

**TOOELE COUNTY BOARD OF EDUCATION
POLICY MANUAL
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SECTION XI

SAFE SCHOOL CONDUCT AND DISCIPLINE POLICY

Section 11.31 Adopted 11/09/04
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11.1 PHILOSOPHY

Tooele School District affirms that every student is a person of value, and is committed to help each student reach his or her potential.

In order to be successful in teaching basic skills the school must also teach basic behavior skills. The student who has learned a repertoire of appropriate behaviors will be prepared to learn and to achieve to his or her potential.

The application of discipline should be directed toward improving individual and group behavior, and toward creating and maintaining an atmosphere conducive to learning, order, safety, and control. This method of obtaining discipline places major emphasis on training, individual responsibility, and mutual respect. Discipline so conceived is developmental rather than punitive. Based upon faith in the worth and dignity of each individual, discipline becomes a guide rather than a punitive device.

Should corrective action become necessary, the measures taken should be positive, constructive, fair, and directed toward educational ends. All concerned must understand that the purpose of such action is to teach appropriate, alternative behavior. As with every other learned skill, some students seem to acquire behavior skills automatically while others require extensive remedial assistance. Schools must expect every range of ability in this area as in every other.

The Tooele County School District Board of Education also recognizes that the use, possession, distribution, or sale of alcohol, drugs, or drug paraphernalia constitutes a hazard to the welfare of students, staff, and education programs, and is illegal under the laws of the State of Utah.

Alcohol and drug education programs which provide students with the opportunity to build skills, enhance self concepts, and assimilate information on the harmful effects of alcohol and drugs will be included in the district K-12 curriculum. These programs are designed to have a positive effect upon student values and aid in preventing the abuse of these substances.

The Board supports the concept that parents share a responsibility with the school in attempting to prevent or intervene with problems of substance abuse, and further, that parents should seek help from public and private agencies when their child has substance abuse problems.

11.2 GOALS AND OBJECTIVES

The primary purpose of education in our country is to maintain, perpetuate and improve our American way of life. The school is the social agency through which this purpose is to be achieved. In order to maintain a school "climate" in which the children and youth of our country can live, learn, and flourish, it is vitally necessary for all students to assume responsibility for their behavior while enrolled in the public schools in Tooele County.

Therefore, in order to aid students in making appropriate decisions governing their behavior, a standard of conduct identifying rules and procedures has been established.

While the rules are not intended to be exclusive, they are illustrative of the types of behavior that are inconsistent with the proper maintenance and function of an effective program in our school system.

These standards of student conduct are to be applied and enforced in addition to other rules in effect at any individual school in our system with due respect for the constitutional rights of every student.

The objective of these standards is to establish in one compilation such rules with regard to the conduct of students in the Tooele County Schools which have been deemed appropriate and necessary for the maintenance of a wholesome “school climate” and which shall be applicable to all students.

11.3 GENERAL DISCIPLINE AUTHORITY

If a particular type of conduct has the effect of disrupting the learning atmosphere, it should be subject to regulation. The Board retains discretion in promulgating regulations for the proper conduct of students.

This policy is adopted by the Board of Education of the Tooele County School District pursuant to Utah Code Annotated Sections 53A-11-901 through 907 and Gun Free Schools Act 18 U.S.C. Section 3351. It is the intent of the Board to provide every student in the district with the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. The Board has invited and received input from district employees, parents and guardians of students, students, and the community. The Board now adopts this policy, based on the principle that every student is expected to follow rules of conduct, and to show respect for others and to obey persons in authority at the schools.

Utah Admin. R. 300-609-3

11.4 DELEGATION OF AUTHORITY

The Board hereby delegates the authority to school administrators to take the necessary steps to provide a safe environment for learning to take place.

Students should be aware that certain behavior, outlined herein and in other policies of the district, is unacceptable and will result in disciplinary action. The Superintendent and his/her designees will enforce district policies with the aim to make students and their parents or guardians understand that unacceptable behavior will not be tolerated and will be dealt with in accordance with the Board’s discipline policies.

The building principal of each attendance area in Tooele County School District, under the supervision of the Superintendent of Schools, is authorized by the Board of Education to establish individualized rules and regulations deemed necessary for the proper operation and administration of his/her school. Such rules and regulations may supplement the rules established in this policy. Building principals should consult with faculty members, community groups, and in areas of practicality with student councils, in the preparation of a school’s rules and regulations.

The Board hereby delegates its authority to suspend students to principals and vice-principals in each school in the district for up to ten days. The Board hereby delegates its authority to suspend a student for up to one school year to the District’s Superintendent or Superintendent’s designee.

U.C.A. § 53A-11-901; 18 U.S.C. § 3351(1)

11.5 STUDENT RULES - APPLICABILITY

Student Rules of Conduct and the Policies adopted by the Board of Education shall apply to all students enrolled in the Tooele County District and shall apply to students when they are at District campuses, school property or buildings, while at or traveling to or from school activities and at other

areas designated by the Board of Education as a School Campus even if such area is not owned by the School District.

1. Tooele City Park: Designated as School Campus

Since the Tooele City Pool at the Tooele City Park has been leased by the School District and is used as an instructional setting and the Tooele City Park is regularly used by students for parking and other school purposes, the Board of Education hereby designates the Tooele City Park and adjoining parking areas as a part of the campus of the Tooele High School. Students at the Tooele City Park and adjoining parking areas are subject to the jurisdiction of the Tooele County Schools, their administrators, teachers, or agents during school hours and school activities including one half hour prior thereto and one half hour thereafter. The Student Rules of Conduct and Board Policies of the Tooele County School District shall apply to the Tooele City Park, during said school hours and activities.

11.6 PUBLICATION OF DISCIPLINE POLICIES

A copy of this policy and a schools individual conduct and discipline policy shall be given to each student upon enrollment in the school. Each student transferring to a school in the district who was not attending a school in the district just prior to the transfer shall receive a copy of policies.

U.C.A. § 53A-11-903(2)(a).

A copy of this policy and a schools individual conduct and discipline policy shall be posted in a prominent place in each school in the district. Any significant change to these policies shall be posted in each school in the district.

U.C.A. § 53A-11-903(2)(b).

11.7 STANDARDS FOR INDIVIDUAL SCHOOL DISCIPLINE PROGRAMS

Each school in the district shall develop a discipline program which shall include at least the following:

1. In-service

In-service sessions will be held each year that will develop and train educators in classroom management, intervention techniques, and behavior modification which will include positive reinforcement, consistency, and modeling appropriate behaviors.

