POLICY—500.2—STUDENT CONDUCT AND DISCIPLINARY PROCESS

BOARD POLICY

1. The Board of Education is committed to academic achievement and preparing students for success after graduation including college and career readiness.
2. The Board of Education values the academic and social environment necessary for students to be safe, supported, and motivated to actively engage in all learning opportunities.
3. The Board of Education supports the use of a Multi Tiered Systems of Support (MTSS) for integrating assessment and intervention to maximize student achievement, reduce behavior problems, and increase long-term success for all students. These measures are aligned with Utah State Board of Education (USBE) policies and rules, to provide guidance in restorative practices and support school personnel in building a positive, instructionally responsive, and equitable system within each school to support all students in all settings.
4. The Board of Education adopts this policy to outline positive behavioral expectations, interventions and responses for dangerous and disruptive conduct in accordance with federal and state law. The Board authorizes the Superintendent and District Administration to establish administrative regulations consistent with this policy, subject to review and approval by the Board.

FORMS
None

CANYONS BOARD OF EDUCATION

This online presentation is an electronic representation of the Canyons School District’s currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.
Student Conduct and Disciplinary Process – Administrative Regulations

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1. **ADMINISTRATIVE REGULATION - 500.2-1 (General Conduct and Positive Behavior Expectations)**

1. School administrators shall work with school employees, patrons, and students to provide school-wide positive behavior expectations and supports consistent with Board policies. Each school will develop a framework for positive behavioral expectations and supports to influence the school environment and keep students safe. School staff are responsible to interact positively with students and appropriately correct behavior in a timely manner. Behavioral corrections should be done with the goal of increasing the likelihood of positive behavior and improving the student’s social and emotional well-being.

2. In situations where student behavior becomes disruptive to the extent it interferes with the learning and teaching process, the school administrator or teacher should engage in the least restrictive interventions that serve to maintain or build healthy relationships.

3. Any behavior response engaged in by a staff member must be consistent with established rules and regulations. No one may inflict or cause the infliction of corporal punishment upon a student or exercise other liberties prohibited by statutory law as defined under §53G-8-302 (2) of the Utah Code. All staff will treat any student requiring a behavioral response in a professional and respectful manner, without undue emotional display.

4. Students in need of additional support shall be identified according to the District’s MTSS Framework for academic and positive behavioral support. To improve student behavior, school personnel shall review and consider the following variables: structure of school settings for success; instruction of socially appropriate behavior; and student behavior data to develop and implement additional interventions and supports through the Student Support Team. For issues of substantial disruption school personnel shall refer to the substantial disruption section of the policy.

2. **ADMINISTRATIVE REGULATION – 500.2-2 (Investigation Procedures)**

2.1. **General Investigation Procedures**

2.1.1. School administrators have 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. School administrators shall conduct investigations according to the following general guidelines:

2.1.2. School administrators shall conduct investigations in a way that does not unduly interfere with school and classroom activities.

2.1.3. 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.

2.2. **Students in Investigations**

2.2.1. All students involved in the investigation shall be instructed to keep all the details of the investigation confidential.
2.2.2. Students may be suspended out of school pending investigation if their presence on campus could hinder the investigation or cause a safety concern.

2.2.3. 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 provided:

- Notice of the allegations against him/her;
- A fair opportunity to present their version of the facts; and
- Notice of any disciplinary action being recommended.

2.3. **Coordination with Law Enforcement**

2.3.1. School administrators have the responsibility and the authority, within their respective jurisdictions, to determine when the help of law enforcement authorities is necessary, as outlined in this policy and Utah State law.

2.3.2. Under Utah Code Ann. §53G-8-211 (3)(a), a student who is alleged to have committed an offense on school property where the student is enrolled, when school is in session, or during a school-sponsored activity; may not be referred to law enforcement or court if the alleged offense is a class C misdemeanor, an infraction, or a status offense. The student may be referred to evidence-based alternative interventions.

2.3.3. School administrators may invite law enforcement authorities to:

- Conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity;
- Maintain a safe and orderly educational environment; or
- Maintain or restore order when the presence of such authorities is necessary to prevent injury to persons or property.

2.4. **Investigation Initiated by School Authorities Referred to Law Enforcement**

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 administrator has reason to suspect that a criminal act has been committed, and in the opinion of the school administrator, law enforcement authorities should be notified, the following procedure should be followed:

2.4.1. The school administrator shall request that law enforcement authorities conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.

2.4.2. Unless circumstances dictate otherwise, questioning of the student by school officials shall not begin or continue until law enforcement authorities arrive.

2.5. **Investigation Initiated by School Resource Officers (SROs) and Other Law Enforcement Authorities**

2.5.1. School officials shall cooperate with SROs and other law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc., as outlined in Utah Code Ann. §78A-6-111.
2.5.2. When law enforcement authorities can show a need to do so, they shall be permitted to conduct an investigation on school grounds during school hours.

2.5.3. 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.

2.5.4. Law enforcement authorities investigating school-related or student-related crimes may not have access to student education records and student witness statements, aside from directory information, unless they have a subpoena or court order or permission from parent/legal guardian. Directory information is outlined in the District’s annual FERPA disclosure.

2.6. **Release of Student to Law Enforcement Authorities**

2.6.1. Law enforcement authorities may, without a court order, take a student into custody as outlined in Utah Code Ann. §78A-6-112.

2.6.2. Where it is necessary to take a student into custody on school premises, law enforcement authorities shall:

   2.6.2.1. Contact the school administrator and relate the circumstances necessitating such action;
   
   2.6.2.2. Consult with the school as to how an arrest is to be made in order to cause the least disruption to the school process;
   
   2.6.2.3. Notify the parent/legal guardian of the action under Utah Code Ann. §78A-6-112(3).

2.7. **Situations where Law Enforcement or Emergency Responders take Custody or Control of a Student.**

2.7.1. Law enforcement or emergency responders may be requested to assist in the school environment to take a student into custody or assist in the control of a student to prevent the potential harm to students and other persons, or property.

2.7.2. In such situations, School administrators may disclose personally identifiable information (PII) from a student’s education records (e.g., known disabilities, mental health, or medical conditions) to the appropriate parties. FERPA’s health or safety emergency provision permits such disclosures when the disclosure is necessary to protect the health or safety of the student or other individuals. See 34 CFR §§ 99.31(a)(10) and 99.36.

