

3A.01.13 Discipline Policy

Excelsior Academy recognizes that student discipline is essential to further the educational process and provide an environment conducive to learning. The Board authorizes administration to take appropriate action to preserve order among students and staff, and to protect school property. Administration shall take appropriate disciplinary action when students engage in activities which disrupt the educational environment, threaten or harm persons or property, or disrupt school activities. This policy shall be in effect whether the disruption (or disruptive behavior) occurs in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events. This policy shall be administered according to the following guidelines.

- A. Student Code of Conduct (Located in the Parent/Student Handbook)
 1. The Executive Director shall develop a student code of conduct in cooperation with faculty, parents, and students. The school code of conduct shall be consistent with this policy and other school policies.
 2. A copy of the school policies and student code of conduct, as amended each year, shall be distributed to students and/or parents prior to or during the first week of school each year. Students enrolling after the beginning of the school year shall be provided a copy of the school policies and student code of conduct at the time of registration. Teachers will be given a copy of the student code of conduct prior to the beginning of the school year.
- B. The Safe UT Crisis Line will be monitored by administration. Administration and the School Counselor will investigate and respond to reports received through the Safe UT Crisis Line.
- C. Dangerous or Disruptive Conduct: The following conduct is defined as "dangerous or disruptive conduct" and is prohibited on school property and at, or traveling to school-sponsored activities. Students who participate in school-sponsored activities and violate this policy may be suspended from participating in the activity.
 1. Possessing (regardless of intent), using, selling, or attempting to possess, use or sell any firearm, weapon, knife, explosive device, noxious or flammable material, firework, chemical weapon, martial arts weapon, or other instruments including those which eject a projectile or substance of any kind, or any replica or facsimile of any of the above, whether functional or nonfunctional, whether designed for use as a weapon or for some other use.
 2. Possession or distribution of drugs, cigarettes, electronic cigarettes, alcoholic beverages, or any other illegal or controlled substances
 3. Causing, threatening, conspiring, or attempting to cause damage to personal or real property, or causing, threatening, conspiring, or attempting to cause harm to a person through:
 - a. Sexual harassment or fabrication of sexual harassment charges with malicious intent to defame character.
 - b. Arson—the willful and malicious destruction of any part of a structure or its contents or occupants by use of fire or explosives.
 - c. Burglary—breaking, entering, or remaining in a structure without authorization during the hours when the premises are closed to students.
 - d. Theft/Larceny/Stealing—the intentional unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another.

- e. Criminal Mischief—willful or malicious injury or damage in excess to public property or to real or personal property belonging to another.
 - f. Battery—the unlawful and intentional touching or striking of another person against his or her will.
 - g. Assault—placing another person in fear or apprehension of a harmful or offensive touching, whether or not a touching is actually intended.
 - h. Vandalism—willfully defacing, cutting, marring, injuring, or damaging property.
 - i. Gang-related Activity—dangerous or disruptive activity, which may include but is not necessarily limited to the following:
 - 1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other things which evidence membership in a gang;
 - 2. using a name that is associated with or attributable to a gang;
 - 3. designating turf or an area for gang activities, occupation, or ownership;
 - 4. advocating or promoting a gang or any gang-related activities; or,
 - 5. marking school property, books, or school work with gang names, slogans, or signs.
 - j. Bullying/Hazing—aggressive behavior that is intentional and that involves an imbalance of power or strength. A student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more students.
 - 1. Physical bullying includes, but is not limited to hitting, punching, throwing items, tripping, pushing, or shoving
 - 2. Verbal bullying includes, but is not limited to teasing, spreading rumors, or name calling
 - 3. Non-verbal or emotional bullying includes, but is not limited to intimidation through gestures, social exclusion, or relational aggression
 - 4. Cyber-bullying includes, but is not limited to sending or promoting insulting, demeaning, threatening, or harassing messages by electronic device
 - k. Inappropriate Language—includes, but is not limited to derogatory terms, profanity, or sexually explicit language.
 - l. Involvement in any activity which violates federal, state, or local law or regulation, disrupting normal school proceedings, or causing, or attempting, threatening, or conspiring to cause other students to violate federal, state, or local law or regulation, or to disrupt school proceedings, or attempting, threatening or conspiring to do any of these. These activities include, but are not limited to: extortion, forgery, lewdness, and distributing obscene or pornographic materials.
4. Students with knowledge of dangerous or disruptive behavior have the responsibility to report such behavior to school administration. Students that fail to report such behavior are subject to appropriate disciplinary sanctions.
5. Habitually disruptive behavior:

- a. a student who regularly disrupts the school environment and receives excessive corrections whether verbal, non-verbal, or written.
- D. Due Process Procedures and Disciplinary Action: Due process is an administrative procedure followed when continued attendance of a student is in question. Fairness and reasonableness in disciplinary actions are to be maintained in all proceedings.
- 1. The following actions may be taken for violations of this policy:
 - a. Immediately remove the student from the scene of the violation.
 - b. As soon as possible following the incident, a school administrator shall investigate and document the charges and schedule a conference with the student involved. At this conference, the student may be suspended pending an informal parent conference.
 - c. If the issue cannot be immediately resolved, a school administrator shall invite the parent(s)/guardian to an informal conference where information can be presented on behalf of the student.
 - 1. This informal conference shall take place at the first reasonable opportunity. In most instances this conference should take place within three school days of the incident.
 - 2. At the informal conference the charges shall be explained and supporting evidence reviewed.
 - d. Following an informal conference, a school administrator shall take appropriate disciplinary action which may include, but is not limited to, one or more of the following.
 - 1. INTERVENTIONS
Referral to:
 - i. anger management/self-discipline classes;
 - ii. court/ law enforcement agency;
 - iii. school guidance specialist; or
 - iv. Division of Family Services, Child Protective Services or other agency.
 - 2. SANCTIONS
 - i. behavior contract;
 - ii. community or school service;
 - iii. in-school suspension;
 - iv. lunch/after-school detention; (parent or guardian shall be contacted prior to after school detention for students in grades K-5)
 - v. restitution for damage/harm;
 - vi. parent/guardian attending class with a student
 - 3. REMOVAL
 - i. short-term suspension, up to 3 school days
 - I.
 - ii. long-term suspension, up to 10 school days

Teachers are under no obligation to prepare work for students who are on suspension.

- iii. Expulsion: Expulsion is a disciplinary removal from school by the school administration for more than 10 school days without an offer of alternative educational service.
 - I. The parent(s)/guardian shall be notified of the right to appeal a suspension or expulsion decision to the Board of Trustees.
 - II. Prior to suspension or expulsion for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school

Students serving a suspension or who have been expelled from school are prohibited from being on school property and participating in school-sponsored activities without prior approval from administration.

2. Emergency Suspensions and Expulsions

- a. A student shall be immediately expelled or placed on long-term suspension for any of the following reasons:
 - 1. if the student commits any serious violation affecting another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school 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 look-alike 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 Annotated § 58-37-2, an imitation controlled substance defined in Utah Code Annotated § 58-37b-2, or drug paraphernalia as defined in Utah Code Annotated § 58-37a-3; or
 - iv. the destruction of school property, vandalism, graffiti, or etching as defined by Utah Code Annotated §76-6-107
 - 2. if the student commits an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or a class A misdemeanor.
- b. A student who commits a violation of section (a)(1)(ii) or (a)(1)(iii) 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:
 - 1. Within 45 days after the expulsion the student shall appear before the Executive Director or designee, accompanied by a parent; and
 - 2. The Executive Director or designee 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 or alternative school setting consistent with Section 53G-8-208, 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; and
 - iii. If it would be in the best interest of both Excelsior Academy and the student to modify the expulsion term to less than a year, conditioned on approval by the EA Board of Trustees and giving the highest priority to providing a safe school environment for all students.
 3. A security or police officer may be invited to a due process hearing or any other phase of the student disciplinary action whenever a school administrator deems it necessary.
 4. Any item brought on campus described in section C.2 will be confiscated and either destroyed, discarded, or handed over to local authorities.
 5. The policy for student disciplinary action and due process shall apply to students with disabilities only to the extent permissible under the law.
 - a. Students with disabilities are subject to expulsion imposed for violations involving firearms, explosives, and flammable materials (real, look-alike, or pretended).
 - b. Students with disabilities who are studying under an Individual Education Plan (IEP) may not be expelled or have their school placement changed without a hearing of the IEP committee except for violations involving weapons, drugs, or serious bodily injury (consistent with the Individuals with Disabilities Education Act of 2004).
- E. Right of Appeal
 1. A record of all expelled students shall be kept and a notation of the expulsion attached to the individual student's grade transcript.
 2. In accordance with state law, if a student is suspended or expelled from Excelsior Academy for more than 10 school days, the parent(s)/guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion. Costs for educational services that are not provided by the school are the responsibility of the student's parent(s)/guardian.
- F. Appeals to the Board of Trustees
 1. The final determination may be appealed to the Board of Trustees.
 2. A written appeal must be submitted to the Board Chair within 10 days of the day of suspension or expulsion.
 3. The Board shall review the determination, the evidence presented, and documents submitted by the student's family.
 4. The Board may affirm the determination, amend the determination, or affirm the determination in part and amend in part.
 5. The Board's written decision shall be issued within 21 working days of receipt of the student's written appeal.

- G. Prohibited Discipline: Excelsior Academy shall not use any form of the following forms of discipline:
1. Corporal punishment
 2. Physical punishment of any kind
 3. Verbally abusive comments
 4. Any punishment that is demeaning
 5. Physical restraint
 6. Seclusion
- H. When face masks are required under the Utah Health Department regulations and a student refuses to wear a mask when directed to, they may be sent home as a health precaution.