2. Self-discipline

Each school's discipline plan will include a plan to help students learn to be effective decision makers and problem solvers who demonstrate elements of self-direction, self responsibility, and self discipline. This should include a reward system for "model" behavior.

3. Evaluation

Each school will develop an evaluative committee that will include faculty, students, and parents to evaluate the goals and objectives of the schools discipline plan and to make recommendations for up-dates and possible changes.

4. Rules Committee

Each school in Tooele School District shall organize a Rules Committee to effectively implement this policy. This committee may include the following: A representative from faculty, students or a student council representative(s), community groups and administration. The committee shall be chaired by the school administrator or his/her designee. In addition to

these committees it is suggested that schools utilize their student councils and faculties to develop and strengthen desirable behaviors.

5. Procedures

This discipline policy should be implemented through a series of conferences designed to sequentially enlarge the circle of school-community resources needed to help students having difficulty learning appropriate school behaviors. The school policy should provide for such students to be advised, counseled, restricted, and suspended while focusing on teaching the desired behaviors. If it is ultimately agreed that when a student's behavior has become habitually disruptive or that the student will not profit from the school experience, that such a student shall be recommended for release from school.

6. Conferences

A conference may be a positive, helpful, problem-solving process. Effective problem-solving requires an empathetic, understanding attitude. A record of all conferences should be kept and filed for future reference. Possible steps to use during the conference include:

- a. Define the problem
- b. Generate several possible solutions
- c. Evaluate possible solutions
- d. Decide upon a mutually satisfactory solution
- e. Establish a reasonable time frame
- f. Implementation procedures
- g. Monitoring of the student's behavior
- h. Evaluation of results at the end of the agreed upon time frame

7. Student-Teacher Conference

A Student-Teacher conference shall take place when acts of misconduct or academic problems are of a minor nature (which may be interpreted as a signal for help). Student-Teacher conference should take place prior to a referral to counselor, vice principal, or principal. If a record of this conference is made it should be signed by both student and teacher.

8. Student-Teacher-Parent Conference

A Student-Teacher-Parent Conference should take place if the student behavior has not improved as agreed upon at the Student-Teacher Conference. If a record of this conference is made it should be signed by the student, parent, and teacher.

9. Student-Counselor Conference

If the student continues to have difficulty, the teacher may contact the student's counselor, provide him/her with a copy of the records of previous conferences and any other pertinent data accumulated since the Student-Teacher-Parent Conference.

The purpose of this conference is to determine what other school or community resources are needed to help the student learn more appropriate behaviors than those causing the referral.

If a record of this conference is made it shall be signed by the student and counselor.

10. Student-Principal Conference

Students who commit serious offenses, or students who have aggravated problems shall be referred to the principal. The purpose of the conference with the principal is to:

- a. Review the problem and previous action(s) taken on behalf of the student.
- b. Allow the student to have an opportunity to review the allegation and to respond to the person(s) who have made the referral.
- c. Determine what further action is required to help the student learn more appropriate behavior.
- d. Specify those persons responsible for whatever action is outlined. A record of this conference shall be made and signed by the student and principal. A copy shall be sent to the referring teacher, the parents, and the student's cumulative record.

11. Teacher Authority

A teacher may send a student to the Principal's office in order to maintain effective discipline in the classroom. The Principal shall respond by employing appropriate discipline management techniques.

A teacher may request the removal of a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class. Not later than the third class day after the day on which the student is removed from the class, the administrator shall schedule a hearing among the Administrator, teacher, parent or guardian of the student, and the student.

Following the hearing, and whether or not all requested parties are in attendance after valid attempts to require their attendance, the Principal shall take one or more of the following actions:

- a. Place the student back in class.
- b. Assign the student to an alternative educational placement.
- c. Suspend the student for a period not to exceed six days.

11.8 GROUNDS FOR SUSPENSION OR EXPULSION

A student may be suspended or expelled from school for participation in any of the following prohibited behavior(s) when it occurs in a school building, in or on school property, in conjunction with any school-sponsored activity, or when it occurs in the presence of or is directed at or against another student or a district employee. If a student has a disability under IDEIA or Section 504, refer to Sections 11.23-11.29 of TCSD policy manual.

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

1. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
2. Willful destruction or defacing of school property;
3. Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
4. Possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105 or a tobacco product; or
5. Possession of prescription drugs not in the possession of the person prescribed for; or possession of more prescription drugs than are needed for the school day or school activity during which they are to be used.
6. Unexcused absences or being tardy from school attendance.
7. Failure to follow school rules.
8. Gambling.
9. Behavior proscribed under the following section which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs.
10. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior

involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

Hazing is a criminal offense under Utah law. A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:

1. endangers the mental or physical health or safety of another; or
 - a) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; or
 - b) involves consumption of any food, liquor, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
 - c) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; or
 - d) involves cruelty to any animal; and
2. is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
3. if the person knew that the victim is a member of or candidate for membership; with a school team or school organization to which the person belongs or did belong within the preceding two years.

U.C.A. § 53A-11-904

11. To be knowingly present where conduct that is prohibited by this policy is taking place.
12. Failure of a student to fully cooperate in reasonable and appropriate school or law enforcement investigations relative to any violation of this policy or school rules.
13. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

A suspension or expulsion under this Section is not subject to the age limitations under U.C.A. Subsection 53A-11-102(1).

11.9 GROUNDS FOR MANDATORY SUSPENSION/EXPULSION

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

1. Any serious violation affecting another student or a staff member.
2. Any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including the possession, control, or pretend weapon, explosive, or noxious or flammable material under U.C.A. § 53A-3-502.
3. The possession, sale, control, or distribution of a drug or controlled substance as defined in U.C.A. § 58-37-2, an imitation controlled substance defined in U.C.A. § 58-37b-2, or drug paraphernalia as defined in U.C.A. § 58-37a-3.
4. The commission of an act involving the use of force or threatened use of force which if committed by an adult would be a felony or class A misdemeanor.
5. A student who commits a violation of this section involving a real, look alike, or pretend firearm, explosive, or flammable material shall be expelled from school for a period of not less than one year, unless the district superintendent determines, on a case-by-case basis, that a lesser penalty would be more appropriate.

A suspension or expulsion under this Section is not subject to the age limitations under U.C.A. Subsection 53A-11-102(1).

