



Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
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District Policy 2110

Safe Schools Policy

Student Discipline Washington County School District - Revised 10-12-99; Revised 4-17-01; Revised 08/08/08; Revised 05-14-13; Revised 8-9-16

1. Purpose:

The Board of Education of the Washington County School District recognizes that every student in the schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. To foster such an environment the following policy has been adopted and is based on the following principles:

2. Policy:

- 2.1. Each student is expected to follow accepted rules of conduct;
- 2.2. Each student is expected to show respect for other people and obey persons in authority at the school;
- 2.3. The policy applies to students while in the classroom, on school grounds, on school vehicles, and in school sponsored activities or events, regardless of the location (53A-11-902).
- 2.4. For mandatory School Reporting of Prohibited Acts, and Conduct Plans, Section 3.2 refers to Utah Code § 53A-11-4; 53A-11-9; and 53A-11-13.

3. Procedure:

3.1. Definitions

- 3.1.1. "Days" for the purpose of this policy, means calendar days unless otherwise stated in the policy.
- 3.1.2. "Disciplinary or temporary disciplinary transfer" means a student is removed, temporarily from the regular school setting by the school administration to an alternative educational setting because of a violation of the Safe School Policy, section 3.2.
 - 3.1.2.1. The alternative educational setting should afford the student the opportunity to continue to receive educational services, and where applicable, receive credit for course work in core academic areas. The alternative setting is not intended to replicate the student's current school

placement.

3.1.2.2. For students with disabilities, the procedures for change of placement apply under the Individuals with Disabilities Act (IDEA) and shall direct the school's decision.

3.1.3. "Expulsion" means the removal from school and the cessation of educational services provided by Washington County School District for any period longer than 10 consecutive school days, but not more than one school year.

3.1.4. "Gang" or "criminal street gang," consistent with state law (Utah Code §76-9-802) as defined in this policy means:

- any organization, association, or group of three or more;
- which operates formally or informally and is currently in operation;
- which has a unique name or identifiable signs, symbols, or marks; and
- whose members individually or collectively engage in criminal or violent behavior to persons or property; or
- who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

3.1.5. "Parent" means parent or legal guardian, or guardian under federal law.

3.1.6. "Suspension" is not to be understood as the deprivation of a right to learning, but as the temporary denial of social interaction through school contact and the removal of the person from the classroom setting because of real and present disruptive effect of the student's presence, or a reasonable assumption that the student's presence will be disruptive or a threat to the well-being or safety of the student and or other students or staff.

3.1.6.1. Suspension may carry with it conditions which must be met to remove the suspension. Such conditions may be a joint responsibility of school personnel, the student and parents, or the sole responsibility of any one party.

3.1.6.2. Suspension may be "short term" (10 school days or less) or "long term" (more than 10 school days). Short term and long term suspensions provide different student due process procedures.

3.2. Grounds for Suspension or Temporary Disciplinary Transfer to an Alternative Educational Setting and/or Expulsion

A student may be transferred to an alternative setting, suspended or expelled from the student's boundary school for any of the following reasons:

3.2.1. When a school official determines that reasonable time is needed to establish, further verify or document facts of an act, incident, or series of acts of disobedience and misconduct disruptive to the learning process, which may lead to long-term suspension or expulsion from school;

3.2.1.1. Illegal behavior, frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior; including the use of foul, profane, vulgar, or abusive language.

3.2.1.2. Willful destruction or defacing of school property; which will also result in the student or parent paying for loss or damages (53A-1-806) or if unable, participate in a volunteer work

program.

3.2.1.3. 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, including bullying, emotional, physical or sexual harassment (see policy 1420 Sexual Harassment; Policy 1720 Non-Discrimination; Policy 3510 Bullying and Hazing).

3.2.1.4. Possession or use of pornographic material on school property.

3.2.1.5. Possession, control, or use of an alcoholic beverage as defined in Utah Code §32A-1-105.

3.2.1.6. Possession, control, use of cigar, electronic cigarette, or tobacco (Utah Code 76-10-105).

3.2.1.7. Student participation in any form of criminal street gang activity on or about school property or at any school-sponsored activity, or on school-provided transportation including the wearing, possessing, using, distributing, displaying, or selling of any criminal street gang attire, symbols, signs or other things which are evidence of membership in, or affiliation with, recruitment, or desire to be affiliated with, any criminal street gang.

