

## 5200 STUDENT DISCIPLINE POLICY (INCLUDING SAFE SCHOOL POLICY)

### I. PURPOSE AND PHILOSOPHY

The purpose of the policy is to foster a safe, positive learning environment by teaching the practice of self-discipline, citizenship skills, and social skills. It is the Weber School District's philosophy that students learn these skills best through teaching and restorative practices, **in the least restrictive environment possible**<sup>1</sup>, rather than punishment. This policy is intended to guide administrators and teachers in providing appropriate interventions to address student misconduct while also ensuring that the health and safety of all students is not compromised. The focus of this policy is to teach students skills and conduct that will help them succeed not only in school but in life. The focus of this policy is to establish provisions governing student conduct, safety, and welfare.

### II. POLICY

It is the policy of Weber School District that disruptive and unsafe student behavior is prohibited at school, on school property, including school vehicles, and at any school activity. Violations of this Policy may result in discipline of the student engaged in prohibited conduct, as defined in this Policy, up to and including expulsion. Students may also be disciplined for prohibited conduct that occurs off campus under certain circumstances outlined in this Policy.

### III. DEFINITIONS

- A. "Accountability Practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment, and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate. Some practices include behavior plans, restorative practices, and strategies to increase engagement.
- B. "Aggravating factor" means facts surrounding an incident of prohibited conduct that guide an administrator to increased discipline. Examples of these factors, identified in detail in the Administrator Student Discipline Handbook, include, but are not limited to, prior incidents of prohibited conduct, whether there was a victim, and the student's level of accountability in taking responsibility for the prohibited conduct.
- C. "Classroom management" means the use of planned strategies that: establish an organized and successful learning environment; promote academic excellence; teach behavioral, social, and emotional (BSE) skills to all students; and prevent a pattern of behavior that interferes substantially and materially with the instruction of other students in the classroom.<sup>2</sup>
- D. "Civil Rights Violation" means prohibited conduct that is based on a person's membership in a protected class. A civil rights violation includes Discriminatory Harassment, as defined in Policy 4120.
- E. "Discipline" means school discipline and refers to the rules and evidence-based strategies applied in school to manage student behavior.<sup>3</sup>

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<sup>1</sup> Utah Code § 53E-7-207(2)

<sup>2</sup> Utah Admin. Code R277-609-2 (2026)

<sup>3</sup> Utah Admin. Code R277-609-2 (2026)

- F. "District contract" means an agreement between a student and District officials wherein the District allows the student to be readmitted to school following a suspension for prohibited conduct, and the student agrees to comply with District rules and expectations outlined in this Policy and refrain from the specific prohibited conduct in which they engaged.
- G. "Due process" means, for the purpose of this Policy, notice of allegations of misconduct and an opportunity to respond to the allegations. The amount of due process to which a student is entitled varies depending on how much of the student's property interest in an education (ie, their right to be in school) is being taken away.
- H. "Evidence-based"<sup>4</sup> means a program or practice that:
1. has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;
  2. has been rated as effective by a standardized program evaluation tool; or
  3. is created and developed by a school or school district and has been approved by the state board.
- I. "Expulsion" means a disciplinary removal from school for more than ten school days without an offer of alternative education service. ~~removal from the District for not less than one full year without educational services provided.~~ Only the school board can expel a student.<sup>5</sup>
- J. "Gang" as defined in this policy means any ongoing organization, association, or group of three (3) or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts. "Gangs" have a unique name or identifiable signs, symbols, or marks, and its members, individually or collectively, engage in criminal, threatening, or violent behavior to persons or property, or create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.
- K. "Gang activities" include, but are not limited to, any of the following when committed in connection with a gang:
1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos, accessories, symbols, signs, or other things which are evidence of membership in or affiliation with any gang;
  2. Committing any act or using any speech, either verbal or non-verbal (i.e., flashing signs, gestures, handshakes, etc.) that demonstrates membership in or an affiliation with a gang;
  3. Soliciting others for membership in a gang;
  4. Requesting any person to "pay for protection" or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;

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<sup>4</sup> Utah Code § 53G-8-211(1)(a)

<sup>5</sup> Utah Admin. Code R277-609-2 (2026)