11.10 ALTERNATIVES TO SUSPENSION

U.C.A. § 53A-11-906

Schools may provide alternative educational placements to suspension when the students' conduct alternatives may include but are not to be limited to:

1. Parents in the Classroom

When it has been determined that a student shall be suspended for any period of time, the parent, or guardian, upon meeting with the principal or assistant principal, and with the consent of the teacher or teachers, shall be given the option of attending all classes with the student in lieu of excluding the student from school during the period of suspension. The parent or guardian must agree to attend all of the student's classes with the student for each day of the suspension, if this option is accepted. If the parent or guardian wishes to accept this option, the student shall not be excluded from classes for the period of suspension provided the student's parent or guardian attends every class with the student. If the parent or guardian fails to attend a class period with the student, or does not agree to attend class with the student, then the student will be excluded from classes and school activities from that time forward for the remaining period of suspension.

2. In-School Suspension

Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.

3. Saturday School

Saturday School may be provided at the discretion of the building administrator. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.

4. Extended Day/Night Classes

Extended Day/Night Classes may be offered. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.

11.11 CONTINUED EDUCATIONAL SERVICES FOR SUSPENDED STUDENTS - RESPONSIBILITY OF PARENT OR GUARDIAN

U.C.A. § 53A-11-907

1. If a student is suspended or expelled from a school under these policies for more than ten school days, the parent or 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.
2. The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district, or other alternative which will reasonably meet the educational needs of the student.
3. The parent or guardian and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.
4. Costs for education services which are not provided by the school district are the responsibility of the student's parent or guardian.
5. The school district shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.
6. The district shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.

7. This section applies to students with disabilities to the extent permissible under applicable law or regulation.
8. If application of any requirement of this section to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirement of this part.

11.12 PROCEDURES FOR SUSPENSION

1. If the conduct described does not require mandatory suspension, or mandatory expulsion, the principal or assistant principal, at his/her discretion, may suspend the student for up to ten days, and in addition may recommend that the Superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.
2. If the conduct described requires mandatory expulsion/suspension, then the principal or assistant principal shall suspend the student for ten days and in addition shall recommend that the superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.
3. If a student is suspended for a period of time less than or equal to ten days, the principal or assistant principal shall immediately provide notice to the student's parent or guardian. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent or guardian by telephone are unsuccessful, then written notice shall be sent to the parent or guardian. The notice, whether verbal or written, shall include the following:
 - a. that the student has been suspended.
 - b. the grounds for the suspension.
 - c. the period of time for which the student is suspended.
 - d. the date, time and place for the parent or guardian to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.

If the principal or assistant principal has recommended that the Superintendent suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian. The student shall also attend the meeting.

4. At the meeting with the student, the parent or guardian, and the principal or assistant principal, the student shall be informed of the charges and evidence against him. If the student denies the charges he shall be given an opportunity to tell his side of the story. If the parent or guardian and/or the student fails or refuses to attend the meeting at the scheduled date, time and place, and reasonable efforts to contact them are unsuccessful, the principal or assistant principal shall mail notification to the parent or guardian describing the charges against the student and the evidence against him. *Goss V. Lopez*, 410 U.S. 565 (1975)
5. Upon the conclusion of the meeting or upon a determination that the parent or guardian has not appeared for the meeting, the principal or assistant principal shall take one of the following actions, if the reported conduct provides for discretionary suspension/expulsion:

- a. Take no further disciplinary action to extend the suspension beyond the previous stated period of suspension.
 - b. Increase the time of suspension up to a total of ten days.
 - c. Increase the time of suspension up to a total of ten days, with a recommendation to the superintendent that the student be suspended for a period of time greater than ten days up to an entire school year or its equivalent imposed over consecutive portions of two school years.
 - d. Rescind the suspension already imposed and return the student to classes or impose disciplinary measures not including suspension.
6. If the student is expelled for willful disobedience, defiance of authority or disruptive behavior which are not so violent or extreme that immediate removal is required, then good faith efforts shall be made to implement a remediation plan that would allow the student to return to school.
 7. If the reported conduct requires mandatory suspension or expulsion the Principal or Assistant Principal shall increase the time of suspension up to a total of ten days, with a recommendation to the superintendent that the student be suspended for a period of time equivalent to an entire school year, or be imposed as necessary over consecutive portions of two school years.
 8. The following guidelines shall be considered when it has been determined that a student has violated the controlled substance policies as indicated. Deviations from these guidelines may be made when the individual circumstances warrant such a deviation.
 - a. When a student violates the provisions of this policy regarding the possession or control of a drug or controlled substance as defined in U.C.A. § 58-37-2, an imitation controlled substance defined in U.C.A. § 58-37b-2, or drug paraphernalia as defined in U.C.A. § 58-37a-3 or under circumstances when a student is knowingly present where use or possession is taking place the following action should be considered:
 - i. For the first violation the student should be immediately suspended from school for three (3) to ten (10) days. Prior to re-admittance the student and parents shall sign a contract agreeing to comply with this policy and school rules. The student shall successfully complete an approved drug and alcohol program at the student or parent's expense.
 - ii. For the second violation the student should be immediately suspended from school for ten (10) days. The student may also be placed on a home-bound alternative education program for a minimum period of six (6) weeks. The principal after consultation with the Superintendent may grant re-admittance to the school when the student demonstrates a readiness to return. The student may be requested to successfully complete an approved alcohol and drug treatment program prior to consideration for re-admittance at the student or parents' expense and may be required to demonstrate by reliable evidence that he or she is drug free.
 - iii. For the third violation the student should be immediately suspended from school for ten (10) days. The student may also be suspended for a longer period of time as may be appropriate and may be placed on a home-bound alternative educational program for at least the remainder of the year. The Superintendent may with a recommendation of the Principal, grant re-admittance to the school when the student demonstrates a readiness to return. The student may be requested to successfully complete an approved alcohol and drug treatment program prior to consideration for re-admittance at the student or parents' expense and be required to demonstrate by reliable evidence that he or she is drug free.
 - b. When a student violates the provisions of this policy regarding the distribution or sale of a drug or controlled substance as defined in U.C.A. § 58-37-2:

- i. For the first violation the student should be immediately suspended from school for ten (10) days. The Principal and Superintendent should consider whether a suspension for longer than ten (10) days or expulsion is appropriate and may direct placement on a home-bound alternative educational program for at least nine (9) weeks. The Superintendent with a recommendation of the Principal may grant re-admittance to the school when the student demonstrates a readiness to return. The student shall be requested to successfully complete an approved alcohol and drug treatment program prior to consideration for re-admittance at the student or parents' expense and may be required to demonstrate by reliable evidence that he or she is drug free.
 - ii. For the second violation the student should be suspended or expelled from school for at least one (1) year.
9. If the principal or assistant principal recommends suspension for a period greater than ten days, he or she shall notify the Superintendent of that recommendation as soon as possible. The Superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student and the Superintendent. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.
10. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his/her parent or guardian. The notice shall include a statement of the charges against the student, that suspension has been recommended beyond the ten-day suspension imposed by the principal or assistant principal, and the period of time for which suspension has been recommended.
11. The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. A person of their choice may represent each the district and the student. Each side may present witnesses, cross-examine witnesses and make legal arguments relevant to the issues. An audio recording device shall record this hearing.

