

Walden School Behavioral Policy*



Walden is committed to protecting the safety, health, and well-being of its students, employees, and all people who participate in the programs of the school. The objective of the school behavioral policy is to establish procedures that promote positive, supportive relationships and help create learning environments that are physically and emotionally safe for everyone. All of us make mistakes. 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.

** This most recent version (5/30/2017) includes updates that address amended Utah Administrative Rule R277-609 regarding restraint and seclusion of students and the establishment of an Emergency Safety Intervention (ESI) committee.*

Beliefs and Expectations

The ability of Walden's employees, students, and families to create a culture consistent with the school's mission, charter, and core values requires that behaviors and behavioral consequences align. The School Parent-Student Compact is one of the first documents encountered upon enrollment to set expectations in this regard. This document specifies the following expectations and responsibilities.

Student Expectations: Students agree to the following behaviors when enrolling at Walden. We believe that these attitudes and behaviors provide the foundation for success in school and beyond.

- Attend school regularly and on time.
- Complete assignments, homework and reading assignments on time and to the best of my ability.
- See possibilities and make meaningful choices.
- Be willing to engage in authentic research and project work.
- Through my own actions and choices, help create a school environment of tolerance and peace.
- Explore my own creativity and individuality in socially positive ways.
- Strive to become a self-motivated learner who makes positive contributions to the school and society.
- Refrain from the abuse of any harmful or illegal substance, on or off campus, and submit to testing if abuse is suspected. I understand abuse is cause for expulsion. I will adhere to all behavioral, attendance and academic policies.

Parent Responsibilities: Parents and guardians agree to the following behaviors when enrolling a student at Walden. Education and student behavior is supported with parents, students, and the school staff all work together in support of students.

- Make certain my child attends school regularly and on time.
- Provide support for my child as they engage in authentic research and project work.
- Maintain an open dialogue with my child's teacher(s) and Walden staff and work together to provide the best possible education for my child.
- Support the school by volunteering my time in the classroom, as a fieldtrip driver and through involvement with the PCC (Parent Community Council) as my schedule permits
- Attend parent meetings and parent education nights and when necessary ask for further explanation of school curriculum, policies and programs.
- Support school curriculum by providing a home environment where children can learn and develop their creativity and individuality.
- Work as a partner with the school. When I see room for improvement, provide feedback and support in a positive and encouraging manner.

School Faculty and Staff Responsibilities: When Walden accepts a student, we Take on the following obligations:

- Treat each student with respect and dignity.
- Support and mentor each individual child so that he/she can progress academically at a rate that is most beneficial for him/her.
- Provide a classroom environment where students are allowed to make meaningful choices.
- Strive to create a school and classroom environment where peace and tolerance are paramount.
- Provide students with opportunities for authentic research and project work.
- Communicate with parents about their child's academic, social, and emotional progress on a regular basis.
- Provide academic rigor.
- Give parents the opportunity to volunteer in a meaningful way.
- Encourage students to explore their creativity and foster their own individuality.

Philosophy

Walden recognizes the importance of establishing a behavioral procedural philosophy consistent with the above collaborative principles. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below allowing for the greatest degree of dignity and respect to be afforded to each person involved in any difficult situation:

Procedures:

When students are involved in conflicts with other students, they will be encouraged and supported to:

- Work together to resolve the conflict
- Work to repair the relationship and build trust

Students who exhibit unsafe behaviors during and beyond the conflict will be subject to additional consequences.

When a student feels treated unfairly by member of the staff or a volunteer, they are encouraged to:

Report their concerns to their parent, a teacher, an administrator or counselor, who will schedule a conference with the student (if appropriate), the parent (if appropriate), an administrator or counselor, and the adult involved (as appropriate) to resolve the conflict and restore the relationships.

