

# ROCKWELL CHARTER SCHOOL

## Safe Schools, Discipline and Behavior Policy, and Emergency Safety Interventions

### Philosophy

The Board of Directors of Rockwell Charter School asserts that students are expected to follow accepted rules of conduct, to show respect for other people, and to obey persons in authority at the school. The Board also recognizes that the school provides a safe supportive environment in which students learn to control and appropriately conduct themselves.

### Purpose

The purpose of a discipline and behavior policy is to create a safe, secure learning environment for students, free from violence, intimidation, harassment, criminal behavior, drug use, harm from individuals, groups, gangs, and any other type of behavior or activity that disrupts the orderly and safe operation of the school.

An equally important purpose is assisting and guiding students in the development of self-management and self-control. This assistance and guidance comes from addressing the causes of students' misbehaviors, ensuring the safety and dignity of all students and staff, and fostering progress toward long-term learning and behavioral goals.

Utah law also requires the school to develop and implement a comprehensive plan for student and classroom management, school discipline, and restorative practices. Consistent with that requirement, and to maintain a secure and orderly learning environment, the Board of Directors has adopted this policy which, together with procedures developed and implemented by school administrators, addresses student disruptive behavior. The Board authorizes the administration to take action in accordance with this policy, including disciplinary action, to address students' disruptive behavior.

### Definitions

The following definitions shall apply under this policy:

- **Assault**: placing another person in fear or apprehension of harmful or offensive touching (Utah Code §76-5-102);
- **Battery**: causing bodily harm to an individual or making physical contact of an insulting or provoking nature with an individual. To be criminal, the person must act intentionally or knowingly without legal justification;
- **Burglary**: breaking, entering, or remaining in a structure without authorization during the hours when the premises are closed to students (Utah Code §76-6-202);
- **Corporal Punishment**: the intentional infliction of physical pain upon the body of a student as a disciplinary measure;

- **Criminal Mischief**: intentionally and unlawfully tampering with the property of another or intentionally damages, defaces, destroys another's property, or damages or destroys property with the intention of defrauding an insurer (Utah Code §76-6-106);
- **Disruptive Student Behavior**:
  - Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
  - Willful destruction or defacing of school property;
  - 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;
  - Possession, control, or use of an alcoholic beverage as defined in Utah Code §32B-1-102;
  - 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;
  - Possession or use of pornographic material on school property;
  - Any serious violation affecting another student 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:
    - Possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
    - Actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or
    - Sale, control, or distribution of a drug or controlled substance as defined in Utah Code §58-37-2, an imitation controlled substance defined in Utah Code §58-37-2, or drug paraphernalia as defined in Utah Code §58-37a-3; or,
    - 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 under Utah law.
- **Evidence-Based**: as defined in Utah Code §53G-8-211, a program or practice that has (a) had multiple randomized control studies or a meta-analysis demonstrating that the program or practices is effective for a specific population; (b) been rated as effective by a standardized program evaluation tool; or, (c) has been approved by the Utah State Board of Education;
- **Expulsion**: the disciplinary withdrawal or removal of a student's enrollment from the school and its programs for a fixed (more than ten (10) consecutive school days) or for an indefinite period of time. Only the Board of Directors may expel a student. An expelled student will not receive any educational services from the school during the period of expulsion. All expulsions must be reviewed at least annually by the Executive Director or an administrative designee, and the conclusions reported to the Board of Directors. Parents of expelled students are responsible to comply with the compulsory education laws of the State of Utah by

providing other educational services for the student and paying all associated costs thereof.

- **Firearm**: a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle or any device that could be used as a dangerous weapon from which a projectile is expelled by action of an explosive. For purposes of this policy, an object is not a “weapon” if it is undisputed that there was no intent on a student’s part to use the object on school property.
- **Gang and Gang-Related Activity**: includes the following when committed in connection to a gang:
  - Any ongoing organization, association or group of three or more persons, students and/or non-students, whether formally or informally organized, having as primary activity the commission of criminal act(s) having an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity;
  - Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign, or other items which evidence members in a gang;
  - Use of a name associated with or attributable to a gang;
  - Designating “turf” or an area for gang activity or occupation.
  - Soliciting others for membership in a gang;
  - Requesting any person to “pay for protection” or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;
  - Possessing a weapon, alcohol, tobacco, controlled substance, drug paraphernalia, or other contraband;
  - Committing any illegal act; or,
  - Encouraging or inciting another person to act with physical violence upon any other person or to cause damage to property.
- **Hazing**: a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit and act toward a school employee or student that:
  - Endangers the mental or physical health or safety of an individual;
  - Involves any brutality of a physical nature, including 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, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student;
  - Involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation;
  - Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or,

- Is directed toward an individual whom the actor of the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the actor also participates.
- Larceny: the taking of someone else's property without the use of force with the intent to permanently deprive the owner of the property. The laws of several states, including Utah, place larceny and certain other property crimes under the general category of theft;
- Long-Term Suspension: removing a student from school for a period longer than ten (10) consecutive school days. A student given a long-term suspension will not be allowed to attend regular school classes or participate in any school activities or events during the period of suspension. However, the school will work with parents to provide alternative educational placements and programs for students, where appropriate and feasible;
- Making a False Alarm: a student-initiated or circulated 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 or improper activation of school alarms or safety systems;
- Parent: as defined in Utah Code §53G-8-210, a custodial parent of a school-aged child, a legally appointed guardian of a school-age child, or any other person legally authorized to exercise similar authority over a school-age child, such as a foster parent or proctor parent;
- Pornographic and Indecent Material: any material (a) defined as harmful to minors in Utah Code §76-10-1201, such as a description or representation, in any form whatsoever, of nudity, sexual conduct, sexual excitement, abuse, etc.; (b) described as pornographic in Utah Code §76-10-1203, which material, when applying community standards, appeals to the prurient interest in sex, is patently offensive, and does not have any serious literary, artistic, political, or scientific value; or (c) described in Utah Code §76-10-1227, which describes illicit sex or sexual immorality;
- Positive Behavior Interventions and Support (PBIS): as defined in Utah Admin. Code R277-609-2(12), means an implementation framework for maximizing the selection and use of evidence-based prevention practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral competence of a student;
- Prohibited Substances: substances, including addictive or prescription drugs, alcohol, illegal drugs, imitation and other harmful substances, non-addictive prescription drugs, over-the-counter drugs, paraphernalia, and tobacco that are restricted by the school in this or other policies;
- Qualifying Minor: a school-age child who is at least nine years old or turns nine years old at any time during the school year;
- Restorative Practice: as defined in Utah Admin. Code R277-609-2(17), the building and sustaining of relationships among students, school personnel, families and community members to build and strengthen social connections within communities and hold individuals accountable to restore relationships when harm has occurred;