At the conclusion of the hearing, the Superintendent or designee shall make a final determination of the matter, and shall state his/her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his parent or guardian.

If the conduct provides for discretionary suspension/expulsion, then the determination shall be one of the following:

- a. No further disciplinary action beyond the ten day suspension imposed by the principal or assistant principal.
 - b. Rescission of the suspension already imposed and return the student to classes.
 - c. An increase in the time of suspension for a period up to an entire school year or its equivalent imposed over consecutive portions of two school years.
12. If the conduct requires mandatory suspension or expulsion then the determination shall be one of the following:
 - a. Rescission of the suspension already imposed and return the student to classes.
 - b. An increase in the time of suspension for a period up to or equivalent to an entire school year, imposed as necessary over consecutive portions of two school years.

- c. When it has been determined that a student shall be suspended for any period of time, the parent or guardian, upon meeting with the principal or assistant principal, shall be given the option of attending all classes with the student in lieu of excluding the student from school during the period of suspension. The parent or guardian must agree to attend all of the student's classes with the student for each day of the suspension, if this option is accepted. If the parent or guardian wishes to accept this option, the consent of the student's teachers shall be requested. If granted, the student shall not be excluded from classes for the period of suspension provided the student's parent or guardian attends every class with the student. If the parent or guardian fails to attend a class period with the student, or does not agree to attend class with the student, then the student will be excluded from classes and school activities from that time forward for the remaining period of suspension.
- d. A recommendation of expulsion to the Board of Education when the Superintendent recommends that a student be expelled for a period in excess of one year or an indefinite period of time. The Student shall be temporarily suspended until the Board of Education reviews the record of the hearing conducted by the Superintendent and enters its determination. The Board of Education shall hold a hearing and shall allow the Student, his or her parents or guardians and a representative to attend and participate. Written Notice of the hearing shall be provided by the Superintendent. The Board may rely solely on the record of the hearing conducted by the Superintendent or it may allow additional evidence to be presented upon good cause shown. Upon conclusion of the hearing the Board may expel the student from school or may take any other action authorized by law. The decision of the Board of Education shall be place in writing and mailed to the student and his parent or guardian.

11.13 ANNUAL REVIEW

The Superintendent or designee shall review the expulsion of any student expelled by the Board of Education at least annually and report to the board his conclusions. U.C.A. § 53-11-905(3)

11.14 APPEAL OF SUSPENSION

A student may appeal the determination of the Superintendent for a student suspension to the Board of Education by filing a written notice of appeal with the Superintendent within ten days of the date the decision of the Superintendent is mailed to the student. No further hearing needs to be held unless the Board determines that it desires to hear additional testimony or arguments. The Board will review the evidence submitted to the Superintendent and the written determination of the Superintendent. The Board may affirm the Superintendent's decision or modify the Superintendent's decision. The Board's written decision will be issued within thirty days of receipt of the student's written notice of appeal.

11.15 MISCELLANEOUS PROVISIONS

A suspended student shall immediately leave the school building and school grounds following a determination by the parent or guardian of the student and the school of the best way to transfer custody of the student to the parent or guardian.

A suspension may not extend beyond ten days unless the student and his parent or guardian have been given reasonable opportunity to appear before the Superintendent for the hearing and respond to the allegations and proposed disciplinary action.

U.C.A. § 53A-11-905(5)(c)

11.16 EXPULSION CHECKLIST

As a helpful guideline to follow when any student is expelled, district personnel may consider the following non-binding checklist:

1. Has the policy been distributed to all students?
2. Are copies of and all changes to the policies posted?
3. Has the student exhibited conduct defined in the policies and the statutes?
4. To whom has the authority to suspend been delegated?
5. Has the student's parent or guardian been notified?
 - a. that the student has been suspended
 - b. the grounds for the suspension
 - c. the period of time of suspension
 - d. time and place of informal hearing
6. How long has the student been suspended? If more than ten days, has the required informal hearing taken place?
7. What alternatives to suspension have been offered?
8. Is the student disabled under IDEA or Section 504? If so, provisions of those laws must be followed.

11.17 DETENTION OF STUDENTS AFTER REGULAR SCHOOL HOURS

Students in grades K through six may be detained in school after regular school hours in the event the responsible school administrator determines that such action is justified in disciplining the student. No student may be detained after regular school hours until his or her parent or guardian has received prior notice of the detention to take place on a particular school day.

The notice provided for under this policy need not be completed prior to detention of the student if detention is necessary for the student's health or safety.

Utah Admin. R 277-609
U.C.A. § 53A-3-415

11.18 WITHHOLDING GOODS - PAYMENT FOR DAMAGE

If the district determines that school or district property has been lost or willfully cut, defaced or otherwise injured by a student, the district may withhold the issuance of official written grade reports, diplomas and transcript of the student responsible for the damage or loss until the student or student's parent or guardian has paid for the damages. U.C.A. § 53A-11-806

No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear. U.C.A. § 53A-11-806(5)

If the Department of Human Service or a licensed child placing agency has been granted custody of the student, that student's record, if requested by the department or agency, may not be withheld from the department or agency for non-payment of damages under this section.

U.C.A. § 53A-11-806 (6)

11.19 VOLUNTEER WORK PROGRAM

If the student and the student's parent or guardian are unable to pay for the damages or if it is determined by the school in consultation with the student's parents or guardian that the student's interests would not be served if the parent or guardian were to pay for the damages, then the district shall provide a program of voluntary work for the student in lieu of the payment. In that case, the district shall release the official grades, diploma and transcripts of the student upon completion of the voluntary work.

U.C.A. § 53A-11-806(3)

11.20 DUE PROCESS

Prior to the assessment of any penalties under this policy, the student shall be entitled to notice and hearing before the school principal.

