SUSPENSION/EXPULSION POLICY

**Purpose:** The purpose of this policy is to give information concerning Suspension and Expulsion from the WSU Charter Academy and to comply with the requirements Utah Code 53A-11-903 and 53A-11-904

Also, the purpose of Weber State University Charter Academy’s (School) Suspension and Expulsion Policy is to help students take responsibility for their actions and develop self-discipline. The WSU Charter Academy hopes to create a safe, orderly and respectful learning environment.

It is the WSU Charter Academy’s policy to promote a safe and orderly school environment for all students and employees. Accordingly, the WSU Charter Academy holds all students, employees, and other adults to the highest standards of behavior on school property and during school-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

**Policy:**

1. **Definitions**

   (A) Suspension – Suspension is a temporary removal of a student from school and school-sponsored activities for a period of up to one (1) year. Students who are suspended may, to the extent feasible and at the Director’s discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any school activities during the period of suspension.

   (B) Expulsion – Expulsion means the formal process of dismissing a student from school. Recognizing that students who commit violent or disruptive acts may pose safety problems, the WSU Charter Academy will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the Director retains the authority to exclude the student from all programs or activities for the period of expulsion.

   (C) Change of Placement – A “change of placement” for a student with a disability occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or 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 outlined below.

2. **Grounds for Suspension or Expulsion**

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

      (i) 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 WSU Charter Academy;

(ii) willful destruction or defacing of school property;

(iii) behavior that 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;

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

(v) possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;

(vi) 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;

(vii) inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

(viii) any criminal activity;

(ix) any serious violation involving weapons, drugs, or the use of force that 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

(x) bullying or hazing as defined in Utah Code Ann. § 53A-11a-102 and/or the School’s Bullying and Hazing Policy.

(B) A student may be expelled from school for any violation listed under Section 4(A) of this policy if the violation is serious or persistent.

(C) A student shall be suspended or expelled from school for the following reasons:

(i) 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:

(1) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
(2) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

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

(ii) 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.

(D) Any student who commits an act for which mandatory suspension or expulsion is provided 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 (1) year, subject to the following:

(i) Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“CMT”), which shall be comprised of the Director and selected teacher(s), selected support staff and when appropriate, a parent or legal guardian; and

(ii) The CMT shall determine:

(1) what conditions must be met by the student and the student’s parent for the student to return to school;

(2) if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school; and

(3) if it would be in the best interest of both the school and the student to modify the expulsion term to less than a year giving highest priority to providing a safe school environment for all students.

(iii) For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

(iv) Students with Disabilities under IDEA and Section 504 – However, 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-sponsored activity, the procedures outlined below must be followed.
A student shall be suspended or expelled from the school for any of the following reasons:

(i) 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-sponsored activity.

(ii) misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school-sponsored activity.

(iii) 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.

(iv) Students with Disabilities under IDEA and Section 504 – 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-sponsored activity, the procedures outlined below must be followed.

(v) Drug Testing

(1) Any student who is reasonably suspected of using, possessing or distributing drugs in violation of this policy may be subject to a drug test for cause, arranged and paid for by the school.

(2) Any student who has been suspended or expelled for a violation of this section may be required to provide a clean drug test and evidence of completion of drug assessment and/or 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.

(3) 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.

(4) Any student who is suspended or expelled for violation of this section 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.

(F) Gangs

(i) For purposes of this policy, "gang" 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.

(ii) Gang Activity and Apparel Prohibited – Students who engage in any form of gang activity on or about school property, or at any school-sponsored 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.

(1) 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;

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

(3) Soliciting others for membership in a gang;

(4) Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;

(5) Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

(6) Committing any illegal act;

(7) Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

(iii) 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.

(iv) 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.
3. Due Process Procedures

(A) Authority to Suspend or Expel

(i) Authority to Suspend for Ten (10) School Days or Less for Regular Education Students – The Director has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Director shall consider all relevant factors, including but not limited to, the severity of the offense, the student age, disability, academic status and disciplinary record, parental capabilities, and community resources.

(ii) Authority to Suspend and Duration of Suspension for Students with Disabilities – The Director has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total 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. The WSU Charter Academy 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 suspended.

(iii) Authority to Suspend for Longer than Ten (10) Days or Expel for Regular Education Students – Subject to the requirements for due process set forth below, the Director may suspend a regular education student for longer than ten (10) days or expel a regular education student. Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the school.

