropriate behaviors
  - 9.2.4. Seek natural consequences before prescribed consequences
  - 9.2.5. Maintain the dignity and well-being of the student
  - 9.2.6. Maintain the health, safety, and professionalism of the learning environment
  - 9.2.7. Minimize lost instructional time
  - 9.2.8. Follow the guidelines of [LRBI](#) and the [Mandt System](#).
- 9.3. The majority of discipline should be handled by the teacher in the classroom within a brief time period after the behavior to ensure maximum understanding and learning by the student. Administration becomes involved only when the behavior cannot be appropriately handled within a single classroom environment or timeframe, or the nature of the behavior is so egregious as to merit discipline beyond the scope of a teacher.
- 9.4. Aspects of the regular learning process, such as homework, should not be used as **a form of discipline, and the completion or incompleteness of classwork/homework is not an appropriate basis for disciplinary action, especially discipline, and the completion or incompleteness of classwork/homework is not appropriate for disciplinary action, especially discipline** outside the classroom. The natural processes of learning should be used to help encourage students to complete their work. All aspects of the learning process should **align** ~~be in harmony~~ with the USDB [Personalized Learning and Innovative Practices](#) policy.
- 9.5. Disciplinary Actions as a Continuum
- 9.5.1. Disciplinary actions occur on a continuum ranging from verbal instructions to expulsion. The assessment of each incident on the continuum depends on a variety of factors: student disabilities, student needs, type of behavior, repetition of the behavior, the seriousness of the behavior, applicable Behavior Intervention Plans or Safety Plans, IEP/504 plans,

language/communication abilities/needs, and other pertinent factors. Teachers must carefully evaluate the impact and propriety of disciplinary consequences, and each student and behavior should be viewed **on a** case-by-case basis **with** ~~and~~ disciplinary decisions chosen for the maximum benefit of all students.

9.5.2. The following disciplinary actions should never be used at USDB:

9.5.2.1. Physical punishment

9.5.2.2. Food as punishment

9.5.2.3. Derogatory/Degrading punishment

9.5.3. Please see the state [LRBI resources](#) and [Emergency Safety Intervention \(ESI\) Policy](#) for additional information regarding emergency safety interventions, including the use of physical restraint, seclusionary time out, chemical restraint, and mechanical restraint.

9.5.4. As a general guide, faculty and administration may reference the [USDB Discipline Continuum Guide](#) as a framework for recommendations of disciplinary actions. In each case, educators and administrators shall use professional judgment and consider the unique needs of the child and the circumstances of the behavior. Strict adherence to the USDB Discipline Continuum is not required.

#### 9.6. Discipline Authority

9.6.1. School personnel have the authority to assign and enforce appropriate discipline as defined by state law [53G-8-302](#) and the legal doctrine of *in loco parentis*.

9.6.2. School personnel may remove a student who violates a code of student conduct through In-School Suspension (ISS) or Out-of-School Suspension (OSS). Parents shall be notified about suspension in accordance with state policy [53G-8-205](#). All suspensions and procedures shall be consistent with state law.

**9.6.3. The educational director will collaborate with parents when determining consequence decisions.**

9.6.4. The requirements of Part B of IDEA [300.530](#) will apply to situations for students on an IEP suspended for more than ten (10) cumulative school days in the same school year.

9.6.5. Consistent with the Family Educational Rights and Privacy Act (FERPA), USDB will not discuss the discipline of one student with another student, parent, community member, or staff member without “legitimate educational interest” in the student.

#### 9.7. Disciplinary Appeals

- 9.7.1. Appeals for discipline may be made to the school official who assigned the discipline to the student. If an appeal is rejected, the student or parent/guardian may make an appeal to the next person in the **appropriate Associate Superintendent** ~~USDB chain of command, up to the associate superintendent~~. Appeals for discipline should be made within 30 school days of the event of the discipline. If discipline constitutes actions that are enumerated in the IDEA, then the period of limitations shall follow applicable IDEA law.