U.C.A. § 53A-11-806(4)

11.21 NOTIFICATION RECEIVED FROM JUVENILE COURT (Superintendent to notify schools)

Notifications received from the Juvenile Court pursuant to U.C.A. § 78-3a-516(1)(b) shall be governed by this policy. Within five days of receiving the information from juvenile court the Superintendent shall notify the principal of the school that the juvenile attends or last attended.

Upon receipt of the information from the Superintendent, the principal shall make a notation in a secure file other than the student's permanent file and, if the student is still enrolled in the school, notify staff members who, in the principal's discretion, should know of the adjudication.

U.C.A. § 53A-11-1002

The Superintendent, principal and all other persons receiving information pursuant to this policy may only disclose the information to other persons having both the right and a current need to know. Access to secure files shall be limited to such persons. The district shall comply with all State Board of Education rules governing the dissemination of the information received from Juvenile Court

U.C.A. § 53A-11-1003

The Superintendent, principal and any staff member notified by the principal shall not intentionally cause the information to become public knowledge.

U.C.A. § 53A-11-1004(1)

11.22 NOTIFICATION OF WEAPONS ON SCHOOL PROPERTY

Whenever a student is found on school property during school hours or a school sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify appropriate law enforcement personnel as well as school and district personnel who, in the good faith opinion of the principal, should be informed.

U.C.A. § 53A-11-1101

11.23 STUDENTS WITH DISABILITIES

Revised Feb 2009

This Section includes rules and regulations to be used for students with disabilities. The term "students with disabilities" includes students who have been identified and are being served under

IDEIA (Individuals with Disabilities Improvement Act) of 2004 and/or Section 504 of the Rehabilitation Act of 1973.

The procedures outlined within the main body of the discipline policy apply to students with disabilities. This Section outlines specific requirements/safeguards which must be made in accordance with Utah State Board of Education Rules and Federal Regulations.

11.24 SHORT TERM SUSPENSION FROM SCHOOL-STUDENTS WITH DISABILITIES

Revised February 3, 2009

1. A student with disabilities may be suspended from school for a period not to exceed 10 official school days if the School District, after following the procedures in paragraph 2 below determines that:
 - a. Maintaining the student in his/her current placement is substantially likely to result in injury to self or to other persons; or
 - b. The student has engaged in conduct which would otherwise warrant suspension or removal for a non-disabled student.
2. School personnel may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
3. After a student with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the LEA must provide services to the extent required.
4. For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and of the same duration as the procedures would be applied to the students without disabilities, except after the 10th day of removal that constitutes a change in placement, the LEA must provide services to the student.

11.25 LONG TERM SUSPENSION FROM SCHOOL -STUDENTS WITH DISABILITIES

February 3, 2009

For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:

- a. The removal is for more than ten (10) consecutive school days; or
- b. The student has been subjected to a series of removals that constitute a pattern:
 - (1) Because the series of removals total more than ten (10) school days in a school year;
 - (2) Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

- (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.

The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

1. In the event the school district needs to suspend a student for more than ten official school days, the school district will request parental written approval for continued suspension, or agreement to an interim alternative educational setting placement.
2. During a period of continued suspension, the school district shall provide an alternative educational placement to provide educational services as determined by the student's IEP team. The period of continued suspension shall not exceed forty-five (45) school days.
3. In the event the school district needs to suspend a student for more than ten official school days and the school is not able to obtain parental agreement for an interim placement or continued suspension, the school district may request an order from a hearing officer for a change of placement, or apply to a court of competent jurisdiction for permission to do so. A court of competent jurisdiction is a court to which a state level review decision can be appealed pursuant to Section 615 of IDEIA.
4. If a disciplinary action that would result in a change of placement is contemplated, a manifestation determination review shall be conducted to determine the relationship between the child's disability and the behavior subject to the disciplinary action. This shall be done within ten (10) days of the decision to take disciplinary action.
5. If the LEA, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the student's disability, the IEP team must either:
 - (1) Conduct a functional behavioral assessment (FUBA), unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
 - (2) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

UT State Bd. of Ed. Rules p. 89 IV Q 3

11.26 EMERGENCY REMOVAL- STUDENTS WITH DISABILITIES

February 3, 2009

Where the student poses an immediate threat to self or others, the school district may promptly suspend him/her for up to ten school days, without prior notice. As soon as possible (no longer than 24 hours), parents will be provided with notice and justification for such action, and procedures begun to remediate the situation. A suspension of more than ten school days constitutes a change of placement, governed by the long term suspension section above.

UT State Bd. of Ed. Rules p. 89 IV Q 3

11.27 EMERGENCY SITUATIONS - STUDENTS WITH DISABILITIES

February 3, 2009

If an emergency situation arises that requires the immediate use of intrusive procedures (as referenced in Least Restrictive Behavioral Interventions*) to protect the individual or others from harm, staff must notify the student's parents within 24 hours. A copy of the Emergency Contact Form** must be submitted to the local Director of Special Education for each emergency occurrence. This form must be submitted within 24 hours of the incident. If an "emergency" behavior occurs more than once per week, two times in a month, or a total of four times in a year, a program must be designed to correct the problem behavior, and the behavior must no longer be considered a crisis and must be addressed in the IEP and through the Local Human Rights Committee procedures.

*The "LRBI" manual may be obtained from any administrator, special educator, or the Director of Special Ed. It may also be obtained online at <http://www.schools.utah.gov/sars/lawsregs/rules.htm>

** The Emergency Contact form can be obtained from the LRBI manual, any special educator, or the Director of Special Education.

11.28 STUDENTS WITH DISABILITIES AND WEAPONS, POSSESSION OF A CONTROLLED SUBSTANCE, SALE OF A CONTROLLED SUBSTANCE, AND SERIOUS BODILY INJURY

February 3, 2009

School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA, or
- c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.
- d. Definitions. For purposes of this section, the following definitions apply:
 - (1) Controlled substance means a drug or other substance that cannot be distributed without a prescription, identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812(c)).
 - (2) Illegal drug means a controlled substance but does not include a drug controlled, possessed, or used under the supervision of a licensed health-care professional or one legally possessed or used under the Controlled Substances Act or under any other provision of Federal law (21 USC 812).
 - (3) Serious bodily injury means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 USC 1365). Serious bodily injury does not include a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, or impairment of the function of a bodily member, organ or mental faculty that is temporary (20 USC 1365).

- (4) Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily 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 (18 USC 930).

11.29 DISCIPLINE CHECKLIST FOR STUDENTS WITH DISABILITIES

February 3, 2009

Six general rules apply to disciplining students with disabilities.