When a student flagrantly disregards the safety of others, shows blatant disrespect to others, or consistently behaves in a disrespectful or unsafe way:

The student will be subjected to consequences and positive behavior supports designed to restore the environment and/or relationships and to prevent future occurrences of the misbehavior. Consequences might include:

- In-School Suspension

- Out of School Suspension
- Expulsion
- Restitution
- Repayment for damages
- Service to restore the trust of the school community by actions such as:
 - Genuine apology to injured or affected parties
 - Demonstration of appropriate behaviors following the incident
 - Repair or replace any damaged items

Due process to protect the rights of students will include:

All students will be treated with dignity and respect as they go through correction procedures. The administration will assure that rights are protected through the process. If parents feel their student has not been treated fairly, they may request a hearing with the School’s Director, Superintendent, or Board of Trustees (the “**Board**”).

Parents will be notified when students are involved in situations that are deemed to be serious.

Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

Assurances and Prohibitions

Safe School Environment

It is the School’s policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in the classroom, on school grounds, in school vehicles, and during school-sponsored activities. Criminal acts or disruptive behavior of that causes safety concerns or acts of discrimination will not be tolerated. Any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

Discrimination Prohibited

It is the School’s policy to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted to a school director or to the board of trustees.

DEFINITIONS

Suspension

For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is

suspended may, at the Director's discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension. During suspension, the School need not provide services.

Expulsion

For purposes of this policy, expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the Director retains the authority to exclude the student from all programs or activities for the period of expulsion.

Change of Placement for Students with Disabilities under IDEA and Section 504

For purpose of the removal of a student with a disability from the student's current educational placement, a "change of placement" occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures in compliance with the special education requirements and disability law.

Disruptive Student Behavior

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in in this document.

Parent

For purposes of this policy, "parent" means (i) a custodial parent of a school-age minor; (ii) a legally appointed guardian of a school-age minor; or (iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described above.

Qualifying Minor

For purposes of this policy, "qualifying minor" means a school-age minor who: (i) is at least nine years old; or (ii) turns nine years old at any time during the school year.

School Year

For purposes of this policy, "school year" means the period of time designated as the school year by the Board in the calendar adopted each year.

GROUND FORS SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

Suspension

A student **may be** suspended from School for any of the following reasons:

[a] frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; noncompliance with School dress code; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;

[b] willful destruction or defacing of School property;

[c] behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the School; or behavior that threatens harm or does harm to the school, school property, to a person associated with the school, or property associated with that person, regardless of where it occurs;

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah law;

[e] possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;

[f] possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;

[g] inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

[h] any criminal activity;

[i] any serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 4.1.2 below, that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

[j] bullying or hazing as defined in Utah Code Ann. § 53A-11a-102 and/or the School's Bullying and Hazing Policy.

A student **shall be** suspended or expelled from School for

[a] any serious violation affecting another student or a staff member, or any serious violation occurring in a School building, in or on School property, or in conjunction with any School-sponsored activity, including:

(i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(ii) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

(iii) the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or

[b] 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.

Expulsion

A student may be expelled from School for any violation listed previously in this policy if the violation is serious or persistent.

Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53a-11-904(2)(b); 20 U.S.C. § 7151

Any student who commits an act for which mandatory suspension or expulsion is provided above, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all School programs and activities for a period of not less than one (1) year, subject to the following:

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“**CMT**”), which shall be comprised of the Director, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and

[b] The CMT shall determine:

(i) what conditions must be met by the student and the student's parent for the student to return to School;

(ii) if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and

(iii)if it would be in the best interest of both the School and the student to modify the expulsion term to less than a year giving highest priority to providing a safe school environment for all students.

[c] For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined above must be followed.

Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53A-11-904(2)(a)

A student shall be suspended or expelled from the School for any of the following reasons:

[a] use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a School building, in a School vehicle, on School property, or in conjunction with any School-sponsored activity;

[b] misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

Students with Disabilities under Section 504

Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any School-sponsored activity.

Drug Testing

[a] Any student who is reasonably suspected of violating the Drugs and Controlled Substances policy described in this document may be subject to a drug test for cause, arranged and paid for by the School.