5. Possessing a weapon, alcohol, tobacco, controlled substance, drug paraphernalia, or other contraband;
  6. Committing any illegal act; OR
  7. Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.
- L. "Harassment and discrimination free learning" means a learning environment in which a student is treated fairly regardless of the student's characteristics including race, color, religion, sex, national origin, or disability and in which a student's ability to participate in or benefit from the services, activities, or opportunities offered is not limited or interfered with by conduct that is physically threatening, harmful, or humiliating.<sup>6</sup>
- M. ~~"Habitual Disruptive behavior"~~ means conduct consistently and repeatedly over time or showing a disregard for rules by exhibiting:
1. the use of foul, abusive, or profane language while engaged in school-related activities;
  2. the illicit use, possession, or distribution of:
    - i. a controlled substance or drug paraphernalia;
    - ii. a tobacco product, an electronic cigarette product, or a nicotine product; or
    - iii. an alcoholic beverage; and
  3. hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law while in the classroom, on school property, school related events and activities, affecting a person or property associated with the school.<sup>7</sup>
- N. "Long-term suspension" means removing a student from school for a period longer than ten (10) consecutive school days. In such an event, the suspended student will not be allowed to attend regular school classes or participate in any school or District activities or events during the period of suspension. However, the District will work with parents to provide alternative educational placements and programs for students, where appropriate and feasible.
- O. "Look-alike weapon" means any object, instrument, or toy that, in the discretion of the administrator, resembles an actual weapon such that a reasonable person might perceive it to be an actual weapon.
- P. "Minor" means, except as provided in Utah Code § 80-6-501, Utah Code § 80-6-901, and Utah Code § 80-7-102:
1. A child; or

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<sup>6</sup> Utah Admin. Code R277-609-2 (2026)

<sup>7</sup> Utah Code § 53G-8-209(2)(bspecific criteriajurisdictionspecific)

2. An individual:

- a. Who is at least 18 years old and younger than 21 years old; and
  - b. for whom the Division of Child and Family Services has been specifically ordered by the juvenile court to provide services because the individual was an abused, neglected, or dependent child or because the individual was adjudicated for an offense;
  - c. Who is at least 18 years old and younger than 21 years old; and
  - d. Whose cases are under court jurisdiction and meet specific criteria (e.g., extended jurisdiction or services eligibility).
- Q. "Mitigating factor" means facts surrounding an incident of prohibited conduct which guides an administrator to decreased discipline. Examples of these factors, identified in detail in the Administrator Student Discipline Handbook, include but are not limited to first-time offense, attitude of remorse, and no one was hurt.
- R. "Positive behavior interventions and support" (PBIS) 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.<sup>8</sup>
- S. "Prohibited Conduct" means conduct that is considered disruptive or poses a safety risk to students, and which may be the basis of school discipline or intervention. Specific examples of prohibited conduct are identified in section VI of this Policy, as well as in the Administrator Student Discipline Handbook.
- T. "Restorative Practices" means to help minors take responsibility for and repair harmful behavior that occurs within the school community.<sup>9</sup>
- U. "Threat management" means a prevention strategy that involves:
1. identifying student threats, including the threat to commit a violent act;
  2. determining the seriousness of the threat; and
  3. developing intervention plans that protect potential victims and address the underlying problem or conflict that stimulated the threatening behavior.
- V. "Safe School Violation" means prohibited conduct described in sections VI.C. and VI.D. of this Policy, as well as any other prohibited conduct that results in harm or threatened harm to another student or employee.
- W. "Safety Plan" means a plan put in place for students involved in bullying, hazing and/or harassment (discriminatory or sexual) or self-harm, intended to help students feel safe at school.

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<sup>8</sup> Utah Admin. Code R277-609-2 (2026)

<sup>9</sup> Utah Admin. Code R277-609-2(19)

- X. "Serious offense" means:
1. a violent felony as defined in Utah Code § 76-3-203.5;
  2. an offense that is a violation of an offense under Utah Code § 76-6-406, Theft, and the property stolen is a firearm; or
  3. an offense that is a violation of an offense under Utah Code § 76-11, Weapons.
- Y. "School contract" means an agreement between a student and school administrator/s wherein the school allows the student to remain in school or be readmitted to school following a suspension for prohibited conduct, and the student agrees to comply with the District's student conduct rules and expectations as outlined in this Policy, and refrain from the specific prohibited conduct in which the student engaged.
- Z. "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
1. the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
  2. the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
  3. the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars, includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.<sup>10</sup>
- AA. "School threat" means threatening either explicitly or implicitly, to commit harm to multiple students, faculty, or staff associated with a school at Weber School District (WSD), or threatening (explicitly or implicitly) to bring to school a weapon capable of inflicting serious bodily injury to multiple students, faculty, or other staff.
- BB. "Short-term suspension" means 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 principal'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 or District activities or events during the period of suspension.
- CC. "Suspension" means, except for purposes of Utah Admin. Code R277-210 through R277-217:
1. an in-school suspension that is a temporary removal of a student from the student's regular classroom for disciplinary reasons for at least half a school day, but remains under the direct supervision of school personnel; or