1. All students, disabled and non-disabled, are entitled to certain rights before they can be excluded from public school for any period of time.
2. Expulsion or long-term suspension (removal from school for more than 10 consecutive days) is a “change of placement” for a disabled student that cannot be made without following the procedures of the IDEIA.
3. A manifestation determination review must be conducted to determine the relationship between the child’s disability and behavior subject to disciplinary action involving a change of placement.
4. When the suspension of a disabled student is made according to the rules, there can be no complete cessation of services during the suspension period.
5. No matter how dangerous or disruptive a disabled student might be, a LEA cannot, on its own, suspend a student for more than 10 days or expel the student.
6. A LEA can go to court to obtain a court order to temporarily exclude a dangerous or disruptive disabled student.

11.30 CASE MANAGEMENT TEAM

Adopted 12/07/04

The Case Management Team has been formed in Tooele County School District to manage student placement and safe school issues and to insure due process for the student.

1. The purpose of the Case Management Team will:
 - a. Support schools as they deal with serious discipline issues.
 - b. Assist schools with due process issues to assure that all appropriate steps have been taken in the discipline process.
 - c. Assure appropriate educational placement of students in the Tooele County School District. (Advanced Placement, Retention, Out-of-Boundary Status, etc.)
 - d. Provide leadership in the district to develop appropriate educational opportunities for all students.
2. The scope of the Case Management Team will:
 - a. Review all discipline cases in which a student is recommended for more than ten days suspension from school.
 - b. Provide a hearing opportunity for cases in which the consequences of student discipline results in a change in educational placement. A change of placement is made only when supported by clear documentation which may include evidence in the following areas:
 - Student/staff safety
 - Disruption which cannot be resolved at the school level
 - Severe, habitual truancy that has not been solved at the school level
 - Other serious incident of unusual circumstances.
 - c. Provide clear detailed expectation for referred students, formulating and communication specific re-entry plans when students are removed from placement in a traditional program.

- d. Insure due process for students is consistent and essential to insure fair treatment and protection for all.
 - e. Determine appropriate placement for all Youth in Custody students.
 3. The Case Management Team will include:
 - a. Director of Elementary Education
 - b. Director of Secondary Education
 - c. One Elementary Principal (rotation by assignment)
 - d. One Secondary Principal (rotating by assignment)
 - e. Director of Special Education
 - f. Director of Curriculum
 - g. Lead Teacher from Tooele South High School when cases involvement placement at the alternative school.
 - h. Secretary of Student Services
 - i. Administrator from the school presenting the case.
 - j. Other members may be added as needs become apparent.
 4. The Case Management Team will meet twice a month.
 5. Parents will have the right to appeal any decision made by the Case Management Team to the hearing officer in Tooele County School District. The hearing officer is the Assistant Superintendent. Arrangements for a hearing will be made through the office of the Assistant Superintendent within ten days of the request.
 6. When a student is suspected of violating the student conduct code or the safe school's policy, a school administrator will follow due process:
 - a. Search for facts.

A school administrator will collect and identify all of the facts of the incident. If it appears that long-term discipline, suspension, safe schools action, criminal investigation or other serious consequences may result, the case will be referred to case management.
 - b. Written statements
Written statements must be obtained from all individuals involved including all witnesses. The student to be disciplined must also have an opportunity to complete a written statement.
 - c. Inform the student
Inform the student of the specific accusations/infractions. Specific information on the potential penalties and the discipline process should also be communicated to the student. Students are allowed to respond.
 - d. Review all files
Students' files will be review for evidence of any special education services or Section 504 accommodations. If the student is receiving any special education services, the appropriate team will be informed and referred to the Director of Special Education.
 - e. Inform the parents
Parents will be informed of the incident, findings, the immediate onsequences, possible long-term consequences, and the next step of the process. All notifications will be documented.
 - f. Notification mailed home
 - g. Consult with Tooele School District student services and arrange an appointment through the Case Management Team. Documentation and referral forms regarding

the case will be completed by the school administrator and presented to the Case Management Team.

- h. Case Management Team decisions will be sent to the parents in writing from the school administrator. Students and parents have the right of appeal to the Superintendent of Schools within 10 days of the notification through the hearing officer.

11.31 RISK ASSESSMENT FOR STUDENTS

Approved 11/09/04

Whenever students indicate that they present a risk or danger to themselves or others, the Tooele County School District has the responsibility to assess that risk and determine the educational placement of the student.

1. Definitions:
 - a. Risk/Dangerousness: “are conditions and represent a propensity for an individual to exhibit some intentional harmful behavior towards him/herself or others.”
 - b. Risk Assessment: is a procedure to evaluate the “...level of supervision or monitoring required to manage a specific student.”
 - c. Predicts Risk Evaluator: a trained evaluator that is appointed by the Tooele County School District Case Management Team (CMT) to give the Risk Assessment and to “... respond to the referral questions assessing risk to self/or others.”
 - d. *Predicts Risk: Threat of School Violence Worksheet and/or Predicts Risk: School Sexual Harassment/Assault Worksheet:* are the assessment work sheets used by evaluators. (Hawks, Rick D. *Predicts Risk Threat of School Violence User Manual: A Model for Assessing Imminent Risk.* Ogden, Utah: Hawks 1995)
 - e. Case Management Team (CMT): is a Tooele County School District team composed of district and school administrators who review principal recommendations for student placement. CMT is the approving authority for any Predicts Risk Assessment.
 - f. Hearing Officer: a district administrator appointed by the superintendent to continue the due process for any student being suspended for more than ten (10) days.
2. Considerations for Referral for a Risk Assessment:
 - a. Does this student have more “problems” than others of similar age?
 - b. Are the issues more severe in intensity and frequency than those of similar age?
 - c. Has the student violated the safe school policy?
 - d. Is the student’s behavior generally appropriate for the age group?
 - e. Are there issues in the student’s environment that may help explain the behaviors?
 - f. Have there been dramatic changes in the student’s behavior?
 - g. Has the student made threats or made comments about harming self or others?
 - h. Additional considerations:
withdrawn, isolated, secretive, belligerent/uncooperative, physically or sexually inappropriate, moody/irritable, bed-wetting, threatening others, preoccupied with weapons/explosives, assaultive/violent behavior, cruelty to animals, fire starting, lack of empathy, prior self-harm.