[b] Any student who has been suspended or expelled for a violation of the Drugs and Controlled Substances policy described in this document may be required to provide a clean drug test and evidence of completion of drug assessment and/or

drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

[c] Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

[d] Any student who is suspended or expelled for violation of the Drugs and Controlled Substances policy described in this document may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

Students with Disabilities under IDEA

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in this policy must be followed.

Gangs

For purposes of this policy, "gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

Gang Activity and Apparel Prohibited

Students who engage in any form of gang activity on or about School property, or at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following:

[a] Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

[b] Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or an affiliation with a gang;

[c] Soliciting others for membership in a gang;

[d] Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;

[e] Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

[f] Committing any illegal act; or

[g] Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

Confiscation of Gang Items

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

Consultation with Law Enforcement Authorities

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

Bullying, Cyber-Bullying, Harassment, Hazing, and Abusive Conduct

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be identified and assessed, and perpetrators educated, to create a safer school that provide a positive learning environment.

School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at School activities, or causes or threatens a significant interference with a student's educational performance or involvement in School activities.

Additional information regarding these issues are contained in the School's Bullying and Hazing Policy, which is available on the School's website.

AUTHORITY TO SUSPEND OR EXPEL

Authority to Suspend for Ten (10) School Days or Less for Regular Education Students

The Director has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Director shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources.

Authority to Suspend and Duration of Suspension for Students with Disabilities

The Director has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, or removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

Authority to Suspend for Longer than Ten (10) Days or Expel for Regular Education Students

Subject to the requirements for due process set forth below, the Director may suspend a regular education student for longer than ten (10) days or expel a regular education student.

Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

Parental Responsibility

If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services are the responsibility of the student's parent or guardian.

The parent or guardian and designated School officials may enlist the cooperation of the Division of Child and Family Services, medical and mental health providers, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to

determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

Authority to Institute Change of Placement for Student with Disabilities

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR – Utah Code Ann. § 53A-11-910

Efforts to Resolve Disruptive Student Behavior Problems

Information About Resources. The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student's disruptive behavior problem.

Procedures for Resolving Problems. The Director or a teacher or counselor designated by the Director will work with students who engage in disruptive student behavior according to the procedures identified below, in an attempt to help the student's behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented.

Notice of Disruptive Student Behavior

Authorization. The Director is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

Criteria for Issuing Notice. The Director will issue a "notice of disruptive student behavior" to a qualifying minor who:

[a] engages in "disruptive student behavior" that does not result in suspension or expulsion three times during the school year; or

[b] engages in disruptive student behavior that results in suspension or expulsion once during the school year.

Contents of Notice. The notice of disruptive student behavior will:

[a] require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to (i) meet with School authorities to discuss the qualifying minor's disruptive student behavior; and (ii) cooperate with the Director and the Board in correcting the student's disruptive student behavior; and

[b] be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

Contesting Notice. A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student's behavior, the basis of the parent's concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.

Habitual Disruptive Student Behavior Notice

Criteria for Issuing Notice. The Director may issue a "habitual disruptive student behavior notice" to a qualifying minor who:

[a] engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year;

[b] (i) engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year; and (ii) engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or

[c] engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

Notice to Parents. Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Director shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative described below.

Responses to School-Based Behavior

Definitions.

[a] "Mobile crisis outreach team" means a crisis intervention service for minors or families of minors experiencing behavioral health or psychiatric emergencies.

[b] "Restorative justice program" means a school-based program that is 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.

[c] "Youth court" means the same as that term is defined in § 78A-6-1203, including that it is a diversion program that provides an alternative disposition for cases involving juvenile offenders in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

Alternative School-Related Interventions. The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53A-11-911.

Referrals of Minors. A qualifying minor to whom a habitual disruptive student behavior notice is issued under Section 6.3.1 may not be referred to the juvenile court. The School will follow § 53A-11-911 with respect to referring a minor who is alleged to have committed an offense on school property or that is truancy. In accordance with § 53A-11-911:

[a] if the alleged offense is a class C misdemeanor, an infraction, a status offense on School property, or truancy, the minor may not be referred to law enforcement or court but may be referred to alternative school-related interventions, including:

- (i) a mobile crisis outreach team;
- (ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with § 62A-7-104; and
- (iii) a youth court or comparable restorative justice program.

