

## Safe Schools - FHA

The following definitions shall apply under this policy

1. "Suspension" means removal of a student from the student's regular classroom assignment for a definite period of time.
2. "In-school suspension" means temporary reassignment, for a specific period of time, to a designated suspension classroom within the school.
3. "Short-term suspension" means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is equal to or less than 10 school days.
4. "Long-term suspension" means exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is greater than 10 school days.
5. "Expulsion" means termination of the student's status as a student enrolled in the school. Expulsion may be for an indefinite or fixed period of time.
6. "Involuntary transfer" means reassignment of a student from one school, campus, or academic program, to a different school, campus, or academic program within the District. Involuntary transfer may be for an indefinite period of time or for a fixed period of time.
7. "School district location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.
8. "Disruptive behavior" means conduct which unreasonably interferes with the educational process or instruction of students in the classroom or elsewhere, including foul, profane, vulgar or abusive language.  
*Utah Code Ann. § 53A-11-904(1)(a) (2010)*
9. "Bullying" means intentionally or knowingly committing an act that:
  - a. Endangers the physical health or safety of a school employee or student; or
  - b. Involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements involves forced or involuntary consumption of any food, liquor, drug, or other substance; or
  - c. Involves forced or coerced actions or activities of a sexual nature or with sexual connotations; or
  - d. Involves other physical activity that endangers the physical health and safety of a school employee or student; or
  - e. Involves physically obstructing a school employee's or student's freedom to move; and
  - f. Is done for the purpose of placing a school employee or student in fear of:
    - i. Physical harm to the school employee or student; or
    - ii. Harm to property of the school employee or student.
  - g. The conduct described above constitutes bullying regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

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- Utah Code Ann. §53A-11a-102 (2011)*
10. "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- Utah Code Ann. §53A-11a-102 (2011)*
11. "Cyber-Bullying" means:
- Using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
  - In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.
- Utah Code Ann. §53A-11a-102 (2011)*
12. "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.
- Utah Code Ann. §53A-11a-102 (2011)*
13. "Hazing" means intentionally or knowingly committing an act that:
- Endangers the physical health or safety of a school employee or student; and
  - Involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
  - Involves consumption of any food, liquor, drug, or other substance;
  - Involves forced or coerced actions or activities of a sexual nature or with sexual connotations;
  - Involves other physical activity that endangers the physical health and safety of a school employee or student; or
  - Involves physically obstructing a school employee's or student's freedom to move; and
  - Is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
  - If the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.
  - The conduct described in above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- Utah Admin. Code R277-613-1 (2011)*

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*Utah Code Ann. §76-5-107.5 (2011)*

*Utah Code Ann. §53A-11a-102 (2011)*

14. "Retaliate" means an act or communication intended:
  - ba. As retribution against a person for reporting bullying or hazing; or
  - cb. To improperly influence the investigation of, or the response to, a report of bullying or hazing.
15. "Weapon" means "dangerous weapon," which includes any item firearm or any object that is used for, or is readily capable of, causing death or serious bodily injury. "Weapon" includes any firearm, which "Firearm" means a pistol, revolver, shotgun, sawed-off short barreled shotgun, rifle or short-barreled rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive. The following factors should be used in determining whether a knife, or any other item, an object other than a firearm, or thing not commonly known as a dangerous weapon is a dangerous weapon:
  - a. The character of the instrument, object, or thing; The location and circumstances in which the object was used or possessed;
  - b. The character of the wound produced, if any;; The primary purpose for which the object was made;
  - c. The character of the wound, if any, produced by the object's unlawful or improper use;
  - cd. The manner in which the instrument, object, or thing was unlawfully or used improperly used; and
  - e. Whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
  - d. The other lawful purposes for which the instrument, object, or thing may be used.

Possession of a weapon shall not violate this policy if possession is approved in writing by the responsible school administrator or if the item or material is present or to be used in connection with a lawful activity approved in writing by the responsible school administrator before the material in question is brought on school premises.