- Sexual Harassment: uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (such as an employee or student). See Policy 3015 Title IX Sexual Harassment;
- Short-Term Suspension: a temporary removal of a student from school for a period of ten (10) consecutive school days or less. A student who is suspended may, at the Executive Director's discretion, have access to homework, tests, and other schoolwork through a home study program, but will not be allowed to attend regular school classes or participate in any school activities or events during the period of suspension;
- Suspension: the temporary denial of social interaction through school contact and the removal of the student from the classroom setting because of real and present disruptive effect of the student's presence, a reasonable assumption that the student will be disruptive or a threat to the well-being or safety of the and/or other students or staff;
  - In-School Suspension: a temporary reassignment, usually for a designated time period, to a specific suspension classroom or space within the student's school;
  - Short-Term Suspension: a suspension of less than 10 days;
  - Long-term Suspension: a suspension of 10 days or more.
- Tobacco Products: includes cigarettes, cigars, electronic cigarettes, and other tobacco products as those terms have been defined by state law (Utah Code §76-10-101);
- Unlawful Conduct: any student conduct that violates any local, state, or federal law or regulation, or violates any school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:
  - Harassment;
  - Burglary;
  - Theft;
  - Criminal mischief;
  - Assault
  - Gang activity
  - Making a false alarm;
  - Willfully defacing or otherwise destroying school property;
  - Disrupting the operation of a school;
  - Threat of terrorism;
  - Sexual harassment;
  - Frequent or flagrant willful disobedience, defiance or proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
  - 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;
  - Possession or use of pornographic material on school property that would constitute a misdemeanor offense under Utah Code § 76-10-1235. This definition includes accessing such material through the school computer network or by using any school-owned device;

- Bullying, harassment, cyberbullying, retaliation, and making false allegations of bullying, cyberbullying or retaliation as defined in Utah Code §53G-6;
- Any use of an electronic device or camera to record sound or images or otherwise captured 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 was involved in prior violations of this policy;
- The use of any device or any electronic 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;
- The use of any device in a manner which may be physically harmful to another person, such as shining a laser in the eyes of another student;
- 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;
- 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;
- Possessing or using electronic cigarette products on school property;
  - Teachers or authorized school employees shall identify and confiscate electronic cigarette products from school-age students on school property;
  - Teachers who confiscate electronic cigarette products shall release the products to a school administrator in a timely manner;
  - Administrators shall release confiscated electronic cigarette products to local law enforcement in a timely manner consistent with the law.
- 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;
- Engaging in, assisting, permitting, or otherwise being involved in hazing;
- Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code;
- Engaging in conduct that contains the elements of any felony, including but not limited to:
  - Sexual Harassment (See Policy 3015 Title IX Sexual Harassment);
  - Gang-related activity;
- Willful Disobedience: occurs when a student's disruption or disobedience has an impact on the effective or safe functioning of the school, such as continuing to remain at the scene of a fight or to instigate a disturbance after being told to stop the behavior; or repeated disobedience to school personnel when other interventions have not been successful in modifying

the misbehavior. "Willful disobedience" does not occur when: a student fails to obey the valid authority of school personnel once in a non-safety related incident; a student refuses to give her name in a non-safety-related incident; a student walks away from school personnel in a non-safety-related incident; or a student was not reasonably aware of a direction given by school personnel (i.e. in a noisy room, hearing problems, or other disabilities, language limitations, etc.);

### **Student Conduct Warranting Discipline**

A student may be fined, suspended, and/or recommended for expulsion from school for any of the prohibited conduct outlined in this policy when it occurs:

- In a school building;
- On or in proximity to school property;
- In conjunction with any school sponsored activity;
- In or on a school vehicle;
- When directed at or against another student or a school 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.

### **Grounds for Disciplinary Action**

- Minor Infractions

A student may be disciplined for minor infractions. Minor infractions are violations of school rules that are usually handled by teachers in the classroom. Chronic, severe, or excessive minor infractions can become major infractions and result in referral to a school administrator for more severe disciplinary actions. Minor infractions can result in loss of privileges, phone calls home, and in-school suspension. However, restricting daily recess periods should not routinely be used as discipline at the elementary level. Examples of minor infractions may include the following:

- minor dress code violations;
- disrespect, including put downs, talking back, and minor defiance;
- public displays of affection that do not rise to the level of a major violation;
- inappropriate language and actions; or
- Horseplay.

- Major Infractions

Major infractions are more severe violations of school rules or policies that result in referrals to a school administrator for disciplinary action. Major infractions may result in suspension and include the following:

- chronic, severe, or excessive minor infractions;
- violation of a school rule or policy, whether such rule or policy is specifically identified in this section or not;
- the use of foul, abusive, or profane language;
- undermining the safety of the school's environment, including defiance of proper authority or engaging in disruptive behavior, including, but not limited to:
  - using foul, profane, vulgar, or abusive language;

