

**ARTICLE 5**

**STUDENT CONDUCT**

**(Series 5000)**

---

	Page
1. Board Delegation of Authority	5100
2. Student Discipline Policy (INCLUDING SAFE SCHOOL POLICY)	5200
A. Bullying Policy	5201
<u>B. Tobacco/Nicotine Policy</u>	<u>5205</u>
C. Alcohol and Drug Abuse Policy	5210
D. Student Dress	5220
1. Uniform Dress	5221
<u>E. Gang Policy</u>	<u>5230</u>
3. Search and Seizure	5300
4. Restraint and Seclusion Policy	5400

## **5100 BOARD DELEGATION OF AUTHORITY**

---

1. Board Delegation

- 1.1 The Board delegates authority to principals and assistant principals to suspend for up to 10 school days.
- 1.2 The Board delegates authority to the Superintendent, the Student Services Director and the Student Services Coordinators to suspend for up to one (1) school year.
- 1.3 The board can expel a student as long as the Board receives at least annual reports about that student.

2. Expulsion and Suspension Defined

- 2.1 Expulsion is a disciplinary removal from school by the School Board for more than 10 days without an offer of alternative educational service.
- 2.2 Suspension is any other disciplinary removal from school.

Approved by the Board 08/09/2000

# 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 Weber District's philosophy that students learn these skills best through teaching and restorative practices rather than punishing. This policy is intended to guide administrators and teachers in providing appropriate interventions to address student misconduct while also ensuring 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 also in life, and 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 the Policy.

## III. Definitions

- A. **"Aggravating factor"** means facts surrounding an incident of prohibited conduct which guides 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.
- B. **"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](#).
- C. **"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.
- D. **"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 (i.e., their right to be in school) is being taken away.
- E. **"Expulsion"** means removal from the district for not less than one full year without educational services provided. Only the school board can expel a student.

- F. **“Habitual disruptive behavior”** means using foul, abusive or profane language while engaged in school activities consistently and repeatedly over time or showing a disregard for rules by consistently and repeatedly failing to comply with directives from school staff.
- G. **“Look-alike weapon”** means any object, instrument or toy that appears in the discretion of the administrator to resemble an actual weapon such that a reasonable person might perceive it to be an actual weapon.
- H. **“Mitigating factor”** means facts surrounding an incident of prohibited conduct which guides an administrator to decrease 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.
- I. **“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 IV](#) of this Policy as well as in the Administrator Student Discipline Handbook.
- J. **“Restorative Justice Practices”** means student interventions that focus on the rehabilitation of students engaged in prohibited conduct through possible reconciliation with victims and the community at large.
- K. **“Risk assessment”** means a formal evaluation administered by the District’s supervisor of Mental Health Services or other qualified individuals to determine the level of risk a student poses to themselves and/or others following a safe school violation.
- L. **“Safe School Violation”** means prohibited conduct described in [Sections IV C.](#) and [IV D.](#) of this Policy as well as any other prohibited conduct that results in harm or threatened harm to another student or employee.
- M. **“Safety Plan”** means a plan put in place for students involved in bullying, hazing, harassment (discriminatory or sexual) and/or self-harm intended to help students feel safe at school.
- N. **“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 refraining from the specific prohibited conduct in which the student engaged.
- O. **“School threat”** means threatening, either explicitly or implicitly, to commit harm to multiple students, faculty or staff associated with a school within Weber School District or threatening, explicitly or implicitly, to bring to school a weapon capable of inflicting serious bodily injury to multiple students, faculty or other staff. Student intent is irrelevant.
- P. **“Suspension”** means removal from the classroom for more than half of a school day. In-school suspensions are considered suspensions. Suspensions can be short term (10 days or less) or long term (more than 10 days). Removal to an alternative school is considered a long-term suspension from the student’s resident school.
- Q. **“Threat Management Team”** is a team composed of District officials, law enforcement and representatives from juvenile court that meet monthly to review the status of students who have engaged in safe schools violations. Members of the Threat Management Team (“Team”) have been designated as “school officials” under the [Family Education Rights to Privacy Act \(FERPA\), 33 C.F.R. 99.31](#), and appropriate notice has been provided to parents of this designation. Agencies with representatives on the Team that are not District employees have entered into a Memorandum of Understanding governing the confidentiality of student information from these meetings.

- R. **“Weapons”** means a firearm\* or an object that in the manner of its 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. Grounds for Suspension and Expulsion

- A. The following are general bases for suspensions, pursuant to [Utah Code Ann. § 53G-8-205](#). In determining appropriate discipline, including length of suspensions or alternatives to suspension, administrators will rely on the Administrator Student Discipline Handbook and will consider both aggravating and mitigating circumstances.
- B. A student may be suspended from school for the following prohibited conduct:
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 of school property.
  3. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety or morals of other students or school personnel or the school’s operation including but not limited to fighting, inappropriate exposure of body parts and taking or sharing obscene, pornographic, lewd, illegal or otherwise inappropriate images.
  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. Violations of any of the following policies:
    - a. Dress Code [Policy 5220](#)
    - b. Bullying [Policy 5201](#)
    - c. Discrimination [Policy 4210](#)
    - d. Sexual Harassment [Policy 4121](#)
    - e. Tobacco/Alcohol Use [Policy 5205](#)
    - f. Gang [Policy 5230](#)
- C. A student shall be suspended from school for the following prohibited conduct, which are considered safe school violations:
1. 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 use of force (or threatened use of force) which, if committed by an adult, would be a felony or class A misdemeanor.
- D. A student shall be expelled from school for the following prohibited conduct, which are considered safe school violations, however the expulsion may be modified to a suspension (short or long term), or may result in removal to an alternative school setting following a hearing described in [Section V. B.](#) of this Policy:

1. Possession, control or use (actual or threatened) of a real weapon, explosive or noxious or flammable material.
  2. Actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities.
  3. A school threat.
- E. School administrators may suspend a student for fewer than ten (10) school days, but may only recommend long-term suspension (ten days or more).
- F. A student who has been recommended for long-term suspension is entitled to a hearing before WSD Student Services as outlined in [Section V. B.](#)
- G. Recommendations for long-term suspensions shall be made for the following prohibited conduct:
1. Distribution of drugs or intent to distribute.
  2. Third offense of possession of drugs, alcohol, tobacco or e-cigarettes.
  3. Fighting, depending on aggravating factors, such as but not limited to resulting injury, premeditation or repeat offender.
  4. School threats.
  5. Discriminatory Harassment as defined in [Policy 4120](#) (\*Administrators shall consult with the District Equity, Justice, and Inclusion director when a student engages in discriminatory harassment even if the violation results in school-based disciplinary action.)
  6. Sexual Harassment as defined in [Policy 4120](#) and [Policy 4121](#).
  7. Possession or threatened use of weapons or look-alike weapon.
  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).
  10. Habitual disruptive behavior.
- H. 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.
  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.
  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.
  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.
  5. The conduct involves theft or vandalism of school property.

