



September 1, 2003

ADMINISTRATIVE MEMORANDUM NUMBER ONE-HUNDRED SIX
SAFE SCHOOL POLICY

I. POLICY

The Granite School District Board of Education recognizes that a safe, positive environment is essential to further the educational process. Student acts of criminal behavior that place any person in imminent danger are prohibited in all Granite School District schools, on school grounds, to and from school, at school sanctioned activities or when students are being transported in school or private vehicles. Disciplinary actions may be taken with students whose conduct, in locations other than those mentioned, threatens or does harm to the school, school property or persons associated with the school.

II. PURPOSE

This memorandum is enacted to address issues governing inappropriate conduct, safety and welfare of students, staff and patrons.

III. DEFINITIONS/REFERENCES

- A. Aggravated Assault: Utah Code 76-5-103 Assault plus an act which:
- causes serious bodily injury to another intentionally
 - involves use of a dangerous weapon as defined in Utah Code 76-1-601 or other means of force likely to produce death or serious bodily injury
- B. Aggravated Burglary: Utah Code 76-6-203 If in attempting, committing, or fleeing from a burglary the actor/participant in the crime:
- causes bodily injury to a person not involved in the crime
 - threatens the immediate use of a dangerous weapon against another person
 - possesses or attempts to use any explosive or dangerous weapon
- C. Arson: Utah Code 76-6-102
- unlawful and intentional damaging of any property by means of fire or explosives
- D. Assault: Utah Code 76-5-102
- an attempt, with unlawful force or violence, to do bodily injury to another
 - a threat, accompanied by show of immediate force or violence, to do bodily injury to another

- an act, committed with unlawful force or violence, that causes or creates substantial risk or bodily injury to another
- E. Bodily Injury: Utah Code 76-1-601(3)
- physical pain, illness or any impairment of physical condition
- F. Burglary: Utah Code 76-6-202
- unlawful entry of a building or any portion of a building with intent to commit a felony or theft or commit an assault on any person
- G. Criminal Mischief: Utah Code 76-6-106
- action that intentionally damages, defaces, or destroys the property of another, including the use of graffiti
- H. Expulsion:
- administrative exclusion from school attendance, without placement in an alternative setting for ten or more consecutive school days
- I. Gang Behavior --- Behavior exhibited by an individual or a group of individuals who:
- form an allegiance and engage in criminal, violent or antisocial behavior
 - encourage or create an unreasonable and substantial disruption or risk or disruption of a class, activity, program, or other function of a school
 - may have a name, turf, colors, symbols, distinct dress
 - exhibit any combination of the preceding characteristics
- J. Graffiti: Utah Code 76-6-107
- unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used
- K. Harassment: Utah Code 76-5-106
- intentionally frightening or harassing another person through a written or recorded threat to commit any violent felony
- L. Hazing: Utah Code 76-5-107.5
- any action or situation that intentionally, knowingly, or recklessly endangers the mental or physical health or safety of any person
 - forced conduct that would result in extreme embarrassment or mental stress and affects dignity of the individual
 - involvement of any brutality of a physical nature
- M. Imminent Danger: (*Black's Law Dictionary*)
- appearance of threatened and impending injury which would lead a reasonable person to attempt an instant defense
 - something which is threatening to happen at once, something close at hand, something which is close, although not yet touching, or on the point of happening
- N. Out-of-School Suspension:
- administrative exclusion from school attendance for fewer than ten consecutive days
- O. Dangerous weapon or firearm: Utah Code 76-1-601, 76-10-505.5, US Code Title 18 Section

- includes, but is not limited to firearms knives, explosives, fireworks, chemical devices, martial arts weapons
- instruments that propel an object
- anything that may place any persons in imminent danger

P. Serious Bodily Injury: Utah Code 76-1-601(10)

- creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ
- creates a substantial risk of death

Q. School Safety Violation: Behavior which includes, but is not limited to:

- any action which creates imminent danger
- possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material
- possession or selling illegal substances
- acts of gang behavior

R. Student

- anyone who is currently enrolled in public or private school

IV. SCHOOL GUIDELINES AND PROCEDURES

Behaviors and conduct engaged in by students that are in violation of the District School Safety Policy vary in range of severity and danger. As such, many issues are best handled at the school level while more serious situations that pose imminent danger, and have been investigated by law enforcement, are referred to Student Services as a School Safety Violation.

