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## **SAFE SCHOOLS POLICY**

This policy is adopted by the Board of Education of The Iron County School District pursuant to UCA §53A-11-901 through 907. It is the intent of the Board to provide every student in the district with the opportunity to learn in an environment, which is safe, conducive to the learning process, and free from unnecessary disruption. The Board has invited and received input from district employees, parents and guardians of students, students, and the community. The Board now adopts this policy, based on the principle that every student is expected to follow rules of conduct, and to show respect for others and to obey persons in authority at the schools.

### DELEGATION OF AUTHORITY

Students should be aware that certain behavior outlined herein and in other policies of the district, is unacceptable and will result in disciplinary action. The superintendent and his/her designees will enforce district policies with the aim to make students and their parents or guardians understand that unacceptable behavior will not be tolerated and will be dealt with in accordance with the Board's discipline policies. UCA §53A-11-901. The Board hereby delegates its authority to expel/suspend students to principals and vice-principals in each school in the District for up to ten days. In addition, the Board authorizes hearing officers to conduct informal hearings.

### PUBLICATION OF SAFE SCHOOLS POLICY

A copy of this policy shall be given to each student in school in the district once each school year. 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. A copy of this policy shall be posted in each school in the district. Any significant change in this policy shall be posted in each school in the district. UCA §53A-11-903(2)(b)

### CONDUCT RESULTING IN SUSPENSION/EXPULSION

A student may be suspended/expelled from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, in conjunction with any school sponsored activity, or when it occurs in the presence of or is directed at or against another student or a district employee:

1. Continued willful disobedience or open and persistent defiance of proper authority.
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. Willful defacement or injury to any school property.
5. Behavior, which unreasonably disrupts or interferes with the educational process for other students.

6. Sells, gives, delivers, transfers, possesses, controls, or distributes alcoholic beverages or tobacco products within 1000 feet of school property or any school sponsored event.
7. Is under the influence of an alcoholic beverage or controlled substance within 1000 feet of any school property or school sponsored event.

#### MANDATORY SUSPENSION/EXPULSION

Students must be suspended/expelled from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, or within 1000 feet of school property or within 1000 feet of and in conjunction with any school sponsored activity, or when it occurs in the presence of or is directed at or against another student or a district employee:

1. Possession of a weapon, explosive, or flammable material;
2. The sale, control, delivery, transfer or distribution of a drug or controlled substance as defined in UCA §58-37-2 or by 21 U.S.C. §801
3. The sale, control, distribution, delivery or transfer of imitation controlled substance as define in UCA §58-37b-2 or 21 U.S.C. §801;
4. The sale, control, distribution of drug paraphernalia as defined in UCA §58-37a-3;
5. 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;
6. Assaults a teacher or other individual. (See also 53a-3-502)

#### HABITUALLY DISRUPTIVE BEHAVIOR

A student may be suspended/expelled if he/she is habitually disruptive and has failed or refused to completely comply with the student's remedial discipline plan.

1. An "habitually disruptive student" is one who has caused a disruption in a classroom, on school grounds, in a school vehicle, or at school sponsored activities or events more than five times during a school year and whose behavior was initiated, willful and overt and required the attention of school employees to deal with the disruption.
2. When a student has caused his first disruption such as described in the preceding paragraph, the student's principal or principal's designee shall develop a remedial discipline plan to assist the student in altering his/her conduct and avoiding the occurrence of another disruption. The principal or designee will review the essential elements of the plan with the student at the time it is implemented. UCA §53A-11-904

#### SUSPENSION/EXPULSION OF HANDICAPPED STUDENTS

Students identified as disabled under the Individuals With Disabilities and Education Act, or under 504 of the Rehabilitation Act of 1973 must be given special considerations. Expulsion of a student for misbehavior that is related to a disability may constitute discrimination.

**SUSPENSION/EXPULSION OF HANDICAPPED STUDENTS**

1. Short-term Suspension. The school district may suspend students with handicaps from school for a period not to exceed ten (10) official school days if it is determined that:
  - a. Maintaining the student in a current placement is substantially likely to result in injury to self or to other persons; or
  - b. The student has engaged in conduct, which would otherwise warrant suspension or removal for a non-handicapped student.

SPECIAL NOTE: The maximum number of ten (10) days suspension is considered on a cumulative basis, within one school year. The number of days should be only as many as are necessary in the specific case. Other options should be considered before using out-of-school suspension with a disabled student. Any suspension should consider the least restrictive environment.