3. Risk Assessment Procedure:
 - a. The principal makes a referral to the Case Management Team (CMT) for a Risk Assessment based upon the considerations found in 11.31.2.
 - b. The CMT approves or denies the reason for the Predicts Risk Assessment during regular team meetings, or during emergency team meetings, or if necessary the director responsible for CMT can make the decision.
 - c. If approved, the CMT contacts the trained Predicts Risk Evaluator and has the person coordinate with the requesting principal.
 - d. After conferencing with the principal the Predicts Risk Evaluator establishes an appointment with the parent and the student. The parent gives permission for the Predicts Risk Assessment to be completed. The parent initials the limited confidentiality block, which indicates that the information can be shared with school personnel and others who have a need to know. The parent is welcome to be present during the assessment.
 - e. The Predicts Risk Evaluator completes the assessment and makes an estimate of the risk the student presents in his/her current placement. The Evaluator explains this information to the parent and student. The evaluator submits a copy of the assessment and also a written copy of the evaluation to the principal and to the Case Management Team.
 - f. The principal and the CMT use the Predicts Risk Assessment and other information to determine their recommendation as to the placement of the student and the conditions of that placement. If the recommendation is to place the student out of school for more than ten days, the Hearing Officer is notified; so, the student's due process may continue. The Hearing Officer will use the Predicts Risk Assessment in identifying the determinations for the student.
 - g. If the student is suspended from school for more than ten (10) days he/she may be required to complete another Predicts Risk Assessment before returning to school.

4. Students with Disabilities:
 - a. Students with disabilities follow the procedures listed in 11.23.1-11.29.8. The I.E.P. Team could request a Predicts Risk Assessment. In specific safe school situations involving weapons, drugs, or the sale of drugs; where the student's actions are not a manifestation of his/her disability: CMT could request a Predicts Risk Assessment.

5. Annexes:
 - a. *Annex A: Predicts Risk Threat of School Violence Worksheet: A Model for Assessing Imminent Risk*
 - b. *Annex B: Predicts Risk School Sexual Harassment/Assault Worksheet: A model for Assessing Imminent Risk.*

11.32 SEXUAL HARASSMENT

Adopted 05/06/97

I. General Statement of Policy

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. and §34-35-1 et seq. of the Utah Anti-discrimination Act.

It is the policy of the School District to maintain a learning and working environment that is free from sexual harassment. The School District prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of the School District to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

The School District will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the School District.

This policy shall apply to all contacts between school employees and students, regardless of the age of the student. No dating or any sexual contact shall be allowed between District employees and students, even if this conduct is consensual. The prohibition against dating shall not apply to an employee of the District who is also a regularly enrolled student in the District.

II. Sexual Harassment Defined

- A. Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, or obtaining or retaining employment, or of obtaining an education; or
 2. Submission to or rejection of that conduct of communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

B. Sexual Harassment

Sexual Harassment is any interaction that is sexual in nature, that is repeated, unwanted, unsolicited, not reciprocal, coercive, intimidating or without mutuality. Components of sexual harassment may include the following:

1. The power to coerce
2. The ability to reward or punish
3. The creation of adverse, hostile, intimidating and offensive work environments.

Sexual harassing behaviors can be identified in three categories:

1. Visual Constant leering offensive signs and gestures, open display of pornographic and other offensive materials, etc.

2. Verbal Jokes, sexual suggestions, highly personal innuendoes or explicit propositions, etc.
 3. Physical Patting, squeezing, pinching, kissing, fondling, intentional bodily contact, forced sexual assault, and/or rape
- C. Two Types of Sexual Harassment
1. **QUID PRO QUO - Conditional Sexual Harassment**
Example: A supervisor demands or suggests that a subordinate employee sleep with him/her or he/she is fired, or the employee rejects the advance and is demoted or fired for the refusal.
 2. **HOSTILE WORK OR EDUCATION ENVIRONMENT - Unwelcome sexual behavior that makes the workplace or school offensive, hostile or intimidating or unreasonably interferes with an individual's work or school performance**
Example: Male employees tease and insult women in the workplace with obscene jokes, sexual innuendoes or displays of pinup girl posters.

III. Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the School District, or any third person with knowledge or belief of conduct which may constitute sexual harassment should submit a written report of the alleged acts immediately to an appropriate School District Official as designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the principal or supervisor of each building or made available from the School District Office.

- A. **In Each School Building.** The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal shall notify the District Human Rights Officer or Superintendent in the absence of the Human Rights Officer, within two (2) school days after screening the report. The screening shall consist of a review of the facts and circumstances to determine if the complaint constitutes sexual harassment as specified by this policy. A written report will be forwarded to the Human Rights Officer which shall include the results of the screening. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal or an employee sexually harassing a student, the complaint shall be filed directly with the District Human Rights Officer.
- B. **District-wide.** The School Board hereby designates the Assistant Superintendent of Schools over personnel as the School District Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the complaint shall be filed directly with the President of the Board of Education. The School District shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number.

- C. Submission of a complaint or report of sexual harassment will not affect the individual's future assignments.
- D. Use of formal reporting forms is not mandatory.

The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

IV. Investigation and Recommendation

The Human Rights Officer or the Superintendent in the absence of the Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment shall authorize an investigation to be conducted by trained district employees or by a third party designated by the Human Rights Officer. An investigation need not be initiated if the Human Rights Officer determines that the complaint does not constitute sexual harassment. The Human Rights Officer shall notify the principal or other person who submitted the complaint to the Human Rights Officer of the decision to not initiate an investigation. The principal shall notify the complainant of the decision and is authorized to take any other appropriate measures to handle the complaint. The investigation shall provide a written report of the status of the investigation within ten (10) working days to the Human Rights Officer or, if the investigation involves either the Human Rights Officer or the Superintendent, to the President of the School Board, if the president authorized the investigation.

A pool of four male and female staff members should be trained in the investigation of sexual harassment allegations. The training will be conducted through the office of the Human Rights Officer.

In determining whether alleged conduct constitutes sexual harassment, the responsible parties shall consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred utilizing established district reporting forms.

The investigation shall consist of personal interviews with the complainant, the individuals against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

The School District Human Rights Officer shall make a report to the Superintendent upon completion of the investigation. If the investigation is authorized by the President of the Board of Education the report shall be submitted to the entire Board of Education, the Board will then take such action as is deemed appropriate and consistent with the provisions of the following section.

V. School District Action

- A. Upon receipt of a recommendation that the complaint is valid, the School District will take such action as appropriate based on the results of the investigation.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and the accused by the School District. The report will document any disciplinary action taken as a result of the complaint. Disciplinary consequences shall be discussed with the Human Rights Officer prior to these actions being implemented.
- C. If the complainant is not satisfied with the School District's action, they may within thirty (30) days of notice of the action, ask for a hearing with the School Board.
- D. A separate confidential record of all sexual harassment complaints, findings and resulting actions, shall be maintained by the Human Rights Officer in a protected area. If the records involve the Human Rights Officer or the Superintendent, the records will be kept by the President of the Board or/and a third party entity, i.e. the Utah School Boards Association.