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.
7. The conduct involves hazing as an initiation into a school club or team. Hazing is defined in [Policy 5201](#).

## V. Due Process

- A. Short-term suspensions (less than 10 school days)
  1. Suspensions for less than ten (10) school days require notice and an opportunity to be heard prior to removal. This may be as simple as a 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.
- B. Long-term suspensions (10+ days) or expulsion.
  1. Students recommended for long-term suspensions and expulsions are entitled to a more formal due process including notice and an opportunity for a district hearing.
    - a. The notice must be written and sent to parents within 24 hours of removal from school and must include:
      - i. A summary of the allegations.
      - ii. Rule or policy that was violated that led to the recommendation for long-term suspension (tied to policy).
      - iii. Procedural rights.
      - iv. Status, pending request for hearing.
    - b. If requested, a hearing shall be held at the District Office. The following procedures will apply:
      - i. District Student Services will send notice including time, date and place of the district hearing.
      - ii. The district hearing will be presided over by at least two impartial hearing officers. This may be a Student Services coordinator, director or any other impartial school district official.
      - iii. The hearing will be recorded.
      - iv. The student's parents/guardians are strongly encouraged but not required to attend. 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.
      - v. A school administrator will 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.
      - vi. Students will have the opportunity to present evidence and to respond to the allegations.

- vii. 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.
  - viii. The hearing officers' decision may include readmission to school, the implementation of a district contract, placement at an alternative school, enrollment in Weber Online or long-term suspension. Hearing officers may also recommend restorative justice practices in lieu of or in conjunction with removal from school. (See Administrator School Discipline Handbook for restorative justice practices ideas.)
- c. Appeal
- i. 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.
  - ii. An appeal hearing will be held before the director and one other hearing officer.
  - iii. 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. 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.

## VI. 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 up the student.
  - 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 given or sent 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.
  - 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 IV. F.](#) of this Policy, the notice described in [Section V. B. 1. a.](#) will be used and administrators will refer the matter to Student Services.
- E. A risk assessment may be required if the student has engaged in a safe school violation.
  - 1. Risk assessment results may be used at a hearing to inform the impartial hearing officer of the appropriate placement for the student.
  - 2. A student who has completed a risk assessment may be referred to the District's Threat Management Team.
  - 3. A risk assessment may not be administered without parental consent.
  - 4. 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 is high risk and place the student appropriately or the District may refer the Student to juvenile court for a court-ordered risk assessment.
- F. Safety 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.
    - a. The safety plan shall, at a minimum, include an adult point of contact for any student who was harmed or threatened harm.
    - b. The safety 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 the bullying or harassment.
    - c. The safety 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 safety plan is considered a supportive measure under Sexual Harassment [Policy 4121](#).
  - 3. A safety plan should be developed by the administrator with support of the school counselor and Student Services, if necessary.

## VII. Investigations

- A. Administrators will follow the investigative procedures outlines 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](#).
- B. Administrators shall document all investigations of prohibited conduct in MyStudent, and will tag the incident appropriately.
- C. Investigations of formal complaints of bullying and all allegations of discriminatory harassment must be documented using the [Bullying Investigation Forms](#).
- D. Prohibited conduct that is also criminal.
  - 1. Investigations of criminal conduct that occurred ON campus should be coordinated with the School Resource Officer (SRO). Whenever possible, administrators should conduct student interviews jointly with law enforcement so as not to duplicate an investigation.

2. Searches and interrogations where an SRO is present, but initiated by and led by an administrator, will comply with administrator and school standards in accordance with the District's Search and Seizure [Policy 5300](#).
3. Investigations of criminal conduct that occurred OFF campus should be coordinated with local law enforcement.
4. Where a criminal investigation is being conducted by law enforcement and administrators have been directed by law enforcement to suspend further investigation, the school administrator will work with district administrators to determine the appropriate placement of the student pending the criminal investigation.
5. The District will work with local law enforcement to facilitate a speedy investigation to allow the school to proceed with its investigation as soon as practically possible.
6. If law enforcement has interviewed students in connection with prohibited conduct that is the subject of this Policy, administrators will request copies of those interviews as part of the school investigation.
7. District Law Enforcement Relations Protocol will be followed when law enforcement is involved with WSD schools.

## VIII. 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](#).

## IX. Restraint

- A. School personnel may use reasonable physical restraint, if necessary, to:
  1. Obtain possession of a weapon or other dangerous object in the possession or under the control of a student.
  2. Protect a student or another individual from physical injury.
  3. Remove from a situation a student who is violent.
  4. Protect property from being damaged, when physical safety is at risk.
- B. Any use of physical restraint or seclusion must comply with [Policy 5400](#) and will be documented.

Approved by the Board 7/29/2020

## 5201 BULLYING POLICY

---

### 1. PURPOSE AND PHILOSOPHY

Weber School District is committed to creating a safe and secure environment for students, employees, parents, and community members. Bullying, cyber-bullying, hazing, and retaliation significantly impact a student's ability to achieve academically and reduces an employee's ability to perform his/her job responsibilities. In addition, bullying, cyber-bullying, hazing and retaliation can have a direct effect on a student's or an employee's health, and well-being and may contribute to excessive absences, physical illness, mental and emotional anguish, and long-term social and psychological consequences. Weber School District encourages all members of the school community—students, employees, and parents—to work together to address problems of bullying, cyber-bullying, hazing and retaliation by adhering to the following policy and procedures for reporting and training.

### 2. POLICY

Weber School District prohibits students and employees from bullying other students and/or employees on school property, at school-related events, on school busses or bus stops, or while traveling to or from school, school events, or bus stops, and encourages all targets of bullying and all persons with knowledge of bullying to report the incident(s) immediately.

Weber School District prohibits students and employees from cyber-bullying and hazing another student or employee at any time or in any location where the cyber-bullying or hazing creates a substantial and material disruption at school, or it is reasonably foreseeable that the cyber-bullying or hazing will create a substantial and material disruption at school.

Weber School District prohibits students and employees from retaliating against another student or employee who reports, investigates, or participates as a witness to a bullying, hazing, or cyber-bullying incident. All targets of retaliation are encouraged to report the incident(s) immediately.

Weber School District prohibits false allegations of bullying, cyber-bullying, hazing or retaliation.

For purposes of this policy, the terms "bullying", "cyber-bullying" and "hazing" will be collectively referred to as "Bullying", unless the separate terms "cyber-bullying" or "hazing" are used, in which case, the specific terms and definitions for "cyber-bullying" or "hazing" will apply.

