

NUAMES Policies and Procedures

NUAMES Policy and Procedures Subject: 05SCD-005 Safe and Orderly Schools Policy

Index: Student Conduct and Discipline

Legal Authority: The Northern Utah Academy of Math, Engineering, and Science (“NUAMES”) Board of Trustees (“Board”) adopts this policy as required by UTAH CODE ANN. § 53G-6-204 UTAH CODE ANN. § 53G-8-205, UTAH CODE ANN. § 53G-8-206, UTAH CODE ANN. § 53G-8-207, UTAH CODE ANN. § 53G-8-208, UTAH CODE ANN. § 32B-1-102, UTAH CODE ANN. § 76-10-505.5, UTAH CODE ANN. § 58-37-2, UTAH CODE ANN. § 58-37B-2, UTAH CODE ANN. § 58-37A-3, UTAH ADMIN. CODE R277-714

1. PURPOSE AND PHILOSOPHY

1.1. The Northern Utah Academy for Math, Engineering and Science (NUAMES) Board of Trustees (The Board) adopts the policies and procedures set forth herein to create an orderly and safe place for each student to learn. This means that NUAMES will have a positive learning environment free from violence, intimidation, drug use, and harm from individuals, groups, gangs, and criminal gang-type behavior, and any other type of behavior or activity that disrupts the orderly and safe operation of the schools. To foster such an environment each student is expected to follow accepted rules of conduct and to show respect for other people and obey persons in authority. Behaviors which disrupt an orderly and safe learning environment are prohibited by NUAMES.

1.2. The Board of Trustees believes activities associated with youth crime, as well as the use, possession, distribution, or sale of tobacco, alcohol and other controlled substances or drug paraphernalia constitute a hazard to the welfare of students and staff.

1.3. It is the policy of the Board of Trustees not to discriminate on the basis of race, color, creed, national origin, religion, age, disability, or gender in its disciplinary procedures.

1.4. Students classified as having a disability under the provisions of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1972 shall have these policies and procedures applied to them in conformity with the requirements of IDEA and Section 504. (See NUAMES Special Education Policies and Procedures.)

2. NATURE AND SCOPE OF DISCIPLINE

2.1. These policies and administrative procedures apply to actions of students during school hours, before and after school while on NUAMES, Weber State (WSU), Ogen Weber Technology College (OWTECH) and/or Davie Technology College (DTECH)

property, while traveling in vehicles authorized by the school, at all NUAMES, WSU, OWTECH, DTECH sponsored events, and when the actions threaten or do harm to persons or property associated with the mission or operation of NUAMES.

2.2. Disciplinary proceedings shall consider relevant mitigating circumstances and provide appropriate due process for each student. Mitigating or aggravating circumstances include, but are not limited to, the following factors:

- 2.2.1. prior conduct
- 2.2.2. cooperation of all involved
- 2.2.3. attitude and honesty of student
- 2.2.4. willingness to make restitution
- 2.2.5. age, health, and maturity of student
- 2.2.6. whether receiving special education and/or 504 services

2.3. Because of their identification and association with gangs, the following are not permitted: bandannas; headgear; or any article of clothing or jewelry bearing gang symbols, names, initials, or insignia; or anything else which signals gang affiliation.

2.4. This section describes a broad range of misconduct that relates to criminal behavior and is prohibited. All types of disruptive and criminal behavior are prohibited, whether listed specifically or not.

2.5. All disciplinary actions include a conference with the student under the discretionary authority of the NUAMES administration. Where notification of a parent or guardian is appropriate it should follow as soon as is reasonably practical.

3. AUTHORITY TO SUSPEND OR EXPEL A STUDENT

The Board of Trustees delegates to the NUAMES administration the power to suspend a student for up to 10 school days. The Board of Trustees delegates to the NUAMES Review Committee the authority to suspend a student for up to one school year. The Board of Trustees may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the administration and the findings reported to the Board of Trustees at least once each year [53G-8-206].