[b] if the alleged offense is a class B misdemeanor or a nonperson class A misdemeanor, the minor may be referred directly to the juvenile court by the Director or the Director's designee, or the minor may be referred to the alternative interventions described above.

ALTERNATIVES TO EXPULSION, OR CHANGE OF PLACEMENT FOR FREQUENT OR FLAGRANT DISRUPTIVE BEHAVIOR – Utah Code Ann. § 53A-11-906

A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School.

Before referring the student for long-term suspension, expulsion or change of placement under this Section, School staff should demonstrate that they have attempted some or all of the following interventions:

- Talking with the student;
- Class schedule adjustment;
- Phone contact with the parent or legal guardian;
- Informal parent/student conferences;

- Behavioral contracts;
- After-school make-up time;
- Short-term in-school suspension (ISS);
- Short-term at-home suspensions;
- Appropriate evaluation;
- Home study;
- Alternative programs; or
- Law enforcement assistance as appropriate.

Parental Attendance with Student – Utah Code Ann. § 53A-11-906(1)-(2).

As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated School official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

The Director shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Director to review the suspension.

The Director shall also notify the non-custodial parent, if requested in writing, of the suspension unless such notification would disclose any information protected under a court order. The custodial parent is responsible to provide the School a certified copy of any court order that would limit disclosure to the non-custodial parent.

The Director shall document the charges, evidence, and action taken.

The student may be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Director.

In general, the notice and informal conference shall precede the student's removal from the School. If, in the judgment of the Director, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

DUE PROCESS FOR SUSPENSIONS OF MORE THAN TEN (10) DAYS AND EXPULSIONS

If the Director believes that a student should be suspended for more than ten (10) days or expelled, the Director may make the initial decision and shall meet with the student's parent or guardian to discuss the charges against the student and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the Director shall also notify the non-custodial parent of the suspension or expulsion as outlined above.

Notice to Student and Parent/Guardian

During the meeting described above, the Director shall provide the student's parent or guardian with written notice that includes all of the following elements (or, if the student's parent or guardian refuses to meet, the Director shall send the notice by certified mail, return receipt requested, to the student's parent or legal guardian within ten (10) school days after the suspension or expulsion began):

- a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;
- the penalty being imposed (duration of suspension or expulsion);
- a statement that a due process hearing may be requested by providing the Director with written notice within ten (10) school days of the parent or guardian's receipt of the notice;
- a statement that, if a due process hearing is requested, the Board, even though less than a quorum, will conduct the hearing;
- a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the Board determines otherwise;
- the mailing date of the notice; and
- a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the Director's decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

Hearing Procedures

If a Due Process Hearing is requested in response to the notice sent pursuant to this policy, the following procedures shall apply:

After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the student's parent or guardian agrees otherwise.

A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:

- [a] the date, place, and time of the hearing;
- [b] the circumstances, evidence, and issues to be discussed at the hearing;
- [c] the right of all parties to cross-examine witnesses subject to the Board chairman's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal; and
- [d] the right of all parties to examine all relevant records.

The Board shall conduct the Due Process Hearing on the record and shall:

- [a] ensure that a recording of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;
- [b] consider all relevant evidence presented at the Hearing;
- [c] allow the right to cross-examination of witnesses, unless the Board chairman determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;
- [d] allow all parties a fair opportunity to present relevant evidence; and
- [e] issue a written decision including findings of fact and conclusions.

Hearing Rules

Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:

- [a] parties may have access to information contained in the School's files to the extent permitted by law;
- [b] hearings shall be closed to the press and the public;
- [c] documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Board; and
- [d] the Board may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Board.

DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

Required Services

504 and ADA Students

When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section 10.5, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School. The School will provide education services in accordance with guidelines established by the Utah State Office of Education.

