

ARTICLE 5

STUDENT CONDUCT

(Series 5000)

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5100 BOARD DELEGATIONN 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)

1. **Purpose**

The purpose of the policy is to foster a safe, positive environment for learning by teaching the practice of self-discipline, citizenship skills, and social skills.

2. **Prohibited Conduct and Related Discipline**

Prohibited conduct is forbidden at school, on school property, including school vehicles, and at any school activity. A serious violation that threatens or harms a school, school property, a person connected with school, or property associated with a person connected with school is forbidden regardless of where it occurs.

2.1 A student **WILL** be removed from school **for at least 1 year** for a serious violation involving the following:

2.1 A. A real weapon or

2.1 B. Explosive or flammable material or

2.1 C. Actual or threatened use of a look-alike weapon with intent to intimidate or cause disruption.

Exceptions may be made on a case-by-case basis through the Superintendent's office.

2.2 A student **WILL** be removed from school for the following:

2.2 A. Possession, control, actual or threatened use of a real weapon, explosive, noxious, or flammable material;

2.2 B. Actual or threatened use of a look-alike weapon with intent to intimidate or cause disruption;

2.2 C. The sale, control or distribution of a drug, controlled substance, imitation controlled substance, or drug paraphernalia;

2.2 D. Using or threatening to use serious force;

2.2 E. The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or

2.2 F. A serious violation of Section 2.3 affecting a student or staff member.

2.3 A student **MAY** be removed from school for the following:

2.3 A. Willful disobedience or violating a school or district rule;

2.3 B. Defying authority;

2.3 C. Disruptive behavior;

2.3 D. Foul, profane, vulgar, or abusive language;

2.3 E. Defacing or destroying school property;

2.3 F. Truancy;

2.3 G. Theft;

2.3 H. Posing a significant threat to the welfare, safety or morals of a student, school personnel, or the operation of the school;

- 2.3 I. Fighting;
- 2.3 J. Bullying,* defined as intentionally or knowingly committing an act that is done for the purpose of placing a school employee or student in fear of physical harm to the school employee or student or harm to property of the school employee or student.
- 2.3 K. Hazing,* defined as intentionally or knowingly committing an act that is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event.

Acts of bullying or hazing may include:

- endangerment to the physical health or safety of a school employee or student;
- any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements to a school employee or student;
- forced or unwilling consumption of any food, liquor, drug, or other substance by a school employee or student;
- any forced or coerced act or activity of a sexual nature or with sexual connotations such as asking a student to remove articles of clothing or expose or touch private areas of the body;
- other physical activity that endangers the physical health and safety of a school employee or student; or
- physically obstructing a school employee's or student's freedom to move.

* Regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

- 2.3 L. Cyberbullying, defined as the use of e-mail, instant messaging, chat rooms, pagers, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of physical harm to the school employee or student; or harm to property of the school employee or student.
- 2.3 M. Possessing, using, controlling, or being under the influence of alcohol, a drug, an imitation drug, drug paraphernalia, or misusing any substance;
- 2.3 N. Possessing or using tobacco;
- 2.3 O. Inappropriate exposure of body parts;
- 2.3 P. Taking or sharing of obscene, pornographic, lewd, illegal, or otherwise inappropriate images or photographs. Violations will be referred to law enforcement.
- 2.3 Q. Sexual or other harassment (including, but not limited to, behavior intended to cause harm or distress in a relationship, especially if repeated over time);

- 2.3 R. Gang-related attire or activity;
- 2.3 S. Retaliation against a school employee or student for the reporting or investigations of any behavior outlined in Sections 2.1, 2.2 and 2.3 above;
or
- 2.3 T. Making false allegations against a school employee or student.

The decision to remove or to discipline in some other way is made by the site administrator based on all the circumstances.

- 2.4 The type and length of discipline is based on factors such as previous violations, severity of conduct, and other relevant educational concerns.
- 2.5 When appropriate, students will be placed on remedial discipline plans.
- 2.6 School personnel may use reasonable physical restraint, if necessary, to protect a person or property from physical injury or to remove a violent or disruptive student.
- 2.7 If damage or loss of school property occurs, official report cards, diploma, and transcripts may be withheld until payment for the damage is received or the lost property is recovered.
- 2.8 Parent Notification Related to Student Safety
 - 2.8 A. parent/guardian will be notified by school personnel if the school is aware that a parent's/guardian's student has threatened to commit suicide.
 - 2.8 B. A parent/guardian will be notified by school personnel for each incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving their student during school hours, on school property, or at school sponsored activities.
 - 2.8 C. A record of parent notification will be kept at the school on a confidential form separate from the My Student Tracker. This record will include the name of the student, the name of the parent/guardian contacted, date, and type of incident, and whether the student was the victim or perpetrator of the incident..
 - 2.8 D. This record will be kept private under GRAMA. The LEA will not use notification information for any other purpose.

3. **Habitual Disruptive Behavior**

3.1 Definitions

Qualifying minor means a school-age minor who is at least 9 years old or turns 9 years old at any time during the school year.

Disruptive behavior means behavior outlined in Sections 2.1, 2.2 and 2.3 above.

