



North Davis Preparatory Academy
Administrative Policy
Safe Schools Policy

These administrative procedures are adopted in accordance with the Safe Schools Policy adopted by the North Davis Preparatory Academy Board of Directors.

Definitions:

“The School” means North Davis Preparatory Academy

“The Board” means North Davis Preparatory Academy Board of Directors

“CMT” means Case Management Team: The CMT shall consist of the Principal, the counselor, and a teacher selected by the Principal.

The School will foster:

- a school and community-wide expectation of good citizenship for students, and a sense of responsibility in the school community for rules and standards of behavior.

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the school community;
- parents and guardians of all students to assume proper legal responsibility for their students' behavior, and to cooperate with school authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

The School will comply with:

- state and federal laws requiring suspension or expulsion for certain types of student behavior.

1. BELIEFS AND PHILOSOPHY

1.1 Beliefs and Expectations

The School's beliefs and expectations set a positive and inviting school culture for dealing with safe school issues.

Beliefs:

- Punishment, alone, will not change behavior



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- Much aggressive behavior is a relationship problem, not a behavior problem
 - Adults must model the behaviors they expect from the students
 - We expect conflicts, but we expect conflicts to be resolved and relationships mended

Expectations:

- Students will show respect for other students
- Students will show respect for adults
- Students will show respect for the building
- Adults will show respect for students
- Students will develop self-discipline

1.2 Procedural Philosophy

The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

Procedures:

When students are involved in conflicts with other students, they will:

- Work together to resolve the conflict
- Work to repair the relationship and build trust
- Be subject to additional consequences if they exhibit unsafe behaviors during the conflict

When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer they will:

- Report their feelings to their parents who will set up a conference with the student, the parent, and the adult/s involved to resolve the conflict and mend the relationship
- Report the feelings to the administrator or counselor who will set up a conference with the student, the parent, administrator/counselor, and the adult involved to resolve the conflict and mend the relationship

When students flagrantly disregard the safety of others, show blatant disrespect to or for others, or consistently behave in a disrespectful or unsafe way:

- The student will be subjected to consequences and positive behavior support to ensure that student will make better choices in the future. Consequences might include:
 - In-School Suspension
 - Out of School Suspension
 - Expulsion
 - Restitution



- Repayment for damages
- The student will work to earn back the trust of the school community
 - Genuine apology to injured or affected parties
 - Demonstration of appropriate behaviors following the incident to “walk the talk”
 - Repair or replace any damaged items

Due process to protect the rights of students will include:

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may request a hearing with the Board of Directors. These procedures are listed in the NDPA Grievance Policy.
- Parents will be notified when students are involved in situations that are deemed to be serious including out of school suspension, expulsion, restitution, or repayment of damages.
- Parents and students will be notified of the expectations, possible consequences and the procedures involved in this policy at the beginning of each school year.

2. DEFINITIONS

2.1 Suspension

For purposes of this policy, suspension is a temporary interruption of school services and activities for 10 consecutive school days or less. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program, but will not be allowed to attend classes on campus or participate in any school activities during the period of suspension.

2.2 Expulsion for Regular Education and 504 Students

For purposes of this policy, expulsion means the formal process of dismissing a student from school. In cases of expulsion from the School, the legal obligation of complying with state compulsory education laws becomes the sole responsibility of the student's parents or legal guardian.

2.3 Change of Placement for Students with Disabilities under IDEA and Section 504

For purposes of removals of a student with a disability from the student's current educational placement, a change in placement occurs if the removal is for more than ten (10) consecutive school days; or, the student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, and because of factors such as



the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "Change of Placement" requires compliance with the procedures referenced in Section 7 of this policy.

2.4 Disruptive Student Behavior

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in Section 3.1 below.

2.5 Parent

For purposes of this policy, "parent" means (i) a custodial parent of a school-age minor; (ii) a legally appointed guardian of a school-age minor; or (iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described above.

2.6 Qualifying Minor

For purposes of this policy, "qualifying minor" means a school-age minor who: (i) is at least nine years old; or (ii) turns nine years old at any time during the school year.