3. **ADMINISTRATIVE REGULATION – 500.2-3 (Searches)**

3.1. **General Search Procedures**

3.1.1. All students shall be free from unreasonable search and seizure by school officials of their persons, clothing, and other personal property in accordance with state and federal law.
3.1.2. School disciplinary procedures may be brought against a student who fails to comply with a reasonable inspection request of a school administrator. However, in order to provide and preserve a safe environment for all students and staff, a school administrator has the authority to conduct reasonable and limited searches of students, lockers, personal property, and vehicles parked on school property under the following conditions:

- The school administrator has reasonable suspicion to believe that the search will produce evidence of a violation of the law, district or school rules;
- The search is conducted in a manner that is rationally related to the reasonable suspicion and not excessively intrusive in light of the age, sex, and gender of the student and the nature of the suspected infraction;
- The items found during a search may be confiscated by a school administrator and turned over to the police for inspection or retained by a school administrator for use in a school or district disciplinary proceeding; and
- The police may be contacted or called if the school administrator determines there is a serious threat to the physical safety of students, school personnel, or the public.

3.1.3. School officials shall timely document the details of a search conducted of a student’s property or person pursuant to an investigation.

3.2. **Searches of Persons or Personal Property**

- The search of a student should be conducted in an available private area of the school by a school administrator. A search of a student or his or her personal property should be observed by an objective third party, for example, an school administrator, or teacher.
- The nature and scope of a search must be reasonable in light of the suspected infraction and any concern for safety and order in the school.
- A school administrator may ask the student to remove their hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves. Under no circumstances may a school administrator require students to remove other items of clothing during the search.
- A school administrator may perform a “pat down” of the exterior of the student’s clothing, but must refrain from touching students in any other way during the search.
- If this limited search does not reveal suspected contraband and school administrators still have a reasonable suspicion that the student is concealing contraband in their inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement shall be summoned.

3.2.6. In general, all questioning and searching of students conducted by law enforcement will be in accordance with applicable law.

3.3. **Search of Lockers, Desks, and Storage Areas**

- Lockers, desks, and other storage areas are provided to students by the school. However, students have no right or expectation of privacy in any such areas.
- These areas are solely school property, and therefore, the school retains control and access to all lockers, desks, and other storage areas.
3.3.1.2. These areas are assigned to students for their use on the condition that they will be used in a manner consistent with the law, district and school rules.

3.3.2. A school administrator may conduct inspections or searches of these areas at any time, with or without the student present, and with or without cause, in order to fulfill their responsibility of maintaining proper control and management of the school. Once a locker, desk or other storage area is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings.

3.4. **Searches of Student Vehicles Parked on School Property**

3.4.1. A school administrator who has reasonable suspicion to believe that the search of a student’s vehicle will produce evidence of a violation of school or district policy or law may ask the driver of the vehicle to open the vehicle and may inspect the vehicle in the driver’s presence.

3.4.1.1. If a driver fails to comply with the requests of the school administrator, or if an inspection reveals any evidence of a violation, the school administrator may take measures reasonably calculated to maintain the safety and control and management of the school, including revoking a student’s parking privilege.

3.4.1.2. A school administrator may disable the vehicle until police or parent/legal guardians can be summoned.

3.5. **Searches of Students Involved in School Sponsored Activities**

The authorization to search students in school sponsored activities shall apply to all situations in which the student is under the jurisdiction of the district, including all students participating in extracurricular activities and athletics, dually enrolled students, and students taking online courses, when applicable.

3.6. **Confiscation of Dangerous and Disruptive Property and Electronic Cigarette Products**

Dangerous and disruptive property confiscated during a school search and investigation, including real or look-a-like weapons, explosives, noxious or flammable materials, controlled substances, imitation substances, electronic cigarette products, drug paraphernalia, alcoholic beverages, or pornographic material will not be returned to the student or parent/legal guardian and will either be transferred to law enforcement or destroyed.

4. **ADMINISTRATIVE REGULATION – 500.2-4 (Emergency Safety Interventions)**

An emergency safety intervention (ESI) is using seclusionary time out or physical restraint when a student presents an immediate danger to self or others likely to cause serious physical harm. An ESI shall not be used for disciplinary purposes. A school employee may not subject a student to physical restraint or seclusionary time out unless such action is utilized as a necessary ESI in compliance with these procedures and consistent with evidence-based practices.

4.1. **General Emergency Safety Intervention Procedures**

4.1.1. Licensed personnel 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 release criteria.
4.1.2. An ESI may only be used for maintaining physical safety and shall not be used as a means of discipline or punishment.

4.1.3. Students with Qualified Disabilities
   
   4.1.3.1. Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall comply with all applicable state and federal laws, and the district policy.

4.2. **Physical Restraint**

   4.2.1. A school employee may, when acting within the scope of employment, use and apply reasonable and necessary physical restraint as an ESI only under the following circumstances:
   
   4.2.1.1. the student’s behavior poses an imminent danger to the student and or others likely to cause serious physical harm;
   
   4.2.1.2. to take possession of a weapon, or other dangerous objects in the possession or under the control of a student; or
   
   4.2.1.3. to stop the student from destroying property, when physical safety is at risk.

   4.2.2. All physical restraint shall:
   
   4.2.2.1. be applied for the minimum time necessary to ensure safety and a release criteria must be implemented;
   
   4.2.2.2. use the least amount of force necessary to diffuse the emergency situation
   
   4.2.2.3. be discontinued as soon as the imminent danger of physical harm to self or others has dissipated;
   
   4.2.2.4. be discontinued if the student is in severe distress; and never be imposed for more than 30 minutes.

4.2.3. If an employee uses physical restraint as an ESI on a student, use of the following restraints are prohibited:
   
   4.2.3.1. prone, or face-down physical restraint;
   
   4.2.3.2. supine, or face-up physical restraint;
   
   4.2.3.3. physical restraint which obstructs the airway or adversely affects the student’s primary mode of communication;
   
   4.2.3.4. mechanical restraint, except for protective, stabilizing, or legally required mechanical restraints, such as seatbelts or safety equipment used to secure students during transportation; or
   
   4.2.3.5. chemical restraint, except as prescribed by a licensed physician, or other qualified health professional, for the standard treatment of a student’s medical or psychiatric condition, and implemented in compliance with a student’s approved Health Care Plan.