### 3. DEFINITIONS\*

**\*All defined terms are bolded throughout this policy.**

- 3.1 **"Abusive conduct"** means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidating, humiliation or unwarranted distress.
- 3.2 **"Bullying"** means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

- (a) causing physical or emotional harm to the school employee or student;
- (b) causing damage to the school employee's or student's property;
- (c) placing the school employee or student in reasonable fear of:
  - (i) harm to the physical or emotional well-being of the employee/student; or
  - (ii) damage to the employee's or student's property;
- (d) creating a hostile, threatening, humiliating, or abusive educational environment due to:
  - (i) the pervasiveness, persistence, or severity of the actions; or
  - (ii) a power differential between the bully and the target; or
- (e) substantially interfering with a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

3.2.1 Bullying includes statements, verbal or written, suggesting to a student that the student should commit suicide. (For example, but not limited to: "You should kill yourself," "No one wants you alive", etc.)

3.2.2 **Bullying** includes verbal, physical, and sexual harassment if the harassment meets the definitions for **Bullying** above.

3.2.3 "Bullying" does not include:

- (a) a single incident, unless the incident is objectively severe; or
- (b) mutual or reciprocating behaviors between students that might otherwise constitute bullying if one student was clearly the aggressor.

3.3. "**Civil Rights Violation**" means bullying, cyber-bullying, or hazing that is targeted at a student or employee for that student's or employee's identification in a group protected from discrimination under the following federal laws:

- (a) Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
- (b) Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
- (c) Section 504 of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability.

3.4. "**Cyber-bullying**" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily access the electronic communication.

3.4.1 Cyber-bullying includes:

- (a) the dissemination of nude, semi-nude or sexually explicit images of a student without the student's consent;
- (b) the solicitation of nude, semi-nude or sexually explicit images of a student when the solicitation is accompanied by threats or blackmail;
- (c) This type of cyber-bullying may implicate Title IX's prohibition of sexual harassment if the conduct is sufficiently pervasive, persistent, or severe. Administrators must mark the OCR indicator in "MyStudent" and coordinate with the district's Title IX Coordinators when investigating cyber-bullying described in 3.4.1(a) and 3.4.1(b) above.

3.4.2 Cyber-bullying may also include statements described in 3.2.1. if the statements are made electronically.

3.5. "**Hazing**" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

- (a) endangers the mental or physical health or safety of a school employee or student;
- (b) involves any brutality of a physical nature, including, but not limited to, whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- (c) 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; or
- (d) 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; and
- (e) 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 a school employee or student whom the individual who commits 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 individual who commits the act also participates.

3.5.1 The conduct described herein constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

3.6 "**Restorative justice practice**" means a discipline practice designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school, including in this context,

- 3.7 **“Retaliate”** means an act or communication intended as a retribution against a person for reporting Bullying; or to improperly influence the investigation of, or response to, a report of Bullying.
- 3.8 **“School employee”** means an individual working in the individual's official capacity as:
- (a) a school teacher;
  - (b) a school staff member;
  - (c) a school administrator; or
  - (d) an individual who is employed, directly or indirectly, by a school, school board, or school district and who works on a school campus.
- 3.9 **“Complainant”** means a person who complains of Bullying or retaliation. The complainant is usually, but does not have to be, the target of the Bullying or retaliation. Whenever the complainant is not the target of the Bullying or retaliation, the person who is allegedly bullied will be referred as the “target” to distinguish from “complainant”. Where only the term “complainant” is used, it can be assumed that the complainant is also the target of the Bullying.
- 3.10 **“Volunteer”** means a person working under the direct supervision of a licensed educator.

#### 4. CIVIL RIGHTS

- 4.1 In the event that the Bullying incident is also a **civil rights violation**, it will be investigated by the building administrator in consultation with the appropriate district administrator(s) to determine if the student who is the **complainant** is also a target of discriminatory harassment. The appropriate district administrator may be the Title IX Coordinators (who are the Secondary and Elementary Education Supervisors), the 504 Coordinator (who is the Student Services Director), the Special Education Director, or the Equity Official.
- 4.2 If an investigation reveals that Bullying (including sexual harassment) is based on membership in a protected class, the school administrator will take prompt and effective steps reasonably calculated to end the Bullying or harassment, eliminate any hostile environment and its effects, and work to prevent the Bullying or harassment from recurring.
- 4.2.1 Prompt and effective steps may include suspension, culturally responsive training (for staff and/or students), and/or **restorative justice practices** when appropriate and with parental consent.
  - 4.2.2 Administrators will check the OCR indicator in MyStudent if a **civil rights violation** is implicated.
- 4.3 Administrators will take these steps outlined in 4.2 regardless of whether a student has complained about discrimination, asked the school to take action, or identified the Bullying as a form of discrimination.
- 4.4 Students, **employees**, and **volunteers** will receiving training on recognizing **civil rights violations**.

#### 5. REPORTS AND INVESTIGATIONS

5.1 Reporting

- 5.1.1 Every school shall designate an administrator responsible for overseeing the investigation of **Bullying** and **retaliation**. This person shall be known as the Bullying Investigator. In Elementary School, the administrator shall be the Bullying Investigator.
- 5.1.2 A student who feels he/she has been a target of **Bullying** or **retaliation** is encouraged to inform his/her teacher or any of his/her school administrators.
- 5.1.3 An employee who feels he/she has been a target of **Bullying, retaliation, or abusive conduct** is encouraged to inform his/her supervisor.
- 5.1.4 An employee who feels he/she has been the target of **abusive conduct** will follow the grievance procedures set forth in the respective negotiated agreements for classified and certified **employees**.
- 5.1.5 A school teacher, parent, or other individual who is aware of Bullying at school should inform school administrators.
- 5.1.6 A report of Bullying must include the name of the person accused of Bullying, a description of the Bullying incident or incidents, and an approximate date, time, and location of the Bullying.
- 5.1.7 A school teacher or administrator to whom a complaint is made will, as soon as is reasonably possible after receiving the complaint, report it to the Bullying Investigator. If the complaint involves a **civil rights violation**, the appropriate district administrator will also be notified.
- 5.1.8 An anonymous report of Bullying may be filed, but may limit the investigation the district can conduct and will not result in formal disciplinary action against anyone.
- 5.1.9 Allegations of past Bullying will be investigated to the extent that information and witnesses are still available to investigate.
- 5.1.10 All acts of Bullying that constitute criminal activity will be promptly reported to law enforcement. This includes cyber-bullying involving the dissemination or solicitation accompanied by threat or blackmail of nude, semi-nude or sexually explicit images of a student.