IDEA

A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

Change of Placement for Weapons, Drugs, or Serious Bodily Injury

A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:

The student carries a weapon to or possesses a weapon at School, on School premises, or to or at a School-sponsored activity; or

The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School, on School premises, or at a School-sponsored activity; or

The student has inflicted serious bodily injury upon another person while at School, on School premises, or at a School-sponsored activity.

Change of Placement Due to Student's Serious Misconduct

School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) days. A hearing officer may order such a change, if he/she:

Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

Considers the appropriateness of the student's current placement;

Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

Determines that the interim alternative educational setting being recommended by School officials (1) has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP: and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

Parental Notice

As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.

IEP Meetings for Manifestation Determination

Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

The manifestation review must be conducted by the student's IEP team and other qualified School personnel.

In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:

[a] First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

- (i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;
- (ii) Observations of the student; and
- (iii) The student's IEP and placement; and

[b] Then determines whether:

- (i) The conduct in question was caused by or had a direct and substantial relationship to the child's disability; or
- (ii) The conduct in question was the direct result of the School's failure to implement the student's IEP.

If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

Determination that Behavior was not Manifestation of Disability

If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

Determination that Behavior was Manifestation of Disability

If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

Meetings for Functional Behavioral Assessments

Post-Discipline Functional Behavioral Assessments

If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

Pre-Discipline Behavioral Intervention Plans

If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

Placement During Appeals and Stay Put

If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the hearing officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and School officials agree otherwise.

If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in this policy.

ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN

Elements of Plan

The Director will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan. The plan shall be comprehensive, clearly written, consistently enforced, and include the following elements:

- written standards for student behavior expectations, including school and classroom management;
- effective instructional practices for teaching student expectations, including:
 - [a] self-discipline;
 - [b] citizenship;
 - [c] civic skills; and
 - [d] social skills;
- systematic methods for reinforcement of expected behaviors;
- uniform methods for correction of student behavior;
- uniform methods for at least annual data-based evaluations of efficiency and effectiveness;
- an ongoing staff development program related to development of:
 - [a] student behavior expectations;

[b] effective instructional practices for teaching and reinforcing behavior expectations;

[c] effective intervention strategies; and

[d] effective strategies for evaluation of the efficiency and effectiveness of interventions;

- procedures for ongoing training of appropriate School personnel in:
 - [a] crisis intervention training;

[b] emergency safety intervention professional development; and

[c] School policies related to emergency safety interventions consistent with evidence-based practice;

- policies and procedures relating to the use and abuse of alcohol and controlled substances by students;
- policies and procedures, consistent with requirements of Rule R277-613 and the School's Bullying and Hazing Policy, related to:

[a] bullying;

[b] cyber-bullying;

[c] hazing;

[d] retaliation; and

[e] abusive conduct;

- direction for dealing with bullying and disruptive students;
- direction regarding the range of behaviors and the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive or unsafe students;
- notice to employees that violation of this rule may result in employee discipline or action;
- gang prevention and intervention provisions in accordance with Subsection 53A-15-603(1); and
- provisions that account for the School's unique needs or circumstances, including:
 - [a] the role of law enforcement; and

[b] emergency medical services; and

[c] a provision for publication of notice to parents and school employees of policies by reasonable means;

- procedures for responding to reports received through the School Safety and Crisis Line under Subsection 53A-11-1503(3).

Plan Consistent with this Policy

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth herein.

EXTRACURRICULAR ACTIVITIES

Participation in school clubs, interscholastic athletics and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. §53A-11-904(3)

A student who is expelled from the School can only be re-admitted to the School through the School's standard lottery procedures.

A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding 12 months.

INVESTIGATIONS

Whenever the Director has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Director believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

General Investigation Guidelines for Director

The Director has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Director shall conduct investigations according to the following general guidelines:

The Director shall conduct investigations in a way that does not unduly interfere with School activities.

The Director may separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible.

The Director shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.

Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected.

When questioning students as part of an investigation, School staff should have another adult present whenever possible.