- fighting, assault, threats, or other behavior which threatens harm or does harm to a person associated with the school;
  - Engaging in discrimination or harassment (including sexual, racial, religious, disability, or any other classification protected by law);
- Sexual Conduct  
 Sexual conduct, including, but not limited to, the following is prohibited:
  - Unwelcome leering, sexual flirtations or propositions, or any unwelcome sexual invitations or requests for sexual activity;
  - Sexual slurs, epithets, name calling, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
  - Graphic verbal comments about an individual's body, overly personal conversations, or any unwelcome communication (whether written, verbal, or sent by electronic or other means) that is sexually suggestive, sexually degrading, or implies sexual motives or intentions;
  - Sexual jokes, notes, stories, drawings or pictures, gestures, or the display or distribution of pornographic or other sexually oriented material;
  - Displaying words, pictures, or symbols on clothing that are sexually explicit or have an underlying sexual connotation, or wearing clothing in a sexually revealing or suggestive manner;
  - Spreading sexual rumors;
  - Teasing or sexual remarks about students enrolled in a predominantly single- gender class;
  - Massaging, grabbing, stroking or brushing the body;
  - Touching oneself or another individual's body or clothing in a sexual way or any other offensive physical pranks or hazing;
  - Exposing or causing the exposure or accentuation of undergarments, genitalia, or other body parts of oneself or another normally or intended to be covered either by the individual or in accordance with the school's Student Dress Code, including but not limited to mooning, streaking, flashing, pantsing, skirt-flipping, taking sexually suggestive photos or videos, etc;
  - Purposefully cornering or blocking normal movements;
  - Displaying sexually suggestive objects or performing/showing unwelcome and offensive skits, assemblies, and sexually suggestive productions; or,
  - Engaging in the improper use of school computers and the Internet, including, but not limited to, accessing, downloading, or uploading pornography; sharing Internet pornography or e-mails with students; creating or maintaining websites with sexual content; participating in sexual discussions with students by means of email, Internet chat rooms, instant messaging, or any other form of electronic communication.
    - Possession, distribution, or production of pornographic or indecent material;
- Other Prohibited Behavior
  - Trespassing or loitering on school property; stealing; burglary; or vandalism, graffiti, or other willful destruction or defacing of school property or the property of others;



- Violation of local, state, or federal law;
- Violation of the school's Bullying, Hazing, and Retaliation Policies;
- Violation of the school's Responsible Technology Use Policies, including misuse of an electronic device or any component thereof such as a cellular phone, audio player, watch, tablet, speaker, earphone, or computer;
- Disruption of the instructional or learning process, including through the use of harmful or distracting objects;
- The use, possession, sale, distribution, and influence of prohibited substances such as drugs, tobacco, electronic cigarettes, vaporizers, nicotine, alcohol, controlled substances, imitation controlled substances, other similarly harmful substances, drug paraphernalia, or any other similar substances;
- Misuse of computers, email, or the internet;
- Violations of the school's attendance policy;
- Violation of the school's Student Dress Code;
- Cheating, plagiarism, academic dishonesty, or lying to a school employing;
- Engaging in any of the foregoing types of conduct outside of school or school-related activities and events, or before or after school hours, which substantially and materially disrupt, or is reasonably anticipated to substantially and materially disrupt the educational environment;
- Inciting, encouraging, being an accomplice to, or promoting any of the prohibited conduct listed above, including taking or sharing videos, pictures, or other recordings of real or apparent violations of this policy with the effect of belittling others, celebrating the conduct, or interfering with the school's efforts to maintain a safe and orderly learning environment.

### **Student Conduct Allowing Suspension or Expulsion**

A student *may* be suspended or expelled from a school for any of the offenses described in Utah Code 53G-8-205(1) or for other offenses provided in this policy;

- Frequent or flagrant, willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
- Willful destruction or defacing of school property;
- 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;
- Possession or use of an alcoholic beverage as defined in Section 32B-1-102;
- 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; or,
- Possession or use of pornographic material on school property.

### **Student Conduct Requiring Suspension or Expulsion**

A student *shall* be suspended or expelled from school for any of the offenses described in Utah Code 53G-8- 205(2):

- Any serious violation affecting another student 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:
  - The possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
  - The actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or,
  - The sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3;
- The 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.
- A student who commits a violation of Subsection (2)(a) 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 following:
  - Within 45 days after the expulsion the student shall appear before the school's Executive Director, accompanied by a parent or guardian; and,
  - The Executive Director shall determine:
    - What conditions must be met by the student and the student's parent or guardian for the student to return to school;
    - If the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school or in an alternative school setting;
    - If it would be in the best interest of both the school and the student to modify the expulsion term to less than a year, conditioned on the approval of the school's governing board and giving the highest priority to providing a safe school environment for all students.

### **Off-Campus Behavior**

Students may be disciplined for conduct that occurs off campus if any of the following criteria are met:

- There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or a school-sponsored activity;
- The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from the extracurricular activity;
- The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as a plan or agreement made on campus to engage in conduct off-campus that would violate this policy if it occurred on campus;
- The conduct includes speech or expression that materially and substantially disrupts the operation of the school, or the school administration reasonably

anticipates that the expression is likely to materially and substantially disrupt the operation of the school;

- The conduct involves the theft or vandalism of school property;
- The conduct involves bullying or harassment and occurs while the student is traveling to or from school or a school-sponsored event, including on a bus, at a bus stop, or traveling to or from the bus or bus stop; or,
- The conduct involves hazing or cyberbullying.

### **Searches and Seizures**

In order to preserve a safe environment for all students and school personnel, the Board of Directors recognizes that school officials must have the authority to conduct reasonable searches of students and student property. However, students have certain legitimate expectations of privacy, and the Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by school employees.

Nevertheless, students within the school environment have a lesser expectation of privacy than members of the population generally (*Veronia Sch. Dist. v. Acton*, 515 U.S. 646, 657, 1995). Therefore, school officials engaging in searches of students and students' property shall abide by the guidelines set forth in this section. All contraband discovered in a search by school officials should be immediately confiscated and turned over to law enforcement officers if school officials have reason to believe the contraband is related to the commission of a criminal act.

- Reasonableness
  - To protect the privacy rights of students, searches by school officials must be reasonable under all the circumstances. To be reasonable, a search must be justified at its inception and reasonably related in scope to the circumstances that justified the search in the first place.
  - A search is justified at its inception if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating a law, policy, or rule.
  - Once justified at its inception, a search will be reasonable in scope if the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and gender and the nature of the infraction.
- Student Lockers
  - Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the school, lockers remain the exclusive property of the school and may be searched at any time by school officials.
  - Once a locker is opened for search, any search of student belongings contained within the locker must comply with the reasonableness requirement for searches outlined in this policy.
- Searches of Personal Belongings and Vehicles
  - Personal belongings (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) and vehicles located on school property may

be searched by school officials consistent with the reasonableness requirement outlined above.