*Utah Code Ann. § 76-10-501)(2013)(2014)*

*Utah Code Ann. § 76-10-505.5))(2013)*

16. "Unlawful conduct" means any conduct by a student which violates any local, state, or federal law or regulation, or violates any District or school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:
  - a. Harassment: harassment occurs when a student, with intent to frighten or harass another, communicates in writing a written or recorded threat to commit any violent felony.  
*Utah Code Ann. § 76-5-106 (1995)*
  - b. Burglary: burglary means entering or remaining in a building or any portion of a building with the intent to commit an additional crime.

- Utah Code Ann. § 76-6-202 (2012)*
- c. Theft: theft means obtaining or exercising unauthorized control over the property of another with the purpose to deprive him or her thereof.  
*Utah Code Ann. § 76-6-404 (1973)*
- d. Criminal mischief: criminal mischief means intentionally damaging, defacing, or destroying the property of another; or recklessly or willfully shooting or propelling a missile or other object at or against a motor vehicle, bus, airplane, locomotive, train, railway car, or caboose, whether moving or standing, or intentionally and unlawfully tampering with the property of another so as to recklessly endanger human life, health or safety or recklessly causes or threatens a substantial interruption or impairment of critical infrastructure.  
*Utah Code Ann. § 76-6-106(2012)*
- e. Assault: assault means an attempt, with unlawful force or violence, to do bodily injury to another; a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another.  
*Utah Code Ann. § 76-5-102 (2003)*
- f. Gang activity.  
*Utah Code Ann. § 76-9-801 -- 804 (2011)*  
*Utah Code Ann. § 76-9-901 -- 907 (2011)*
17. Making a false alarm: a student makes a false alarm if he or she initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause the evacuation of any building or public transport; improper activation of school alarms or safety systems.  
*Utah Code Ann. § 76-9-105 (2002)*
18. Willfully defaces or otherwise injures school property.  
*Utah Code Ann. § 53A-11-806 (2008)*
19. Disrupting the operation of a school: Disrupting the operation of a school occurs when a person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of the school.  
*Utah Code Ann. § 76-9-106 (1992)*
20. Terroristic Threats: A student commits a terroristic threat if the student threatens to commit any offense involving bodily injury, death, or substantial property damage, and:
- a. Threatens to use a weapon of mass destruction; or hoax weapon of mass destruction; or
  - b. The student acts with intent to:
    - i. Influence or affect a government or unit of government or intimidate or coerce a civilian population; or
    - ii. Cause action of any nature by an official or volunteer agency organized to deal with emergencies; or .

- iii. Prevent or interrupt the occupation of a building or a portion of a building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier.  
*Utah Code Ann. § 76-5-107 (2002)*
- 21. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, when:
  - a. Submission to or rejection of the conduct affects the student's academic performance, participation in school-sponsored activities, or any other aspect of the student's education; or
  - b. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive education environment. See policy FHAB.

**Publication of Safe Schools Policy**

A copy of this policy shall be given to each student in school upon enrollment in the school. Each student transferring to a school in the district who was not attending a school in the district just prior to the transfer shall receive a copy of this policy. When a copy of this policy is provided to a student, a copy shall also be provided to the student's parent or guardian.

*Utah Code Ann. § 53A-11-903(2)(a) (2007)*

A copy of this policy shall be posted in a prominent place in each school in the district. Any significant change in this policy shall be posted in each school in the district, and a copy of the revised policy shall be distributed to the students in each school.

*Utah Code Ann. § 53A-11-903(2)(b) and (c) (2007)*

**Conduct Warranting Discipline**

A student may be disciplined for the conduct described below. The type of the discipline imposed will depend on the nature of the particular conduct.

- 1. Conduct Which May Warrant, But Does Not Require Suspension or Expulsion:
  - a. A student may be disciplined for any of the following prohibited conduct when it occurs in a school building, or on or in proximity to school property; in conjunction with any school sponsored activity; in or on a school vehicle; is directed at or against another student or a district employee; or when it threatens harm or does harm to the school, school property, a person associated with the school, or property of a person associated with the school.
    - i. Any unlawful conduct, as that is defined above.
    - ii. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
    - iii. Willful destruction, defacing, or damaging of school property.