5.2. Investigation

- 5.2.1. Bullying Investigators will receive annual training on conducting investigations of Bullying.
- 5.2.2 The Bullying Investigator or his/her designee shall promptly investigate the complaint by interviewing at least the complainant and the individual who is alleged to have engaged in the Bullying. The person alleged to have engaged in Bullying shall be informed of the allegation and given an opportunity to respond. Where students are old enough and mentally able, written statements should be taken.

- 5.2.3 The Bullying Investigator or his/her designee may also interview parents of either the **complainant** or the individual alleged to have engaged in the bullying; any witnesses; school staff; and other individuals who may provide additional information. Written statements from students or school staff should be taken.
- 5.2.4 Interviewees shall be informed that to the extent allowed by law, the interviewee's identity will be kept confidential.
- 5.2.5 The investigation may include a review of disciplinary reports of involved students and, subject to compliance with the Fourth Amendment, a review of physical evidence, including video, notes, email, text message, social media, or graffiti.
- 5.2.6 The Bullying Investigator or his/her designee may implement interim measures during the investigation if the Bullying Investigator believes the **complainant** is in danger of continued bullying during the course of the investigation.
- 5.2.7 If the Bullying Investigator and/or his designee determine that **Bullying** has occurred, appropriate disciplinary action will be taken against the person engaged in Bullying. As with **Bullying** that is also a **civil rights violation**, administrators shall take prompt action to end the **Bullying** and address its effect. This may include, but is not limited to:
- (a) Separating the **Complainant** from the person engaged in **Bullying**
  - (b) Provide training individually to the student(s) engaged in **Bullying**, or to an entire class or an entire school on the effects of **Bullying**
  - (c) Provide counseling, a safety plan, or other wrap-around supports for the target of the **Bullying**
  - (d) Provide training for staff on recognizing and addressing **Bullying** throughout the school
  - (e) **Restorative justice practices**, where appropriate and with the consent of the **Complainant's** parent
- 5.2.8 A written report will be prepared in response to all written complaints of **Bullying** and all reports of **Bullying** that implicate a **civil rights violation**. Bullying complaints that are not submitted in writing or do not implicate a **civil rights violation** will still be investigated but a written report will not be prepared. Persons who make complaints shall be informed of this provision.
- 5.2.8.1 A copy of the report will be provided to the **complainant**, the person engaged in **Bullying**, and a copy should be kept at the school. If the **Bullying** also implicates a **civil rights violation**, a copy will be sent to the appropriate district administrator, as well.
  - 5.2.8.2 The report shall include the following provisions:
    - The date of the report of **Bullying**



- Name of the **complainant** or target of **Bullying**
- Name of the person alleged to have engaged in **Bullying**

- The date(s) of the **Bullying** incident(s)
- A description of the **Bullying** incident, as provided by the **complainant**
- Subject to 5.2.8.3 below, a summary of the investigation, including summaries of witness interviews, and a list of documents or other evidence reviewed (e.g., security camera footage, disciplinary tags) with a description of what is contained therein
- Findings and conclusions with regard to whether **Bullying** occurred
- If the report concludes that **Bullying** did occur:
  - A safety plan that serves to protect the student from future **Bullying** or retaliation
  - Recommendations for prompt and effective steps to end the **Bullying**

5.2.8.3 The report shall not include names or other identifiable information of student witnesses.

5.2.8.4 The report shall not include information about disciplinary action taken against the student who was found to have engaged in **Bullying**, except information that the student found to have engaged in **Bullying** is prohibited from contacting or being near the **complainant**.

5.2.9 In certain circumstances deemed appropriate by district administrators, an outside investigation may be conducted following the investigation by the Bullying Investigator at the school.

## 6. DISCIPLINE

### 6.1. Student Discipline

6.1.1 A student who is found to have engaged in **Bullying** as described herein is in violation of this policy and of Weber School District Policy 5200, and is subject to discipline in accordance with Policy 5200.

6.1.2 In accordance with Policy 5200, **restorative justice practices** may be utilized as a method of appropriate discipline.

6.1.2.1 A **complainant** is not required to participate in a **restorative justice practice** with the individual alleged to have engaged in the **Bullying**.

6.1.2.2 If the district/administrator would like the **complainant** to participate in **restorative justice practice**, the administrator must obtain signed parental consent.

6.1.3 Formal disciplinary action may not be based solely on an anonymous report of **Bullying**; rather an investigation must always take place before formal disciplinary action is imposed.

- 6.1.4 Disciplinary action taken against a student alleged to have engaged in **Bullying** is considered part of that student's education record and is confidential under the Family

Education Rights to Privacy Act (FERPA), unless, discipline includes separating the student alleged to have engaged in Bullying from the **complainant**, in which case the **complainant** may be informed of this specific disciplinary provision.

- 6.1.5 Disciplinary due process procedures, as set forth in Policy 5200, will be implemented prior to imposing discipline.

## 6.2 Employee Discipline

- 6.2.1 Any **employee** who is found to have engaged in Bullying is in violation of this policy and shall be subject to disciplinary action, up to and including termination, in accordance with Weber School District Policy 7900.

- 6.2.2 Professionally licensed **employees** may be referred to the Utah Professional Practices Advisory Commission (UPPAC), along with any and all evidence, for investigation and possible disciplinary action against professional licensing.

- 6.2.3 Illegal acts will also result in referral to law enforcement authorities.

- 6.2.4 Disciplinary due process procedures will be followed prior to imposing discipline.

## 7. TRAINING

- 7.1 Weber School District will provide **Bullying** training to students, **employees**, coaches, and **volunteers** from individuals qualified to provide such training and who are assigned supervisory responsibilities over the groups mentioned above.

- 7.1.1 Bullying Investigators will receive annual training on conducting investigations of **Bullying**.

- 7.1.2 New school **employees**, coaches, and **volunteers** will be trained prior to working.

- 7.1.3 All school **employees**, coaches, and **volunteers** will be trained every three years.

- 7.2 The training shall include information on various types of aggression and **Bullying**, including:

- (a) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
- (b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidating, enlisting a friend to assault a child, and social isolation;
- (c) sexual aggression or acts of a sexual nature or with sexual overtones;
- (d) **cyber-bullying**, including the use of email, web pages, text messages, instant messages, social media, three-way calling or messaging or any other electronic means for

aggression inside or outside of school;

- (e) how **Bullying** may be a **civil rights violation**.

- 7.3 The training will include information about when violations of this policy may lead to student or employee discipline.

**8. PARENT NOTIFICATION**

- 8.1 Administrators shall notify parents of a student's threat to commit suicide and an incident of Bullying (including bullying, cyber-bullying, hazing, and/or retaliation) involving the parent's student as the complainant or the individual alleged to have engaged in Bullying.