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<sup>10</sup> Utah Code § 53G-8-211(1)(j)

2. an out-of-school suspension that is the removal of a student from school grounds for disciplinary reasons unless the student removed is:
  - i. served solely under a Section 504 plan, where an out-of-school suspension is the excluding of the student from school for disciplinary purposes for one day or longer; or
  - ii. a student with disabilities under IDEA, where an out-of-school suspension is the temporary removal of the student from the student's regular school for disciplinary reasons to another setting. [R277-609-2](#)

~~DD.~~ **“Multidisciplinary Team”** means a group of professionals from multiple disciplines who meet to pursue the common goal of evaluating and triaging the academic, social, emotional, physical, and/or behavioral needs of a student or group of students; creating individualized strategies and interventions to address the identified needs.

EE. **“Dangerous Weapon”** means a firearm<sup>11</sup> or an object that, in the manner of the object's use or intended use, is capable of causing death or serious bodily injury. ~~(A firearm left in a person's vehicle is not considered a weapon if it is undisputed that the firearm was not intended to be used at school, at the administrator's discretion.)~~

#### IV. MULTI-TIERED SYSTEM OF SUPPORT (MTSS) AND SCHOOLWIDE BEHAVIOR SUPPORTS

In accordance with Utah Admin. Code R277-609-4 and Utah Code Ann. § 53G-8-207, each school shall establish and implement a Multi-Tiered System of Support (MTSS) to promote positive school climate, improve student behavior and attendance, and support academic success through evidence-based practices.

Schools shall implement Positive Behavioral Interventions and Supports (PBIS) as part of the MTSS framework and align behavioral practices with the Utah State Board of Education's Least Restrictive Behavior Intervention (LRBI) Manual.

##### A. Behavioral Expectations and Instruction

1. Each school shall adopt and enforce written standards for student behavior that are compatible with District policy and state and federal law. These standards shall include expectations related to self-discipline, citizenship, civic responsibility, social-emotional skills, and appropriate conduct across all school settings.
2. Schools shall implement effective instructional practices for explicitly teaching and reinforcing behavioral expectations and shall provide appropriate adult supervision and consistent enforcement of school rules.

##### B. Reinforcement, Correction, and Data Review

Each school shall implement systematic methods for:

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<sup>11</sup> A firearm left in a person's vehicle is not considered a weapon if it is undisputed that the firearm was not intended to be used at school, at the administrator's discretion.

1. Reinforcing expected student behaviors;
2. Correcting behavioral errors in a consistent and equitable manner; and
3. At least annually reviewing school-level data to evaluate the effectiveness and efficiency of PBIS, school rules, and behavioral interventions.

C. Continuum of Interventions and Remedial Discipline

A continuum of evidence-based interventions shall be available to support students whose behavior or attendance repeatedly falls short of reasonable expectations. The school shall make and document efforts to provide reteaching and resolve a student's behavior, and shall include, as reasonably feasible, interventions such as:

1. Counseling of the students by school authorities using positive behavioral supports;
2. Academic and attendance supports;
3. Adjustments to class schedules or instructional programming;
4. Parent or guardian contact and conferences, including considering alternatives proposed by a parent;
5. Behavioral contracts or restorative practices;
6. Short-term in-school or at-home suspension;
7. Multi-disciplinary team involvement;
8. Home visits;
9. Referral to an evidence-based alternative intervention program;
10. Referrals to community agencies, such as Youth Services or DCFS;
11. Mobile crisis response services; and
12. Alternative educational placements or programs, when necessary.

D. PBIS Teams and Training

Each school shall establish a PBIS team that includes a school administrator and may include counselors, psychologists, teachers, social workers, and other relevant personnel. PBIS teams shall support intervention planning, review data, and assist in identifying appropriate supports and placements.

Schools shall maintain ongoing staff development related to:

1. Student behavior expectations;
2. Effective instructional and reinforcement practices; and

3. Appropriate intervention and restorative strategies.

E. SafeUT Crisis Text and Tip Line<sup>12</sup>

The SafeUT Crisis Text and Tip Line is a statewide service providing real-time crisis intervention and a confidential reporting system for students, parents, and community members. The Huntsman Mental Health Institute (HMHI) screens all SafeUT tips submitted within the District and, when appropriate, forwards information to designated school officials and/or coordinates with local law enforcement in high-level crisis situations, including threats of violence or risk of self-harm.