2.7 School Year

For purposes of this policy, "school year" means the period of time designated as the school year by the Board in the calendar adopted each year.

3. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

3.1 Suspension

3.1.1 A student may be suspended from school for any of the following reasons:

[a] frequent, flagrant, or willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting, gang activity, noncompliance with school dress code, harassment, including sexual, racial, or religious harassment, the use of foul, profane, vulgar or abusive language, or other unreasonable and substantial disruption of a class, activity, or other function of the school;

[b] willful destruction or defacing of school property;

[c] 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;



[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32A-1-105;

[e] possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, e-cigarettes or tobacco, as defined by Utah Code Ann. § 76-10-101;

[f] possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;

[g] inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

[h] criminal activity;

[i] any other serious violation involving weapons, drugs, or the use of force which threatens harm or causes 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, or

[j] bullying or hazing as defined in Utah Code Ann. § 53A-11a-102.

3.1.2 A student **shall** be suspended or expelled from School for

[a] any serious violation affecting another student or a staff member, or any serious violation occurring in a School building, in or on School property, or in conjunction with any School-sponsored activity, including:

(i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(ii) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

(iii) the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or

[b] the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.



3.2 Expulsion

A student may be expelled from school for any violation listed under Section 3.1 of this policy if the violation is serious or persistent.

3.3 Weapons - Mandatory Expulsion for One Year, Utah Code Ann. § 53a-11-904(2)(b); 20 U.S.C.A. § 7151

3.3.1 Any student who commits an act for which mandatory suspension or expulsion is provided under Section 3.1.2, above, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all school programs and activities for a period of not less than one year, pursuant to state law.

3.3.2 Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to school or a school function the procedures referenced in Section 7 of this policy must be followed.

3.5 Drugs and Controlled Substances - Mandatory Suspension or Expulsion Utah Code Ann. § 53A-11-904(2)(a)

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

[a] use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a school building, in a school vehicle, on School property, or in conjunction with any school activity.

[b] misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function.

[c] misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at school only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

3.5.2 Students with Disabilities under Section 504



Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any school activity.

3.5.3 Drug Testing

[a] Any student who is reasonably suspected of violating section 3.5 may be subject to a drug test for cause, arranged and paid for by the School.

[b] Any student who has been suspended or expelled for a violation of section 3.5 may be required to provide a clean drug test and evidence of drug assessment and drug counseling programs as a condition of readmission to school. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

[c] Students who refuse to submit to required drug testing and counseling programs, or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

[d] Any student who is suspended or expelled for violation of section 3.5 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

3.5.4 Students with Disabilities under IDEA

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the procedures referenced in Section 7 of this policy must be followed.

3.6 Gangs

A "gang" as defined in this policy means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.



3.6.1 Gang Activity and Apparel Prohibited

Students who engage in any form of gang activity on or about school property, or at any school activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following.

[a] Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

[b] Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or a affiliation with a gang;

[c] Soliciting others for membership in a gang;

[d] Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;

[e] Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

[f] Committing any illegal act;

[g] Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

3.6.2 Confiscation of Gang Items

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by school officials at any time.

3.6.3 Consultation with Law Enforcement Authorities

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

4. AUTHORITY TO SUSPEND OR EXPEL

4.1 Authority to Suspend and Duration of Suspension for Regular Education Students



The Principal has the authority to suspend a regular education student for up to ten (10) school days per incident. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources. The Principal, alone, is prohibited from suspending for longer than ten (10) school days, expelling, or otherwise changing student placement. Whenever such action is contemplated or desired, the Principal shall make a referral to the School's CMT.

4.2 Authority to Suspend and Duration of Suspension for Students with Disabilities

The Principal has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days for any violation of school rules, and 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 pattern resulting in a change of placement. A school need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly removed.

4.3 Authority to Expel

The CMT may, by a majority vote, expel a student for violations under this policy. The CMT shall report its disciplinary actions to the Board at least once each year.

4.3.1 Parental Responsibility

If a student is expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of expulsion.