2. Long-Term Suspension. Any expulsion/suspension of a student with disabilities for more than 10 days constitutes a change in placement. Prior to a change-in-placement, parents of the student must be notified of the proposed change and the Special Education committee must first determine whether the alleged behavior is related to a handicapping condition. If the parent contests the proposed change, notice of due process rights must be given to the parent or guardian and the student must “stay put” in the present educational environment unless the parent or guardian agrees otherwise, pending resolution of the hearing.

**HANDICAPPED STUDENTS**

A handicapped student may be expelled for engaging in conduct that would warrant such action for a non-handicapped student only if the Special Education Committee determines the misconduct is not related to the handicapping condition or inappropriate placement. In determining whether a student’s disruptive behavior is related to a student’s handicapping condition, the Special Education Committee shall base it’s decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The Committee shall consider whether the student’s behavior indicates the need for new assessment or evaluation data.

Unless the parents agree otherwise, the student must be returned to his current placement after ten days while additional assessments are being conducted. The Special Education Committee shall determine the instructional and related services to be provided during the time of expulsion. The student’s IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

**PROCEDURES FOR SUSPENSION/EXPULSION**

When a student engages in conduct for which mandatory suspension/expulsion is possible or required under section III of this policy, the following procedures shall occur:

1. If the conduct described requires mandatory expulsion/suspension, then the principal or assistant principal shall suspend the student for ten days and in addition shall recommend that the superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.

2. If the conduct described requires mandatory expulsion/suspension, then the principal or assistant principal shall suspend the student for ten days and in addition shall recommend that the superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.
3. If a student is suspended for a period of time less than or equal to ten days, 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:

**PROCEDURES FOR SUSPENSION/EXPULSION:**

- (a) That the student has been suspended.
  - (b) The grounds for the suspension.
  - (c) The period of time for which the student is suspended.
  - (d) The date, time and place for the parent or guardian 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. If the principal or assistant principal has recommended that the Superintendent suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian. The student shall also attend the meeting.
4. At the meeting with the student, the parent or guardian, and the principal or assistant principal, the student shall be informed of the charges and evidence against him. If the student denies the charges he shall be given an opportunity to tell his side of the story. If the parent or guardian and/or the student fails or refuses to attend the meeting at the scheduled date, time and place, and reasonable efforts to contact them are unsuccessful, the principal or assistant principal shall mail notification to the parent or guardian describing the charges against the student and the evidence against him. *Goss v. Lopez, 410 U.S. 565 (1975)*
  5. Upon the conclusion of the meeting or upon a determination that the parent or guardian has not appeared for the meeting, the principal or assistant principal shall take one of the following actions:
    - A. If the reported conduct provides for discretionary suspension/expulsion:
      - (1) Take no further disciplinary action to extend the suspension beyond the previously stated period of suspension.
      - (2) Increase the time of suspension up to total of ten days.
      - (3) Increase the time of suspension up to a total of ten days, with a recommendation to the superintendent that the student be suspended for a period of time greater than ten days up to an entire school year or its equivalent imposed over consecutive portions of two school years.
      - (4) Rescind the suspension already imposed and return the student to classes or impose disciplinary measures not including suspension/expulsion.
    - B. If the reported conduct requires mandatory suspension/expulsion

(1) Increase in the time of suspension up to a total of ten days, with a recommendation to the superintendent that the student be suspended for a period of time equivalent to an entire school year, imposed as necessary over consecutive portions of two school years.

(2) Rescind the suspension already imposed and return the student to classes. If the principal or assistant principal recommends suspension for a period greater than ten days, he/she shall notify the Superintendent of that recommendation as soon as possible. The superintendent shall then schedule a hearing to be held with the student parent or guardian, the student and the superintendent. The hearing shall be scheduled to take place prior to the tenth day of the student suspension where possible.

(a) The superintendent shall provide written notice of the date, time and place of the hearing to the student and his/her parent or guardian. The notice shall include a statement of the charges against the student, that suspension has been recommended beyond the ten-day suspension imposed by the principal or assistant principal, and the period of time for which suspension has been recommended.

(b) 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 witnesses, cross-examine witnesses and make legal arguments relevant to the issues. At the conclusion of the hearing, the superintendent or designee shall make a final determination of the matter, and shall state his/her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his parent or guardian. If the conduct provides for discretionary suspension/expulsion, then the determination shall be one of the following:

1. No further disciplinary action beyond the ten-day suspension imposed by the principal or assistant principal.
2. Recession of the suspension already imposed and return the student to classes.
3. An increase in the time of suspension for a period up to an entire school year or its equivalent imposed over consecutive portions of two school years.