E. Records and Decision

Final disposition of sexual harassment cases shall be disseminated in writing to the complainant and the accused. A separate confidential record of all sexual harassment complaints shall be maintained and stored in the personnel office for three years following resolution of an investigative proceeding. At the end of the three year period the Human Rights Officer shall review the record to determine if any additional action is required. If no additional action is deemed necessary the record shall be destroyed.

VI. Reprisal

The School District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. Non-Harassment

The School District recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties. If an investigation results in findings of a malicious, frivolous, bad faith or false claim, the individual filing the claim may be subject to disciplinary action enforceable through the office of the Human Rights Officer.

VIII. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Utah Anti-Discrimination Division, 160 East 300 South, 3rd Floor, Salt Lake City, UT 84114-6640 (801) 530-6801, initiating civil action or seeking redress under state criminal statutes and/or federal law.

IX. Hazing/Assault

Unwanted verbal or physical advances exchanged among students are inappropriate behaviors. Unwelcome sexual gestures or advances can have a negative impact on both sexes. It must be acknowledged that sexual harassment in our schools creates a hostile environment that compromises students' educational, emotional, and behavioral lives. Sexual harassment shows disrespect for its victims, whether they are male or female. It sends victims the message that they are second-class citizens. THE DIFFERENCE BETWEEN GOOD-NATURED, HARMLESS FUN AND SEXUAL HARASSMENT IS HOW IT MAKES THE OTHER PERSON FEEL. In regards to SEXUAL HARASSMENT, STUDENT HAZING OR ASSAULT, a student shall not do bodily injury to another student or commit any act that degrades or disgraces any person: 1) on school grounds during school hours or immediately before or after school hours; 2) on school grounds during use by a school sponsored group; and 3) off school grounds at any school sponsored activity, function, or event; 4) during school provided transportation.

Students in violation of this policy are subject to disciplinary action that could include immediate suspension, alternative school placement, or referral to the law enforcement agency if circumstances warrant. The student(s) shall not be permitted to continue in attendance unless the problem is satisfactorily resolved.

X. Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse and require reporting to appropriate authorities. In such cases, the policy provisions or laws governing reporting of abuse should be followed. See sections 3.94 - 3.96 regarding child abuse and neglect. These sections also apply to sexual abuse.

XI. Discipline

Any School District action taken pursuant to this policy will be consistent with the requirements of applicable Utah statutes and School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate termination to end sexual harassment and prevent its recurrence.

XII. Notice

Notice of this policy shall be communicated to all students and employees.

11.32A HAZING PROHIBITED

I. GENERAL STATEMENT OF POLICY

The Utah legislature has determined that:

- a. participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

- b. there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;
- c. students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;
- d. these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and
- e. it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

II. PROHIBITED CONDUCT

In conformity with U.C.A. Section 53A-11-908, no employee of the Tooele County School District shall engage in, assist others or allow the following conduct to occur in a school building, in or on school property, in conjunction with any school-sponsored activity, or when it occurs in the presence of or is directed at or against another student or a district employee:

- a. use of foul, abusive, or profane language while engaged in school related activities;
- b. illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of tobacco or alcoholic beverages contrary to law; and
- c. hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

III. CRIMINAL VIOLATION - HAZING DEFINED

Hazing is a criminal offense under Utah law. A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:

- a. endangers the mental or physical health or safety of another; or
- b. involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; or

- c. involves consumption of any food, liquor, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual ; or
- d. involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; or
- e. involves cruelty to any animal; and
- f. is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
- g. if the person knew that the victim is a member of or candidate for membership; with a school team or school organization to which the person belongs or did belong within the preceding two years.

A violation of this policy by a District Employee may constitute grounds for disciplinary action.
 U.C..A.§ 53A-11-908
 U.C..A. § 76-5-111 (eff. 01/01/08)
 District Policy Section 11.8

11.32B REPORTING REQUIREMENTS - HAZING

In order to comply with the reporting requirements of Utah law regarding hazing and related activities as specified in U.C.A. § 53A-11-908 and Section 2.8A of this Policy Manual any District employee who reasonably believes that a violation of the specified school rules may have occurred either by a school employee or student shall immediately report that belief to the school principal or Superintendent. Principals who receive a report under this policy shall submit a report of the alleged incident, and actions taken in response, to the Superintendent or the Superintendent’s designee within ten working days after receipt of the report.

Failure of a person holding a professional certificate to report as required under this policy constitutes unprofessional conduct and may be grounds for disciplinary action.
 U.C.A. § 53A-11-908

11.33 BULLYING

Adopted 12/05/06

A. Purpose

It is the purpose of the Tooele County School District to respond to school-related bullying incidents by implementing prevention efforts where victims of bullying can be identified and assisted, and perpetrators educated, in order to create safer schools that provide a positive learning environment. Students and adults who engage in any form of bullying on or about school property, or at any school activity, may be suspended or expelled under the terms of this policy.

B. Definition

Bullying as defined in this policy means aggressive behavior causing harm or distress; exists in a relationship in which there is an imbalance of power or strength, repeated over time. A person is being bullied or victimized when he or she is exposed to negative actions on the part of one or more persons.

C. Types of Bullying

1. Physical bullying: hitting and/or punching.
2. Verbal bullying: teasing and/or name calling.
3. Non-verbal or emotional bullying: intimidation through gestures, social exclusion and relational aggression.
4. Cyber-bullying: sending insulting, threatening or harassing messages by telephone or computer, or electronic messaging.

D. Bullying Procedures at Schools

Bullying could have serious effects on any individual that is being bullied. These individuals are more likely than their peers to be depressed, lonely, and anxious; have low self-esteem; feel unwell, have more migraine headaches, and think about suicide. Tooele County School District recognizes that bullying is most effectively dealt with at the school level. Each school shall:

1. Develop a bullying prevention program using prevention interventions.
2. Include training as specified in *Utah Administrative Code R277-609-2*, which shall include a student assessment of the prevalence of bullying at the school and demonstrate that adequate adult supervision shall be provided at the school.
3. Identify goals and objectives that are clearly written and consistently enforced.
4. Recognize that bullying may preclude harassment (See Tooele County School District's Harassment Policy) and identify procedures to address harassment.