- 8.2 Notification will be made via email, telephone call, or certified mail in a timely manner, but no later than the end of the school day during which the report of Bullying was made.

- 8.3 Notification will be documented in MyStudent, Weber School District's student information system.

**9. POLICY DISSEMINATION**

- 9.1 This policy may be posted on the Weber School District's web site and published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by the District.

- 9.2 Each school employee, student 8 years or older, and parents must acknowledge through signature receipt of this policy.



## **5205 TOBACCO/NICOTINE POLICY**

---

### **References:**

UCA § 76-10-102 Advertising Restrictions  
UCA § 76-10-101, 102, 104, 104.1, 105 Tobacco laws concerning minors  
UCA § 26-38-1-9 Clean Air Act  
WSD Student Discipline Policy (Including Safe School Policy) 5200  
WSD Alcohol and Drug Abuse Policy 5210  
Utah Administrative Rule R277-624

---

### **I. PHILOSOPHY AND PURPOSE**

Weber School District strives to ensure a safe learning environment for its students and employees. Weber School District shall be tobacco-free in order to promote the academic, emotional, social, and physical well-being of all students. Cigarettes and electronic cigarettes on campus deter from the safe learning environment. The purpose of this policy is to establish prohibitions against tobacco and electronic cigarettes, and to clarify terminology and possible sanctions for failure to comply.

### **II. POLICY**

This policy prohibits buying, attempting to buy or possessing electronic cigarettes and/or tobacco, tobacco/nicotine products, or paraphernalia in any form by students on school grounds, property and/or at school activities, whether or not school is in session. This policy also applies to students off-campus if the violation is occurring during school hours. This policy prohibits use of the same by employees and visitors

### **III. DEFINITIONS**

- A. Confiscate: to take or seize
- B. Distribute: sharing or giving an e-cigarette or tobacco/nicotine product to another student in exchange for money, goods, or services; or sharing an e-cigarette or tobacco/nicotine product with three (3) or more students within 24 hours, even if no money, goods, or services are exchanged.
- C. Electronic Cigarette or E-cigarette: any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the vapor through the device; and includes an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette, vapor sticks, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.
- D. Intent to distribute: any documented indication, including written or verbal communication that a person possessing e-cigarettes or tobacco/nicotine products intends to distribute the e-cigarette or tobacco product.

- E. Paraphernalia: anything used in conjunction with an e-cigarette or tobacco product, including, but not limited to pouches, packaging, cylinders, cartridges, rolling papers, pipes, e-cigarettes, hookah, and/or any items used for the intention of delivering or disguising the product or device.
- F. Possession: having, owning, or controlling
- G. Tobacco/nicotine product: any product containing tobacco and/or nicotine, including cigarettes, cigars, blunts, bidis, clove cigarettes, pipes, spit tobacco, snuff, snus, e-cigarettes, vapor sticks, and/or any other items containing or reasonably resembling tobacco or tobacco/nicotine products.

#### IV. PROCEDURES

##### A. Confiscation

1. An administrator who finds an e-cigarette or tobacco/nicotine product on a student or in the student's possession shall confiscate the e-cigarette or tobacco product.
2. The administrator shall return the e-cigarette to the parent of the student who brought the e-cigarette to school. Or, if the parent doesn't collect the e-cigarette within two (2) weeks, the administrator shall take the e-cigarette to Student Services at the District Office, where the e-cigarette will be kept in a secure location until disposed of in accordance with generally accepted standards of e-cigarette disposal in Utah.
3. The administrator shall keep the e-cigarette in a secure location in the administrator's office while waiting for the parent to collect it.
4. Documentation will be maintained by anyone confiscating, storing, and/or disposing of electronic cigarettes that includes the date the e-cigarette was confiscated, the disposal method (eg, returned to parents, take to Student Services, disposed of by Student Services, etc.), and disposal date.

##### B. Referral to law enforcement

1. If a student is found in possession of a controlled substance, other than nicotine, in an e-cigarette device, the student will be referred to law enforcement, in addition to administrative discipline at the school level.
2. Distribution or intent to distribute an e-cigarette containing a controlled substance will be treated by the District as distribution or intent to distribute a controlled substance, and disciplinary action will follow, in accordance with Policy 5200 and the Administrator Student Discipline Handbook.

##### C. Student violations

1. Student violations of this policy will result in disciplinary interventions in accordance with Policy 5200 and the Administrator Student Discipline Handbook, including, but not limited to one or more of the following:
  - a) Notification of parent(s) or guardian(s) by the school administrator
  - b) Suspension
  - c) Referral to substance abuse screening and/or treatment
  - d) Requirement to take cessation classes
  - e) Referral to law enforcement, if the e-cigarette contains a controlled substance, other than nicotine.

D. Visitor Violations

1. Visitors under 21 may receive a citation according to state law.
2. Any visitor found using e-cigarettes or tobacco/nicotine products will be informed of this policy and asked by a school official to refrain from using the tobacco/nicotine product or e-cigarette while on school property.
3. Any visitor who does not comply will be asked to leave. If a visitor refuses to leave, law enforcement may be called.

V. **GENERAL GUIDELINES**

A. Advertising Prohibited

1. Advertising tobacco/nicotine products and e-cigarettes is prohibited on school property, at school functions, and in school publications. This includes student clothing that advertises tobacco or tobacco/nicotine products, e-cigarettes, or paraphernalia.
2. Sponsors of school events may not promote tobacco use.

B. Sale, Delivery, Transfer, or Distribution Prohibited

Neither tobacco, tobacco/nicotine products, nor paraphernalia in any form may be sold, delivered, transferred or distributed to anyone under the age of 21 on or in Weber School District property or at any school function off school property.

C. Notice and Programs

1. The Tobacco Policy will be made available to all students, parents, and employees.
2. Reminders that Weber School District is a tobacco-free zone will be given to the community at large.
3. Students will participate in tobacco prevention programs and activities.
4. Families and community agencies will be invited to participate in tobacco prevention programs and activities.

Cessation information will be available to all students, employees, and community members.

Approved by the Board 12/4/2020

## **5210 ALCOHOL AND DRUG ABUSE POLICY**

---

### **References:**

Utah Code 53A-11-401 through 404

Utah Code 58-37-2, 58-37b-2 and 58-37a-3

---

### **1. Self Referral**

- 1.1 The district will pay for an assessment and recommendations at Weber Human Services. The parent/guardian may obtain an assessment and recommendations at another substance abuse treatment center at their own expense.
- 1.2 Parent/guardian and the student will sign a release of information form so that appropriate school officials may receive a copy of the assessment recommendations.
- 1.3 If appropriate, based on the recommendations, the parent and student will sign a drug and alcohol non-use contract.
- 1.4 If the parent and student agree to follow the assessment recommendations and District requirements, the student may continue in his/her current placement.