Each school shall designate at least one administrator responsible for coordinating the school's response to SafeUT referrals.

V. STUDENT CONDUCT AND DISCIPLINE

A. General Investigation Procedures

1. School administrators have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law.
2. All students involved in the investigation shall be instructed to keep all the details of the investigation confidential.
3. Students involved in the investigation may be instructed that retaliation is prohibited.
4. Students may be suspended from school pending investigation if their presence on campus could hinder the investigation or cause a safety concern. This is referred to as a Safety Removal Pending Investigation (SRPI) and is at the discretion of the administrator.
5. When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student shall be provided with:
  - i. Allegations made against the student;
  - ii. A fair opportunity to present their version of the facts; and
  - iii. Information on any disciplinary action being recommended.
6. Administrators will follow the investigative procedures outlined in Policy 5201 unless an administrator is investigating a formal complaint of Sexual Harassment under Title IX. Investigative procedures for Title IX Sexual Harassment claims will follow Policy 4121.
7. Administrators will document all investigations of prohibited conduct in the District's student information system and will identify the incident appropriately.

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<sup>12</sup> Utah Code § 53G-8-203

8. Administrators will consult with Student Services at the beginning of an investigation of any alleged prohibited conduct identified in section VI.G. of this Policy.
9. Investigations of formal complaints of Bullying and all allegations of Discriminatory Harassment must be documented using the Bullying Investigation Forms.
10. In accordance with section V.C.1., investigations into student conduct that may also be criminal in nature will, to the extent possible, be conducted in coordination with the SRO and/or outside law enforcement.

#### B. Coordination with Law Enforcement

1. Consistent with District policies and Utah law, school administrators are responsible for determining when coordination with law enforcement is necessary. School administrators may invite law enforcement authorities to:
  - i. conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity;
  - ii. maintain a safe and orderly educational environment; or
  - iii. maintain or restore order when the presence of such authorities is necessary to prevent injury to persons or property.
2. On-campus criminal conduct shall be coordinated with the SRO or the appropriate law enforcement agency. Whenever practicable, student interviews should be conducted jointly to avoid duplicative investigations.
3. Off-campus criminal conduct that impacts the school environment shall be coordinated with outside local law enforcement and in accordance with the District's Law Enforcement Relations Protocol.
  - i. Generally, off-campus criminal conduct will be investigated off campus.
  - ii. Outside law enforcement authorities (not SROs) **may** be permitted to conduct an investigation on school grounds during school hours **only when** a demonstrated need can be shown by the law enforcement authority. Such a need will ordinarily be shown if a delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence.
  - iii. Outside law enforcement authorities investigating school-related or student-related crimes may not have access to student education records and student witness statements, aside from directory information, unless they have a subpoena or court order or permission from the parent/legal guardian. Directory information is outlined in the District's annual FERPA disclosure.
4. If law enforcement has conducted student interviews related to prohibited conduct under this Policy, administrators shall request copies of those interviews for inclusion in the school investigation, when legally permissible.
5. When law enforcement is conducting a criminal investigation and directs the school to stop further investigation until the completion of law enforcement's investigation, the

school administrator shall work with District administrators to determine appropriate interim student placement pending resolution. The District shall cooperate with law enforcement to facilitate a timely criminal investigation so the school may proceed with its administrative investigation as soon as practicable.

6. Searches or interrogations initiated and led by administrators, even when an SRO is present, shall comply with District standards and Policy 5300 (Search and Seizure).
7. Release of Student to Outside Law Enforcement Custody
  - i. Law enforcement authorities may, without a court order, take a student into custody as outlined in Utah Code § 80-6-201 when the student is an identified offender. (When a student is a victim of abuse in the home and DCFS and/or law enforcement take custody of the student, a warrant or court order will be presented to Student Services, who shall coordinate with administrators.)
  - ii. Where it is necessary to take a student into custody on school premises, law enforcement authorities shall:
    - a. contact the school administrator and relate the circumstances necessitating such action;
    - b. consult with the school as to how an arrest is to be made to cause the least disruption to the school process; and
    - c. notify the parent/legal guardian of the action under Utah Code § 80-6-203.
  - iii. School administrators may ask law enforcement or emergency responders to assist in the control of a student to prevent the potential harm to students and other persons or property. In such situations, school administrators may disclose personally identifiable information (PII) from a student's education records (e.g., known disabilities, mental health, or medical conditions) to the appropriate parties. FERPA's health or safety emergency provision permits such disclosures when the disclosure is necessary to protect the health or safety of the student or other individuals.<sup>13</sup> ~~34 C.F.R. §§ 99.31(a)(10) and 99.36.~~
8. If a minor is found on school grounds when school is in session or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by a school employee, the school employee shall notify the principal. Upon notification by a school employee, the principal shall notify:
  - i. a law enforcement officer or agency; and
  - ii. school or District personnel if the principal determines that school or District personnel should be informed.