4.3.2 The parent or guardian and designated school officials may enlist the cooperation of the Division of Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

4.3.3 Readmission of Expelled Students

Any student who is expelled from the School will be dropped from the School's rolls in accordance with state law. A student who is expelled must follow the School's lottery procedures in order to be readmitted to the School.

Pursuant to state law, a student may be denied admission to the School if he or she was expelled from that or any other school, during the preceding 12 months.



4.4 Authority to Institute Change of Placement for Student with Disabilities

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

5. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR - Utah Code Ann. § 53A-11-910

The School will follow procedures consistent with state law in addressing disruptive student behavior.

6. DUE PROCESS FOR SUSPENSIONS AND EXPULSIONS

The School will provide students with appropriate due process in connection with any decision to suspend or expel under this policy.

7. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

The School will provide appropriate due process and will comply with applicable state and federal statutes and regulations in connection with any change of placement of a student with a disability under IDEA, 504, or ADA.

8. SITE-BASED SAFE SCHOOLS MEASURES

8.1 Closed Campus

The Board hereby authorizes and implements a "closed campus" policy, under which students are prohibited from leaving school grounds during the school day without authorization from the school attendance office.

9. EXTRACURRICULAR ACTIVITIES

Participation in interscholastic athletics and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and are not allowed to invoke due process procedures to challenge the denial of extracurricular participation.



10. TRAINING

10.1 All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy and the School's commitment to a safe and orderly school environment.

10.2 Employees who have specific responsibilities for investigating and resolving safe schools violations shall receive yearly training on this policy and related legal developments.

10.3 The Principal of the school shall be responsible for informing students, parents, and staff of the terms of this policy including the procedures outlined for investigation and resolution of violations.

11. POLICY DISSEMINATION AND REVIEW

11.1 The school shall compile an annual report of all suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.

11.2 A summary of this policy shall be posted in a prominent place in the School. A summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

11.3 This policy shall be reviewed as necessary with appropriate revisions recommended to the Board.



REFERENCES

Gun Free Schools Act; 20 U.S.C. § 7151

Requires schools that receive federal financial assistance to have a policy requiring the expulsion from school for a period of not less than one year of any student who brings a weapon firearm, explosive or flammable material to school.

Individuals with Disabilities Education Act; 20 U.S.C. § 1415(K); 34 C.F.R. § 300.520-529.

A student with a disability who carries a weapon to school or to a school function, or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be placed by school officials in an interim alternative educational setting, in accordance with State law, for not more than 45 days. A hearing officer may order a change in placement for a student with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer determines that there is substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Family Educational and Privacy Rights Act; 20 U.S.C. § 1232g (h)(1)-(2), 34 C.F.R. § 99.36

Allows schools to include appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Also allows schools to disclose such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1485.

Assures all children with eligible disabilities a free appropriate public education and related services designed to meet their unique needs.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. Prohibits discrimination on the basis of disability.

Rehabilitation Act of 1973, 29 U.S.C. § 705 (2)(C)(iv).

Stipulates that schools may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not disabled.



Americans with Disabilities Act (ADA), Title II, 42 U.S.C. § 12132. Prohibits public entities from discriminating on the basis of disability.

U. S. Department of Education, Office of Special Education Programs (OSEP) Memorandum (April 26, 1995). Questions and answers on disciplining students with disabilities.

U. S. Department of Education, Office for Civil Rights (OCR) Memorandum (January 28, 1991) ADA Amendments to Section 504 - Discipline of Students Using Drugs or Alcohol.

Utah Code Ann. § 53A-6-502 - Mandatory reporting of physical or sexual abuse of students

Utah Code Ann. § 53A-11-802 - Use of reasonable and necessary physical restraint or force.

Utah Code Ann. §§ 53A-11-901 to 53A-11-907 - School Discipline and Conduct Plans

Utah Code Ann. §§ 53A-11-1001 to 1004 - Notification of juvenile court and law enforcement agencies

Utah Code Ann. § 62A-4a-410 - Immunity from liability