3.2.1.8. Behavior described under Section 3.2.2 which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs;

3.2.2. A student shall be suspended or expelled from school for any of the following reasons:

3.2.2.1. Any serious violation affecting another student or staff member, or any serious violation occurring during school hours, including lunch/break time, in a school building, in or on school property, or in conjunction with any school-sponsored activity, including, but not limited to:

3.2.2.1.1. Possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

3.2.2.1.2. The actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities;

3.2.2.1.3. The sale, control, or distribution of a drug or controlled substance as defined in Utah Code §58-37-3;

3.2.2.1.4. The sale, control, or distribution of an imitation controlled substance as defined in Utah Code §58-37b-2;

3.2.2.1.5. The sale, control, or distribution of drug paraphernalia as defined in Utah Code §58-37a-3.

3.2.2.1.6. The commission of an act involving the use of force or threatened force which if committed by an adult would be a felony or class A misdemeanor.

3.2.2.2. A student who commits a violation of section 3.2.2 above involving a real or look alike, weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year, subject to the procedures in Section 3.5 below. Exceptions to expulsion may be made on a case-by-case basis through the Superintendent's office.:

3.2.2.3. A student may be denied admission to a Washington County School District school on the basis of having been expelled from any school during the preceding 12 months (Utah Code §53A-11-904(3)). A suspension or expulsion under this policy is not subject to the age limitations under Utah Code §53A-11-102(1).

3.3. Suspension Procedures:

3.3.1. Authority is delegated from the Washington County School District Board of Education to school principals and assistant principals to suspend students for up to 10 school days.

3.3.2. When a student is being considered for suspension the student will be given an opportunity to present the student's case to the principal or designee except in an extreme case where the danger to the individual or others is such that immediate removal from school is imperative.

3.3.3. If there is reasonable validity to the student's explanation and the student's presence in school will not be disruptive or injurious to the student or others, the student may be allowed to remain in school until a more thorough investigation regarding the facts in the case can be made, at which time a decision will be made regarding whether to suspend or not to suspend the student.

3.3.4. In any circumstance where the student is suspended:

3.3.4.1. If it is determined by the principal or assistant principal that a suspended student must immediately leave the school building and the school rounds, the principal or assistant principal shall determine the best way to transfer custody of the student to the parent, or other person authorized by the parent or applicable law to accept custody of the student.

3.3.4.2. The parents of any student who is suspended must be notified, and provided with a copy of the safe schools policy as soon as possible, but not later than 24 hours by telephone or other reasonable means of the suspension and asked to discuss the matter with the appropriate school official. At this conference, the reasons for the suspension will be discussed, the period of the suspension along with the conditions upon which the matters might be resolved and the student returned to school.

3.3.4.3. If a satisfactory resolution cannot be reached, the student may be suspended from school for a maximum of 10 days.

3.4. Procedures for Long Term Suspension (suspension that exceeds 10 school days)/Temporary Disciplinary Transfer:

3.4.1. Authority is delegated from the Washington County School District Board of Education to the Superintendent or designee to suspend a student from school for any period of time beyond the 10 school day suspension period, but not for more than one school year.

3.4.1.1. Recommendations for a long-term suspension/Temporary Disciplinary Transfer shall be submitted to the Superintendent, or designee for consideration.

3.4.1.2. If the Superintendent or designee agrees that a long-term suspension/Temporary Disciplinary Transfer is appropriate, the principal shall contact the student's parent(s) without delay. A verbal contact shall be followed by a written notice.

3.4.1.3. The written notice and procedures for a recommended long term suspension/Temporary

Disciplinary Transfer shall include:

3.4.1.4. A copy of this policy.

3.4.1.5. A statement that the principal is recommending long-term suspension/Temporary Disciplinary Transfer; including: a description of the school regulation(s) allegedly violated by the student; a statement of the facts as known to the principal leading to the principal's recommendation.

3.4.1.6. The length of time of the recommended long-term suspension/Temporary Disciplinary Transfer to an alternative setting.

3.4.1.7. Any conditions that would afford the student the opportunity for an early return to the boundary school.

3.4.1.8. Information on how to check out of the current school, including information about turning in, providing, and receiving credit for work the student may have completed.

3.4.1.9. Information on the procedures and contact information to enroll a student in the alternative educational setting, and;

3.4.1.10. Information regarding the opportunity to request an informal hearing on the matter; including that the parent must make a written request for an informal hearing to the school principal within 10 days of the receipt of the notice of the student's transfer to an alternate setting, a school contact person, with mailing or contact information.