(1) Parental Responsibility – If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated school officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the WSU Charter Academy are the responsibility of the student's parent or guardian. The WSU Charter Academy shall contact the parent or guardian of each student under age 16 who has been expelled from all WSU Charter Academy programs and services at least once a month to determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the school.
(iv) 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.

(B) Due Process for Suspensions of Ten (10) Days or Less – The following procedure shall apply to all students facing suspension of ten (10) school days or less:

(i) The Director shall notify the student’s custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Director to review the suspension.

(ii) The Director shall also notify the non-custodial parent, if requested in writing, of the suspension. However, this requirement does not apply to the portion of WSU Charter Academy records which would disclose any information protected under a court order. The custodial parent is responsible to provide the school a certified copy of any applicable court order.

(iii) The Director shall document the charges, evidence, and action taken.

(iv) The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

(v) If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Director.

(vi) In general, the notice and informal conference shall precede the student’s removal from the school.

(vii) If, in the judgment of the Director, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

(C) Due Process for Suspensions of More than Ten (10) Days and Expulsions

(i) If the Director believes that a student should be suspended for more than ten (10) days or expelled, the Director may make the initial decision and shall meet with the student’s parent or guardian to discuss the charges against the student and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the
Director shall also notify the non-custodial parent of the suspension or expulsion as outlined in this policy.

(ii) Notice to Student and Parent/Guardian – During the meeting required in this policy, the Director shall provide the student’s parent or guardian with written notice that includes all of the following elements (or, if the student's parent or guardian refuses to meet, the Director shall send the notice by certified mail, return receipt requested, to the student's parent or legal guardian within ten (10) school days after the suspension or expulsion began):

(1) a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;

(2) the penalty being imposed (duration of suspension or expulsion);

(3) a statement that a due process hearing may be requested by providing the Director with written notice within ten (10) school days of the parent or guardian’s receipt of the notice;

(4) a statement that, if a due process hearing is requested, the Board, even if less than a quorum is present but a minimum of four members, will conduct the hearing;

(5) a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the Board determines otherwise;

(6) the mailing date of the notice;

(7) a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the Director’s decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

(iii) Hearing Procedures – If a Due Process Hearing is requested in response to the notice sent pursuant to this policy, the following procedures shall apply:

(1) After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the student’s parent or guardian agrees otherwise.

(2) A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:

   (a) the date, place, and time of the hearing;
(b) the circumstances, evidence, and issues to be discussed at the hearing;

(c) the right of all parties to cross-examine witnesses subject to the Board chairman’s determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal; and

(d) the right of all parties to examine all relevant records.

(3) The Board shall conduct the Due Process Hearing on the record and shall:

(a) ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the WSU Charter Academy;

(b) consider all relevant evidence presented at the Hearing;

(c) allow the right to cross-examination of witnesses, unless the Board chairman determines that this right should be limited to protect student witnesses from ostracism, retaliation, or reprisal;

(d) allow all parties a fair opportunity to present relevant evidence; and

(e) issue a written decision including findings of fact and conclusions.

(iv) Hearing Rules – Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:

(1) parties may have access to information contained in the WSU Charter Academy’s files to the extent permitted by law;

(2) hearings shall be closed to the press and the public;

(3) documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Board; and

(4) the Board may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Board.

4. Procedures for Students with Disabilities
(A) **Due Process for Change of Placement of Students 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 Utah State Board of Education 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.

(i) **Required Services**

1. **504 and ADA Students** – When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from school without educational services. (See OSEP memorandum of April 26, 1995.)

2. **IDEA** – A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

   If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals, the school shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student’s IEP. School personnel, in consultation with the student’s special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student’s IEP.

(B) **Change of Place for Weapons or Drugs** – A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:

   (i) The student carries a weapon to school or to a school-sponsored activity; or

   (ii) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school-sponsored activity.

(C) **Change of Placement Due to Student's Serious Misconduct** – School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting,
recommended by the student’s IEP team, for not more than forty-five (45) days. A hearing officer may order such a change, if he/she:

(i) Determines that WSU Charter Academy officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

(ii) Considers the appropriateness of the student's current placement;

(iii) Considers whether WSU Charter Academy officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(iv) Determines that the interim alternative educational setting being recommended by WSU Charter Academy officials (1) has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP: and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

(D) Parental Notice – As soon as a decision is made by WSU Charter Academy officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student’s parents must be notified of that decision and of all procedural safeguards outlined by law and school policy.

(E) IEP Meetings for Manifestation Determination

(i) Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student’s disability and the behavior subject to the disciplinary action.

(ii) The manifestation review must be conducted by the student’s IEP team and other qualified school personnel.