4. GROUNDS FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL

4.1. A student may be suspended or expelled from a public school for any of the following reasons:

4.1.1. frequent or flagrant willful disobedience, defiance of proper authority, or disruptive or unsafe behavior, including the use of foul, profane, vulgar, or abusive language;

4.1.2. willful destruction or defacing of school property;

4.1.3. behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

4.1.4. possession, control, or use of an alcoholic beverage as defined in UCA § 32B-1-102;

4.1.5. or behavior proscribed under Subsection (2) which threatens harm or does 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.

4.2. A student shall be suspended or expelled from a public school for any of the following reasons:

4.2.1. 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 activity, including the possession, control, actual or threatened use of a real, look alike, or pretend weapon, explosive, or noxious or flammable material under UCA 76-10-505.5,

4.2.2. or the sale, control, or distribution of a drug or controlled substance as defined in UCA 5837-2, an imitation controlled substance as defined in UCA § 58-37b-2, or drug paraphernalia as defined in UCA § 58-37a-3; or

4.2.3. 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.

4.3. A student who commits a violation of Subsection 4.2.1 involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

4.3.1. within 45 days after the expulsion the student shall appear before the Board of Trustees or the Board of Trustees' designee, accompanied by a parent or legal guardian; and the Board of Trustees or designee shall determine:

4.3.1.1. what conditions must be met by the student and the student's parent for the student to return to school;

4.3.1.2. if the student should be placed on probation in a regular or alternative school setting consistent with UCA § 53G-8-208,

4.3.1.3. and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in;

4.3.1.4. and 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, conditioned on approval by the Board of Trustees and giving highest priority to providing a safe school environment for all students.

4.4. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months. A suspension or expulsion under this section is not subject to the age limitations under UCA § 53G-6-204. [UCA § 53G-8-205]

5. ALTERNATIVES TO SUSPENSION

When a student is suspended for any period of time, the parent or guardian, upon meeting with the NUAMES administration, may be given the option of attending all classes with the student in lieu of excluding the student from school during the period of suspension. This alternative applies only if the disruptive behavior is not of a violent or extreme nature. The parent or guardian must agree to and attend all classes with the student for each day of the suspension, or accept and support an at home school suspension plan. The consent of the student's teacher(s) is required for parents attending classes with the student. The student will be excluded from classes (unless the parent is in attendance with the student) and school activities during the suspension (UCA § 53G-8-207).

6. RESPONSIBILITIES OF PARENT OR GUARDIAN

6.1. If a student is suspended or expelled, the parent or guardian is responsible for undertaking an alternative education plan that ensures that the student's education continues during the period of suspension or expulsion. The parent or guardian shall work with school officials to determine how that responsibility might best be met – typically attending each class with the student while the student is on suspension or doing school work at home.

6.2. Costs for educational services that are not provided by the school are the responsibility of the student's parent or guardian (UCA 53G-8-208).

7. ACTS OF MISCONDUCT/DISCIPLINARY ACTION

7.1. Level 1

7.1.1. Level 1 acts of misconduct include, but are not limited to, the following:

7.1.1.1. Loitering

7.1.1.2. Profane, obscene, racist, indecent, immoral, or seriously offensive language, gestures, indecent propositions, or exhibitions

7.1.1.3. Involvement in gang activity or the wearing/displaying of gang apparel

7.1.1.4. Displaying any behavior that is disruptive to the educational process

7.1.1.5. Failing to provide proper identification or information upon request by school authorities

7.1.1.6. Insubordination and/or defiance

7.1.1.7. Fighting - two people, no injuries

7.1.1.8. Sexual harassment level 1

7.1.1.9. Possession of an incendiary device (see glossary)

7.1.1.10. Use of an interfering device (see glossary)

7.1.1.11. Vandalism level 1 (damage under \$200.00)

7.1.1.12. Harassment level 1 (see glossary) \

7.1.1.13. Dress or grooming violation

7.1.2. Disciplinary Action

7.1.2.1. First Violation

7.1.2.1.1. Minimum: Student/Administrator conference

7.1.2.1.2. Maximum: Suspension (up to 10 school days), Student/Parent/Administrator conference

7.1.2.2. Repeated or Flagrant Violation

7.1.2.2.1. Minimum: In-school suspension, Student/Parent/Administrator conference

7.1.2.2.2. Maximum: Suspension (up to 10 school days) or referral to the NUAMES Discipline Council for alternative placement or suspension, up to 45 school days.