3.4.1.11. In addition, notice must be provided to the parent(s) that the student has a right to a formal hearing if the parents choose to contest the outcome of the informal hearing.

3.4.1.12. The parent must make a written request for a formal hearing with the Superintendent or designee within 10 days of the informal hearing.

3.5. Procedures for Expulsion:

Consistent with Utah Law (Utah Code §53A-11-905(3)), only the board may expel a student.

3.5.1. Recommendations for Expulsions shall be submitted by the principal to the Superintendent on behalf of the board.

3.5.2. If the Superintendent, on behalf of the board agrees that the Superintendent should consider expulsion, the Superintendent, on behalf of the board, shall contact the student's parent(s) without delay. Such notice shall include all information relevant to an expulsion as outlined in Sections 3.4.1.4. to 3.4.1.9; as well as notice of the opportunity to make an appeal to the board.

3.5.3. Within 45 days after the expulsion the student shall appear before the student's local school board Superintendent or the Superintendent's designee accompanied by a parent. The Superintendent, or designee shall determine:

a) What conditions must be met by the student and the student's parents for the student to return to school;

b) If the student should be placed on probation in a regular or alternative school setting consistent with

Utah Code Section 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

c) If it would be in the best interest of both the School District and the student to modify the expulsion term to less than one year, conditioned on approval by the board and giving highest priority to providing a safe school environment for all students.

3.6. Procedures for an Informal Hearing Following a Long-term Suspension/Temporary Disciplinary Transfer

3.6.1. The informal hearing is conducted with the school principal, or designee, and other school personnel as determined. It must be conducted within 10 days of receiving the parent's written request, subject to reasonable flexibility for either party.

3.6.2. The parent shall:

3.6.2.1. Receive notice of the date, time, and place of the informal hearing.

3.6.2.2. Receive a brief outline of the school administration's decision to transfer the student to an alternative educational setting, including the circumstances that led to the transfer, the student's previous disciplinary record, if any, and other relevant information about the transfer.

3.6.2.3. The opportunity to present witnesses, although witnesses cannot be compelled to attend.

3.6.2.4. Receive a copy of the District Safe School Policy, including the right to a formal hearing.

3.6.2.5. A parent may provide a written explanation of parent's/student's objection to the transfer and/or alternative placement.

3.6.2.6. The student shall remain in the alternative educational setting pending the decision of the informal hearing.

3.6.2.7. The parent shall be informed of the decision in writing via certified mail within 24 hours.

3.7. Formal Hearing for Long-term Suspension/Temporary Disciplinary Transfer Hearing:

3.7.1. The hearing shall be conducted before an impartial hearing panel, appointed by the Superintendent, or the Superintendent's designee and at least two other professional staff persons who have not been involved in the student incident. In the formal hearing process, findings of fact and proposed penalties shall be determined by a majority vote of the hearing panel.

3.7.2. All persons presenting information shall appear in person at the hearing. Each of the complaining parties (the school administration and the parent) will have the opportunity to present the party's information and evidence to the hearing panel. The school administration and the parent may present and question witnesses, although witnesses cannot be compelled to attend.

3.7.3. The hearing may be recorded either by an audio or video recording device.

3.7.4. The parent may be accompanied by legal counsel if the school administration is represented by legal counsel. The hearing panel may be assisted by legal counsel, at the Superintendent's discretion.

3.7.5. The hearing panel may contact persons or otherwise obtain facts that will assist the panel in

reaching an informed decision. The parent must have the opportunity to hear and respond to all information and evidence that the panel members consider in making a decision.

3.7.6. The hearing panel's decision is final.

3.7.7. The written decision of the hearing panel will be sent to each of the parties no more than 10 days after the hearing.

3.7.8. The hearing panel's written decision shall use the following format:

- a) A statement of the time, date, place of the individuals in attendance at the hearing.
- b) A summary of the information and evidence presented at the hearing.
- c) A statement of the hearing panel's final decision.
- d) A time period for a long-term suspension/Temporary Disciplinary Transfer.
- e) A statement of the hearing panel's recommended conditions, for a long-term suspension/Temporary Disciplinary Transfer, that a student must satisfy to be considered for re-instatement in the student's boundary school.

3.7.9. Results of all hearings shall be reviewed by the Superintendent or designee, and the conclusions reported to the State Board of Education at least annually.

3.8. Appeal of Expulsion Recommendation to the Board of Education:

3.8.1. Request for an appeal hearing to the Board of Education shall be made in writing to the Superintendent. The board's review of an expulsion recommendation shall be scheduled and completed as soon as possible, and no longer than 30 days following the Superintendent's receipt of the request for board review.

3.8.2. The board, with the assistance of the Superintendent, shall review all materials and evidence provided by the principal and parent.

3.8.3. Each of the complaining parties may address the board or committee regarding the evidence and appropriateness of the decision.

3.8.4. If the board finds that (1) there were no procedural errors, (2) that the penalty is consistent with the evidence and information presented and (3) that the student expulsion is appropriate considering all evidence and circumstances discussed at the hearing, the board shall uphold the Superintendent's decision. The decision of the board shall be forwarded via registered mail to each of the complaining parties within 24 hours of the decision.

3.8.5. If the board finds that grounds for expulsion and procedures were not satisfied, the board may modify the expulsion consistent with the evidence and information before the board. The board may modify the decision to include any conditions for alternative educational services and/or early reinstatement into school as per Section 3.5.3 and communicate the modified decision in writing to both parties within 10 days.

3.8.6. The board's decision is the final administrative decision.

3.9. Alternatives to Suspension of Expulsion (53A-11-902 & 906):

A school representative shall provide a list of resources available to assist the parent in resolving the school-age minor's disruptive behavior.

3.9.1. Prior to suspending, temporarily transferring, or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior that do no warrant immediate student removal, the District or school shall make good faith efforts to implement a remedial discipline plan that would allow the student to remain in school. These efforts may include: a school counselor or other designated school representative to work with the student before the student becomes subject to the jurisdiction of the juvenile court; implementation of a continuum of intervention strategies (53A-11-910); an in-school suspension program, a plan where the parent, with the consent of the student's teacher(s), would attend class with the student for a period of time specified by the principal or assistant-principal, or other reasonable alternatives.

3.9.2. If the parent does not agree or fails to follow through with alternatives, the student shall be suspended consistent with this policy.

3.9.3. The parent of a suspended student and the principal or assistant principal may enlist the cooperation of the Division of Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension. (See Utah Code §53A-11-103(2))

3.10. Education of Excluded Students:

3.10.1. If a student is removed from school without educational services for more than 10 days, the parent or guardian is responsible for an alternative education plan which will ensure that the student's education continues during the period of removal. The parent or guardian shall work with the principal or assistant principal to determine how that responsibility might best be met other alternatives which will reasonably meet the educational needs of the student. Costs for educational services which are not provided by the District are the responsibility of the student's parents.

3.10.2. Any student temporarily suspended from regular classroom instruction shall be allowed full opportunity to make up work missed as a result of the suspension. It is the responsibility of the student to contact teacher(s) to obtain missed assignments, tests, etc. An appropriate administrator shall inform the parent(s) and student of the procedures for contacting the teacher(s) to obtain work during the suspension period.

3.10.3. The parent is responsible for transportation to the alternative educational setting and is responsible for any fees associated with the program, unless such fees have been waived consistent with state and District fee waiver criteria or for special circumstances.

3.10.4. The parent and administrators may enlist the cooperation of the Division of Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.

3.10.5. The school shall contact the parent of each long-term suspended/temporary disciplinary transferred or expelled student under the age of 16 at least once a month to determine the student's progress.

3.11. Maintenance of Record:

The District shall maintain a record of all suspended and expelled students and a notation of the suspension or expulsion shall be attached to the individual student transcript, which may be removed at the end of the suspension or expulsion period, with a written parent request.

3.12. Application of Policy to Students with Disabilities:

This policy applies to students with disabilities consistent with applicable state and federal law. If application of any requirement of this policy to a student with a disability is not permissible under applicable law, the appropriate school/District administrator shall be responsible for using and following disciplinary procedures; including procedures for the use of reasonable and necessary physical restraint or force in dealing with disruptive students, consistent with Utah Code 53A-11-802.

3.13. Distribution of Policy:

The policy is available on the District website. A copy of the grounds for suspension and expulsion from this policy shall be provided to each parent/student upon the student's enrollment in a school in the Washington County School District. The policy may be posted in a prominent location in each school and shall be included in the student handbook. Any significant changes to the policy shall be distributed to the students in the school and posted in the school in a prominent location.