If the conduct requires mandatory suspension/expulsion then the determination shall be one of the following:

1. Recession of the suspension already imposed and return the student to classes.
2. An increase in the time of suspension for a period up to or equivalent to an entire school year, imposed as necessary over consecutive portions of two school years.
3. When it has been determined that a student shall be suspended for any period of time, the parent or guardian, upon meeting with the principal or assistant principal, shall be given the option of attending all classes with the student in lieu of excluding the student from school during the period of suspension. The parent or guardian must agree to attend all of the student's classes with the student for each day of the suspension, if this option is accepted. If the parent or guardian wishes to accept this option, the consent of the student's teachers shall be

requested. If granted, the student shall not be excluded from classes for the period of suspension provided the student's parent or guardian attends every class with the student. If the parent or guardian fails to attend a class period with the student, or does not agree to attend class with the student, then the student will be excluded from classes and school activities from that time forward for the remaining period of suspension. UCA §53A-11-906.

#### EDUCATIONAL SERVICES

If a student is suspended for more than ten days, the student's parent or guardian is responsible to see that alternative educational services are provided to the student, and that such services satisfy the requirements of the state compulsory education laws. The district will provide information to the parent or guardian to determine how the parent's or guardian's responsibility for educational services might be satisfied. The district will maintain a record of all suspended students. For each such student under the age of 16, the district will contact the student's parent or guardian at least once each month to determine the student's educational progress. If the student's educational progress is not satisfactory, the district may seek the cooperation of the Division of Family Services, the state juvenile court, and other appropriate agencies. UCA §53A-11-907

#### CONTINUING EDUCATION

The Board or its designee shall provide for the continuing education of a student removed to an alternative education program, which may include any or all of the following programs.

1. In-school suspension. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.
2. Transfer to a different campus.
3. Transfer to a community-based alternative school.
4. Home-based instruction, provided that combined days of suspension and assignment to home-based instruction shall not exceed six school days in a semester.

#### REVIEW BY THE BOARD

A student may appeal the determination of the Superintendent to the Board of Education by filing a written notice of appeal with the Board President within ten days of the date the decision of the Superintendent is mailed to the student. Upon receiving a request for appeal by the parent or guardian of the student, the Board President will instruct the Superintendent to schedule a Board Hearing within 10 days. At least three board members will be required to conduct the appeals hearing. The Board will hear the evidence submitted during the hearing and affirm or modify the Superintendent's decision. The Board's written decision will be issued within thirty days of receipt of the student's written notice of appeal.

#### MISCELLANEOUS PROVISIONS

A suspended student shall immediately leave the school building and school grounds following a determination by the parent or guardian of the student and the school of the best way to transfer custody of the student to the parent or guardian. A suspension may not extend beyond ten days unless the student and his parent or guardian have been given

reasonable opportunity to appear before the Superintendent for the hearing and respond to the allegations and proposed disciplinary action. UCA §53A-11-905(4)(C)

### EXPULSION CHECKLIST

As a helpful guideline to follow when any student is suspended/expelled, district personnel may consider the following non-binding checklist:

1. Does the School District have a policy regarding student discipline after consulting State Office of Education “models”?
2. Has the policy been distributed to all students at least once each school year?
3. Are copies of and all changes to the policies posted?
4. Has the student exhibited conduct defined in the policies and the statutes?
  - a. Willful disobedience
  - b. Willful destruction or defacing of school property
  - c. Behavior, which threatens safety or morals
  - d. Possession of a weapon, explosive or flammable material
  - e. Use or threat of force that constitutes a felony or class A misdemeanor
5. If the conduct involves d or e, then expulsion is mandatory
6. Is the conduct habitual?
  - a. Has the student disrupted school related activities more than 5 times in a single school year?
  - b. Was the behavior willful, overt and required school personnel to deal with the disruption?
  - c. Has the student been expelled previously during the same school year?
  - d. Has a remediation plan been implemented and reviewed?
7. To whom has the authority to suspend been delegated?
8. Has the student parent or guardian been notified?
  - a. That the student has been suspended
  - b. The grounds for the suspension
  - c. The period of time of suspension, time and place of informal hearing
9. How long has the student been suspended? If more than ten days, has the required informal hearing taken place?
10. What alternatives to suspension have been offered?
11. Is the student disabled under IDEA or 504? If so, provisions of those laws must be followed.

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