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- iv. Behavior, or threatened behavior, which poses an immediate and significant threat to the welfare, safety or morals of other students or school personnel or to the operation of the school.
- v. Disruptive behavior, as that is defined above.
- vi. Possession or use of pornographic material on school property that would constitute a misdemeanor offense under Utah Code Ann. § 76-10-1234. (This includes accessing such material through the District computer network or by using any District-owned device.)
- vii. Bullying, harassment, cyber bullying, retaliation, and making false allegations of bullying, bullying or retaliation. See Policy FGAD.
- viii. Any use of an electronic communication device or camera to record sounds or images or otherwise capture material in an unauthorized setting or at an unauthorized time shall subject the user of the device to increased discipline based on the circumstances and whether the student has been involved in prior violations of this policy.
  - 1. The use of any interfering device or any electronic communication device or camera to threaten, intimidate or embarrass another or to capture and transmit test information or any other information in a manner constituting fraud, theft or academic dishonesty will result in an immediate suspension of not less than three (3) days nor more than ten (10) days.
- ix. The use of any interfering device in a manner which may be physically harmful to another person, such as shining a laser in the eyes of another student, will result in an immediate suspension of not less than three (3) days nor more than ten (10) days. When a student repeatedly engages in such behavior, the punishment may be increased as is appropriate. See Policy FGAH
- b. Selling, giving, delivering, transferring, possessing, controlling, or distributing an alcoholic beverage on or in proximity to school property or at or in proximity to any school sponsored event. See FHAA.
- c. Selling, giving, delivering, transferring, possessing, controlling, or distributing tobacco products on or in proximity to school property or at or in proximity to any school sponsored event. Students shall not smoke or use tobacco products on school property or at any school-related or school-sanctioned activity on or off school property. "Tobacco products" includes an electronic cigarette as that has been defined by state law (Utah Code § 76-10-101).
- d. Being under the influence of an alcoholic beverage or controlled substance on or in proximity to school property or at or in proximity to any school sponsored event. See FHAA.
- e. Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing, Policy FHAC.  
*Utah Code Ann. § 53a-11-902(5) (2010)*  
*Utah Code Ann. § 53a-11-904(1) (2010)*

- Utah Code Ann. § 53A-3-501 (1998)*  
*Utah Code Ann. § 53A-11-908 (2010)*
- f. Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code.  
*Utah Code Ann. § 76-6-102 (2013)*  
*Utah Code Ann. § 76-6-103 (1986)*
- g. Engaging in conduct that contains the elements of any felony.
- h. Sexual Harassment.
- i. Gang-related activity: A “gang” as defined in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. Gang- related activity includes but is not limited to:
- i. Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang.
- ii. Use of a name associated with or attributable to a gang;
- iii. Designating "turf" or an area for gang activity or occupation.

*Be aware that there are challenging constitutional issues related to policies dealing with gang-related attire as the policy impacts students' First Amendment speech rights. A school should be able to document evidence of real and substantial problems caused by, or at least reasonably likely to be caused by, gang clothing. In designing a dress code, school authorities should focus on problems if they exist. A school may choose to develop a specific list of clothing and accessories that “evidence membership in a gang.” Such lists must be flexible to adapt to shifts in fashion styles. Students must be given ample notice of the list and any amendments. The policy should also include an appeals process that allows students to dispute that particular clothing deemed gang related is actually not gang regalia.*

2. Conduct Which Requires Suspension or Expulsion
- a. A student shall be suspended or expelled from school for participation in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including:
- i. The sale, control, delivery, transfer or distribution of a drug or controlled substance, as defined in Utah Code § 58-37-2, an imitation controlled substance, as defined in Utah Code § 58-37b-

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- 2, or drug paraphernalia as defined in Utah Code § 58-37a-3; See FHAA;
- ii. Commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.  
*Utah Code Ann. § 53A-11-904(2) (2010)*  
*Utah Code Ann. § 76-5-102 (2003)*  
*Utah Code Ann. § 76-5-102.3 (1992)*
3. Conduct Which Requires 1-year Expulsion
- a. A student shall be expelled from school for not less than one year, subject to the 45-day review process for mandatory year expulsions set forth below, if the student participates in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including one of the following violations:
    - i. Possession, control or actual or threatened use of a real weapon, explosive, or flammable device or material;
    - ii. The actual or threatened use of a look-alike or pretend weapon with intent to intimidate another person or to disrupt normal school activities.  
*Utah Code Ann. § 53A-11-904(2)(b) (2010)*
4. Discipline Rules for Students With Disabilities
- a. Federal and state laws impose particular requirements regarding discipline of students identified as having a disability. Discipline of such students must comport with the requirements set forth below for students with disabilities.