- The student may be asked to open personal belongings and vehicles, and to turn over personal property for search by a school official.
- All searches of student property by school officials shall be witnessed by an objective third party (such as another administrator, teacher, or police officer) to observe that the search is not excessively intrusive.
- Because the expectation of privacy is lesser for students at school than for the general population, vehicles located on school property may be searched by school officials upon reasonable suspicion.
- Parents and students should be notified of the diminished expectation of privacy.
- Searches of a Person
  - School officials shall make sure that in addition to satisfying the reasonableness requirement outlined above, searches of a person also meet the following guidelines:
    - The search shall be conducted in a private area of the school;
    - Except for the non intrusive actions, the search shall be conducted by a school official of the same gender as the student being searched and observed by an objective third party of the same gender as the student being searched (i.e., administrator, teacher, or police officer);
    - School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband.
    - Stripe searches are prohibited. If a limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons, or other contraband underneath shirt, pants, or underwear), law enforcement officers shall be notified immediately. School officials shall, in a timely manner, contact the student's parents to inform them that a search was conducted by a law enforcement officer.
- Searches of Student Electronic Devices
  - Browsing the content of a student's phone, tablet, or other electronic device is considered a search and may be conducted only consistent with the reasonableness requirement outlined above. Mere presence of the device, even in violation of a class or school rule, is insufficient to justify looking at the device's content unless reasonable suspicion exists that the content itself will reveal violation of law or policy.
- Canine Searches
  - The sniffing of a locker, backpack, or vehicle by a trained canine for the detection of drugs, explosives, etc. may be conducted only by law enforcement officers. The school may detain students or restrict their movements during a canine search. Students may also be asked to relinquish personal items such as backpacks to facilitate the search.

However, a canine should not be used to directly search a student unless a warrant is provided or parental permission is obtained prior to the search. Any search based on a dog's alert must follow the requirements and procedures for searches of a student's person or property as set forth in this section.

- Documentation of Searches
  - School officials must thoroughly document the details of any search conducted of a student's person or property, especially in the case of drugs, alcohol, tobacco, weapons, or other items of criminal or significant importance. Documentation should be made at the time of the search, or as soon as possible thereafter, and should provide, at least, the following information:
    - the reasonable suspicion giving rise to the search and its scope;
    - the name of the administrator(s) conducting / witnessing the search;
    - the date, time, and location of the search;
    - the area searched;
    - a list of all items found during the search and statement as to their confiscation and/or safekeeping;
    - disciplinary action, if any, taken against the student; and,
    - information regarding the attempts of school officials to notify parents about the search.

### **Discipline Rules for Students with Disabilities**

Discipline of students with disabilities shall be in compliance with Policy 5006 Safe Schools –Discipline of Student with Disabilities and Utah Special Education Rules.

### **Possible Remedial Measures for Disciplined Students**

- Continued School Attendance: Subject to the terms of a remedial discipline plan prepared to correct the violation, disciplined students may continue to attend school. 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 would be required.
- Continued School and Class Attendance Accompanied by the Student's Parent: This remedial measure may be available for a designated period of time but 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 a 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.
- In-School Suspension: Students may be able to attend school in a designated area of the school and to be instructed in the essential elements of the courses in which they are enrolled at the time of removal.

- Transfer to Another School: Voluntary transfer to another school, campus, or community-based alternative school, subject to the admission criteria of such alternative programs.
- Voluntary Work in Lieu of Payment for Damaged Property: If the school determines that school property has been lost or willfully defaced or otherwise injured by a student, the school may withhold the issuance of official written grade reports, transcripts, etc., of the student responsible for the damage or loss until the student or student's parent or guardian has paid for the damages. 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 parent or guardian that the student's interests would not be served if the parent or guardian were to pay for the damages, then the school shall provide a program of voluntary work for the student in lieu of payment.

### **Detention of Students after School Hours**

Students 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. However, notice to a parent or guardian need not be completed prior to detention of the student if detention is necessary for the student's health or safety.

### **Authority to Impose Disciplinary Consequences**

- Teachers and other employees with supervisory responsibilities over students may withhold classroom privileges from students for minor rule and policy violations;
- An administrator at the school, under the direction of the Executive Director, may suspend a student for a maximum of ten (10) days. The Executive Director may suspend a student for up to one school year. The Board of Directors may suspend a student for up to one school year or expel a student for a fixed or indefinite period of time (Utah Code §53G-8-206);
- All expulsions shall be reviewed by the Executive Director and administrative designees, and the conclusions shall be reported to the Board of Directors at least once each school year.

### **Procedures for Imposing Discipline and Due Process**

- Procedures
  - 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.
  - Prior to imposing a suspension, the Executive Director or Assistant Director shall meet with the student to discuss the incident(s) and to provide the student an opportunity to respond;

- The Executive Director or Assistant Director shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate;
- If the Executive Director or Assistant Director makes an initial determination that the violation warrants long-term suspension or expulsion, the Executive Director or Assistant Director may impose a short-term suspension.
- 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, guardian, or other person authorized by the parent or guardian, or applicable law, to accept custody of the student.
- A suspended student and parent/guardian shall be notified (Utah Code §53G-8-206):
  - Of the suspension;
  - The reason for the suspension;
  - The period of time for which the student is suspended; and,
  - The time and place the parent/guardian is to meet with a designated school official to review the suspension.
- A meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of a suspension;
- At this meeting, the Executive Director or Assistant Director, shall review with the parent/guardian and student the charges and evidence against the student, and shall provide the student and parent/guardian with an opportunity to respond.
- During this meeting, the Executive Director or Assistant Director 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 Executive Director or Assistant Director should also discuss with the parent a plan to avoid recurrence of the problem.