4.3. **Seclusionary Time Out**

   4.3.1. A school employee may, when acting within the scope of employment, place a student in seclusionary time out as an ESI only under the following circumstances:
   
   4.3.1.1. the employee uses the minimum time necessary to ensure safety and uses a release criteria;
4.3.1.2. any door remains unlocked;
4.3.1.3. the student is within line of sight of an employee at all times; and
4.3.1.4. the student is not placed in a seclusionary timeout for more than 30 minutes.

4.3.2. Seclusionary time out shall meet the following conditions:
   4.3.2.1. the student is placed in a safe enclosed area by school personnel
   4.3.2.2. the student is purposefully isolated from adults and peers
   4.3.2.3. the student is prevented from leaving or the student reasonably believes that they are prevented from leaving the enclosed area any door remains unlocked; and
   4.3.2.4. the student is within line of sight of an employee at all times; and

4.4. **Parent Notification of Emergency Safety Intervention**

4.4.1. If a crisis situation occurs that requires an ESI, at the first possible moment after the onset of the ESI the school employee shall immediately notify the school administrator, and the school administrator shall immediately notify the student’s parent/legal guardian.

4.4.2. If the ESI is applied for longer than fifteen minutes, the school administration shall immediately notify the student’s parent/legal guardian and school administration.

4.4.3. Parent/legal guardian notifications made under this section shall be documented in the student information system.

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

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

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

4.5. **Emergency Safety Intervention (ESI) Committee**

4.5.1. The district shall establish an ESI committee which includes:
   4.5.1.1. at least two administrators;
   4.5.1.2. at least one parent/legal guardian of a student enrolled in the District, appointed by the District; and
   4.5.1.3. at least two licensed personnel with behavior training and knowledge in both state rules and the board’s conduct and discipline policies.

4.5.2. The committee shall:
   4.5.2.1. meet often enough (no less than four times per school year) to monitor the use of ESI within the district;
   4.5.2.2. determine and recommend professional development needs;
   4.5.2.3. develop procedures or practices for dispute resolution processes to address concerns regarding disciplinary actions; and
   4.5.2.4. create and communicate uniform district methods for evaluation of the efficiency and effectiveness of each schools’ rules and standards.
4.5.3. The District shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in district schools.

4.5.4. The District shall annually provide documentation of any school, program or district use of ESI to the State Superintendent of Schools.

5. ADMINISTRATIVE REGULATION – 500.2-5 (District Response for Specific Behavior Infractions)

5.1. Bullying, Hazing, Cyberbullying, Abusive Conduct, and Retaliation:

Bullying, Hazing and Cyber-bullying, Abusive Conduct, and Retaliation are abusive and illegal behaviors that harm victims and negatively impact the school environment. Canyons School District strictly prohibits any student or school employee from engaging individually or collectively in any form of bullying, hazing, cyber-bullying, abusive conduct, or retaliation on school property, in conjunction with any school activity, or involving any person associated with a school activity regardless of where it occurs.

5.1.1. Student Discipline and Duty to Report:

5.1.1.1. Students who initiate, promote, and/or engage in hazing, bullying, cyberbullying, abusive conduct, or retaliation activity shall be subject to discipline under this policy. In addition, conduct that may rise to the level of suspect criminal activity will be referred to law enforcement.

5.1.1.2. Students who observe hazing, bullying, cyberbullying, abusive conduct, or retaliation activities have a duty to report such behavior to school administration. Students that fail to report such behavior are subject to appropriate disciplinary sanctions under this policy.

5.1.1.3. Students who make false allegations of hazing, bullying, cyberbullying, abusive conduct, or retaliation activity may be subject to disciplinary action.

5.1.1.4. The submission of a good faith complaint report will not affect the reporter’s grades, learning or working environment, future employment, or work assignment.

5.1.2. Notice and Reporting Requirements

5.1.2.1. The Office of the Superintendent authorizes District Administration to develop:

5.1.2.1.1. Procedures to allow for anonymous reporting of hazing, bullying, cyberbullying, abusive conduct, or retaliation activities.

5.1.2.1.2. Procedures for promptly reporting to law enforcement hazing, bullying, cyberbullying, abusive conduct, or retaliation activities that may rise to the level of suspect criminal activity.

5.1.2.1.3. Procedures for publicizing this policy to school employees, students, and parent/legal guardian.

5.1.2.1.4. Procedures for notification to parents of students involved in an incident of bullying, cyber-bullying, hazing, abusive conduct or retaliation. §53G-9-604

5.1.2.2. Formal disciplinary action may not be based solely on the basis of an anonymous report.
5.1.3. A school administrator or their designee shall:

5.1.3.1. investigate reports of hazing, bullying, cyberbullying, abusive conduct, or retaliation activities consistent with this policy.

5.1.3.2. follow the administrative procedures, including notification to the Superintendent’s designee as appropriate.

5.1.4. Dissemination and Training

5.1.4.1. Canyons School District shall adopt procedures for publicizing this policy to school employees, students, and parents/legal guardians.

5.1.4.2. Prior to any student or employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, a student or coach shall participate in bullying and hazing prevention training.

5.2. **Illegal Substances and Violations**

5.2.1. Public Notice to Parent/Legal Guardians and Students of the District:

**You Are Hereby Notified** that use of illegal drugs and the unlawful possession and use of alcohol is damaging and harmful and is a violation of Canyons School District policy for any student to distribute, dispense, possess, or use or be under the influence of any alcoholic beverage or unlawfully manufacture, distribute, possess, or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. §812) and as further defined by regulation 21 C.F.R. 1308.11-1308.15, the Utah Controlled Substances Act (Utah Code §58-37-1), the Alcohol Beverage Control Act (Utah Code §32B-1-101), and the Utah Criminal Code, Cigarettes, E-Cigarettes, and Tobacco and Psychotoxic Chemical Solvents (Utah Code §76-10-1), before or after school or in any other school district location. Any student who violates the terms of the school district’s illegal substances policy is subject to the discipline outlined in the district’s policies including all disciplinary sanctions consistent with local, state, and federal law, up to and including suspension and referral for prosecution.

5.3. **Procedures for Illegal Substances Violations**

5.3.1. If an educator has reasonable cause to believe that a student has been in possession of or consumed: alcohol; controlled substances; or been in possession of drug paraphernalia at a school-sponsored activity or on school property, the educator shall report to a school administrator.

5.3.2. The school administrator shall report the violation to the student’s parent/legal guardian, and may report to law enforcement. (See, U.C.A. §53G-8-501, et seq). Illegal violations covered by this policy may be reported to an appropriate law enforcement agency. Canyons School District will enforce the disciplinary consequences outlined in this policy independent of any court action.