The Director shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.

All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.

When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

Coordination with Law Enforcement

The Director has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

The School administration may invite law enforcement officials to the School to:

[a] conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;

[b] maintain a safe and orderly educational environment; or

[c] maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

Investigation of Criminal Conduct

During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Director, law enforcement should be notified, the following procedure should be followed:

[a] The Director shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.

[b] The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.

[c] Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.

[d] Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities unless law enforcement authorities dictate otherwise.

[e] The Director shall document the contact or attempted contact with the student's parents or legal guardian. If the Director cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Director shall be present and document generally what occurs during the interview.

[f] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.

[g] If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

Investigation Initiated by Law Enforcement Authorities

School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.

[a] When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.

[b] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:

(i) The officers shall be required to get prior approval of the Director or other designated person before beginning an investigation on School premises.

(ii) The Director shall document the circumstances warranting the investigation as soon as practical.

(iii) Alleged criminal behavior related to the School environment brought to the Director's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.

(iv) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from parent or guardian.

(v) Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

Release of Student to Law Enforcement Official

[a] Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.

[b] When students are removed from School for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.

[c] The Director shall immediately notify the Board of the removal of a student from School by law enforcement authorities.

[d] Where it is necessary to take a student into custody on School premises, the law enforcement officer shall contact the Director and relate the circumstances necessitating such action.

[e] Whenever the need arises to make arrests or take students into custody on School premises, the Director shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.

[f] When possible, the Director shall have the student summoned to the Director's office before the student is taken into custody.

[g] When a student has been taken into custody or arrested on School premises without prior notification to the Director, the School staff present shall encourage the law enforcement officers to tell the Director of the circumstances as quickly as possible. If the officers decline to tell the Director, the School staff members present shall immediately notify the Director.

Quelling Disturbances of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the School environment that a Director has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by a Director's directive to leave the premises.

INVESTIGATION OF CHILD ABUSE AND NEGLECT

Utah law requires that whenever any person, including any School employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect.

If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.

When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Director, for all reported cases of suspected child abuse or neglect.

The child abuse-neglect reporting form shall not be placed in the student's personal file.

It is not the responsibility of the Director or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.

Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.

Interviews with the child or suspected abuser shall not be conducted by the Director or School employees.

Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

The Director, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

[a] The Director or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

[b] School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

SEARCHES OF PERSON OR PROPERTY

Given the School's custodial and instructional responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

General Guidelines for Searches of Person or Property

Student Lockers and Individual Storage Spaces

Should the school provide lockers or other space for use by individual students, students have no right or expectation of privacy in such spaces. While lockers/storage spaces are under the joint control of students and the School, they are solely School property and may be searched at any time by School officials with or without cause. Once a locker/storage space is opened for search, any search of student belongings contained within the space must comply with the guidelines for searches of personal belongings stated herein

Searches of Students and Student Property

Searches of a student's person, personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive considering the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to

weapons, drugs, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

Searches of Personal Belongings

Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched could conceal such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

Searches of Person

School officials shall make sure the search meets the following guidelines:

[a] The search shall be conducted in a private area of the School by a School official of the same sex as the student being searched;

[b] The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Director, teacher, police officer);

[c] School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;

[d] Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.

[e] If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

[f] In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in this policy.

Documentation of Searches

- School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

- The time, place and date of the search;
- The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);
- The name and title of individuals conducting and observing the search;
- A statement about evidence that was found or not found because of the search;
- A statement about who took possession of contraband (i.e., police, school, etc.);
- Information regarding the attempts of School officials to notify parents about the search.

RECORDS—INTERAGENCY COLLABORATION – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53A-11-1001-1004

Board and Director Notification by Juvenile Court and Law Enforcement Agencies.

Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Director.

Upon receipt of the information, the Director shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Director shall notify staff members who should know of the adjudication, arrest or detention.

Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

Student Discipline Records/Education Records

School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

Disclosure of Discipline Records to Other Educators

School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

Disclosure of Discipline Records to Other Agencies

School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), or unless the student's parent or guardian has authorized disclosure.