### **Long-Term Suspension or Expulsion**

- Procedures for Long-Suspension or Expulsion
  - If the Executive Director or Assistant Director recommends long-term suspension or expulsion, the Executive Director shall notify the Board of Directors of that recommendation.
  - If the parent objects to the discipline, the Executive Director shall schedule a hearing to be held with the student's parent/guardian, the student, and the Board Chair or the Board Chair's designee.
  - The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
  - The Executive Director shall provide written notice of the date, time, and place of the hearing to the student and student's parent/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 for expulsion, and the period of time for which suspension or expulsion has been recommended;
    - The statement of the allegations 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.
- Hearing Procedures
  - The Executive Director shall preside at and conduct the hearing;
  - The school and the student may each be represented by a person of their choice;
  - Each party may present testimony of witnesses or other evidence, may cross-examine witnesses, and may make legal arguments relevant to the issues;
  - Hearsay testimony is permitted, but it shall not be the sole basis for a determination of long-term suspension or expulsion.
  - At the conclusion of the hearing, the Executive Director shall make a final determination of the matter;
  - The determination shall be in writing and mailed to the parent/guardian within 10 days of completion of the hearing;
  - Upon a finding that the student has engaged in conduct warranting discipline, the Executive Director may determine what discipline or remedial measures are appropriate for the conduct.
  - If the Executive Director determines that the appropriate sanction is expulsion, that sanction must be authorized by the school's Board of Directors.
- Authority of the Executive Director
 

Other than expulsion, the Executive Director may impose any of the available remedial measures or sanctions determined to be appropriate and consistent with the evidence (Utah Code § 53G-8-206)
- Discipline
  - Per Utah Code §53G-8-207, in determining the appropriate sanction, the Executive Director shall consider whether alternatives to suspension are appropriate or available, including:
    - Good faith efforts to implement a remedial discipline plan that would allow the student to remain in school;
      - Efforts may include a contract with the student, rewarding the student with increased benefits and/or participation in school activities consistent with improved behavior, review of the student's schedule and courses, assigning a mentor teacher or student to regularly monitor the student, or other activities specific to the student.
      - Remediation efforts may include evaluating the student for services under IDEA or Section 504.



- Policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent or guardian, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school administrator; and,
    - Enlisting the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with a student's suspension.
- Appeals
  - A student or parent/guardian on behalf of a student may appeal the determination of the Executive Director to the Board of Directors by filing a written notice of appeal with the Executive Director within 10 days of the date the decision of the Executive Director is mailed to the student and parent/guardian. No further hearing will be held.
    - The Board shall review the evidence and written determination submitted to the Executive Director.
    - The Board may affirm the Board of Director's decision or modify it
    - The Board's written decision shall be issued within 30 days of receipt of the written notice of appeal.
- Expulsion
  - If the Executive Director recommends expulsion for an indefinite or definite period of time, the Executive Director will transmit that recommendation to the Board of Directors along with the school's record of evidence (Utah Code § 53G-8-206).
    - The Board may review the recommendation based on this 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. The Board's decision is the final administrative decision.
  - If the Board expels a student for one year because of a violation involving a weapon, explosive, or flammable material, the student shall meet with the Executive Director, accompanied by the parent/guardian, within 45 days of the imposition of the expulsion to determine:
    - What conditions must be met by the student and the student's parent/guardian for the student's return to school;
    - 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 where the student is placed; and,
    - If it would be in the best interest of both the school 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.
    - If the Executive Director 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 Executive Director, then the Executive Director shall submit that

recommendation to the Board of Directors. If the Board of Directors approves the return, the student may return to school pursuant to the conditions established.

### **Denial of Admission and Reciprocity**

In accordance with the reciprocity agreements and understandings with other public schools in the State of Utah, it is the practice of Rockwell Charter School to recognize and honor disciplinary action imposed on a student by other charter schools and district schools. Accordingly, the school will deny admission to a student who is currently under suspension or expulsion from another school district or school.

In addition, the school does not admit students who have been expelled from another school district, charter school, or private school during the preceding twelve (12) months (Utah Code §53G-8-205(3)).

### **Required Notification of Possession of a Weapon at School**

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 Executive Director or an administrative designee, the Executive Director or an administrative designee shall notify appropriate law enforcement personnel as well as school personnel who, in the opinion of the Executive Director or an administrative designee, should be informed.

### **Parent and School Responsibilities**

- Per Utah Code §53G-8-208, if a student is expelled or suspended for more than 10 days, it is the responsibility of the student's parent/guardian to undertake an alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion.
  - The parent shall work with designated school officials to determine how that responsibility might best be met through private education, alternative programs offered by the school, or other alternatives which will reasonably meet the student's educational needs;
  - Costs for educational services not provided by the school are the responsibility of the student's parent/guardian;
  - The school shall contact the parent of each suspended or expelled student under the age of 16 at least once per month to determine the student's progress;
  - The school 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.

### **Responsibility for Student Discipline and Corporal Punishment**

- The primary responsibility for classroom discipline rests with individual students and teachers. Teachers may remove students from class after a persistent effort to resolve the problem at the classroom level. The removal of a student shall conform with the school's adopted disciplinary plan.

- Communication between a teacher and administrator regarding a specific incident and administrative response shall occur as soon as possible, but no later than two work days after the student is removed from class or receives minor discipline.
- A school employee may not inflict, allow or cause the infliction of corporal punishment upon a student.
- Per Utah Code § 53G-8-302, this policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense as appropriate to the circumstances to:
  - Obtain possession of a weapon or other dangerous object in the possession or under the control of a child;
  - Protect the child or another person from physical injury;
  - Remove from a situation a student who is violent; or,
  - Protect property from being damaged when physical safety is at risk.