- 3.2 Notice of Disruptive Student Behavior
- 3.2 A. A Notice of Disruptive Student Behavior may only be issued to a qualifying minor.
- 3.2 B. A Notice of Disruptive Student Behavior may only be issued by a school administrator or a designee.
- 3.2 C. A Notice of Disruptive Student Behavior shall be issued when the student has:
- engaged in disruptive behavior (that does not result in suspension or expulsion) 3 times during the school year; or
 - engaged in disruptive behavior that results in suspension or expulsion once during the school year.
- 3.2 D. A Notice of Disruptive Behavior requires that the student and parent meet with school authorities to discuss the disruptive behavior.
- 3.2 E. The student and/or parent may contest a Notice of Disruptive Student Behavior in the following manner:
- If the notice is written by an assistant administrator or other designee, the appeal is made to the principal;
 - If the notice is written by the principal, the appeal is made to the district coordinator assigned to that school.
- 3.2 F. A school representative shall provide to the student's parent a list of resources available to assist the parent in resolving the student's disruptive behavior problem.
- 3.2 G. The school shall establish procedures for a school counselor or other designated school representative to work with a student in order to attempt to resolve the student's behavior problem before the student becomes subject to the jurisdiction of the Juvenile Court.
- 3.3. Habitual Disruptive Student Behavior Citation
- 3.3 A. The Habitual Disruptive Student Behavior Citation may only be issued to a student who has received a Notice of Disruptive Student Behavior and:
- engages in disruptive behavior (that does not result in suspension or expulsion) at least 6 times during the school year;
 - engages in disruptive behavior that does not result in suspension or expulsion at least 3 times during the school year and engages in disruptive behavior that results in suspension or expulsion, at least once during the school year; or
 - engages in disruptive behavior that results in suspension or expulsion, at least twice during the school year.
- 3.3 B. A Habitual Disruptive Student Behavior Citation may only be issued by a District Coordinator.
- 3.3 C. The citation shall be mailed by certified mail to, or served on, the parent of the student.
- 3.3 D. A student to whom a Habitual Disruptive Student Behavior Citation is issued shall be referred to the Juvenile Court.

- 3.3 E. Within five days after the citation is issued, a representative of the school district shall provide documentation to the parent and the court of the efforts made by a school counselor or representative.
- 3.3 F. The District Coordinator will cooperate with the Juvenile Court in providing other information as needed, including but not limited to attendance, grades, and behavioral reports.

4. **Searches**

- 4.1 School personnel may search students, lockers, personal property, and vehicles parked on school property based on reasonable suspicion.
- 4.2 School personnel may also conduct random searches that might include all lockers and other school property.

5. **Suspension and Expulsion Defined**

- 5.1 Suspension is disciplinary removal from school with an offer of educational services.
- 5.2 Expulsion is a disciplinary removal from school by the School Board for more than 10 school days without an offer of alternative educational service.

6. **Readmission and Admission**

- 6.1 If a student is removed from school under 2.1, readmission depends upon satisfactory evidence that the student will not be a danger to self, others, or school property.
- 6.2 If a student is removed from school under 2.2 or 2.3 the student may be readmitted after the parent/guardian meets with school officials to make a plan to correct the behavior(s) and after the student completes both the days of suspension and any conditions imposed.
- 6.3 The district may deny admission to a student who has been expelled from any school in the last twelve months.

7. **Due Process**

- 7.1 If a student is removed from school or otherwise disciplined under this policy, the student has the right to meet with the site administrator to tell his/her side of the story.
- 7.2 If the site administrator recommends removal for more than 10 school days, a Weber District Student Services Coordinator will hear the case at the school with the student, the parent or guardian, the site administrator, and others as necessary. This hearing will be held within 10 school days of removal from school.

7.3 If a student is removed from school for more than 10 school days, an appeal of the decision may be made in writing to Weber District Student Services within 10 school days of the decision. The parent or guardian is responsible to plan and to pay for any educational services not provided by the district during the suspension.

8. School Management Procedures

Each school shall establish school management plans in writing which include the following:

- 8.1 School-wide expectations related to student self-discipline, good citizenship, and social skills.
- 8.2 Effective instructional practices for teaching the expectations.
- 8.3 Systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior.
- 8.4 Procedures to help and protect victims of behavior outlined in Sections 2.1, 2.2 or 2.3 above, may include parental involvement, referral to counseling, and other available programs and sharing information as permitted under federal and state law.
- 8.5 Procedures for promptly reporting to law enforcement all behaviors as described in Section 2.1, 2.2 and 2.3 above that constitute criminal activity.
- 8.6 Procedures allowing for anonymous reporting. Formal disciplinary action is not permitted that is based solely on an anonymous report of bullying, hazing, or retaliation.
- 8.7 Defining who is responsible for taking, investigating, and responding to reports of behavior violations as described in Section 2.1, 2.2 or 2.3 above.
- 8.8 Making this policy available to the students and parents in registration materials or sent home annually. The policy will also be posted on the Weber School District Web site.