#### C. Student Referrals to Law Enforcement

1. If a minor who is enrolled in the school is alleged to have committed an offense on school property when school is in session and the offense is a class C misdemeanor,

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<sup>13</sup> 34 C.F.R. § 99.31(a)(10) and 99.36.

an infraction, or a status offense, or a minor is alleged to be a habitual truant, the school administrator, the school administrator's designee, or a school resource officer **may only** refer the minor:

- i. to an evidence-based alternative intervention, as outlined in section VIII.E.; or
  - ii. for prevention and early intervention youth services, as described in Utah Code § 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention, or
  - iii. a mobile crisis outreach team
2. A minor may be referred to law enforcement or court for an offense on school property when school is in session, and the offense is a class C misdemeanor, an infraction, or a status offense **only if**:
- i. the minor allegedly committed an offense on school property on a previous occasion; and
  - ii. the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in section V.C.1. for the previous offense.
3. If a minor is referred to a court or a law enforcement officer or court under Subsection (2), the school administrator shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.
- i. A school representative may not be a SRO
  - ii. A school shall include the following in the school's referral to the court or the law enforcement agency:
    - a. attendance records for the minor;
    - b. a report of evidence-based alternative interventions used by the school before the referral, including outcomes;
    - c. the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family;
    - d. if the minor was referred to prevention or early intervention youth services, a report from the Division of Juvenile Justice and Youth Services that demonstrates the minor's failure to complete or participate in prevention and early intervention youth services; and
    - e. any other information that the school district or school considers relevant.
4. If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer **may** refer the minor directly to a court **or** to the evidence-based alternative interventions.
5. A school administrator, the school administrator's designee, or a school resource

officer shall refer a minor directly to a court if:

- i. the minor is alleged to have committed a drug possession offense on school property; and
  - ii. the minor has allegedly committed a drug possession offense on school property on at least two previous occasions.
6. If a student is 18 or older, they may be referred directly to law enforcement.
7. If a minor is found on school grounds when school is in session or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by a school employee, the school employee shall notify the principal. Upon notification by a school employee, the principal shall notify:
- i. a law enforcement officer or agency; and
  - ii. school or District personnel if the principal determines that school or District personnel should be informed.

## VI. GROUNDS FOR SUSPENSION AND EXPULSION

- A. A student may be disciplined by classroom teachers 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 the school administrator for more severe disciplinary actions.~~ Minor infractions can result in loss of privileges, phone calls home, and in-school suspensions. Examples of minor infractions may include the following:
1. disrespect, including put-downs, talking back, and minor defiance;
  2. inappropriate language and actions; or
  3. horseplay.
- B. School administrators may suspend a student for less than ten (10) school days as outlined below. School administrators may **recommend** that a student be suspended long-term (10 or more days) or expelled, subject to a hearing before Student Services, as outlined in section [VII.B.1.ii](#) below.
- C. Generally, state law allows a student to be suspended either short-term or long-term for the following, in accordance with Utah Code § 53G-8-205. In determining appropriate discipline, including length of suspensions or alternatives to suspension, administrators will rely on the WSD Student Code of Conduct & Administrative Handbook, and shall consider both aggravating and mitigating circumstances.
1. Frequent or flagrant willful disobedience, defiance of proper authority, including refusal to attend school (truancy), or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
  2. Willful destruction or defacing of school property.<sup>14</sup>

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<sup>14</sup> Utah Code § 53G-8-205

