

SUBJECT: Safe School Policy

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**Board Policy**

The Summit Academy Board of Trustees recognizes that a safe, positive environment is essential to further the educational process. It is the intent of the Board to provide every student with the opportunity to learn in an environment that is conducive to the learning process and free from unnecessary disruption or distraction. Student acts of criminal behavior that place any person in imminent danger are prohibited at the school, on school grounds, to and from school, at school sanctioned activities or when students are being transported in school or private vehicles. Disciplinary actions may be taken with students whose conduct, in locations other than those mentioned, threatens or does harm to the school, school property or persons associated with the school.

**Definitions /References**

- A. Aggravated Assault: Utah Code 76-5-103 Assault plus an act which:
  - a. intentionally causes serious bodily injury to another
  - b. involves use of a dangerous weapon as defined in Utah Code 76-1-601 or other means of force likely to produce death or serious bodily injury
  
- B. Aggravated Burglary: Utah Code 76-6-203 If in attempting, committing, or fleeing from a burglary the actor/participant in the crime:
  - a. causes bodily injury to a person not involved in the crime
  - b. threatens the immediate use of a dangerous weapon against another person
  - c. possesses or attempts to use any explosive or dangerous weapons
  
- C. Arson: Utah Code 76-6-102
  - a. unlawful and intentional damaging of any property by means of fire or explosives
  
- D. Assault: Utah Code 76-5-102
  - a. an attempt, with unlawful force or violence, to do bodily injury to another
  - b. a threat, accompanied by show of immediate force or violence, to do bodily injury to another
  - c. an act, committed with unlawful force or violence, that causes or creates substantial risk of bodily injury to another
  
- E. Bodily Injury: Utah Code 76-1-601(3)
  - a. physical pain, illness or any impairment of physical condition
  
- F. Burglary: Utah Code 76-6-106
  - a. unlawful entry of a building or any portion of a building with intent to commit a felony or theft or commit an assault on any person
  
- G. Criminal Mischief: Utah Code 76-6-106
  - a. action that intentionally damages, defaces, or destroys the property of another, including the

use of graffiti

- H. Expulsion:
  - a. administrative exclusion from school attendance, without placement in an alternative setting for ten or more consecutive school days
  
- I. Gang Behavior --- Behavior exhibited by an individual or a group of individuals who:
  - a. form an allegiance and engage in criminal, violent or antisocial behavior
  - b. encourage or create an unreasonable and substantial disruption or risk or disruption of a class, activity or program, or other function of a school
  - c. may have a name, turf, colors, symbols, distinct dress
  - d. exhibit any combination of the preceding characteristics
  
- J. Graffiti: Utah Code 76-6-107
  - a. unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used
  
- K. Harassment: Utah Code 76-5-106
  - a. intentionally frightening or harassing another person through a written or recorded threat to commit any violent felony
  
- L. Hazing: Utah Code 76-5-107.5
  - a. any action or situation that intentionally, knowingly, or recklessly endangers the mental or physical health or safety of any person
  - b. forced conduct that would result in extreme embarrassment or mental stress and affects the dignity of the individual
  - c. involvement of any brutality of a physical nature
  
- M. Imminent Danger: (*Black's Law Dictionary*)
  - a. appearance of threatened and impending injury which would lead a reasonable person to attempt an instant defense
  
- M. Out-of-School Suspension:
  - a. administrative exclusion from school attendance for fewer than ten consecutive days
  
- O. Dangerous weapon or firearm: Utah Code 76-1-601, 76-10-505.5, US Code Title 18 Section 921
  - a. includes, but is not limited to firearms, knives, explosives, fireworks, chemical devices, martial arts weapons
  
- P. Serious Bodily Injury: Utah Code 76-1-601(10)
  - a. creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ
  - b. creates a substantial risk of death
  
- Q. School Safety Violation: Behavior which includes, but is not limited to:
  - a. any action which creates imminent danger
  - b. possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material
  - c. possession or selling illegal substances
  - d. acts of gang behavior

- R. Student
  - a. anyone who is currently enrolled in public or private school

### **Administrative Guidelines and Procedures**

Behaviors and conduct engaged in by students that are in violation of the Summit Academy Safe School Policy vary in range of severity and danger. As such, many issues are best handled at the school level while more serious situations that pose imminent danger, and have been investigated by law enforcement, are referred to school administration as a School Safety Violation.

- A. Violation Screening --- Administrators will:
  - a. adhere to School policy
  - b. afford due process procedures (as per Section IV-E)
  - c. provide **thorough investigation** and documentation of the details of the incident
  - d. determine if the incident did or did not create imminent danger
  - e. determine if the incident displays frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior
  
- B. If imminent danger is a factor:
  - a. complete the *Safe and Drug-Free Schools Incident and Offense Reporting Form*
  - b. include an appropriate law enforcement referral and case number
  - c. suspend student as appropriate
  - d. submit all required information to the Executive Director within one school day
  
- C. If imminent danger is not a factor:
  - a. provide appropriate consequences according to school disciplinary procedures
  - b. implement interventions to assist the student in conforming to school expectations (examples include but are not limited to: in-school suspension, behavior contract, parent conference, detention or other interventions deemed appropriate by the school administrator.
  