9. Staff Development and Evaluation

Each school shall develop an annual process of evaluation, including student assessment and ongoing staff development and training related to school classroom management plans and their efficiency and effectiveness as outlined in Section 8 above.

10. Training

Individual schools will provide training and strategies for students and staff in the following:

- Overt aggression. Overt aggression 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.
- Relational aggression. Relational aggression may include indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.

- Sexual harassment. Prohibitions against bullying or hazing of a sexual nature or with sexual overtones.
- Cyberbullying. Cyberbullying may include use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school.
- Intervention skills
- Social skills
- Adult supervision of students
- Bullying, hazing, and retaliation
- Provide for student assessment of the prevalence of bullying in school.

11. **Secondary Schools Extracurricular Programs (Athletics and Clubs)**

- 11.1 Through the district office, each new coach/advisor will participate in a bullying and hazing prevention training, with a refresher course every three (3) years.
- 11.2 Each coach/advisor and student will sign the “Code of Conduct” form each year, which will prohibit bullying/hazing and give notice of consequences.
- 11.3 The district will maintain a curriculum outline, schedule of teaching, and signatures of participants. Copies of this information will be provided to the Utah State Office of Education Law and Legislative Section upon request.
- 11.4 Each school will develop a schedule to teach bullying and hazing prevention including the provisions of this policy to all students that participate in extracurricular activities (including clubs, groups, athletics, student government, cheerleading, and dance groups) with a notice of consequences. This will be taught at the beginning of each year.

12. **Students with Disabilities**

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

Approved by the Board 09/04/2013

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, prohibited conduct.

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 receive 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.

Approved by the Board 6/12/2019

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

Weber School District shall be tobacco-free in order to promote the academic, emotional, social, and physical well-being of all students. This policy applies to all school grounds whether or not school is in session. Prohibitions also apply to school functions off school grounds. The policy prohibits possession or use of tobacco, tobacco/nicotine products or paraphernalia in any form by students. This policy prohibits use of the same by employees and visitors.

1. DEFINITIONS

For the purposes of this policy, a tobacco product is any product containing tobacco and/or nicotine. Tobacco/nicotine products are defined to include 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. Paraphernalia includes but is 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.

“E-cigarette” means 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.

2. ENFORCEMENT OF TOBACCO/NICOTINE POLICY

Student Violations: Buying, attempting to buy or possessing tobacco, tobacco/nicotine products, or paraphernalia in any form by students on school grounds, property and/or at school activities.

- 2.1 Tobacco, tobacco/nicotine products, and paraphernalia will be confiscated.
- 2.2 Parent(s) or guardian(s) will be contacted by the school administrator.
- 2.3 Compliance officers (administrators and school resource officers) may write a citation if a student buys, attempts to buy, distributes, or is in possession of tobacco, tobacco/nicotine products or paraphernalia on school property. Administrators may not write citations off school property, but may take disciplinary action.

- 2.4 Staff members may refer an offender to a school compliance officer, but only compliance officers may issue a citation.
- 2.5 The compliance officer will document the witness information and evidence in the student information system.
- 2.6 Students under 18 will be written a citation for items containing tobacco or nicotine in the “Citations for Possession of Tobacco” booklet.
- 2.7 Citations for 18 year old students are written in the “Notice and Referral for Possession of Tobacco (18 Year Old Students Only)” booklet. Both booklets may be obtained from Weber School District Student Services.
- 2.8 The compliance officer should be prompt in sending citations to the appropriate court. For students under 18 – Second District Juvenile Court (444 – 26th St. Ogden, UT 84404). For students 18 years old and older – the appropriate city or county attorney (see inside front cover of booklet).
- 2.9 The school is responsible to send a copy of the citation to the Weber School District Student Services.
- 2.10 Parent(s) or guardian(s) should receive a copy of the citation.
- 2.11 A student in violation of this policy may also be found to be in violation of the Student Discipline Policy (Including Safe School Policy) 5200, and/or the Alcohol and Drug Abuse Policy 5210.
- 2.12 Paraphernalia and/or tobacco/nicotine products will be confiscated and held by the school resource officer pending the court’s review.

Visitor Violations:

Visitors under 19 may receive a citation according to state law.

Any visitor found using tobacco/nicotine products will be informed of the school’s Tobacco Policy and asked by a school official to refrain from using tobacco/nicotine products while on school property. Any visitor who does not comply will be asked to leave. If a visitor refuses to leave, the police may be called.

3. ADVERTISING OF TOBACCO PRODUCTS

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

4. **SALE, DELIVERY, TRANSFER OR DISTRIBUTION OF TOBACCO PRODUCTS**

Neither tobacco, tobacco/nicotine products, nor paraphernalia in any form may be sold, delivered, transferred or distributed to anyone under the age of 19 on or in Weber School District property or at any school function off school property.

5. **GENERAL GUIDELINES**

The Tobacco Policy will be made available to all students, parents, and employees. Reminders that Weber School District is a tobacco-free zone will be given to the community at large. Students will participate in tobacco prevention programs and activities. 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 10/02/2013

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

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 scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and*

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.

Approved by the Board 06/13/2018