7.2. Level 2

7.2.1. Level 2 acts of misconduct include, but are not limited to, the following:

7.2.1.1. Criminal activity

7.2.1.2. Theft or possession of stolen property

7.2.1.3. Possession of a weapon (real, look alike, or pretend)

7.2.1.4. Assault

7.2.1.5. Fighting - with injury or injuries or involving more than two people

7.2.1.6. Trespassing

7.2.1.7. Harassment Level 2

7.2.1.8. Indecent exposure

7.2.1.9. Use of an incendiary device

7.2.1.10. Vandalism level 2 (damage over \$200.00)

7.2.1.11. Sexual harassment level 2

7.2.1.12. Hazing

7.2.2. Disciplinary Action

7.2.2.1. First Violation

7.2.2.1.1. Minimum: Student/Parent/Administrator conference

7.2.2.1.2. Maximum: Suspension (up to 10 school days)

7.2.2.2. Repeated or Flagrant Violation

7.2.2.2.1. Minimum: Student/Parent/Administrator conference and/or Suspension (up to 10 school days)

7.2.2.2.2. Maximum: Referral to the NUAMES Discipline Committee for alternative placement or suspension

7.3. Level 3

7.3.1. Level 3 acts of misconduct include, but are not limited to, the following:

7.3.1.1. Possession of a firearm

7.3.1.2. Use or threatened use of a weapon (real, look alike, or pretend)

7.3.1.3. Aggravated assault

7.3.1.4. Arson

7.3.1.5. Extortion

7.3.1.6. Sexual battery \

7.3.1.7. Placing any person in imminent danger

7.3.1.8. Assault upon any school personnel

7.3.2. Disciplinary Action

7.3.3. Any Violation

Parents and police will be notified and the student suspended for ten school days during which time the student will be referred to the NUAMES Discipline Committee for alternative placement or suspension, for up to one school year. Violations of UCA 53g-8-205(2)(a) require mandatory suspension or expulsion for up to one school year unless, upon appeal, the Board of Trustees determines, on a case-by-case basis, that a different penalty is warranted; [UCA 53g-8-205].

8. ILLEGAL BEHAVIOR

8.1. In addition to these penalties for misconduct, provisions of the Utah Criminal Code are applicable to behavior that is deemed illegal. NUAMES Administrators are required to report all illegal activities to the police. Any disciplinary action taken by the school administration is independent of any criminal proceedings or decisions and is based upon the administrator's best judgment of the situation.

8.2. NUAMES will comply with Utah Administrative Code R277-714 Persistently Dangerous Schools.

8.3. A school that reports data showing three percent or more of its student body has been expelled for violent criminal offenses, as defined under R277-714-2(1) and federal gunfree schools violations, as defined under R277-714-2(1)(b), shall be required to provide data to the USBE for the previous two school years documenting the number and type of student expulsions. If the documentation shows that more than three percent of the school's student body for both years in question was expelled for offenses designated in R277-714-2(1)(b) or R277-714-2(1) or both, the school shall be designated a persistently dangerous school for the upcoming school year under this rule.

8.4. If a school is designated by the Board as persistently dangerous, parents of all students attending the school shall be notified by the local Board of available transfer schools in a reasonable manner by no later than August 15 of the school year of designation.

9. CORPORAL PUNISHMENT/PHYSICAL RESTRAINT

9.1. A school employee may not inflict or cause the infliction of corporal punishment upon a student who is receiving educational services from the school. This section does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or in other appropriate circumstances:

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

9.1.2. to protect the student or another person from physical injury;

9.1.3. to remove a violent or disruptive student from a situation; or

9.1.4. to protect property from being damaged. Utah Code Ann., Section 53G-8-302.