### **Remedial Measures and Disciplinary Sanctions**

Following a determination that a student has committed a violation, the student may be subject to one of the following remedial measures or disciplinary sanctions, as is determined to be appropriate for the violation or as is required by the terms of this policy or other District policies.

1. Remedial Measures
  - a. Continued school attendance subject to the terms of a remedial discipline plan prepared to correct the violation. This remedial measure is available only where the violation is for willful disobedience, defiance of authority, or disruptive behavior when such conduct is not of such a violent or extreme nature that immediate removal from school is required.
  - b. Continued school and class attendance accompanied by the student's parent or guardian for a designated period of time. This remedial measure is available only with the consent of the student's teacher or teachers and the agreement of the student's parent or guardian. The parent or guardian must agree to attend all of the student's classes for each day of the suspension. If the parent or guardian fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.



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- c. In-school suspension. Attendance in a designated in-school suspension program. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.
- d. Home-based instruction. Instruction at home, provided that combined days of suspension and assignment to home-based instruction shall not exceed ten (10) school days in a semester.
- e. Voluntary transfer. Voluntary transfer to another school, campus, community-based alternative school or other special program within the district, subject to the admission criteria of such alternative programs.
- f. Withholding grade reports, diplomas and transcripts. If the district determines that school or district property has been lost or willfully cut, defaced or otherwise injured by a student, the district may withhold the issuance of official written grade reports, diplomas and transcripts of the student responsible for the damage or loss until the student or student's parent or guardian has paid for the damages.
  - i. If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's parents or guardian that the student's interests would not be served if the parents or guardian were to pay for the damages, then the district shall provide a program of voluntary work for the student in lieu of the payment. In that case, the district shall release the official grades, diploma and transcripts of the student upon completion of the voluntary work.
  - ii. If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the Department or agency, may not be withheld from the Department or agency for non-payment of damages under this section.
  - iii. No penalty may be assessed for damages which damages, which may be reasonably attributed to normal wear and tear.

*Utah Code Ann. § 53A-11-806 (2008)*

### 2. Disciplinary Sanctions

- a. Detention. Students in grades K through six may be detained in school after regular school hours in the event the responsible school administrator determines that such action is justified in disciplining the student. No student may be detained after regular school hours until his or her parent or guardian has received prior notice of the detention to take place on a particular school day.
  - i. The notice provided for under this policy need not be completed prior to detention of the student if detention is necessary for the student's health or safety.  
*Utah Code Ann. § 53A-3-415 (1991)*
- b. Suspension

- c. Involuntary transfer. Involuntary transfer to another school, campus, community-based alternative school or other special program within the District.
- d. Expulsion

### **Authority to Impose Discipline**

The Board of Education hereby delegates to each school principal within the District the authority to suspend a student in the principal's school for up to ten (10) school days, in accordance with this policy.

The Board of Education hereby delegates to the superintendent the authority to suspend a student for up to one (1) school year.

The Board of Education has the authority to expel a student for a fixed or indefinite period.

*Utah Code Ann. § 53A-11-905 (2007)*

### **Procedure for Imposing Discipline**

Remedial measures or disciplinary sanctions may be imposed on a student only after it has been determined, following appropriate due process, that the student has committed a violation. The nature of the due process required depends in part on the magnitude of the penalty to be imposed.

1. Short-term Suspension
  - a. Informal due process hearing. A school principal may suspend a student for up to ten (10) school days for a violation. Prior to imposing such a suspension, the school principal shall meet with the student, if possible, to discuss the incident(s) and to provide the student an opportunity to respond. The principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate. In appropriate cases, the principal shall consider and offer the student alternatives to suspension, including in-school suspension and parental attendance with the student (where appropriate consent from teachers is obtained).
  - b. Short-term suspension pending due process hearing. If the school principal makes an initial determination that the violation warrants long-term suspension or expulsion, the school principal may recommend those sanctions and may impose a short-term suspension pending a hearing on whether those sanctions should be imposed.
  - c. Departure from school grounds. A suspended student shall immediately leave the school building and grounds following a determination by the school of the best way to transfer custody of the student to the parent or guardian or other person authorized by the parent or applicable law to accept custody of the student.