EMERGENCY SAFETY INTERVENTIONS

A School employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention (“ESI”) in compliance with this Section.

Definitions

An “ESI” is the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An ESI is not for disciplinary purposes.

“Physical restraint” means a personal restriction that immobilizes or significantly reduces the ability of a student to move his or her arms, legs, body, or head freely.

“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.

“Seclusionary time out” means that a student is placed in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he or she will be prevented from leaving the area. The safe enclosed area must meet the fire and public safety requirements described in R392-200 and R710-4.

General Procedures

Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

An ESI shall:

- [a] be applied for the minimum time necessary to ensure safety;
- [b] implement an appropriate release criteria;
- [c] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;
- [d] be discontinued if the student is in severe distress;
- [e] never be used as punishment or discipline;
- [f] be applied consistent with the School’s administrative Student Conduct and Discipline Plan; and
- [g] in no instance be imposed for more than 30 minutes.

Students with Disabilities Receiving Special Education Services

Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including Least Restrictive Behavioral Interventions (LRBI) policies and procedures for special education/504 programs.

Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means which meet the circumstances described in R277-608-5 have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

Physical Restraint

A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self-defense or as may be reasonable and necessary under the following circumstances:

- [a] to protect the student or another person from serious physical harm;
- [b] to remove from a situation a student who is violent;
- [c] to take possession of a weapon or other dangerous object in the possession or under the control of a student; or
- [d] to protect property from being destroyed, when physical safety is at risk.

When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

- [a] prone, or face-down;
- [b] supine, or face-up;
- [c] restraint which obstructs the airway or adversely affects the student's primary mode of communication;
- [d] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or
- [e] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in this section.

Seclusionary Time Out

A School employee may, in accordance with the section and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

- the student presents an immediate danger of serious physical harm to self or others;
- any door remains unlocked; and
- the student is within line sight of the employee at all times.

Notification

If an ESI is used, the School or employee shall immediately notify the student's parent/guardian and School administration.

In addition to providing the notice described herein, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

Parent notifications made under this Section shall be documented in the student information system as required by R277-609-8(3)(d)).

Within 24 hours of using ESI, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.

Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.

A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

Emergency Safety Intervention (ESI) Committee

The School shall establish an ESI committee that includes:

[a] at least two administrators (if there are at least two administrators employed by the School);

[b] at least one parent of a student enrolled in the School, appointed by the School's Director; and

[c] at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

The ESI committee shall:

- [a] meet often enough to monitor the use of ESI within the School;
- [b] determine and recommend professional development needs;
- [c] develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and
- [d] create and communicate methods for evaluation of the efficiency and effectiveness of the Schools' rules and standards.

The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in the School.

The School shall annually provide documentation of any School use of ESI to the State Superintendent of Schools.

Corporal Punishment

School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination.

TRAINING

All new employees shall receive information about this policy and the administrative Student Conduct and Discipline Plan at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy, the Student Conduct and Discipline Plan, and the School's commitment to a safe and orderly school environment.

Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in the policy shall receive annual training on this policy and related legal developments.

The Director shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

POLICY AND PLAN DISSEMINATION AND REVIEW

The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.

A summary of this policy and the Student Conduct and Discipline Plan shall be available in the School, and the policy and plan will be posted on the School's website. The policy or a summary of the policy and the plan or summary of the plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

This policy represents the School approach to discipline for all students. Except in the case of special circumstances involving weapons, drugs, or serious bodily injury, students with disabilities have additional protections after ten (10) cumulative and/or consecutive days of removal (including partial days). When a student with disabilities is removed for more than ten (10) days, the School will follow the steps outlined in the Special Education Policies, Procedures, and Practices manual.

This policy and the plan shall be reviewed as necessary with appropriate revisions recommended to the Board. It may be revised at any time under the authorization of the school board of trustees.

The policy has been reviewed and approved by Walden School of Liberal Arts Board of Trustees on 5/31/1017.