

## **EA Policy 3A.01.13 Student 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 the administration to take appropriate action to preserve order among the students and staff and to protect school property. Acts of violence, use or possession of a weapon or facsimile, criminal behavior, and gang activity in or about school property, or activities shall be dealt with in accordance with Excelsior Academy's policy and the law. (See Utah Code [§53A-11-901](#))

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 administered according to the following guidelines.

### **A. Student Code of Conduct**

1. The school 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. 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.**

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 instrument 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. Causing, or attempting, threatening or conspiring to cause damage to personal or real property, or causing or attempting, threatening or conspiring to cause harm to a person through:
  - a. Possession or distribution of drugs or alcoholic beverages.
  - b. Sexual harassment or fabrication of sexual harassment charges with malicious intent to defame character.
  - c. Arson—the willful and malicious destruction of any part of a building or its contents or occupants by use of fire or explosive.

- d. Burglary—breaking, entering or remaining in a structure without authorization during the hours when the premises are closed to students.
- e. Theft/Larceny/Stealing—the intentional unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another.
- f. Criminal Mischief—willful or malicious injury or damage in excess to public property or to real or personal property belonging to another.
- g. Battery—the unlawful and intentional touching or striking of another person against his or her will.
- h. Assault—placing another person in fear or apprehension of a harmful or offensive touching, whether or not a touching is actually intended.
- i. Vandalism—willfully defacing, graffiti, cutting, marring, injuring, damaging, or losing school or staff property. Official grade transcripts and diplomas may be withheld until the student or the student's parent(s)/guardian has paid for the damage or made appropriate restitution.
- j. Gang-related Activity—dangerous or disruptive activity, which may include but is not necessarily limited to the following:
  - i. wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang;
  - ii. using a name which is associated with or attributable to a gang; or
  - iii. designating turf or an area for gang activities, occupation, or ownership.
  - iv. advocating or promoting a gang or any gang-related activities;
  - v. marking school property, books, or school work with gang names, slogans, or signs;
- k. Bullying—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.
  - i. Physical bullying: hitting and/or punching
  - ii. Verbal bullying: teasing or name calling
  - iii. Non-verbal or emotional bullying: intimidation through gestures, social exclusion and relational aggression
  - iv. Cyberbullying: sending insulting, threatening or harassing messages by phone or computer, or electronic messaging
- 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.

3. Students with prior knowledge of dangerous or disruptive behavior have the duty to report such behavior to school administration. Students that fail to report such behavior are subject to appropriate disciplinary sanctions.

C. 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 disciplinary actions shall be taken in response to any conduct considered to be dangerous or disruptive, any serious violation which threatens or does harm to school property, to persons associated with the school, or their property, that involves the possession, control, use, or threatened use of a real or look-alike weapon, explosive, noxious or flammable material, with intent to intimidate another person or to disrupt normal school activities, regardless of where it occurs ([USC §53A-11-904\(1\) \(3\)](#))
  - a. Immediately suspend the student from school.
  - b. As soon as possible following the incident, the school director or other administrator shall investigate and schedule a conference with the student and parent(s)/guardian.
  - c. The parent(s)/guardian shall be notified of the student's right to a due process hearing which shall be conducted according to the procedures outlined under item D. of this policy.
  - d. The school director shall prepare a report for the Board of Trustees, which will review each instance of such action.
2. The following actions will be taken for other 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 the 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.
    - i. 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.

- ii. At the informal conference the charges shall be explained and supporting evidence reviewed.

d. Following the informal conference, a school administrator shall take appropriate disciplinary action which may include, but is not limited to, one or more of the following.

### INTERVENTIONS

Referral to:

- (1) anger management/self-discipline classes;
- (2) court/ law enforcement agency;
- (3) school guidance specialist; or
- (4) Division of Family Services, Child Protective Services or other agency.

### SANCTIONS

- (5) behavior contract;
- (6) community or school service;
- (7) in-school suspension;
- (8) lunch/after-school detention;
- (9) restitution for damage/harm;
- (10) parent/guardian attending class with student (requires teacher permission);
- (11) suspension, or removal, from extracurricular activities.

### REMOVAL

- (11) short-term suspension less than or equal to 10 days
  - a. 1-2 days suspension: makeup homework shall be made available to students upon return to school. Students will be given one week to complete the assignments and turn them into the teacher.
  - b. Three to less than or equal to 10 days suspension: parents can make arrangements for makeup work during the suspension period.
- (12) students serving a suspension from school are prohibited from being on school property and participating in school-sponsored activities.
- (13) In accordance with state law, the school director may suspend a student for up to 10 school days.
  - a. The parent(s)/guardian shall be notified of the right to appeal the decision to the Board of Trustees.
- (14) 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 for safety.
- (15) 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 fire arms, 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)
- D. 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
- E. 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.
- F. 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
    - a. Presents a danger of serious physical harm to self or others; or
    - b. Is destroying property
  - 6. Seclusion

**References:**

**Policy Review Schedule (Reviewer):**

**Policy Monitoring Schedule (Monitor):**

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Board Chair