#### **~~9.7.2. Potential Appeals Procedures and Timeline~~**

- ~~9.7.3. If a member of the team disagrees with a decision regarding behavioral intervention, an appeal should be made in writing to the LEA:~~
- ~~9.7.3.1. Within five days of appeal receipt, the ESI committee chairperson should initiate steps to conduct an appeal conference to resolve differences and, if possible, avoid a hearing.~~
- ~~9.7.3.2. During the pendency of an appeal to the committee, the behavioral intervention in question should not be implemented.~~
- ~~9.7.3.3. The appeal conference should be completed within 15 school days, and steps should be taken to avoid an adversarial atmosphere. The Local Education Agency (LEA) can grant an extension of up to five school days if extenuating circumstances are present.~~
- ~~9.7.3.4. The committee's recommendations should not conflict with state or federal law which provides procedural safeguards. A copy of the written recommendation should be mailed to each party within five school days following the conference.~~

### 9.8. Response to Dangerous Conduct

#### 9.8.1. Weapons

- 9.8.1.1. Consistent with the [USDB Dangerous Materials and Firearms](#) policy, no USDB student shall possess a firearm, weapon, explosive, flammable material, or other material dangerous to persons or property on or about school premises or other USDB buildings or property.
- 9.8.1.2. Students who violate the prohibition of weapons in a school building, in a school vehicle, on USDB property, or in conjunction with any school activity shall be disciplined in accordance with the

requirements of UCA [53-G-205](#). If a student is being serviced through an Individualized Education Plan, the student or parent(s)/guardian of a minor shall be notified of the student's right to a manifestation determination hearing.

9.8.2. Gang Activity and Apparel

9.8.2.1. Students who engage in any form of gang activity on USDB or district school property, or at any school-related activity, may be subject to disciplinary action. Gang paraphernalia, apparel, or weapons may be confiscated by USDB officials. USDB officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

9.8.3. Drugs and Controlled Substances

9.8.3.1. Refer to the USDB [Student Drug and Alcohol Policy](#) for definitions and procedures related to drugs, alcohol, banned substances, and medications.

9.8.3.2. **Illicit use, possession, or distribution of alcohol, tobacco, nicotine, marijuana, and controlled substances is strictly prohibited.**

9.9. Search and Seizure

9.9.1. USDB reserves the right to search school property, including, but not limited to, student lockers and desks, and may seize items that are prohibited. Students and student property may only be searched for probable cause of a crime after consultation with authorized USDB legal counsel.

9.10. Suspension or Expulsion. Utah State Code [53-G-205](#) governs the suspension or expulsion of USDB students.

~~10. Crisis Management in Emergency Situations~~

~~10.1. In emergency situations, school staff may need to intervene using intensive interventions (such as individual or emergency safety measures) to ensure the safety of students and staff. Emergency situations include:~~

~~10.1.1. Danger to others—Physical violence/aggression toward others with sufficient force to cause bodily harm~~

~~10.1.2. Danger to self—Self-abuse of sufficient force to cause bodily harm~~

~~10.1.3. Severe destruction of property—Severe destruction or physical abuse of property resulting in substantial monetary loss~~

- ~~10.1.4.—Threatened abuse toward others, self, or property—Substantial evidence of past threats leading to any of the behaviors defined as a danger to others, danger to self, or severe destruction of property~~
- ~~10.2.—Emergency procedures should only be used by staff trained and competent in their use.~~
- ~~10.3.—Pattern of Behavior. If a behavior requiring emergency safety procedures occurs more than once (1) per week, two (2) times in a month or four (4) times in a year, the behavior shall no longer be considered an emergency or crisis and shall be addressed in the IEP and/or BIP. Additionally, the allowable instances of behavior requiring emergency procedures are cumulative in number, regardless of whether a different highly intrusive individual intervention is used.~~
- ~~10.4.—Emergency Contact Reporting~~  
~~If an emergency situation occurs that requires the immediate use of highly intrusive individual or emergency safety intervention to protect the student or others from harm, the staff shall complete and submit a USDB Emergency Contact Reporting Form to the USDB ESI Committee and notify the student's parents within 24 hours based on LEA Emergency Safety Interventions procedures.~~
- ~~10.5.—Any questions can be directed to ESCommittee@usdb.org~~
- ~~10.6.—Emergency Safety Intervention Committee~~
- ~~10.6.1.—Consistent with R277-609-4, USDB shall appoint an emergency safety intervention committee to monitor LEA policies on disciplinary plans, actions, and behavioral intervention procedures, protections, and safeguards.~~
- ~~10.6.2.—The committee should meet frequently enough to monitor the use of emergency safety interventions in the LEA, identify and address professional development needs, and develop policies for local dispute resolution processes to address concerns regarding disciplinary actions.~~
- ~~10.6.3.—The LEA will collect summary information regarding the frequency of use of ESIs within the LEA and will be able to report this data to the USBE upon request. The committee shall include the following members:~~
- ~~10.6.3.1.—Two USDB Educational Directors and/or Superintendents~~
- ~~10.6.3.2.—No fewer than two other professionals with behavioral knowledge.~~
- ~~10.6.3.3.—A parent of a student with disabilities, appointed by the chairperson.~~