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 the school's operation-
  4. Possession, control, or use of alcohol and/or drugs.
  5. Behavior which threatens harm or actually does harm to the school or property, a person associated with the school, or property associated with the person associated with the school, including but not limited to fighting and theft of property.
  6. Possession or use of pornographic material on school property, including but not limited to inappropriate exposure of body parts; and taking or sharing obscene, pornographic, lewd, illegal or otherwise inappropriate images.
  7. A student who participates in gang activities, gang-related graffiti or damage to school property, or participates in a serious gang-related incident on school property or school-related event/site.
  8. Violations of any of the following policies:
    - i. Dress Code Policy 5220
    - ii. Bullying Policy 5201
    - iii. Discrimination Policy 4120
    - iv. Sexual Harassment Policy 4121
    - v. Tobacco/Alcohol Use Policy 5205
    - vi. ~~Gang Policy 5230~~
    - vi. Attendance Policy 4170
- D. In accordance with Utah Code § 53G-8-205, a student ***shall*** be suspended from school for the following prohibited conduct, which are considered safe school violations:
1. A serious violation affecting another student or a staff member, or a serious violation occurring in a school building in or on school property, or in conjunction with a school activity, including;
    - i. The possession, control, or actual or threatened use of a dangerous weapon, explosive, noxious or flammable material;
    - ii. The actual use of violence or sexual misconduct
    - iii. The actual or threatened use of a look alike dangerous weapon with intent to intimidate another person or to disrupt normal school activities;
    - iv. The sale or distribution of a controlled substance (or an imitation controlled substance) or drug paraphernalia, or participating in any part of the distribution chain.
  2. The commission of an act involving the use of force, or threatened use of force which,

- if committed by an adult, would be a felony or class A misdemeanor; or
3. Making a false report of an emergency at a school under Utah Code § 76-9-105.5(2)(b).
- E. In accordance with Utah Code § 53G-8-205, a dangerous weapons violation as described above shall result in an expulsion for not less than one year, unless the superintendent or designee shall determine:
1. what conditions must be met by the student and the student's parent for the student to return to school, including any provided for in the policies described in Utah Code § 53G-8-203;
  2. if the student should be placed on probation in a regular or alternative school setting consistent with Utah Code § 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 the student is placed in; and
  3. if it would be in the best interest of both the LEA, and the student, to modify the expulsion term to less than a year, conditioned on approval by the school board and giving highest priority to providing a safe school environment for all students.
- F. In addition to conduct described in paragraphs D and E above, administrators may refer the following prohibited conduct for a long term suspension pending a hearing before Student Services, taking into consideration the aggravating and mitigating factors of the specific situation:
1. Distribution of drugs or intent to distribute.
  2. 3<sup>rd</sup> offense of possession of drugs, alcohol, tobacco, or e-cigarette.
  3. Fighting, depending on aggravating factors, such as, but not limited to resulting injury, premeditation, repeat offender.
  4. School threats.
  5. Discriminatory Harassment, as defined in Policy 4120 (\*Administrators shall consult with the District Educational Equity Director when a student engages in Discriminatory Harassment even if the violation results in school-based disciplinary action.)
  6. Sexual Harassment or Sexual Misconduct as defined in Policy 4120 and Policy 4121 (\*Administrators shall consult with the Title IX Coordinator).
  7. Possession or threatened use of weapons or look-alike weapons.
  8. Possessing, soliciting under duress, or distribution of nude or semi-nude images of students or minors.
  9. Extreme vandalism (property damage over approximately \$500.00).

- G. Except as outlined in section VI.D. and E., prior to referring a student for long-term suspension, administrators shall implement school-based interventions and remedial discipline identified in section VI.C.
- H. Referrals should be made only after a thorough investigation and documentation of the incident and in consultation with Student Services.
- I. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
- J. A suspension or expulsion is not subject to age limitations.
- K. A student who has been recommended for long-term suspension or expulsion is entitled to a hearing before WSD Student Services as outlined in section VII.B.1.ii. -
- L. Off-Campus Conduct. Students may be disciplined for prohibited conduct that occurs off campus if any of the following criteria are met:
  - 1. 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; or
  - 2. 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; or
  - 3. 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; or
  - 4. The conduct includes speech or expression, including cyberbullying, 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; or
  - 5. The conduct involves the theft or vandalism of school property; or
  - 6. 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
  - 7. The conduct involves hazing as an initiation into a school club or team. Hazing is defined in Policy 5201.
- M. Extracurricular Activities There is no constitutional or legally protected property right to participate in extracurricular activities. Students involved in extracurricular activities must comply with school and District policies, team or organization rules, and applicable local, state, and federal laws in regards to their conduct and behavior.
  - 1. Any violations of the conduct listed in this policy or a code of conduct/constitution specific to the activity may subject the student to disciplinary action, including, but not limited to,

- i. suspension,
- ii. probation, or
- iii. exclusion from participation in the extracurricular activities. Students participating in extracurricular activities shall in all respects conduct themselves in a manner befitting their positions and responsibilities. Utah Code Ann. § 53G-8-209.