### **Collection and Reporting of Incident Data**

School personnel shall collect data with regard to incidents which occur on school grounds while school is in session or during a school-sponsored activity and which involve:

- Suspension or expulsion of a student;
- Arrest of a minor; or
- “Other law enforcement activities” (defined below).
- “Other law enforcement activities” means a significant law enforcement interaction with a minor that does not result in an arrest, including:
  - A search and seizure by an SRO;
  - Issuance of a criminal citation;
  - Issuance of a ticket or summons;
  - Filing a delinquency petition; or,
  - Referral to a probation officer.
- The report of the incident shall also include information on the student or minor’s age, grade level, race, sex, and disability status.
- If applicable, the report shall also include the demographics of a person who is subject to bullying, hazing, cyber-bullying, or retaliation.
- To collect the data, school personnel shall use the form established by the USBE in consultation with law enforcement agencies.
- The school shall report the data to the USBE in a timely manner as required by the State Superintendent.
- The school shall report the data compiled for each school year to the State Superintendent on or before September 1st of the year in which the school year ended (Utah Code § 53E-3-516, R277-912-2).

### **Multi-Tiered System of Supports (MTSS)**

Successful schools provide a safe and welcoming environment where students

have an opportunity to learn to learn, and teachers can devote their time to teaching. Effective classroom management and school discipline are necessary for the efficient and safe functioning of any school and to ensure that students have the opportunity to learn. Positive school climate and relationships are the most important components of any effective discipline policy. The focus of discipline at Rockwell Charter School is on prevention, intervention, and teaching appropriate behaviors.

- As required by Utah Admin. Cod R277-609-4, each school shall implement effective instructional practices for teaching student expectations, including:
  - Self-discipline and self-management;
  - Citizenship;
  - Civic skills; and,
  - Social-emotional skills.
- As required by Utah Admin. Code R277-609-4, each school shall implement systematic methods for reinforcement of expected behaviors.
- A continuum of intervention strategies shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations.
- Prior to suspension or expulsion of a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school.
- A number of interventions should be tried, including, but not limited to:
  - Talking with the student;
  - Class schedule adjustment;
  - Contact with the parents/guardians;
  - Parent/student conferences;
  - Behavioral contracts;
  - After-school make-up time;
  - Short-term in-school suspension;
  - Short-term at-home suspensions;
  - Multidisciplinary Team involvement and assistance;
  - Appropriate evaluation;
  - Home study;
  - Alternative educational placements;
  - Alternative educational programs;
  - Law enforcement assistance, as appropriate.
- The school shall also cooperate with the Utah State Board of Education in regards to researching, motivating, and providing student incentives that:
  - Directly and regularly reward or recognize appropriate behavior;
  - Impose immediate and direct consequences on students who fail to comply with school standards of conduct; and,
  - Keep the student in school, or otherwise continue student learning with appropriate supervision or accountability (Utah Code §53-G-8-207).
- The Multidisciplinary Team (MTSS) is the committee created at the discretion of the Executive Director and may be composed of school administrators, a social worker, school counselor, school psychologist, teacher/s, and/or other

individuals, as appropriate to assist or to make recommendations for disciplinary action; and to suggest alternative recommendations for disciplinary action, and/or alternative educational placements and programs, as consequences for student conduct violations.

- The MTSS Team will establish an on-going staff development program related to development of the following:
  - Student behavior expectations;
  - Effective instructional practices for teaching and reinforcing behavior expectations;
  - Effective intervention strategies; and,
  - Effective strategies for evaluation of the efficiency of interventions.
- The MTSS Team will establish procedures for on-going training of appropriate school personnel in the following:
  - Crisis management;
  - Emergency safety interventions; and,
  - Appropriate seclusion and restraint.
- The school shall maintain school-level Positive Behavior Intervention and Support Plans that include the following:
  - Establishment of behavioral expectations applicable across school settings that are taught explicitly and reinforced;
  - Correction of behavioral errors;
  - Uniform and equitable methods for at least annual evaluation of school-level data to determine the efficiency and effectiveness of PBIS;
  - Training for students, faculty, and staff related to student, self-discipline, good citizenship, and recognizing and preventing disruptive behaviors, including overt aggression, covert or relational aggression, gang involvement, and drug or alcohol use;
  - Articulation of pathways for students to repair harm, resolve conflict with peers, and restore their standing within the classroom after a behavior infraction;
  - Other elements of student and classroom management as required under Utah Admin. Code R277-609-4, including the following:
    - Strategies to provide for necessary adult supervision;
    - A requirement that rules be clearly written and consistently enforced;
    - Notice to employees that violation may result in employee discipline.
- The school shall have written standards for student behavior expectations, including self-discipline, administrative responsibility for student discipline, citizenship, civic skills, and social skills.
- The school shall also adopt and enforce rules and standards that cover school and classroom management, adult supervision, and disruptive behaviors. Such standards must be compatible with school policies and state and federal law.

## **Notice of Disruptive Student Behavior to Qualifying Minors**

In accordance with Utah Code 53G-8-202 and Utah Admin. Code R277-609-4 and 609-10, each school administrator is authorized to issue notices of disruptive student behavior to qualifying minors.

- A notice of disruptive behavior must be written and must be issued to a qualifying minor and the minor's parent in person or by certified mail;
- An administrator shall issue the notice of disruptive behavior to a qualifying minor who engages in the following:
  - A notice of disruptive behavior must be written and must be issued to a qualifying minor and the minor's parent/guardian in person or by certified mail;
  - An administrator shall issue the notice of disruptive behavior to a qualifying minor who engages in the following:
    - Disruptive student behavior that does not result in suspension or expulsion, three times during the school year; or,
    - Disruptive student behavior that results in suspension or expulsion, once during the school year.
  - A notice of disruptive student behavior must require the qualifying minor and the minor's parent/guardian to:
    - Meet with school authorities to discuss the behavior; and,
    - Cooperate with the school in correcting the behavior.

### **Law Enforcement**

The school may enter into an Interlocal Agreement with law enforcement agencies or individuals to provide school resource officer (SRO) services under Utah Code §53G-8-703. The Interlocal Agreement and this section constitute the school's SRO policy required under Utah Code §53G-8-703(2).

- The interlocal Agreement may outline in greater detail the roles and responsibilities of the SRO. In general, however, an SRO shall perform the following duties:
  - Maintain a safe, healthy, and productive learning environment;
  - Build relationships, identify safety concerns, and develop problem-solving strategies;
  - Communicate and coordinate with the school's Executive Director and other administrators;
  - In coordination with school administrators, provide presentations to the school; and,
  - Act as a visible, active law enforcement figure working with the school and addressing law enforcement matters at school, at school activities, and at school events.
- The SRO and school administrators will coordinate to differentiate between an administrator's school disciplinary issues and an SRO's criminal issues and respond appropriately. School administrators and the SRO will attempt to de-escalate school-based incidents whenever possible. School administrators and SROs should regularly consult with the SRO and review their roles and responsibilities within the Interlocal Agreement.