A. Violation Screening --- Administrators will:

- adhere to School/District policy
- afford due process procedures (as per Section V. E)
- provide a **thorough investigation** and documentation of the details of the incident (refer to Safe and Drug Free Schools Referral Checklist)
- determine if the incident did or did not create imminent danger
- determine if the incident displays frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior

B. If imminent danger is a factor:

- complete the *Granite District Safe and Drug-Free Schools Incident and Offense Reporting Form*
- include an appropriate law enforcement referral and case number (contact a Student Services Representative with any exceptions)
- suspend student to Granite District Student Services Office
- submit all required information to Student Services for processing within one school day

C. If imminent danger is not a factor:

- provide appropriate consequences according to school rules
- implement interventions to assist the student in conforming to school/classroom expectations/rules (examples include but are not limited to: in-school suspension, behavior

contract, in-class timeout, inter-class timeout, parent conference, lunch/after-school detention, referral to School Support Staff, etc.)

D. If acts of frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior occur:

- make good faith efforts to implement a remedial discipline plan that will allow a student to remain in school prior to sanctions being imposed on the student for repeated acts which are not deemed imminent danger
- a variety of alternatives to out-of-school suspension should be included in the school discipline plan

V. SCHOOL DUE PROCESS

A. Written Notice:

- provide written notice of the District Safety Policy in formats such as District/School newsletter or handbook

B. On-going review:

- review the Safety Policy throughout the year with students and parents/legal guardians through activities such as: classroom teacher presentations, intercom, Channel 1, newsletters, copies of the policy posted in prominent locations in the school, etc.
- document all dates the School Safety Policy is presented/distributed to students/parents/legal guardians

C. New student enrollment:

- provide school safety information to new students/parents/legal guardians upon enrollment in the school

D. Understanding the policy:

- review the policy with parents/legal guardians to facilitate understanding if requested
- provide an interpreter if language or hearing impairment is of concern

E. Procedures following the alleged violation:

- advise student of the charges against him/her which may be the basis for a suspension
- provide an opportunity for the student to respond to the accusation
- involve law enforcement if warranted
- provide parents/legal guardians prompt verbal or written notice of the suspension and the reason for the action
- complete a *Manifestation Determination* for a student with a 504 plan if there is reason to believe the behavior may be related to a student's disability
- provide special education students additional due process described in Section VI

VI. SCHOOL SPECIAL EDUCATION DUE PROCESS PROCEDURES

A. Contact the Special Education School Safety Coordinator to facilitate the Special Education Safety process

B. In addition to previous requirements listed under Due Process, if the student is receiving Special Education services or is suspected of having a disability:

- provide a copy of *Procedural Safeguards for Children with Disabilities and Their Parents Under the Individuals with Disabilities Education Act* (July 2002)

- provide written *Prior Notice* to the parents informing them that the following actions are being considered: new IEP; new evaluation; referral to Special Education School Safety Committee; and/or a change of placement
- convene the student's IEP team for a *Manifestation Determination* to ascertain whether the student's behavior was related to his/her disability
- document the finding in the Special Education School Safety Checklist
- include a copy of the checklist with the district referral
- submit required information to Special Education School Safety for processing