## VII. DUE PROCESS

### A. Short-term suspensions (less than 10 school days)

1. Short term suspensions require notice and an opportunity to be heard prior to removal. This may be as simple as communication with the student in which the administrator tells the student what the student is alleged to have done and asks the student for their side of the story.
2. A student may be suspended for up to ten consecutive school days before more formal due process is required.
3. A student serving out-of-school suspension is not allowed to come onto school or District property, participate in extracurricular activities, or attend school-sponsored events. A student may be considered trespassing if he or she comes onto any school grounds while suspended out of school without prior permission.
4. Short-term suspension cannot be appealed at the District level.

### B. Long-term suspensions (10+ days) or expulsion

1. Students recommended for long-term suspensions and expulsions are entitled to more formal due process including notice and an opportunity for a District hearing.
  - i. The notice must be written and sent to parents within 24 hours of removal from school and must include:
    - a. A summary of the allegations;
    - b. Rule or policy that was violated that led to the recommendation for long-term suspension (tied to policy);
    - c. Procedural rights; and
    - d. Status, pending request for hearing.
  - ii. If requested, a hearing shall be held at the District Office. The following procedures will apply:
    - a. District Student Services will send notice including time, date, and place of the District hearing.
    - b. The District hearing will be presided over by at least two impartial hearing officers. This may be a Student Services representative or any other impartial school or District official.

- c. The hearing will be recorded.
- d. The student's parents/guardians are strongly encouraged but not required to attend.
- e. While the hearing is informal and not a judicial proceeding or administrative proceeding subject to the Utah Administrative Procedures Act, the student may bring an attorney. If the student brings an attorney, the District will also have the opportunity for an attorney to be present. Although a student is entitled to be represented by legal counsel at a hearing, the District is not responsible to provide counsel or pay for the student's expenses in obtaining counsel.
- f. A school administrator will:
  1. State a formal recommendation for a long-term suspension
  2. Present evidence of the student's misconduct, including information gathered from a thorough investigation. Student witness statements may be read for the record, summarized, or relied upon, but student witness' names are kept confidential to the extent possible.
  3. Present previously implemented interventions and related data outcomes
- g. Students will have the opportunity to present evidence and to respond to the allegations.
- h. Parents will have the opportunity to present additional information for consideration.
- i. Following the hearing, the impartial hearing officers will prepare written findings and a decision will be provided to the school and to the student/parents.
- j. Hearing officers' decisions may include readmission to school, the implementation of a District contract, placement at an alternative school, enrollment in an online education program, or long-term suspension. Hearing officers may also recommend restorative justice practices in lieu of or in conjunction with removal from school. (See Student Code of Conduct & Administrative Handbook for restorative justice practices ideas.)
- k. If the hearing officers' decision is a long-term out-of-school suspension or placement, the student is not allowed to come onto school property, or participate in extracurricular activities, or attend school-sponsored events. Other than the school at which a student is placed, the student is also prohibited from being on any District property, and may be considered trespassing if he or she comes onto school or district grounds during the suspension term without prior written permission for a District-level administrator.
- l. Student disciplinary due process hearings are not formal as court hearings. Strict adherence to court rules of procedure and evidence are not required. However, certain rights of the student must be observed. Each level in the

disciplinary due process hearings is a de novo review of the prior decision.

iii. Appeal

- a. A student or student's parents may appeal the written findings and decision of the hearing officers to the Director of Student Services by submitting a written request for an appeal to the Director of Student Services within ten (10) school days of the hearing officers' written findings and decisions.
  - b. An appeal hearing will be held before the Director and one other hearing officer.
  - c. Unless there is a procedural error, new evidence that was not raised at the hearing, or egregious abuse of discretion, the hearing officers' recommendation will not be overturned.
2. If a student is suspended or expelled for more than ten (10) school days, the parents are responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion. The parents and school personnel may enlist the cooperation of the Division of Child and Family Services (DCFS), the juvenile court, or other appropriate state agencies to meet the student's educational needs. Costs for educational services which are not provided by the District are the responsibility of the student's parents.<sup>15</sup>
  3. Only the school board may expel a student. If the hearing officers determine that a student should be expelled from school, the hearing officers will make that recommendation to the school board, which will review the recommendation at its next regularly scheduled meeting in closed session and make a final determination. A student will be suspended from school pending a school board meeting reviewing the hearing officers' decision to expel.

## VIII. PROCEDURES FOR SUSPENSION/EXPULSION

- A. When a student is suspended from school, the administrator will contact parents immediately.
  1. Elementary school students who are suspended will remain at school until a parent/guardian or a designee of the parent/guardian picks the student up.
  2. Junior high and high school students who are suspended may either leave school immediately with parent permission or wait to be picked up by a parent/guardian or designee.
- B. If a student is being put on a short-term suspension (less than 10 days), notice must be provided to parents with the following information:
  1. that the student has been suspended;
  2. the grounds for the suspension;
  3. the period of time for which the student is suspended; and

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<sup>15</sup> Utah Code Ann. § 53G-8-208.

4. a suggested time and place for the parent to meet with the administrator to review the suspension.
- C. Parents are strongly encouraged to meet with the administrator prior to readmission of the student to discuss a plan to avoid recurrence of the prohibited conduct. If parents cannot meet with administrators prior to the end of the suspension term, the administrator will meet with the student without the student's parents to discuss a plan to avoid recurrence of the prohibited conduct.
- D. If a school administrator is recommending a long-term suspension for any prohibited conduct identified in section VI.G. of this Policy, the notice described in section VII.B.1.i. will be used, and administrators will refer the matter to Student Services.
- E. A school may be required to implement an evidence-based threat management process using a multidisciplinary team using a review of school related data, previous interventions and disciplinary actions to:
1. Determine seriousness of threat and potential course of action, including case-specific interventions and disciplinary actions and/or suggest referrals to evidence-informed resources as appropriate
  2. A safety planning interview with the student and parent may be required.
  3. A safety planning interview may not be administered without parental consent.
  4. Threat management and safety planning interview results may be used at a hearing to inform the impartial hearing officer of the appropriate placement for the student.
  5. If a parent of a student who has engaged in a safe school violation refuses to provide consent, the District may either assume the student presents a substantive or very serious risk and place the student appropriately.
- F. Safety Plans/Student Support Plans
1. If a student was harmed or threatened harm from bullying, harassment (including Discriminatory Harassment and Sexual Harassment), or self-harm, a safety plan shall be implemented for that student.
    - i. The plan shall at a minimum include an adult point of contact for any student who was harmed or threatened harm.
    - ii. The plan shall separate a student who engaged in the bullying or harassment from the student who was harmed or threatened harm. Schedule changes may be necessary for the student who is alleged to have engaged in bullying or harassment.
    - iii. The plan will be in place until the student who engaged in bullying or harassment or the students who were harmed or threatened harm, or both, are no longer students at the school.
  2. A plan is considered a supportive measure under Sexual Harassment Policy 4121.

3. A plan should be developed by an administrator with the support of the school counselor and Student Services if necessary.

#### G. Serious Offenses & Reintegration Plans

1. School and district officials will adhere to Policy 4405 Serious Offenses and Reintegration Plans for Juvenile Offenders.

#### ~~H. Reintegration Plans~~

- ~~1. If the District receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in juvenile court for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within five school days after the day on which the school receives a notification.~~
- ~~2. The multidisciplinary team will consist of a school administrator, a representative from Student Services, a representative of Special Education if the student is on an IEP, the juvenile court, the Division of Juvenile Justice Services, and any other relevant party that should be involved.~~
- ~~3. The reintegration plan shall address the following:~~
  - ~~a. a behavioral intervention plan for the student;~~
  - ~~b. a short-term mental health or counseling service for the student; and~~
  - ~~c. an academic intervention for the student; and~~
  - ~~d. if the violent felony was directed at a school employee or another student within the school, notification of the reintegration plan to that school employee or student and the student's parent.~~
- ~~4. A school district may not reintegrate a student into a school where:~~
  - ~~a. student or staff member has a protective order against the student being reintegrated; or~~
  - ~~b. a student or staff member is the victim of a sexual crime committed by the student being reintegrated unless the victim consents.~~

#### IX. RESTRAINT AND SECLUSION

- A. Any use of physical restraint or seclusion must comply with Policy 5400 and will be documented on appropriate forms.

#### X. STUDENTS WITH DISABILITIES

- A. If a student has a qualified disability, the school administrator will explain the separate procedures that may apply based on the procedural safeguards under the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act. See Policy

4199 Special Education Policy Statement and 4195 Section 504 Student Accommodations (R277-750).

Approved by the Board 08/2024