- D. If acts of frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior occur:
  - a. make good faith efforts to implement a remedial discipline plan that will allow a student to remain in school prior to sanctions being imposed on the student for repeated acts which are not deemed of imminent danger
  - b. a variety of alternatives to out-of-school suspension should be included in the school disciplinary procedures

### **I. School Due Process**

- A. Written Notice:
  - a. provide written notice of Summit Academy Safe School Policy in formats such as on the school website or handbooks
  
- B. On-going review:
  - a. review portions of the Safe School Policy throughout the year with students and parents/legal guardians through activities such as: classroom teacher presentations, newsletters, copies of the policy posted in prominent locations in the school, etc.

- C. New student enrollment:
  - a. provide school safety information to new students/parents/legal guardians upon enrollment in the school
- D. Understanding the policy:
  - a. review the policy with parents/legal guardians to facilitate understanding if requested
  - b. provide an interpreter if language or hearing impairment is of concern
- E. Procedures following the alleged violation:
  - a. advise student of the allegations against him/her which may be the basis for suspension
  - b. provide an opportunity for the student to respond to the accusation
  - c. involve law enforcement if warranted
  - d. provide parents/legal guardians prompt verbal or written notice of the suspension and the reason for the action
  - e. complete a *Manifest of Determination* for a student with a 504 plan if there is reason to believe the behavior may be related to a student's disability
  - f. provide special education students additional due process described in Section V

## **II. School Special Education Due Process Procedures**

- A. Contact the Special Education Coordinator to facilitate the Special Education Safety process
- B. In addition to previous requirements listed under Due Process, if the student is receiving Special Education services or is suspecting of having a disability:
  - a. provide a copy of *Procedural Safeguards for Children with Disabilities and Their Parents Under the Individuals with Disabilities Education Act* (July 2002)
  - b. provide written *Prior Notice* to the parents informing them that the following actions are being considered: new IEP; new evaluation and/or a change of placement
  - c. convene the student's IEP team for a *Manifestation Determination* to ascertain whether the student's behavior was related to his/her disability
  - d. document the findings
  - e. include a copy of the documentation in the referral
  - f. submit required information to the Special Education Coordinator for processing

## **III. Special Education Procedures**

- A. Special Education Incident Review Representative of Special Education will:
  - a. facilitate an IEP meeting to discuss any school safety violation
  - b. review the *Safe and Drug-Free Schools Incident & Offense Reporting Form*
  - c. interview student accompanied by parent/legal guardian for the purpose of clarification
  - d. provide recommendations to the student's IEP Team.

## **IV. Safe School Violation Consequences** for a School Safety Violation may include, but are not limited to the following:

- A. Contract:
  - a. student may be placed on a behavior contract
- B. Suspension:
  - a. student may be suspended for up to ten days

- C. Alternative Placement-Student may be removed from his/her home school and placed in an alternative school program.
- length of this placement will be determined by the seriousness of the situation and circumstances (a few days up to and including one full school year)
  - evaluation of student's progress will occur throughout the prescribed time period
  - successful completion of student goals may result in the student returning to their home school
  - failure to complete assigned goals may result in continued placement in the alternative program until objectives are met
- D. Expulsion may occur for:
- violations that are intentional and life threatening
  - possession of a firearm
- Note: If a student is expelled from school, the responsibility to enroll the student in an Educational program falls on the parent/legal guardian. Utah Code 53A-11-907
- E. Involvement in School Activities: Students in violation of the Summit Academy Safe School Policy:
- are suspended from **all** school services and activities
  - are ineligible to participate or represent the school in any student held office, athletic program or extra curricular activity while suspended or in an alternative program
  - are not allowed on any school campus or school activity without permission of the school administration
  - may be charged with trespassing if found on school property without express written permission of the administration
- F. School Safety Exit:
- student and parent/legal guardian will attend and complete an exit interview with administration

## **V. Special Education Consequences**

Consequences beyond 10 days of suspension, will be tailored to the student's Individualized Education Plan in accordance with the Individuals with Disabilities Act (*IDEA 97*)

## **VI. State and Federal Legal Provisions**

- A. **GROUND FORS SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL**  
Utah Code 53A-11-904 provides guidance regarding suspension and expulsion of students from public school:
- A student **MAY** be suspended or expelled from a public school for any of the following reasons:
    - frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior including the use of foul, profane, vulgar, or abusive language
    - willful destruction or defacing of school property
    - behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or the operation of the school

- d. possession, use or control of an alcoholic beverage
  - e. behavior which threatens or does harm to the school or school property, to a person associated with the school or property associated with that person, regardless of where it occurs
- ii. A student **SHALL** be suspended or expelled from a public school for any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity including:
- a. possession, control, or actual or threatened use of a real weapon, explosive, noxious, or flammable material
  - b. the actual or threatened use of a look alike weapon with the intent to intimidate another person or to disrupt normal school activities
  - c. sale, control or distribution of a drug or controlled substance, an imitation controlled substance, an imitation controlled substance, or drug paraphernalia
  - d. commission of any 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

**B. Persistently Dangerous Schools**

No Child Left Behind (NCLB) requires that schools adopt a definition for persistently dangerous schools. Summit Academy adopts the definition promulgated by the Utah State Board of Education (R277-483). A “persistently dangerous school” is defined as a public K-12 School with any combination of grades that meets the following criteria: The school has at least three percent of the student body, as determined by the October 1 count, that has been expelled in each of three consecutive school years for violent criminal offenses or federal gun free school violations that occur on school property or at school sponsored activities.