5.3.3. Students apprehended by school district employees for illegal violations covered by this policy with a nexus to the school while off-campus during regular school hours shall be subject to this policy.
5.3.4. Students found in possession of drug paraphernalia as defined in Utah Code §58-37a-3 will be disciplined according to the “possession and use” provisions of this policy.

5.3.5. Canyons School District will award credit for education from an accredited institution when students are in drug and/or alcohol use treatment programs and alternative education programs. The credit will be reviewed for inclusion on the student’s transcript.

5.4. **Behavior Response for Possession/Use of Tobacco/E-Cigarette**

5.4.1. First Offense: Student and parent/legal guardian are required to attend the Early Intervention Class offered at the Canyons Family Center (CFC); and $50 fine.

5.4.1.1. Early Intervention Class: The Early Intervention class includes specific lessons on problem-solving, decision-making, communication skills, mood management, the stages of adolescent drug/alcohol dependency, and basic drug/alcohol information. A parent/legal guardian is required to attend the class with the student. Upon completion of the course, the parent/legal guardian and student should submit a personal reflection as what was learned.

5.4.1.2. Fine will be waived or reimbursed after successful completion of course if completed within 60 days).

5.4.2. Second Offense: A review of the students and parent/legal guardian documented responses from the first Early Intervention Class; a CFC intake appointment; and $100 fine.

5.4.2.1. Intake Appointment: An intake appointment is a clinical interview to more thoroughly understand the student’s functioning at school and other aspects of their life. A personalized series of recommendations are provided to the family, recommendations may include school-based interventions, CFC counseling and/or classes, referrals to community-based services, and encouragement for families to follow up with their medical providers.

5.4.3. Third Offense: Contact Director of Responsive Services to review possible next steps including referral to District Case Management Team or initiate district supported intervention plan; and $150 fine.

5.5. **Behavior Response for Possession/Use of Other Illegal Substances**

5.5.1. First Offense: Student and parent/legal guardian are required to attend the Early Intervention Class offered at the Canyons Family Center (CFC); and $50 fine.

5.5.1.1. Early Intervention Class: The Early Intervention class includes specific lessons on problem-solving, decision-making, communication skills, mood management, the stages of adolescent drug/alcohol dependency, and basic drug/alcohol information. A parent/legal guardian is required to attend the class with the student. Upon completion of the course, the parent/legal guardian and student should submit a personal reflection as what was learned.

5.5.1.2. Fine will be waived or reimbursed after successful completion of course if completed within 60 days).

5.5.2. Second Offense: A review of the students and parent/legal guardian documented responses from the first Early Intervention Class; a CFC intake appointment; and $100 fine.
5.5.2.1. Intake Appointment: An intake appointment is a clinical interview to more thoroughly understand the student’s functioning at school and other aspects of their life. A personalized series of recommendations are provided to the family, recommendations may include school-based interventions, CFC counseling and/or classes, referrals to community-based services, and encouragement for families to follow up with their medical providers.

5.5.3. Third Offense: Contact Director of Responsive Services to review possible next steps including referral to District Case Management Team or initiate district supported intervention plan; and $150 fine; and consultation with School Resource Officer

5.6. Threats
A threat is an expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware the threat existing in any fashion, whether orally, visually, in writing, or electronically.

5.6.1. Levels of Threat
5.6.1.1. Transient Threat: A threat that does not express a lasting intent to harm someone. A threat is transient only if it can be quickly and easily resolved and no longer exists.
5.6.1.2. Serious Substantive Threat: A threat that expresses a continuing intent to assault someone.
5.6.1.3. Very Serious Substantive: A threat that involves using a weapon or threat to kill, sexually assault, or inflict injury to someone.

5.6.2. Procedures for Substantive and Serious Threat Violations
5.6.2.1. School administrator identifies the level of threat through investigation and review of student statements.
5.6.2.2. When a threat is reported to a school administrator, the administrator makes a preliminary determination of the seriousness of the threat.
5.6.2.3. School administrators will follow District procedures for conducting a threat assessment as outlined in Exhibit--Procedures for Threat Assessments.

5.7. Threats Against Schools
An individual is guilty of making threat against school if the individual threatens in person or via electronic means, either with real intent or as an intentional hoax, to commit any offense involving bodily injury, death, or substantial property damage and:

5.7.1. threatens the use of a firearm or weapon or hoax weapon of mass destruction;
5.7.2. acts with intent to:
5.7.2.1. disrupt the regular schedule of the school or influence or affect the conduct of students, employees, or the general public at the school;
5.7.2.2. prevent or interrupt the occupancy of the school or a portion of the school, or a facility or vehicle used by the school; or
5.7.2.3. intimidate or coerce students or employees of the school; or
5.7.2.4. causes an official or volunteer agency organized to deal with emergencies to take action due to the risk to the school or general public.

5.7.3. Offenses:
5.7.3.1. A violation of 6.7.1, 6.7.2, 6.7.2.1, 6.7.2.3 above is a class A Misdemeanor
5.7.3.2. A violation of 6.7.2.2. above is a class B Misdemeanor,
5.7.3.3. A violation of 6.7.2.4. above is a class C misdemeanor.

5.7.4. It is not defense that the individual did not attempt to carry out or was incapable of carrying out the threat.

5.7.5. A violation of this section shall be reported to the law enforcement agency. If the individual alleged to have violated this section is a minor, the minor may be referred to juvenile court. (See, Utah Code §76-5-107.1).

6. ADMINISTRATIVE REGULATION – 500.2-6 (Grounds for Suspension)

6.1. Grounds for Suspension
In accordance with federal and state law, Canyons School District (CSD) defines standards and procedures for working with students who cause disruption and/or engage in conduct which is a serious violation (See, §53G-8-205) and poses an immediate threat to the safety and welfare of other students or other school personnel, in the classroom, on school property, in connection with school-sponsored related activities or events, or while traveling in school-funded or school vehicles (e.g., buses).

6.1.1. CSD organizes levels of behaviors along a continuum to inform and assist students, parent/legal guardian, and employees to engage in appropriate behavior responses with consistency across schools. (See, Exhibit—1—Levels of Behavior, Interventions and Responses)

6.1.2. Depending on the level of student behavior, an individual school or District may engage in a variety of interventions including, but not limited to: in-school suspension, out of school suspension, referral to the District Case Management Team, and/or expulsion consistent with principles of due process under federal and state law.