### **2. Reporting Suspicion of Student Drug and Alcohol Use to Parents/Guardian**

Utah State Law (53A-11-401 through 404) requires the District to disclose suspected student drug and alcohol use to parents.

- 2.1 Teachers and other school personnel shall report their good faith suspicion to the administration. The reporting educators are immune from any liability, civil or criminal (Utah Code 53A-11-404), and their names must be kept confidential.
- 2.2 The administrator will obtain complete "Behavioral Assessment Forms" from the student's teachers. (See attached forms)
- 2.3 Parents or guardians will be notified of suspicion as soon as possible and a request for a parent conference will be made.
- 2.4 If teacher feedback on the "Behavioral Assessment Form" indicates a cluster of drug and alcohol use indicators, administrators are encouraged to highly recommend an assessment to the parent.
- 2.5 Administrators will complete and then have parent(s) sign the "Parental Notification of Suspected Substance Abuse" form (See attached forms) stating that the parents have reviewed the indicators with school officials. Students and parents who opt for an assessment will be considered self-referrals.
- 2.6 The District will not be responsible for any financial action resulting from disclosure, assessment, treatment, or counseling. All payments for services or materials provided by anyone outside the Weber School District will be the responsibility of the parent or guardian.

### **3. Drug and Alcohol Policy Violations**

- 3.1 Illegal use, possession, distribution, sale, or being under the influence of controlled substances or intoxicants, including alcohol, on school property or while engaged in or attending a school activity. See Sections 58-37-2, 58-37b-2 and 58-37a-3 of the Utah Code for definitions controlled substances and illegal paraphernalia.
- 3.2 Being present where prohibited substances are being openly used or possessed on school grounds or at school activities.



- 3.3 Use of any substance including inhalants and over the counter medications which are used for unintended purposes or in excess of recommended amounts.
- 3.4 Use, possession, distribution or sale of an "imitation controlled substance" which by its appearance or by representations made, would lead a reasonable person to believe that the substance is prohibited.
- 3.5 Use, possession, distribution or sale of drug paraphernalia on school property or while attending a school activity.
- 3.6 Selling or distributing prohibited substances off campus so that it causes a serious direct and immediate effect on school functions or activities.

#### **4. Possession and Use Violations Procedures (Drugs and Alcohol)**

- 4.1 Refer to law enforcement.
- 4.2 The student is suspended by the school administrator for an appropriate time according to the Discipline Policy. Consult Special Education regarding special education students.
- 4.3 Submit a Safe & Drug-free Schools incident report.
- 4.4 Parent/guardian and student conference with administrator.
  - 4.4 A. The student is referred to Weber Human Services for an assessment. (Parent/guardian may choose assessment and recommendations at another substance abuse treatment center at their own expense).
  - 4.4 B. The parent/guardian and student will sign a release of information form so the school officials will receive a copy of the assessment recommendations.
  - 4.4 C. Parent/guardian and student will sign a drug and alcohol non-use contract.
  - 4.4 D. If the parent/guardian and student will participate in the assessment and follow the recommendations of the professionals based on an assessment, the student may be reinstated in school.
- 4.5 The Weber School District will pay for participation in the Early Intervention Parent/Teen Alternative Program through Weber Human Services. All other intervention or treatment will be paid for by the parent/guardian.
- 4.6 If the parent/guardian and student do not agree to follow the recommendations from the assessment, the student may be placed in an educational situation that the school principal determines to be best for both the student and the school. This educational placement will remain in force until the student is professionally assessed to be free from any drug/alcohol problems.
- 4.7 The second violation will require the student's participation in professional treatment at the family's expense. If the parent(s) refuses to involve the student in treatment, the student will be referred to Student Services with a recommendation of alternative educational placement.
- 4.8 The third violation will cause the student to be referred to Student Services with a recommendation of alternative placement, even if the student is in treatment.

#### **5. Selling or Distributing Violations**

Students selling or distributing prohibited substances on the school grounds or off campus so that it causes a serious direct and immediate effect on school functions or activities, will be suspended and referred to Student Services with a recommendation of alternative placement or expulsion.

## **5220 STUDENT DRESS AND GROOMING STANDARDS**

---

### **References:**

Tinker v. Des Moines Independent Community School District (1969)  
Weber School District Student Discipline (Safe School Policy #5200)  
State Code 53A-15-602, 1994

---

### PURPOSE & PHILOSOPHY

Weber District is committed to provide a safe, orderly, and positive environment conducive to teaching and learning. The Board recognizes that dress and grooming affect the behavior of students, and that there are sanitation and safety factors directly related to proper dress and grooming.

#### 1. DISTRICT

##### STUDENT DRESS AND GROOMING MINIMUM STANDARDS

- 1.1 Weber District emphasizes the importance of school, parent, and student collaboration in encouraging students to come to school dressed appropriately for school work. School Officials are empowered to prohibit the following at school and school activities (Tinker v. Des Moines Independent Community School District 1969):
  - 1.1 A. Inappropriately short, tight, revealing or otherwise disruptive appearance or attire
  - 1.1 B. Clothing which displays obscene, vulgar, or lewd words, messages, or pictures; or which is otherwise plainly offensive
  - 1.1 C. Clothing attachments or accessories which could be considered weapons, or considered otherwise disruptive or unsafe
  - 1.1 D. Bare or stocking feet
  - 1.1 E. Any other grooming or dress that causes actual disruption or which creates a significant safety risk.
  
- 1.2 “Safe Schools” refers to the belief that all students in the public schools have an opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption (Weber School District Student Discipline – Safe School Policy #5200). In 1994 the Utah Legislature recognized that the wearing of certain types of clothing identifies students as members of youth gangs and has contributed to disruptive behavior and violence in the public schools (State Code 53A-15-602, 1994). While recognizing that gang styles and clothing continually evolve and change, school officials are empowered to prohibit the following at school and school activities:
  - 1.2 A. Apparel or accessories with gang symbols, monikers, insignias, or other gang identifiers.

- 1.2 B. Any apparel or style of clothing that school officials, in light of the totality of the circumstances, and after consultation with law enforcement authorities, view denoting gang membership or affiliation.

## 2. SCHOOL

### STUDENT DRESS AND GROOMING STANDARDS

Weber District Dress and Grooming Standards Policy shall apply to all schools. This policy is established as a minimum standard with the expectation that school administrators will continue to review and update current school level policies based on collaboration with students, staff, and community. As new school level policies are established, the principal is responsible to review school dress standards policy with the appropriate district director to ensure compliance with federal, state, and local law as well as legal precedence and board policy.