(iii) In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student’s disability only if the IEP team:

(1) First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

(a) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;

(b) Observations of the student; and
(c) The student’s IEP and placement; and

(2) Then determines whether:

(a) The conduct in question was caused by or had a direct and substantial relationship to the child’s disability; or

(b) The conduct in question was the direct result of the WSU Charter Academy’s failure to implement the student’s IEP.

(iv) If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student’s disability.

(v) Determination that Behavior was not Manifestation of Disability – If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student’s disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from school.

(vi) Determination that Behavior was Manifestation of Disability - If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student’s disability, the student must remain in or be returned to the prior placement.

(F) IEP Meetings for Functional Behavioral Assessments

(i) Post-Discipline Functional Behavioral Assessments – If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

(ii) Pre-Discipline Behavioral Intervention Plans – If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

(G) Placement During Appeals and Stay Put

(i) If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the hearing officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and school officials agree otherwise.
(ii) If a student is placed in an interim alternative educational setting and school personnel propose to change the student’s placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student’s placement prior to the interim alternative education setting), unless school officials succeed in getting an order through an expedited hearing as described above.

5. Alternatives to Expulsion for Frequent or Flagrant Disruptive Behavior – A continuum of intervention strategies shall be available to help students whose behavior in school repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the WSU Charter Academy.

(A) Before referring the student for long term suspension, expulsion or change of placement under this section, school staff should demonstrate that they have attempted some or all of the following interventions:

(i) Talking with the student;
(ii) Class schedule adjustment;
(iii) Phone contact with the parent or legal guardian;
(iv) Informal parent/student conferences;
(v) Behavioral contracts;
(vi) After-school make-up time;
(vii) Short-term in-school suspension (ISS); (viii) Short-term at-home suspensions;
(ix) Appropriate evaluation;
(x) Home study;
(xi) Alternative programs;
(xii) Law enforcement assistance as appropriate.

(B) As part of a remedial discipline plan for a student, the school may require the student’s parent or guardian, with the consent of the student’s teachers, to attend class with the student for a period of time specified by a designated school official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.
6. Additional Safe Schools Measures

(A) Physical Restraint – A WSU Charter Academy employee may, when acting within the scope of employment, use and apply physical restraint or force as may be reasonable and necessary under the following circumstances:

(i) To protect any person from physical injury;

(ii) To take possession of a weapon, other dangerous objects, or controlled substances in the possession of a student;

(iii) To restrain or remove a student from a situation when that student is violent or disruptive, or is a danger to him/herself or others, or

(iv) To protect property from serious damage.

(v) When an employee exercises physical restraint on a student, the employee shall write a report outlining the incident and the reasons for the use of physical restraint within three (3) days following the incident. This report shall be filed with the Director, who then is responsible for sending a copy of the report to the Board. The original of the report shall be kept in the employee’s file.

(B) Corporal Punishment – School employees may not inflict or cause the infliction of corporal punishment upon a student.

(C) After-School Detention

(i) Teachers and other school officials shall make reasonable attempts to notify a parent or legal guardian before detaining a student after school.

(ii) If detention is necessary for the student’s health or safety, an exception may be made to the notice requirement.

7. 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 may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

8. Re-Admission of Expelled Students – A student who is expelled from the WSU Charter Academy can only be re-admitted to the school through the school’s standard lottery procedures. A student may be denied admission to the school if he or she was expelled from the school or any other school during the preceding 12 months.

9. Searches of Person or Property – Given the school’s custodial and tutelary responsibility for children, and the Board’s intent to preserve a safe environment for all students and staff,
the Board recognizes that WSU Charter Academy officials must have the authority to conduct reasonable searches of students and student property. WSU Charter Academy officials engaging in searches of students and property shall abide by the following guidelines:

(A) General Guidelines for Searches of Person or Property

(i) Student Lockers – Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the school, lockers are solely school property and may be searched at any time by school officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings.

(ii) Searches of Students and Student Property – Searches of a student’s person, personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular school rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which school officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

(B) Searches of Personal Belongings – Personal belongings may be searched by school officials whenever school officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a school official. All searches of student property by school officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive. All contraband discovered in a search by school officials shall be immediately confiscated and turned over to law enforcement officers if school officials have reason to believe the contraband is related to the commission of a criminal act.

(C) Searches of Person – School officials shall make sure the search meets the following guidelines:

(i) The search shall be conducted in a private area of the school by a school official of the same sex as the student being searched;

(ii) The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Director, teacher, police officer);

(iii) School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;
(iv) