

## SAFE SCHOOLS POLICY

Logan City School District is committed to fostering an environment in the public schools for students, staff, community, neighbors and visitors which is safe, conducive to the learning process, and free from unnecessary disruption. Every student is expected to follow accepted rules of conduct and to show respect for other people and to obey persons in authority at the school. A safe school environment includes the school and school grounds, district-provided transportation, and school sponsored activities and events. The following policy and guidelines have been created for this purpose in accordance with Utah State Code (UCA Section 53A-11-901-909).

**I. Definitions:**

- A. School-sponsored activity or event means an activity, meeting, or location sanctioned or supported by the school, including transportation of students in district-owned/leased vehicles.
- B. Exclusion means the removal of a student from a school program, but not necessarily from all education services, and includes:
  - 1. Suspension: a mandatory interruption of attendance or participation in a specific school or program for a period of 10 consecutive school days or less.
  - 2. Long-term Suspension or Expulsion: termination of attendance or participation in a school or program for a period in excess of 10 consecutive school days by the local Board of Education, Superintendent, or the District's Review Committee. (UCA Section 53-11-905(3)).
  - 3. Change in Placement: Alternative placement of a student for disciplinary or other reasonable purposes.
- C. Student means any Utah resident of school age under UCA Section 53A-11-101(1)(d) & (2).
- D. Imminent danger means, "The appearance of threatened and impending injury which would lead a reasonable and prudent person to attempt an instant defense; something which is threatening to happen at once, something close at hand,

something which is close, although not yet touching, or on the point of happening.” [Black's Law Dictionary]

- E. Habitually disruptive behavior means frequent or repeated flagrant willful disobedience, harassment, defiance of proper authority, or repeated disruptive behavior, including the use of foul, profane, vulgar or abusive language.
- F. Gang means a group of 2 or more people who form an allegiance which may in part be evidenced by activity or apparel and engage in a range of anti-social behaviors that may include violent, disruptive or other unlawful activity. These groups may have a name, turf, colors, symbols, or distinct dress, or any combination of the preceding characteristics.
- G. Remedial discipline plan means a written plan developed by the school in consultation with the student to be disciplined and the parent/legal guardian which may include any combination of the following or any other action discussed by the parties:
  - 1. exclusion of the student from school for a pre-determined time or until certain conditions are met;
  - 2. specific behavior standards for the student which, when met by the student, allow for designated rights or privileges;
  - 3. in-school suspension;
  - 4. community service;
  - 5. restitution for damage or harm.
- H. Proactive intervention strategy means a preventive strategy intended to stop or deter problem behaviors before they occur. A proactive or preventive strategy anticipates problem behaviors and uses a predetermined set of consequences (positive or negative) to intervene.
- I. Parent means parent or legal guardian.

## **II. Proactive Strategies for Improving Student Behavior and Limiting the Exclusion of Students from School:**

- A. Each school shall provide parents/legal guardians and students with a written copy of the school's discipline and conduct policy.

- B. School administrators, teachers and staff shall use proactive intervention strategies that anticipate problem behaviors before they occur.
- C. Students shall comply with applicable rules of conduct as well as all federal, state, and local laws and ordinances; and be civil and respectful to other people and obey persons in authority at the school.

### **III. Grounds for Suspension or Expulsion From a Public School:**

- A. A student may be suspended or expelled from a public school for any of the following reasons:
  - 1. frequent or flagrant willful disobedience, defiance of proper authority, or repeated disruptive behavior; including the use of foul, profane, vulgar, harassing or abusive language;
  - 2. willful destruction or defacing of school property;
  - 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;
  - 4. possession, control, or use of an alcoholic beverage as defined in UCA Section 32A-1-105(2)(3)(4);
  - 5. behavior which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs.
  - 6. commit an offense against an educator when the educator is acting in the course of employment or be subject to an enhanced degree of offense as cited in UCA Section 76-3-203.2. Crimes against educators are considered to have created an imminent danger under this policy.
  - 7. other behavior, speech, or actions reasonably determined by school personnel to warrant suspension or expulsion.
- B. A student shall be suspended or expelled from a public school for any of the following reasons:
  - 1. any serious violation affecting another student, visitor, volunteer, or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity including:

- a. the possession, control, or actual use or threatened use of a real weapon, explosive, firearm, (as defined by Federal Law under Section 921 of title 18, U.S. Code) or noxious or flammable materials under UCA Section 53A-3-502;
- b. the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
- c. the sale, control, or distribution of a drug or controlled substance as defined in UCA Section 58-37-2, an imitation controlled substance as defined in UCA Section 58-37b-2, or drug paraphernalia as defined in UCA Section 58-37a-3; or
- d. the commission of an act involving the use of force or the threatened use of force

#### **IV. Penalties for Safe School Violations**

- A. A student who commits a violation involving a real or look alike weapon, explosive or flammable materials shall be expelled from school for not less than one year subject to the following:
  - 1. Within 45 days after the expulsion, the student and parent(s) shall appear before the Superintendent or the District review committee to determine:
    - a. what conditions must be met by the student and parent 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 UCA Section 53A-11-907 and conditions for student and staff safety;
    - c. if the expulsion term should be modified, contingent on safety priorities.
- B. 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. (UCA Section 53A-11-904 (3)).

#### **V. Procedures for Incidents Involving Weapons, Drugs, Alcohol, or Imminent Danger to People or Property**

- A. School administrators may suspend students for up to 10 consecutive school days.

- B. The school principal or designee shall determine if the student's behavior created imminent danger to people or property or if the student's behavior was in violation of the District's weapons or drug and alcohol free school policy.
- C. If the student's behavior created imminent danger or violated the District's weapons or drugs and alcohol free school policy, following personal notification to the student and student's parent/legal guardian, the student shall be suspended according to the procedure outlined below:
  - 1. immediate student suspension:
    - (a) the student is suspended until the parent/legal guardian is able to conference with school administrators;
    - (b) the student shall be prohibited from trespassing on all school district property;
    - (c) the student shall be prohibited from participating in school related activities;
  - 2. the school may only release the suspended student to the student's parent/legal guardian or other adult designated by the parent or legal authority;
  - 3. in unlawful or dangerous situations, the student may be released to law enforcement personnel. (Refer to Logan District Guidelines on police interviewing in schools);
  - 4. a school or District administrator shall make earnest efforts to contact a parent/legal guardian to schedule a conference with the student, the student's parent/legal guardian, and the school administrator;
    - (a) during the conference, the administrator shall:
      - (1) review the alleged conduct by the student and present the evidence;
      - (2) give the student an opportunity to respond and present relevant information or explanations;
      - (3) determine whether or not the allegations are true by a preponderance of the evidence and make a recommendation for action which may include;
      - (4) if the administrator determines the allegations are true, the following options are available:
        - [a] discontinue or continue the exclusion (suspension or expulsion) for a specific length of time;
        - [b] develop a remedial discipline plan for the student required under UCA Section 53A-11-902(3) which outlines the requirements for reinstatement in the class, school, or District and the school or

administration's evaluation of alternatives to excluding the student from school;

[c] outline expectations for parents/legal guardians and the school in the student's discipline plan and potential reinstatement: i.e. supervision, a behavior contract, continued participation in extracurricular school activities, on-going educational services for the student, take-home or independent study assignments, mandatory school contact, or evaluation.

[d] advise the student and the parent about the student's rights and obligations and the procedures for appeal of an adverse decision.

5. at the conclusion of any exclusionary period, a conference will be held with the student and the student's parent/legal guardian at which time a behavior contract will be developed by parents/legal guardians, student, school personnel, and other appropriate individuals.

C. The administrator shall document the disciplinary action taken.

#### **VI. Procedures for Incidents NOT Involving Weapons, Drugs, Alcohol, or Imminent Danger to People or Property (usually handled at the school level):**

A. An administrator shall provide the student an initial opportunity to explain his or her behavior prior to suspension. If the immediate suspension is justified the school administrator should proceed.

B. The school administrator shall investigate and document the charges and schedule a conference with the student and parent/legal guardian as soon as possible. The parent/legal guardian will be notified about the impending conference.

C. During the conference, the administrator shall:

1. explain the allegations and/or violation to the student;

2. provide the student with a reasonable opportunity to respond and present any relevant information;

3. if the student denies, explanation of evidence and student response;

4. take appropriate action consistent with findings made by the administrator after review of the evidence and the student's response, and with applicable school and District policies and state and federal law, including laws or regulations specific to students with disabilities;
5. advise the student and the parent/legal guardian about the student's rights and obligations, and the procedures for appeal of an adverse decision;
6. discuss alternatives to suspension with the student and parent/legal guardian for behavior that is neither violent, unlawful, or falls under weapons, imminent danger, or drug and alcohol violations;
  - (a) in school suspension or alternative programs;
  - (b) parent/legal guardian supervision of student at school;
  - (c) amended schedule;
7. if the parent or legal guardian does not comply with the alternative to suspension requirements, the student shall be suspended in accordance with the conduct and discipline policies of the District or school;
8. in the event of suspension or expulsion, the student shall be prohibited from trespassing on all school district property and attending any school event or activity.

## **VII. District-Level Hearings:**

- A. A school administrator may refer any matter to the District for hearing if the administrator deems it advisable.
- B. If the student or parent/legal guardian does not concur with the school disposition or recommendation concerning student misconduct involving weapons, drugs, alcohol, or imminent danger or for student exclusion for a second or subsequent offense not involving weapons, drugs, alcohol, or imminent danger:
  1. the parent/legal guardian may appeal the decision by submitting a written request to the District superintendent or designee within 15 days after receiving notice of the decision;
  2. the superintendent or review committee shall schedule the appeal hearing within 20 days of receiving the parent's/legal guardian's request for hearing and shall

provide the parent/legal guardian with notice of the procedures to be followed in the hearing;

3. the superintendent or review committee shall conduct the appeal hearing at the appointed time and place. The District and the student may each be represented by an advocate of its choice;
4. at the appeal hearing, each party may make statements, question witnesses, and present relevant facts and evidence. The review committee procedures may allow for additional witnesses or affidavits to be presented;
5. the appeal hearing's conclusion(s) that affect a student's school attendance shall be decided within two school days following the hearing;
6. all other issues shall be disposed of in writing within 30 days of the conclusion of the appeal hearing;
7. these time periods may be waived upon agreement by both parties to the hearing;
8. the review committee is the designee of the Board and the Superintendent for long term suspensions and expulsions of up to one year;
9. District review committee or superintendent's appeal of an exclusion is the final administrative remedy. If students or parents/legal guardians are dissatisfied with the administrative determination, they may appeal to a court of law.

#### **VIII. Responsibility of Parent or Legal Guardian for Suspended or Expelled Student:**

- A. If a student is suspended or expelled from a public school for more than ten (10) school days, the parent or legal guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.
- B. The parent or legal guardian shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district, or other alternatives which will reasonably meet the educational needs of the student.
- C. Costs for educational services which are not provided by the school district are the responsibility of the student's parent or legal guardian.

- D. Each school 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 individual student's transcript (UCA Section 53A-11-907).

**IX. Students with Disabilities: (This represents current Federal Law while Utah Rules and Regulations are currently under revision. Existing Utah Special Education Rules and Regulations must be referenced prior to disciplinary action.)**

- A. Students with disabilities are those individuals who qualify for special education and related services under Public Law 105-17, the Individuals with Disabilities Education Act (IDEA), and/or under Section 504 of the Rehabilitation Act Amendments of 1973 and/or under the Americans with Disabilities Act of 1990.
- B. All students with disabilities enrolled in the District are accountable for the same standards of behavior as non-disabled students unless their Individualized Educational Program (IEP) teams have determined that their disabilities prevent adherence to these standards and have agreed upon altered standards on their IEP's. Because students with disabilities represent a protected class of individuals, the following general provisions and/or protections apply:
  - 1. Suspension of students with disabilities for fewer than ten (10) days - School administration may order the removal of a student with a disability for up to 10 consecutive days for any violation of school rules for which students without disabilities would be removed. During this type of removal, the provision of educational services is not required.
  - 2. Suspension of students with disabilities for more than ten (10) days - Students may be suspended for more than 10 cumulative days per school year for separate instances for which nondisabled students would be suspended. However, such suspension must not constitute a pattern of removal and/or a change of placement. Factors such as the length of each removal, total amount of time the student is removed and proximity of removals to each other may lead to a conclusion of placement change. Regardless, beginning with the 11th cumulative day of removal, general and special education services must be provided to the student while on suspension.
    - a. Weapons and Controlled Substance Violations
      - 1. If a student with a disability carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a school function, school administration may order the removal of the student from school. When such a removal is contemplated, it constitutes an imminent change of placement and parents/legal guardians must be

notified and provided with a copy of their procedural safeguards under IDEA.

b. Manifestation Determination

1. The student's IEP team must meet as quickly as possible following the violation to conduct a manifestation determination. This procedure uses evidence from the student's psychoeducational evaluation(s), school conduct, and classroom performance to help identify whether or not the student's misbehavior was a function of his/her disability.

a. Violation Related to Student's Disability

The student's IEP team must meet to determine an interim alternative educational setting (IAES) to which the student may be removed for up to 45 school days. The team must also conduct a functional behavioral assessment (FuBA) and develop a behavior intervention plan (BIP) if these have not already been accomplished. If a FuBA and BIP have already been completed, the IEP team will review these and make revisions as appropriate. The purpose of the BIP is to reduce or eliminate the likelihood that the behavior causing the removal from school will recur in the interim alternative educational setting and in the student's school upon his/her return. In an IAES, the student must receive services which allow him/her to progress in the general curriculum and to advance appropriately toward meeting the goals specified on his/her IEP.

b. Violation Not Related to Student's Disability

If the manifestation determination procedure indicates that the weapons or drug violation was not related to the student's disability, the student may be removed from school on the same basis as would a student without a disability. However, during this removal, the school district must provide services necessary to enable the student to progress in the general curriculum and appropriately advance toward meeting the goals set forth in his/her IEP.

c. Dangerousness

A due process hearing officer may order the removal of a student to an interim alternative educational setting (IAES) for up to 45 days if in an expedited due process hearing, s/he determines that

the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others, considers the appropriateness of the student's current placement, considers that the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, determines that the IAES proposed by the school in concert with the student's special education teacher meets requirements of addressing the student's behavior and offering services so that the student can progress in his/her general and special education programs.

The District may continue to seek school removal of a student deemed dangerous by petitioning a court of local jurisdiction. This is often referred to as a "Honig Injunction." The Federal Office for Special Education Programs (OSEP) affirmed in DOE Q & A Document, Question 3, 64 Fed. Reg. 12415 (March 12, 1999) that at any time, school officials may seek to obtain a court order to remove a student with a disability from school or to change a student's current educational placement if they believe that maintaining the student in the current educational placement is substantially likely to result in injury to the student or others.

School officials can report crimes committed by students with disabilities to appropriate law enforcement authorities to the same extent they do for crimes committed by nondisabled students.

### 3. In School Suspension

An in school suspension would not be considered a part of the days of suspension previously addressed as long as the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified on his or her IEP and continue to participate with nondisabled students to the extent they would have in their current placement.

4. Behavioral Interventions - any behavioral intervention to be used with a District student with disabilities must meet the requirements set forth by the Utah State Board of Education Special Education Rules.

## **X. Appropriate Use of Physical Restrain in the Enforcement of this Policy:**

The use of physical restraint of students within the context of this policy is only appropriate consistent with Federal law, UCA Sections 53A-11-801 through 805 and 76-2-401, and district policy on corporal punishment with the appropriate physical restraint measures outlined in that policy.

**XI. Gang-Related Activity:**

- A. School administrators and other school personnel designated by the administration shall have authority to identify student behavior as gang-related and may be allowed under district policy to treat such designated behavior as imminently dangerous to students and staff and follow the procedures outlined under Section VI of this policy for disciplining students involved in gang-related activities.
- B. In disciplining students under gang-related provisions, school administrators shall act consistently with and be sensitive to Constitutional protections of freedom of expression and freedom of association.
- C. Students and parents/legal guardians should be given notice that courts have determined that the parameters of freedom of expression and freedom of association in a public school setting are different than in society generally.
- D. Indices of gang-related behavior or association may include, but are not limited to:
  - 1. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, tattoo, badge, symbol, sign or other items which evidence membership in a gang;
  - 2. use of name associated with or attributed to a gang;
  - 3. designation of turf or an area for gang activities or occupation or ownership; or
  - 4. any combination of the preceding indices or activities.
- E. School officials have the right to confiscate items at any time.

Approved this 26 day of August, 2003