Weber District believes that decisions are best made by those affected by the decision. Involvement of stakeholders (i.e. PTSA, community council, staff, students) in the management of schools can result in expanded thinking, increased ownership, satisfaction, and improved instructional programs.

Students not in compliance with dress standard policy shall be guaranteed due process and shall be dealt with in a manner consistent with procedure outlined in the school and district student discipline and safe school policies.

Approved by the Board 05/1999

## **5221 UNIFORM DRESS**

---

### **References:**

State Code 53A-15-602, 1994

---

Local school boards and public schools may adopt school dress codes requiring all students enrolled at a public school to wear a designated uniform during the school day in order to help avoid disruption of the classroom atmosphere and decorum and prevent disturbances (State Code 53A-15-602, 1994). Weber District policy does not officially encourage or discourage school uniforms. Should a school decide to pursue school uniforms, the principal and the appropriate director and supervisor shall coordinate the school level work with the district superintendency and the school board. The following steps shall be included in the process of adopting a school uniform policy:

1. A school principal shall establish a community council (adopting authority) to assist in developing a school uniform policy.
2. The school adopting authority shall involve school staff and the community during the policy development process. It is the responsibility of the adopting authority to ensure that the school uniform policy is in compliance with state code (copy of current state code attached) and all related district policies.
3. School uniforms shall be of a general nature, which consist of clothing commonly found in a student's home. Adoption of such uniforms shall not result in unreasonable financial burden on families and will not require school officials to purchase uniforms for students under the current state fee waiver policy. Should the school adopting authority choose to adopt a more restrictive dress code the adopting school shall be responsible for all costs incurred.
4. The adopting authority shall hold a public hearing to present the proposed uniform dress policy under consideration and to provide a forum for public input.
5. Prior to conducting a vote, a school shall submit their school uniform dress policy for school board review to insure it complies with all legal requirements and district related policies.
6. A majority, defined as 50% plus 1, of the qualified households casting a ballot must vote in favor of a school uniform dress code in order for a uniform policy to be implemented.
7. Although the adopting authority is responsible to establish the manner and time of the vote, a final vote shall be completed at least four months prior to the date of the proposed school uniform policy implementation. All parents/guardians who will have children in the school the year the school uniform policy may be implemented are eligible to vote. Each household qualified to vote will have one vote.

8. A school that adopts a uniform policy is responsible for communicating to parents/guardians the specific requirements of the school uniform policy. When a school uniform policy is optional, students choosing not to participate shall adhere to established school dress standards.

Approved by the Board 05/1999

## **5230 GANG POLICY**

---

### **1) PURPOSE AND PHILOSOPHY**

Weber School District is committed to creating a safe and secure environment for students, employees, parents, and community members. Gang-related activity, as defined in this Policy, is detrimental to the safe learning environment of our schools and WSD is committed to addressing gang-related activity through prevention, intervention, and if necessary, discipline in an effort to keep our schools safe.

### **2) POLICY**

WSD prohibits gang-related activity in any form at school, school-sponsored events, or to or from school-sponsored events. Students engaging in gang-related activities will be disciplined in accordance with Policy 5200. In addition to imposing disciplinary action for gang-related activities, WSD will seek to prevent and intervene in gang-related activity by implementing specific gang prevention and intervention programs designed to assist at-risk students or students involved in gangs.

### **3) DEFINITION**

- a) "**At-risk student**" means any student who because of the student's individual needs requires some kind of uniquely designed intervention in order to achieve literacy, graduate and be prepared for transition from school to post-school options
- b) "**Gang**" means a group of three or more people who form an allegiance and engage in criminal activity, which uses violence or intimidation to further its criminal objectives. A gang may have a name, turf, colors, symbols, distinct dress, or any combination of the preceding characteristics.
- c) "**Gang-related activities**" means:
  - i) a gang engaging in criminal acts, including but not limited to vandalism (including graffiti), damage to school property, assault, threats, trespass, disorderly conduct, theft, possession of a weapon, alcohol, tobacco, controlled substance, drug paraphernalia, or other contraband.
  - ii) Engaging in any of the following activities which suggest gang affiliation:
    - (1) wearing, possession, 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; or
    - (5) encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

- d) "**Gang prevention**" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families. Gang prevention activities shall promote cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.
- e) "**Gang intervention**" means specially designed services required by an individual student experiencing difficulty in cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationships, within or outside of the school, which may impact the individual's susceptibility to gang membership or gang-like activities.

#### 4) **PROHIBITIONS AND DISCIPLINE**

- a) WSD prohibits the following gang-related behavior:
  - i) engaging in **gang-related activities**;
  - ii) advocating or promoting a gang or any **gang-related activities**;
  - iii) marking school property, books, or school work with gang names, slogans, or signs;
  - iv) conducting gang initiations;
  - v) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or **gang-related activity**;
  - vi) aiding or abetting an activity described in 4)a)i) through 4)a)iv) above by a person's presence or support;
  - vii) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one's clothing, person, or personal property that is disruptive to the school environment; and,
  - viii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.
- b) Students engaged in any of the conduct described in 4)a) will be subject to discipline in accordance with the procedures outlined in Policy 5200.

#### 5) **PROCEDURES**

- a) School faculty and personnel shall report suspected **gang-related activities** associated with the school and its student to a school administrator and law enforcement.
- b) A student who participates in **gang-related activities** may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement.
- c) Gang-related graffiti or damage to school property shall result in parent notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage.
- d) If a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents of students in the school:
  - i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;
  - ii) emphasizing the school's concern for safety; and,

iii) outlining the action taken at the school regarding the incident.

**6) INTERVENTION AND PREVENTION PROGRAMS**

- a) School faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for **at-risk students** and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior.
- b) School faculty and personnel shall implement gang prevention and intervention programs specifically designed to help **at-risk students** stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

**Approved by the Board 05/06/2020**





## **5300 SCHOOL SEARCH AND SEIZURE**

---

### PURPOSE

To maintain order and discipline in the schools and to protect the safety and welfare of students and personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize illegal, unauthorized, or contraband materials discovered in the search.

### APPLICATION OF POLICY

Students are entitled to the guarantees of the Fourth Amendment, and they are subject to reasonable searches and seizures. School officials are empowered to conduct reasonable searches of students and student property when there is reasonable suspicion to believe that students may be in possession of drugs, weapons, stolen items, alcohol and other materials (“contraband”) in violation of school policy or state laws. Students who bring contraband on to school grounds may be searched in order to secure the school environment so learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. School property shall remain under the control of school officials, and shall be subject to random search. The administration may randomly use dogs and metal detectors to conduct searches.