VII. STUDENT SERVICES PROCEDURES

- A. Incident Review Representative of Student Services will:
- review the *Granite District Safe and Drug-Free Schools Incident & Offense Reporting Form*
 - interview student accompanied by parent/legal guardian for the purpose of clarification
- B. Gathered information is presented to the School Safety Screening Committee for a determination of educational placement for the student
- student accompanied by parent/legal guardian and/or School Administrator may request an appointment to address the School Safety Screening Committee
- C. Upon request the involved parties will receive a letter outlining the appeal's procedure

VIII. DISTRICT SPECIAL EDUCATION PROCEDURES

- A. Special Education Incident Review Representative of Special Education will:
- facilitate an IEP meeting to discuss any school safety violation
 - review the *Granite District Safe and Drug-Free Schools Incident & Offense Reporting Form*
 - interview student accompanied by parent/legal guardian for the purpose of clarification
 - present information to the Special Education School Safety Committee for review and provide recommendations to the IEP team at the student's home school

IX. DISTRICT STUDENT SERVICES CONSEQUENCES for a School Safety Violation may include, but are not limited to the following:

- A. Contract:
- student may be placed on a District Safety Contract
- B. Suspension:
- student may be suspended for up to ten days
- C. Alternative Placement - Student may be removed from his/her home school and placed in an alternative school program.
- length of this placement will be determined by the seriousness of the situation and circumstances (a few days up to and including one full school year)
 - evaluation of student's progress will occur throughout the prescribed time period

- successful completion of student goals may result in the student returning to their home school (Extenuating circumstances may result in placement in another school in the district)
- failure to complete assigned goals may result in continued placement in the alternative program until objectives are met

D. Expulsion may occur for:

- violations that are intentional and life threatening
- possession of a firearm

Note: If a student is expelled from school, the responsibility to enroll the student in an educational program falls on the parent/legal guardian. Utah Code 53A-11-907

E. Involvement in School Activities: Students referred to Granite School District School Safety Committee :

- are suspended from **all** school services and activities
- are ineligible to participate or represent their home school in any student held office, athletic program or extra curricular activity while suspended or in an alternative program
- are not allowed on any school campus or school activity without permission of the school administration
- may be charged with trespassing if found on school property without permission of the school administrator

F. School Safety Exit:

- student and parent/legal guardian will attend and complete an exit interview with a Student Services Representative before returning to the home school

X. DISTRICT SPECIAL EDUCATION CONSEQUENCES

Consequences, beyond 10 days of suspension, will be tailored to the student's Individualized Education Plan in accordance with the Individuals with Disabilities Act (*IDEA 97*)

XI. STATE AND FEDERAL LEGAL PROVISIONS

A. GROUNDS FOR SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL

Utah Code 53A-11-904 provides guidance regarding suspension and expulsion of students from a public school:

- i. A student **MAY** be suspended or expelled from a public school for any of the following reasons:
 - frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior, including the use of foul, profane, vulgar, or abusive language
 - willful destruction or defacing of school property
 - behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or the operation of the school
 - possession, use, or control of an alcoholic beverage (as defined in Administrative Memo #95)
 - behavior which threatens or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs

- ii. A student **SHALL** be suspended or expelled from a public school for any serious violation affecting another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity including:
- possession, control, or actual or threatened use of a real weapon, explosive, noxious, or flammable material
 - the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities
 - sale, control or distribution of a drug or controlled substance, an imitation controlled substance, or drug paraphernalia (as defined in Administrative Memo #95)
 - commission of any 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

B. PERSISTENTLY DANGEROUS SCHOOLS

No Child Left Behind (NCLB) requires that school districts adopt a definition for persistently dangerous schools. Granite School District adopts the definition promulgated by the Utah State Board of Education (R277-483). A "persistently dangerous school" is defined as a public K-12 school with any combination of grades that meets the following criteria: The school has at least three percent of the student body, as determined by the October 1 count, that has been expelled in each of three consecutive school years for violent criminal offenses or federal gun free school violations that occur on school property or at school sponsored activities.

/s/

Dr. Stephen F. Ronnenkamp
Superintendent