*Utah Code § 53A-11-905(5)(a) (2007)*

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- d. Notice of short-term suspension. If a short-term suspension is imposed, the principal or assistant principal shall immediately provide notice to the student's parent or guardian. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent or guardian by telephone are unsuccessful, then written notice shall be sent to the parent or guardian. The notice, whether verbal or written, shall include the following:
  - i. That the student has been suspended.
  - ii. The grounds for the suspension.
  - iii. The period of time for which the student is suspended.
  - iv. The date, time and place for the parent or guardian and student to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.

*Goss v. Lopez, 410 U.S. 565 (1975)*

*Utah Code Ann. § 53A-11-905(4) (2007)*

*Utah Code §53A-15-1503(10)(b)(2014)*

- e. Notice of recommended expulsion or long-term suspension. If the principal or assistant principal has recommended that the superintendent expel the student or suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian.
- f. Meeting to review suspension. At this meeting, the principal or assistant principal shall review with the parent or guardian and student the charges and evidence against the student, and shall provide the student and/or guardian with an opportunity to respond. During this meeting, the principal or assistant principal may determine whether the suspension previously imposed should be maintained, whether to adopt an alternative remedial measure, or whether the suspension should be terminated. The principal or assistant principal should also discuss with the parent or guardian a plan to avoid recurrence of the problem.

*Utah Code Ann. § 53A-11-905(5)(b), (c) (2007)*

*Utah Code § 53A-15-1503(10)(b)(2014)*

### 2. Long-term Suspension or Expulsion

- a. Due process hearing. If the principal or assistant principal recommends long-term suspension or expulsion, he or she shall notify the superintendent of that recommendation. The superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student, and the superintendent or the superintendent's designee. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
- b. Notice of hearing. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his or her parent or guardian so as to afford a reasonable opportunity for preparation. The notice shall include a statement of the charges against the student, that a recommendation has been made for suspension for more than 10 days or

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for expulsion and the period of time for which suspension or expulsion has been recommended. The statement of the charges against the student shall include the nature of the evidence and the names of any witnesses whose testimony may be used against the student unless confidentiality is required due to the necessity to protect student witnesses.

*Utah Code §53A-15-1503(10)(b) (2014)*

*Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)*

- c. **Conduct of hearing.** The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. The district and the student may each be represented by a person of their choice. Each side may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues. However, the district may present hearsay evidence if confidentiality is required due to the necessity to protect witnesses.  
*Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)*
- d. **Decision.** At the conclusion of the hearing, the superintendent or designee shall make a final determination of the matter, and shall state his or her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his or her parent or guardian. Upon a finding that the student has engaged in conduct warranting discipline, the superintendent may determine what discipline or remedial measures are appropriate for the conduct. If the superintendent determines that the appropriate sanction is expulsion, then that sanction must be authorized by the Board of Education as set out below. Apart from expulsion, the superintendent may impose any of the available remedial measures or sanctions as are found to be appropriate. In determining the appropriate sanction, the superintendent shall consider whether alternatives to suspension are appropriate or available.  
*Utah Code Ann. § 53A-11-905 (2007)*  
*Utah Code Ann. § 53A-11-906 (2007)*
- e. **Appeal.** A student may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten (10) days of the date the decision of the superintendent is mailed to the student. No further hearing will be held. The Board will review the evidence submitted to the superintendent and the written determination of the superintendent. The Board may affirm the superintendent's decision or modify the Superintendent's decision. The Board's written decision will be issued within thirty (30) days of receipt of the student's written notice of appeal.
- f. **Board evaluation of expulsion recommendation.** If the superintendent recommends expulsion for an indefinite or definite period of time, then the superintendent will transmit that recommendation to the Board of Education along with the record of evidence submitted to the superintendent. The Board may review the recommendation based on this

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record or may at its sole discretion accept further evidence. Following its review, the Board may accept, modify, or reject the recommendation, or impose other disciplinary sanctions. This decision is final.