6.2. Conduct for which a student shall be suspended:
6.2.1. A student shall be suspended and may be referred to the District Case Management Team or expelled from a public school for any serious violation that affects another student or staff member, or serious violation occurring in a school building, in or on school property, while traveling in school-funded or school-dispatched vehicles, or in conjunction with any school activity, including:

6.2.2. possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
6.2.3. the actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities;
6.2.4. the sale, control, or distribution of a drug or controlled substance, an imitation substance, or drug paraphernalia; or
6.2.5. an act involving force or threatened use of force which if committed by an adult would be a felony or class A misdemeanor (See 500.2, Exhibit 1—Levels of Behavior, Interventions and Responses).

6.3. **Serious Violations**
A student who commits a serious violation of 6.2.1 above, involving a real or look alike weapon, explosive, or flammable material shall be suspended and referred to the District Case Management Team, for a period not less than a year subject to:

6.3.1. Within 45 school days after the suspension the student shall appear before superintendent’s designee, accompanied by a parent/legal guardian to determine what conditions should be met by the student or student’s parent/legal guardian to return to school; or if the student should be placed on probation in a regular school setting or an alternative school setting to maintain safety of students and faculty.

6.4. **Conduct for which a student may be suspended:**
A student may be suspended (including in-school suspension) for any of the following reasons:

6.4.1. Frequent or flagrant willful disobedience, defiance of property authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
6.4.2. Willful destruction or defacing of school property;
6.4.3. Behavior or threatened behavior which poses an immediate and significant threat to the welfare or safety of other students or school personnel or to the operation of the school;
6.4.4. Possession, control, or use of an alcoholic beverage;
6.4.5. Behavior that threatens harm to the school property, to a person associated with the school, or property associated with the person; or
6.4.6. Possession of pornographic material on school property
6.4.7. Any student conduct violation as listed as Level 3-5 behavior. (See 500.2, Exhibit 1—Levels of Behavior, Interventions and Responses).

6.5. **Student Discipline and Duty to Report**
Students with prior knowledge of dangerous and disruptive behavior have the duty to report such behavior to school administration. Students that fail to report such behavior may be subject to appropriate disciplinary sanctions.

7. **ADMINISTRATIVE REGULATION – 500.2-7 (Suspension Procedures)**
The following procedures are applicable to students who may or shall be suspended from school. (See, §53G-8-205).
7.1. **General Suspension Procedures**

7.1.1. Consistent with state law, the Board of Education may suspend a student for up to one school year or delegate this authority to the superintendent or superintendent’s designee. (See, §53G-8-206).

7.1.2. If a student has a qualified disability under the Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act, separate procedures may apply based on procedural safeguards in federal law (IDEIA or Section 504). Students with qualified disabilities have certain rights regarding cumulative days of suspension. (Refer to Students with Qualified Disabilities).

7.1.3. A student serving out of school suspension shall immediately leave the school building and the school grounds following a determination by the school and parent/legal guardian of the best way to transfer custody of the student to the parent/legal guardian or other person authorized by the parent/legal guardian or applicable law to accept custody of the student.

7.1.4. A student serving out-of-school suspension is not allowed to come onto school property, participate in extracurricular activities, or attend school-sponsored events. A student may be considered trespassing if he or she comes onto school grounds while suspended out of school.

7.1.5. Out-of-school suspensions are excused absences. The school administrator must ensure that a student serving suspension is able to obtain homework, and upon the student’s return, provided with the opportunity to make up any quizzes, tests, special projects, or final exams given during the period of suspension.

7.1.6. Except where suspension is required by state law (See, §53G-8-205 (2), students in grades pre-kindergarten through second may not be assigned out-of-school suspensions. If a student in pre-kindergarten through second grade exhibits behavior that presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff, the school administrator or designee may grant an exception and assign an emergency one-day in-school or out-of-school suspension when:

- Prior to suspending a student, the School Performance Office is contacted;
- The student’s parent/legal guardian has been notified;
- During the suspension, the school administrator or designee must develop a plan addressing the safety of students/staff and including strategies for preventing future behavior incidents, restoring relationships, and addressing the student’s ongoing social, emotional, and academic needs.

7.2. **Suspensions for Up to 10 School Days**

A school administrator within the school district has the power to suspend a student in the administrator’s school for up to 10 school days (See, §53G-8-206). However, except where suspension for a first offense is required by state law (See, §53G-8-205), a school administrator may only impose out-of-school suspension when:

7.2.1. The student’s attendance at school presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff
7.2.2. The student has caused chronic and extreme interruption to other students’ participation in school activities and alternatives to suspension fail to bring about proper conduct.

7.2.3. Alternatives to suspension that have been attempted must be documented and evaluated for effectiveness prior to referring the student for a disciplinary sanction that results in the student’s removal from an assigned classroom or the school site.

- 7.2.3.1. Alternatives to suspension include, but are not limited to, conferences with students and their parent/legal guardian; use of Student Support Team; enrollment in a program teaching social/emotional behavior or anger management; participation in a restorative justice program or restorative circles; and positive behavior support approaches.

- 7.2.3.2. The student was informed of their reported misbehavior, provided an opportunity to respond, and reasonable efforts were made to contact the parent/legal guardian, and

- 7.2.4. A copy of the misconduct report was provided to the student’s parent/legal guardian.

7.2.5. Prior to suspending a student beyond three (3) school days, the School Performance Office is contacted.

7.3. **Suspensions Beyond 10 School Days**

A suspension may not extend beyond 10 school days unless the student and the student's parent/legal guardian have been given a reasonable opportunity to meet with a designated school official in a District-Level Hearing and respond to the allegations and proposed disciplinary action.

7.4. **Parent Notification of Suspension**

If the school administrator determines to suspend the student, a parent/legal guardian must be contacted and provided the following information.

- 7.4.1. The student has been suspended;
- 7.4.2. the grounds for the suspension;
- 7.4.3. the period of time for which the student is suspended; and
- 7.4.4. if applicable, a time and place for an informal conference.

7.5. **Student and School Administrator Reinstatement Meeting**

- 7.5.1. Upon return, a suspended student will immediately report to a pre-determined designated school official to review the suspension and agreed upon a plan to repair harm and avoid recurrence of the problem.

- 7.5.2. If a parent/legal guardian is unable to attend the reinstatement meeting, they will be notified by the designated schools official of the agreed upon plan.