A student’s failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

### PERSONAL SEARCHES

A student’s person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. School officials may require a student to remove items from pockets and other personal effects. An administrator may ask a student to remove hats, coats, jackets, shoes and socks so those items can be inspected.

If safety requires a pat down of a student, the search will be conducted in a private room by a person of the same gender as the student being searched and witnessed by one other person. Any search more intrusive than a pat down must be conducted by a law enforcement officer.

### PROPERTY

Student lockers, desks and other such property are owned by the school. The school exercises exclusive control over school property and students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks and lockers issued to them by the school. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice and without student consent.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobile on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion. Such patrols and inspections may be conducted without notice and without student consent.

Approved by the Board 08/2000

## **5400 RESTRAINT AND SECLUSION POLICY**

---

### **1. PURPOSE AND PHILOSOPHY**

*Weber School District 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 policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students.*

### **2. DEFINITIONS**

2.1. "Discipline" includes:

- 2.1.1. *Imposed discipline; and*
- 2.1.2. *Self-discipline.*

2.2. "Disruptive student behavior" includes:

- 2.2.1. *The grounds for suspension or expulsion described in Utah Code Ann., Section 53A-11-904; and*
- 2.2.2. *The conduct described in Utah Code Ann., Subsection 53A-11-908(2)(b).*

2.3. "Emergency safety intervention" means the use of seclusion or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.

2.4. "Immediate danger" means the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm.

2.5. "Mechanical restraint" means the use of a device as a means of restricting a student's freedom of movement.

2.6. "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

2.7. "Physical restraint" means a personal restriction that immobilizes or reduces the ability of an individual to move the individual's torso, arms, legs, body, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

2.8. "School" means any public elementary or secondary school within the District.

2.9. "School employee" means:

- 2.9.1. *A school teacher;*
- 2.9.2. *A school staff member;*
- 2.9.3. *A school administrators; or*
- 2.9.4. *Any other person employed, directly or indirectly, by Weber School District.*

2.10. "Seclusion" means 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 Administrative Code R277-609, seclusion means that a student is:

2.10.1. Placed in a safe enclosed area:

2.10.1.1. by school personnel; and

2.10.1.2. in accordance with the requirements of Utah Administrative Code R392-200, which provides requirements for the design, construction, operation, sanitation, and safety of schools; and R710-4-3, which provides fire safety requirements;

2.10.2. Purposefully isolated from adults and peers; and

2.10.3. Prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.

2.11. "Timeout" means a behavior management technique that may be part of an approved treatment plan involving the separation of the student from the group, in a non-locked setting, for the purpose of calming. Timeout is not seclusion.

### **3. TRAINING**

Appropriate school personnel will receive ongoing training in:

3.1. Crisis intervention;

3.2. Emergency Safety Intervention professional development; and

3.3. Policies related to emergency safety interventions consistent with evidence based practices.

### **4. PROHIBITED PRACTICES**

Emergency Safety Interventions should not include:

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

4.2. Physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;

4.3. Prone, or face-down, physical restraint; supine, or face-up, physical restraint;

4.4. Mechanical restraint, except those protective, stabilizing or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, seatbelts, car seats, or any other safety equipment when used to secure students during transportation, including bus harnesses. Use of a bus harness should be approved by the Director of Special Education and written into a student's Behavior Intervention Plan (BIP).

4.5. Chemical restraint, except as:

4.5.1. Prescribed by a licensed physician, or other qualified health professional acting under the

*4.5.2. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;*

*4.6. Seclusion, except when a student presents an immediate danger of serious physical harm to self or others.*

*4.7. For a student with a disability, emergency safety interventions written into a student's Individualized Education Program (IEP), as a planned intervention, unless school personnel, the family, and the IEP team agree less restrictive means which meet circumstances described in Utah Admin. Code R277-608-4 have been attempted, a Functional Behavior Assessment (FBA) has been conducted, and a (BIP) based on data analysis has been written into the plan and implemented. Use of ESI as a planned intervention under this paragraph requires approval from the Director of Special Education after consultation with a District-level behavior specialist.*

## **5. PHYSICAL RESTRAINT AND SECLUSION**

*5.1. If an employee physically restrains a student or puts a student in seclusion:*

*5.1.1. The school or the employee shall notify the student's parent or guardian and school administration consistent with Section 7; and*

*5.1.2. The employee must immediately terminate physical restraint or seclusion when the student is no longer an immediate danger or if the student is in severe distress. The use of restraint should be for the minimum time necessary and never for more than 30 minutes.*

*5.1.3. The school shall use a release criteria.*

*5.1.4. The school shall ensure that any door remains unlocked.*

*5.1.5. The school shall maintain the student within line of sight of the employee.*

*5.2. The District will not use physical restraint or seclusion as a means of discipline or punishment.*

## **6. EMERGENCY SAFETY INTERVENTION COMMITTEE (Human Rights Committee)**

*6.1. The District shall establish an Emergency Safety Intervention (ESI) Committee. The District ESI Committee shall include:*

*6.1.1. At least two administrators;*

*6.1.2. At least one parent or guardian of a student enrolled in the District, appointed by the District; and*

*6.1.3. At least two certified educational professionals with behavior training and knowledge in both state rules and District discipline policies;*

*6.2. The District ESI Committee shall:*

*6.2.1. Meet often enough to monitor the use of emergency safety intervention in the District.*

*6.2.2. Determine and recommend professional development needs.*

## **7. PARENT/GUARDIAN NOTIFICATION**

*7.1. When ESI is used, the school shall notify the District and the student's parent or guardian within 24 hours. The ESI shall be documented for student file. Documentation and notice shall also be documented within student information systems (SIS) records. The school shall provide a parent or guardian with a copy of notes and documentation taken during the use of ESI upon request of the parent or guardian. A*

parent or guardian may request a time to meet with school staff and administration to discuss the incident that required use of ESI.

7.2. In addition a District shall:

7.2.1. Provide notice to parents and information about resources available to assist a parent in resolving the student's disruptive behavior;

7.2.2. Provide for notices of disruptive behavior to be issued by schools to qualifying minor(s) and parent(s) consistent with:

7.2.2.1. Numbers of disruptions and timelines in accordance with Utah Administrative Code Section 53A-11-910;

7.2.2.2. School resources available; and

7.2.2.3. Cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

## **8. ALLOWABLE USE**

8.1. Consistent with Utah Code Ann. Section 53A-11-802, nothing in this policy shall prohibit an employee from using reasonable and necessary physical restraint in self-defense or when otherwise appropriate to:

8.1.1. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;

8.1.2. protect a student or another individual from physical injury; or

8.1.3. remove from a situation a student who is violent or threatening.

8.2. Nothing in this policy prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Section 8.1.