*Utah Code Ann. § 53A-11-905(3) (2007)*

- g. 45-day review of mandatory one-year expulsions. Where a student has been expelled for one year because of a violation involving a weapon, explosive, or flammable material, a hearing shall be held within 45 days of the imposition of the expulsion. This hearing shall be held before the superintendent or the superintendent's designee, and shall be attended by the student and a parent or guardian of the student. At this hearing, the superintendent shall determine:
- i. What conditions must be met by the student and the student's parent or guardian for the student to return to school;
  - ii. Whether the student should be placed on probation in a regular or alternative school setting, and if so what conditions must be met by the student to assure the safety of students and staff at the school the student is placed in; and
  - iii. If it would be in the best interest of both the school district and the student to modify the expulsion term to less than a year, giving highest priority to providing a safe school environment for all students.
  - iv. If the superintendent or his or her designee determines that the student should return to school prior to the expiration of the one-year expulsion term conditioned on compliance with the conditions established by the superintendent, then the superintendent shall submit that recommendation to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.

*Utah Code Ann. § 53A-11-904(2)(b))(2010)*

- h. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

*Utah Code Ann. § 53A-11-904(3) (2010)*

### **Evidence in Student Hearings**

All student disciplinary hearings shall be conducted by the Board or its designee in an executive session. All evidence presented in such hearings shall constitute student educational records and shall be treated as "confidential". The District hereby designates all student records as "protected" under the Government Records Access Management Act. The names of students giving statements used in a student hearing involving other students may be protected and redacted where necessary to protect the students from threats of harm or interference with the educational process.

### **Notification of Weapons on School Property**

Whenever a student is found on school property during school hours or a school sponsored activity in possession of a dangerous weapon and that information is reported

to or known by the principal, the principal shall notify appropriate law enforcement personnel as well as school and district personnel who, in the good faith opinion of the principal should be informed.

*Utah Code Ann. § 53A-11-1101 (1994)*

### **Education of Students Subject to Discipline**

The educational services that will be provided to students subject to discipline will depend upon the nature of the discipline.

1. Students subject to remedial measures. Students subject to remedial measures such as a remedial discipline plan, class attendance with a parent, or in-school suspension will continue to receive educational services from the district according to the remedial measure. A student transferred to another school or program within the district will receive educational services through that school or program.
2. Parental responsibility for education. When a student is expelled or is suspended for more than 10 days, it is the responsibility of the student's parent or guardian to undertake an alternative education plan which plan, which will ensure that the student's education continues during the period of the suspension or expulsion. The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, alternative programs offered by the district, or other alternatives which will reasonably meet the student's educational needs. Costs for educational services not provided by the district are the responsibility of the student's parent or guardian.

*Utah Code Ann. § 53A-11-907 (2007)*

3. Review of student progress. The district shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once per month to determine the student's progress.

*Utah Code Ann. § 53A-11-907(4)(b) (2007)*

4. Record of disciplined students. The district shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the student's transcript.

*Utah Code Ann. § 53A-11-907(4)(a) (2007)*

### **Readmission of Suspended or Expelled Students**

1. Suspended students. A suspended student may not be readmitted to a public school until the student and the student's parent or guardian have met with a designated school official to review the suspension and have agreed with the school official upon a plan to avoid recurrence of the violation resulting in suspension. At the discretion of the principal, the student may be readmitted if the student and the student's parent or guardian has agreed to participate in such a meeting. However, a suspension may not extend beyond ten (10) days unless the student and the student's parent or guardian have been given a reasonable opportunity to meet with a designated school official to respond to the allegations and proposed disciplinary action.

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Expelled students. The superintendent or his or her designee shall review the expulsion sanction of each expelled student at least once per year and shall report the conclusions of such review to the Board of Education. The superintendent or his or her designee may make recommendations regarding whether such sanction should be modified or removed, and what conditions, if any, should be imposed on the student's readmission. If the Board has expelled a student for a set period of time and has not otherwise specified, at the expiration of that expulsion term a student may enroll at his or her area school on the same terms as a new student.