- Law enforcement involvement in student discipline must comply with applicable laws, rules, and regulations, including Utah Code §53G-8-211, which provides the following:
  - If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, the Executive Director or an administrative designee, or an SRO may refer the minor:
    - To an evidence-based alternative intervention, including:
      - A mobile crisis outreach team;
      - A youth services center, as defined in Utah Code §80-5-102;
      - A youth court or comparable restorative justice program;
      - An evidence-based alternative intervention developed by the school;
      - An evidence-based alternative intervention that is jointly created and developed by a local education agency, the State Board of education, the juvenile court, local counties and municipalities, the Department of Health and Human Services; or,
      - A tobacco cessation or education program if the offense is a violation of Utah Code §76-10-105.
      - For prevention and early intervention youth services, as described in Utah Code §80-6-201, by the Division of Juvenile Justice Services, if the minor refuses to participate in an evidence-based alternative intervention.
  - If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, the Executive Director or an administrative designee, or a school resource officer may refer a minor to a law enforcement officer, agency, or court only if:
    - The minor allegedly committed the same offense on school property on two previous occasions; and,
    - The minor was referred to an evidence-based alternative intervention, to prevention, or early intervention youth services for both of the two previous offenses.
  - If a minor is alleged to have committed a traffic offense that is an infraction, the Executive Director or an administrative designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
  - An SRO may take any of the following actions, along with others permitted by law:
    - Investigate possible criminal offenses and conduct, including conducting probable cause searches;
    - Consult with school administrators about the conduct of a minor enrolled in a school;
    - Transport a minor enrolled in a school to a location if the location is permitted by law;
    - Take temporary custody of a minor in according with Utah Code §80-6-201;

- Protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate, based on the totality of the circumstances.
- If a minor student is referred to a court or a law enforcement officer or agency, the school shall appoint a school representative to continue to engage with the student and the student's family through the court process. The representative may not be an SRO.

### **Reintegration Plan**

If the school receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a violent felony, as defined in Utah Code §76-3-203(5) or a weapons offense in violation of Utah Code Title 76, Chapter 10, Part 5, the school shall develop a reintegration plan for the student with the Multidisciplinary Team (as defined in Utah Code §53G-8-213), the student, and the student's parent/guardian with five days after the day on which the school receives a notification.

The school may deny admission to the student until the school completes the reintegration plan. The reintegration plan must address:

- A behavioral intervention for the student;
- A short-term mental health or counseling service for the student; and,
- An academic intervention for the student.

### **Notifications and Reports**

- The school will provide employee training on prevention and intervention procedures related to suicide, gang activities, and other potential safe school violations.
- The school will also compile an annual report of all suspended and expelled students including the student's race, gender, disability status, age, grade, reason for the discipline, length of discipline, and any other required information for submission to the Board of Directors for its review.
- Within three (3) days of receiving adjudication or other information from the juvenile court or a law enforcement agency, the Executive Director shall notify school personnel who, in the Director's opinion, should be aware of this information.
- This information shall be sent in a secure file other than the student's educational file.
- School personnel receiving this information may only disclose the information to other persons having both a right and a need to note (Utah Code §53G-8-403).
- Pursuant to Utah Code §53G-8-209, employees shall immediately report to the Executive Director if they reasonably believe that a student or employee has violated the school's prohibition against any of the following:
  - Foul, abusive, or profane language;
  - Use, possession, or distribution of alcohol, tobacco, nicotine, drugs, or any other controlled or prohibited substances, as described in this policy, other school policies, or state law; or,



- Hazing, demeaning, abusive behavior, or assaultive behavior as described in this and other school policies.
- Within ten (10) working days of the report received, the Executive Director shall submit a report of the alleged incident, and any actions taken in response, to the school's Student Information System (SIS), which satisfies the requirement to report and retain a record.
- The failure of a person holding a professional certificate to make a timely submission may constitute an unprofessional practice under Utah law and may subject the person to disciplinary action by the Utah Professional Practices Advisory Commission.
- Employees who receive reports through the SafeUT Crisis Line under Utah Code §53B-17-1202, shall, as soon as possible, notify the Executive Director and, as directed by the Executive Director, respond in accordance with applicable school policies.

### **Student Threat Assessments**

- Threat: A threat is a communication of intent to harm someone or a group of people. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended targets. That threat may be spoken, written, gestured, or expressed in some other form, such as via text or other digital means. Threats may also be implied by behavior that an observer would reasonably regard as threatening, or planning or preparing to commit a violent act.
- Student Threat Assessment: A student threat assessment is an individual assessment of a particular student by a qualified employee or contracted employee to determine the seriousness of the student's threat, the likelihood that the student will follow through with the threatened action, and/or the likelihood that the student presents a threat to a particular student, a group of students, or the school going forward.
  - A student threat assessment is distinguishable from a school threat assessment as contemplated by Utah Code §53G-8-701(5) and Utah Code §53G-8-802, which involve general building security, response protocols, safety drills, etc.
  - A student threat assessment is not a crisis response to imminent violence, such as when a person has a firearm at school. In such cases, the school should follow its Emergency Response Protocols.
- A student threat assessment is initiated by the Executive Director after the Director receives notice that a student has made a threat. The Executive Director may assign a school counselor, school social worker, or school psychologist to conduct the threat assessment.
- If a school counselor or school social worker is assigned to conduct the threat assessment, that individual must be qualified to conduct such an assessment. A school psychologist or a contracted psychologist may conduct such an assessment.

- An administrator who receives information that a student has made a threat must begin an investigation. A student threat assessment may be assigned as part of the administrator's investigation, but the student threat assessment does not replace the investigation. Similarly, the student threat assessment does not take the place of any discipline procedures outlined in this policy. Instead, the student threat assessment provides information to the administrator to assist in determining an appropriate response to the threat.