7.6. **Students with Qualified Disabilities**
7.6.1. General rule regarding removal or suspensions: A school administrator may remove a student with a disability who violates a code of conduct from his or her current placement to an appropriate interim alternative education setting (suspension), for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct (provided it does not constitute a change of placement because of disciplinary removals).

7.6.2. A change of placement because of disciplinary removal occurs if:
   7.6.2.1. A removal is for more than 10 consecutive school days; or
   7.6.2.2. The student has been subjected to a series of removals that constitute a pattern:
       7.6.2.2.1. Because the series of removals total more than 10 school days in a school year;
       7.6.2.2.2. Because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in a series of removals; and
       7.6.2.2.3. Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

7.6.3. A change of placement because of disciplinary removal is a case-by-case determination, whether a pattern of removal constitutes a change of placement.

7.6.4. A change of placement because of disciplinary removals requires:
   7.6.4.1. A manifestation determination be conducted within 10 school days of the removal that resulted in the change of placement determination;
   7.6.4.2. The Individual Education Plan (IEP) Team must meet and determine what education services the student is to receive to enable the student to continue to participate in the general education curriculum, although in another setting, and progress toward meeting the goals in the student’s IEP; and
   7.6.4.3. Provide, as appropriate, a Functional Behavior Assessment (FBA) and Behavioral Intervention Plan (BIP) that are designed to address the behavior violation.

7.6.5. After a student with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school must provide educational services.

7.6.6. Students with qualified disabilities are subject to the one-year expulsion imposed for violations involving firearms, explosive, and flammable materials.

7.6.7. Students with qualified disabilities studying under an Individualized Education Plan (IEP) may not be expelled or have their school placement changed without an IEP team meeting being held, except for serious violations including weapons, drugs, or serious bodily injury.

8. ADMINISTRATIVE REGULATION – 500.2-8 (Peer Court)
Canyons School District operates a Peer Court under the Utah Youth Court Diversion Act as a diversion program for students who have been identified by school administrators as having committed acts which indicate a need for an intervention.
8.1. **Referrals for Peer Court**

8.1.1. The determination of whether a Peer Court referral is warranted shall be made by the school administrator in consultation.

8.1.2. Students may be referred to Peer Court as an appropriate behavior response for Level 3-4 behaviors. (See, Exhibit—1—Levels of Behavior, Interventions and Responses)

8.2. **Procedures for Peer Court**

8.2.1. The Director of Responsive Services or designee is responsible for facilitating routine Peer Court meetings.

8.2.2. The Peer Court Facilitator shall conduct regular meetings at the routinely appointed time and place.

8.3. **Determinations from Peer Court**

8.3.1. Canyons Peer Court does not make a determination of whether or not a student engaged in particular conduct, instead participation in peer court presumes the student engaged in conduct and the peer court issues a disposition and encourages restorative practices.

9. **ADMINISTRATIVE REGULATION – 500.2-9 (DCMT)**

9.1. **Referrals for District Case Management Team**

9.1.1. The determination of whether a DCMT referral is warranted shall be made by the school administrator in consultation with the Director of Responsive Services. Once a DCMT referral is accepted, the school administrator shall follow district procedures to:

9.1.2. Notify parents of suspension and referral to DCMT;

9.1.3. Complete and submit DCMT paperwork to Responsive Services for scheduling;

9.1.4. A DCMT referral for a student with any qualified disability (IDEIA or Section 504), will not be scheduled until the school administrator is certain all due process requirements for that student have been met and the Special Education Department/District Section 504 Coordinator is notified.

9.2. **Procedures for District Case Management Team**

9.2.1. The Director of Responsive Services or designee is responsible for facilitating routine District Case Management Team (DCMT) meetings.

9.2.2. The District Case Management Facilitator shall conduct case management team meetings at the routinely appointed time and place. DCMT meeting membership shall include school administrators, district administrators, and district specialists.

9.2.3. DCMT will meet prior to the tenth school day of the student suspension to make a determination.

9.3. **Determinations from District Case Management Team**

9.3.1. The DCMT shall result in one or more of the following determinations:

9.3.1.1. Any disciplinary action already imposed is rescinded and the student is returned to school.

9.3.1.2. The appropriateness of the school’s disciplinary action is affirmed and the student is returned to school.
9.3.1.3. The student is suspended from the current school and transferred to another District school or to an alternative school assignment.

9.3.1.3.1. School assignments other than the current school (parent input may be considered);
9.3.1.3.2. Alternative educational setting;
9.3.1.3.3. Home and Hospital Instruction (Policy—500.46); or
9.3.1.3.4. Student is referred to a District Hearing for consideration of expulsion from all District schools for up to one school year with no instruction provided by the District.

9.3.1.4. The determination shall be communicated to the student’s parent(s) or guardian within five (5) business days following the hearing.

10. ADMINISTRATIVE REGULATION – 500.2-10 (District Level Hearings)

10.1. District Level Hearing

10.1.1. The Superintendent (or superintendent’s designee) shall appoint a District Hearing Officer to conduct District Level Hearings.

10.1.2. The determination of whether a District-Level Hearing is warranted shall be made by the school administrator in consultation with the School Performance Office. If a District-Level Hearing is warranted, the school administrator shall contact the Hearing Officer for scheduling of a District-Level Hearing and completion of appropriate paperwork.

10.1.2.1. A District-Level hearing for a student with any qualified disability (IDEIA or Section 504), will not be scheduled until the school administrator is certain all due process requirements for that student have been met and the Special Education Department is notified.

10.1.3. The Hearing Officer shall schedule a hearing prior to the tenth school day of the student suspension.

10.2. Procedures for District Hearing

10.2.1. The District Hearing Officer, with the assistance of at least two (2) other designated staff members, shall conduct the hearing at the appointed time and place.

10.2.2. The District and the student may each be represented by a person of their choice, which may be a legal representative provided at the student’s expense. The student or parent/legal guardian shall provide reasonable notice to the District Hearing Officer if the student will be represented by legal counsel.

10.2.3. The school suspending the student shall be represented by a school administrator and, when applicable, by a representative of the student’s IEP team.

10.2.4. At the hearing, each side may make statements and present evidence relevant to the issues.

10.3. Hearing Determination

The District hearing shall result in one of the following determinations.

10.3.1. Any disciplinary action already imposed is rescinded and the student is returned to school.
10.3.2. The appropriateness of the school’s disciplinary action is affirmed and the student is returned to school.