## **11. Additional Behavioral Responses**

### **11.1. Functional Behavior Assessment (FBA) and Behavior Intervention Plans (BIP)**



- 11.1.1. IDEA requires an IEP team to consider, as appropriate, positive behavior supports and other strategies for students with disabilities when the student's behavior disrupts their own learning or the learning of others. Strategies may include a functional behavioral assessment and behavior intervention services and modifications designed to address the behavior [300.530\(d\)\(1\)\(ii\)](#).
- 11.1.2. If a student with disabilities is removed for more than 10 days in a school year, a FBA and BIP must be conducted, or a current BIP reviewed and revised as needed to prevent recurrence of the misconduct that led to the removal [300.530\(c\)\(1\)\(b\)](#). Procedures for developing an FBA and BIP: [LRBI: Individual Behavior Change](#)
- 11.1.3. A Functional Behavior Assessment (FBA) is a structured information-gathering activity conducted by a school psychologist, focusing on a target behavior and the possible functions of that behavior. The assessment should be conducted by persons knowledgeable about the student and include at least one person trained in the **assessment procedures** ~~procedures of the assessment~~. Ideally, all members of the IEP team, including the parent(s), contribute information.
- 11.1.4. An IEP team may develop and implement a behavior intervention plan and strategies using the information gathered from the FBA. The team will consider multiple factors to make informed decisions about behavioral interventions, including the use of positive behavioral interventions and supports, as well as other strategies to address the target behavior.
- 11.2. Change of Placement Due to Behavior
  - 11.2.1. Manifestation determination is required when the LEA removes or considers removing a student for weapons or drug violations, behavior that is substantially likely to result in injury to the student or others, or behavior that violates any rule or code of conduct applicable to all students, resulting in a change of placement.
  - 11.2.2. For a full overview of the Manifestation Determination process and possible outcomes of that process, review the information in [LRBI](#).
  - 11.2.3. Within ten (10) school days of any decision to change the placement of a student because of a violation of a code of student conduct, USDB, the parent and relevant members of the student's IEP team (as determined by the parent and the USDB) must review all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parents to determine:



- 11.2.3.1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, or
- 11.2.3.2. If the conduct in question was the direct result of USDB's failure to implement the IEP.
- 11.2.3.3.

11.2.3.4.	Fewer than 10 days = Short-Term Removal	11.2.3.5.	More than 10 days = Long-Term Removal
11.2.3.6.	No educational services (FAPE) required unless provided to non-disabled students.	11.2.3.7.	Student must receive services determined to be necessary for student to progress in the general curriculum and advance toward IEP goals.
11.2.3.8.	Not a change of placement.	11.2.3.9.	IEP team must meet and review IEP.
11.2.3.10.	No manifestation determination required.	11.2.3.11.	Consider special factors, supplementary aides, and services.
11.2.3.12.	No functional behavior assessment or behavior intervention plan required.	11.2.3.13.	Determine if more assessment data are needed.
11.2.3.14.		11.2.3.15.	Conduct a Functional Behavior Analysis
11.2.3.16.		11.2.3.17.	Develop and implement a Behavior Intervention Plan.
11.2.3.18.			

### 11.3. Continuation of Services

11.3.1. A student who is removed from the student's current placement must:

11.3.1.1. Continue to receive educational services, and

11.3.1.2. Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.

11.3.2. The services may be provided in an interim alternative educational setting.

### 11.4. Change of Placement Due to Disciplinary Removals [300.536](#)

11.4.1. For purposes of removals of a student from the student's current educational placement, a change of placement occurs if the removal is for more than ten (10) consecutive school days or if the student has been subjected to a series of removals that constitute a pattern:

11.4.1.1. Because the series of removals totals more than ten (10) school days in a school year;

11.4.1.2. Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and

11.4.1.3. Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

11.4.2. The USDB determines, on a case-by-case basis, whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

11.4.3. A student's IEP team must conduct a manifestation determination whenever it proposes to change the educational placement of a student by removing the student from school for more than 10 days due to a violation of the school's code of conduct.

### 11.5. Special circumstances

11.5.1. School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

11.5.1.1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of USDB or the district;

11.5.1.2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises,

or at a school function under the jurisdiction of USDB or the district,  
or

- 11.5.1.3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of USDB or the district.