### **Incorporation of Least Restrictive Behavioral Interventions (LRBI)**

This policy follows the USBE LRBI Technical Assistance Manual which provides guidance and information in creating successful behavior systems and supports within Utah's public schools that:

- Promote positive behaviors while preventing negative or risky behaviors;
- Create a safe learning environment that enhances all student outcomes.

### **Emergency Safety Interventions (ESI): Physical Restraint and Seclusionary Time Out**

The school recognizes that every student should have the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. At times, student behavior may present an immediate danger requiring emergency safety interventions. Behavioral interventions for students should promote and facilitate their safety and dignity. This section of the policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students.

- The school acknowledges that physical restraint and seclusion are emergency procedures that should only be used when a student's behavior poses imminent danger of serious physical harm to self or others and should not be routinely used.
- Emergency safety interventions must be implemented carefully by those trained to do so and have specific limitations governing their use.
- The school shall have in place, as part of its Special Education Policies, Procedures, and Practices, criteria and steps for using emergency safety interventions consistent with state and federal law.

### **Definitions for Restraint and Seclusionary Time Out**

- Emergency Safety Intervention: the use of seclusion or physical restraint when a student presents an immediate danger to self or others; the intervention is not for disciplinary purposes;
- Immediate Danger: the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm;
- Mechanical Restraint: the use of a device as a means of restricting a student's freedom of movement;
- Physical Restraint: personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely;
- School Employee: a teacher, a school staff member, school administrators, or any other person employed, directly or indirectly, by the school.

- **Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion is not timeout, as that term is defined in this policy.
- In addition to the foregoing, and consistent with Utah Admin. Code R277- 609, Seclusionary Time-Out means that a student is:
  - Placed in a safe, enclosed area by school personnel;
  - Purposefully isolated from adults and peers;
  - Is prevented from leaving, or reasonably believes he/she is prevented from leaving the enclosed area.

### **Limitations on the Use of Emergency Safety Interventions**

- A physical restraint must be immediately terminated when:
  - A student is no longer an immediate danger to self or others; or,
  - A student is in severe distress; and,
  - The use of physical restraint shall be for the minimum time necessary to ensure safety and release criteria must be implemented.
- If a school employee physically restrains a student, the school or the employee shall provide notice as soon as reasonably possible and before the student leaves the school to the student's parent.
- A school employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:
  - the amount of time described in the school's emergency intervention training program;
  - 30 minutes; or,
  - when law enforcement arrives.
- A school employee may not use physical restraint as a means of discipline or punishment but only to maintain safety.
- If a school employee uses seclusionary time out, the school employee shall:
  - use the minimum time necessary to ensure safety;
  - use the school's release criteria;
  - ensure that any door remains unlocked consistent with the fire and public safety protocols;
  - maintain the student within line of sight of the public education employee;
  - use the seclusionary time out consistent with the school's plan;
  - ensure that the enclosed area meets fire and public safety requirements;
- If a student is placed in seclusionary time out, the school or the school employee shall provide notice as soon as reasonably possible and before the student leaves the school to:
  - the student's parent/guardian; and,
  - the school administration.
- A school employee may not place a student in a seclusionary time out for more than 30 minutes.
- In addition to the notice described above, if a school employee places a student in seclusionary time out for more than fifteen (15) minutes, the school or school employee shall immediately provide notice to:

- the student's parent/guardian;
- school administration.

### **Emergency Safety Intervention (ESI) Committee**

- Per Utah Admin. Code R277- 609, the school shall establish an Emergency Safety Intervention (ESI) Committee to include the following:
  - at least two (2) administrators;
  - at least one (1) parent or guardian of a student enrolled in the school and appointed by the school;
  - and at least two (2) certified education professionals with behavior training and knowledge in both state rules and school discipline policies.
- The committee shall meet often enough to monitor the use of emergency safety intervention in the school;
- The committee shall determine and recommend professional development needs related to emergency safety interventions;
- The committee shall develop policies for local dispute resolution processes to addresses concerns regarding disciplinary actions; and,
- The committee shall ensure that each emergency incident where a school employee uses an emergency safety intervention is documented in the school's student information system and reported to the Superintendent through the USBE's UTREx system.

### **LEA Reporting of Emergency Safety Interventions**

- The school shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at the school.
- The school shall provide documentation of any school use of emergency safety interventions to the Superintendent annually.
- The school shall also submit all required UTREx discipline data and incident or infraction data elements as part of the school's daily UTREx submission.
- The school shall submit all required UTREx discipline data and incident or infraction data elements and suspensions to the Superintendent no later than June 30 of each school year.

### **Training for Emergency Safety Interventions**

This policy directs the administration to ensure that appropriate school employees will receive ongoing training in the following:

- Crisis intervention;
- Professional development for Emergency Safety Intervention;
- Policies related to emergency safety interventions consistent with evidence-based practices.

### **Prohibited Emergency Safety Intervention Practices**

This policy prohibits the use of emergency safety interventions listed below:

- Physical restraint, except when a student presents a danger of serious physical harm to self or others;

- Physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;
- Prone, or face-down, physical restraint;
- Supine, or face-up, physical restraint;
- Mechanical restraint, except those that are protective, stabilizing, or required by law; devices used by a law enforcement officer in carrying out law enforcement duties; seat belts, car seats; or any other safety equipment when used to secure students during transportation, including bus harnesses;
- Use of a bus harness except when approved by the Executive Director, the Director of Special Education, and as part of a student's written Behavior Intervention Plan (BIP);
- Chemical restraint, except as prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition, and administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
- Seclusion, except when a student presents an immediate danger of serious physical harm to self or others.

### **Allowable Use of Force**

Consistent with Utah Code §53G-8-302, nothing in this policy shall prohibit an employee from using reasonable and necessary physical restraint or force in self-defense or when otherwise appropriate for the following:

- To obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- To protect a student or another individual from physical injury;
- To remove a student who is violent or threatening from a situation or area; or,
- To protect property from being damaged when physical safety is at risk.