10.3.3. The student is suspended from the current school and transferred to another District school or to an alternative school assignment.
   - School assignments other than the current school (parent input may be considered);
   - Alternative educational setting;
   - Home and Hospital Instruction (Policy—500.46); or
   - Student is expelled from all District schools for up to one school year with no instruction provided by the District.

10.3.4. The determination of the hearing shall be communicated to the student’s parent(s) or guardian within five (5) business days following the hearing.

10.3.5. A record of all expelled students shall be kept and a notation of the expulsion attached to the individual student’s grade transcript.

10.3.6. In accordance with state law, if a student is suspended (or in the event of a Safe Schools violation, expelled) from a Canyons School District school for more than ten (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. [53G-8-208].

11.3.6.1. The parent/legal guardian shall work with designated school officials to determine how that responsibility might best be met.

10.4. **Appeal**

10.4.1. The final determination, with the exception of the student’s school assignment, may be appealed to a three-person District Appeal Panel appointed by the Superintendent or the superintendent’s designee.

10.4.2. A written appeal must be submitted to the superintendent’s designee within ten (10) business days of the day the determination of the hearing is mailed to the student and parent/legal guardian.

10.4.3. The District Appeal Panel shall review the determination, the evidence presented at the hearing, and documents submitted by the student. (An additional hearing will not be held).

10.4.4. The District Appeal Panel may affirm the determination, amend the determination, or affirm the determination in part and amend in part.

10.4.5. The District Appeal Panel’s decision shall be issued within ten (10) business days of receipt of the student’s written appeal.

11. **ADMINISTRATIVE REGULATION – 500.2-11 (School Level Behavior Plans)**

The District recognizes the importance of local community involvement and site-based decision making; therefore, each school shall develop a written student code of conduct and behavior response plan. Refer to administrative guidelines for information regarding items to be included in the School Behavior Response Plan.
11.1 **Site Based Interventions**  
A continuum of intervention strategies, including positive behavioral interventions and supports, shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations.

11.2 **Positive behaviors plan**  
11.2.1. Each school principal shall create a positive behaviors plan based on input of students, parents, and staff; and submit the positive behaviors plan to the Board for approval.

11.2.2. A positive behaviors plan is a plan to address the causes of student use of tobacco, alcohol, e-cigarettes, and other controlled substances through promoting positive behavior. The positive behavior plan shall issue including peer pressure, mental health, and creating meaningful relationships.

11.2.3. Each school shall designate one or more employees as a positive behavior specialist to administer the positive behavior plan. A positive behavior specialist shall submit an annual report to the Board how positive behaviors were implemented the prior year.

11.3 **Detention of Students**  
11.3.1. The school administrator or licensed designee shall contact a parent/legal guardian before a student is detained after regular school hours.

11.3.2. The parent/legal guardian of a student will be notified prior to the time when the student is detained after school. (Contact with neighbors or siblings is not sufficient to meet this requirement).

11.3.3. Notification will be documented in the school office with the following information:  
11.3.3.1.Name of student to be detained.  
11.3.3.2.Name of licensed employee making the notification.  
11.3.3.3.Name of parent (guardian) receiving the notification.  
11.3.3.4.Date and time of contact.  
11.3.3.5.Reason for detaining the student.  
11.3.3.6.Duration of detainment time.  
11.3.3.7.Verification of safe transportation home.

11.3.4. An exception to the notification of parent (guardian) requirement will be made if necessary for the student’s health or safety.

11.4 **Student Dress Code Standards**  
11.4.1. Students shall dress in a manner suitable to the day’s activities consistent with the standards of health, safety, and acceptable behavior.

11.4.2. Student clothing and accessories must not present a health or safety hazard or distraction, which would disrupt the educational mission. Disruption is defined as reactions by other individuals to the clothing or adornment, which causes the teacher/administrator to lose the attention of students, to modify or cease instructional activities, or deal with student confrontations or complaints.
11.4.3. Dress code standards prohibit: immodest or suggestive clothing; apparel advocating illegal or inappropriate behavior or language; head wear; gang symbols; disruptive apparel; and unsafe apparel.

11.4.3.1. Students shall not wear clothes that are mutilated, cut off, or immodest.
11.4.3.2. Clothing shall cover the midriff, underwear, backs, and cleavage at all times, and must be at least mid-thigh length or longer when seated.

11.4.4. The student dress code standards include, but are not limited to the following:
11.4.4.1. All students shall wear clean clothing.
11.4.4.2. Shoes shall be worn at all times to ensure personal safety and hygiene.
11.4.4.3. Items that disrupt the educational mission shall not be allowed.
11.4.4.4. Clothing that may draw undue attention, disrupt, or pose a health or safety issue, or interfere with the learning atmosphere, shall not be allowed.
11.4.4.5. Items which bear advertising, promotions and likeness of tobacco, e-cigarettes, alcohol, or drugs or which are contrary to the educational mission, shall not be allowed.
11.4.4.6. Personal items such as clothing, paraphernalia, jewelry, backpacks, gym bags, water bottles, etc., shall be free of writing, pictures, or any other insignias, which are crude, vulgar, profane, violent, or sexually suggestive.
11.4.4.7. Gang-related clothing, colors, and paraphernalia shall not be allowed in school or activities. School officials will determine what constitutes “gang” clothing, colors, and paraphernalia after consultation with law enforcement agencies as needed.
11.4.4.8. Hats of any kind are not to be worn within the building except as part of an approved activity, or for religious or medical purposes.
11.4.4.9. Students shall comply with the laws that govern wearing military uniforms and insignias (Title 10) USC § 771-772, and Army Regulations 670 1 §29-4.

11.4.5. Accommodations must be made for students whose religious beliefs are substantially affected by dress code requirements.

11.4.6. School officials may require students to wear certain types of clothing for health and safety reasons in connection with certain specialized activities.

11.4.7. Students who violate dress code provisions may be subject to student discipline and due process procedures must be followed.

11.5. **School Dress and Grooming – Graduation**

11.5.1. In order to maintain dignity and decorum at high school commencements, students participating in commencement exercises are subject to the dress and grooming standards articulated in this policy and are required to wear the prescribed cap and gown during the ceremony without additional ornamentation or decoration.

11.5.2. Personal items such as clothing, accessories or jewelry that draw undue attention or detract from the dignity and decorum of the occasion shall not be allowed. Mantles, cords, insignias or medals signifying achievement, honor or recognition are restricted to awards issued and approved for display at graduation by the local high school.

11.5.3. During the ceremony refers to the entire duration of the commencement program from opening processional to completion of the recessional.
**11.6. Student Conduct on the School Bus**

Disruptive behavior and conduct occurring while traveling in school-funded vehicles (e.g., buses) should be treated as disruptive behavior and conduct on school property. Decisions regarding student transportation privileges are delegated to the school administration or the District Case Management Team as warranted.

11.6.1. Riding a school bus is a privilege conditioned upon compliance with appropriate school conduct, unless riding a school bus is part of a student’s special education individualized education plan (IEP).

11.6.2. Student transportation decisions must comply with federal and state law, and associated rules and regulations for special education students and/or student transportation. Schools and the members of the DCMT should consult with district specialists as appropriate.

**12. ADMINISTRATIVE REGULATION – 500.2-12 (Definitions)**

For the purposes of this policy the following definitions apply.

12.1.1. “Abusive Conduct” means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

12.1.1.1. A single act does not constitute abusive conduct.

12.1.2. “Bullying” means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

12.1.2.1. causing physical or emotional harm to the school employee or student;
12.1.2.2. causing damage to the school employee’s or student’s property;
12.1.2.3. placing the school employee or student in reasonable fear of:
   12.1.2.3.1. harm to the school employee’s or student’s physical or emotional well-being; or
   12.1.2.3.2. damage to the school employee’s or student’s property;
12.1.2.4. creating a hostile, threatening, humiliating, or abusive educational environment due to:
   12.1.2.4.1. the pervasiveness, persistence, or severity of the actions; or
   12.1.2.4.2. a power differential between the bully and the target; or
   12.1.2.4.3. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

12.1.3. “Cyberbullying” means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
12.1.4. “Distribution” of illegal substances means the actual, constructive, or attempted sale, transfer, delivery, or dispensing to another of an imitation controlled substance or controlled substance.

12.1.5. “Electronic cigarette”: means (1) an electronic device used to deliver or capable of delivering vapor containing nicotine or another substance to an individual’s respiratory system; (2) a component of a device as described in (1); or an accessory sold in the same package as the device as described in (1).

12.1.6. “Electronic cigarette”: includes an e-cigarette as that term is defined in Utah Code 26-38-2.

12.1.7. “Electronic cigarette product”: means an electronic cigarette, and electronic cigarette substance, or a pre-filled electronic cigarette.

12.1.8. “Electronic cigarette substance”: means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.

12.1.9. “Emergency safety intervention” means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others and the intervention is not for disciplinary purposes.

12.1.10. “Hazing” means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit and act toward a school employee that:

12.1.10.1. endangers the physical health or safety of a school employee or student
12.1.10.2. involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
12.1.10.3. involves consumption of any food, alcoholic product, drug, or other substance; or other physical activity that engenders the physical health and safety of a school employee or student; or
12.1.10.4. involves activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
12.1.10.5. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, club or event; or
12.1.10.6. is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
12.1.10.7. The conduct in 13.1.10.1-13.1.10.6, constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed, directed, consented to, or acquiesced in, the conduct.

12.1.11. “Immediate danger” means the imminent danger of physical violence or aggression towards self or others which is likely to cause serious physical harm.

12.1.12. “Physical restraint” means personal restriction that immobilizes or reduces the ability of an individual’s arms, legs, body, or head freely.

12.1.13. "Possession" or "use" of illegal substances means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of controlled substances and includes individual, joint, or group possession or use of controlled substances. For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of any substances with knowledge that the activity was occurring, or the controlled substance is found in a place or under circumstances indicating that the person had the ability and the intent to exercise dominion and control over it. See, Utah Code §58-37-2 (ii).

12.1.14. “Reasonable suspicion” means is a particularized and objective basis, supported by specific articulable facts, for suspecting a person of violating law or policy.

12.1.15. “Retaliate” means an act or communication intended as retribution against a person for reporting bullying, hazing, harassment, or cyberbullying, or to improperly influence the investigation of, or the response to, a report of bullying or hazing.

12.1.16. “School employee” means school teachers, school staff, school administrators, and all others employed directly or indirectly, by the school, school board, or school district.

12.1.17. “Seclusionary time out” means that a student is:
   12.1.17.1. Placed in a safe enclosed area by school personnel (the area must meet applicable health department and fire marshal regulations);
   12.1.17.2. Purposefully isolated from adults and peers; and
   12.1.17.3. Is prevented from leaving (or reasonably believes that the student will be prevented from leaving) the enclosed area.

12.1.18. “School district location” means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicles used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

12.1.19. “Weapon” means a firearm; or an object that in the manner of its use is capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length. The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
   12.1.19.1. the location and circumstances in which the object was used or possessed;
12.1.19.2. the primary purpose for which the object was made;
12.1.19.3. the character of the wound, if any, produced by the object’s unlawful use;
12.1.19.4. the manner in which the object was unlawfully used;
12.1.19.5. whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
12.1.19.6. the lawful purposes for which the object may be used.

12.1.20. Illegal Substance Violations
12.1.20.1. Possession, use, or distribution of prohibited illegal substances is an illegal substance violation under this policy.
12.1.20.2. Illegal substance violation procedures may consider violations occurring within the past 12 months to guide needed interventions.

12.1.21. Prohibited Medications
12.1.21.1. Medication in excess of a 12-hour dosage at school or appropriate amount for an event.
12.1.21.2. Prescription medications in excess of a recommended twelve (12) hour dosage.
12.1.21.3. Over-the-counter medications in excess of a recommended twelve (12) hour dosage.
12.1.21.4. Sharing of over the counter or prescription drugs is a violation of this policy.
12.1.21.5. Violation of medication dosage amounts are to be handled by the school administrative team in consultation with the parent/legal guardian.
12.1.21.6. Distribution of prescription drugs is considered an illegal substance violation.

12.2. Federal and State References for Illegal and Prohibited Substances:
12.2.2. Schedule of Controlled Substances, 21 C.F.R 1308.11-1308.15 (Schedules I through Schedule V).
12.2.3. Utah Controlled Substances Act (Utah Code §58-37-1)
12.2.4. The Alcohol Beverage Control Act (Utah Code §32B-1-102);
12.2.5. Cigarettes and Tobacco and Psychotoxic Chemical Solvents (Utah Code §76-10-1).
12.2.6. Tobacco as defined in Utah Code §76-10-101
12.2.7. Electronic Cigarettes as defined in Utah Code §76-10-101; Utah Code 59-14-802; Utah Code 26-38-2; R277-624 (pending approval).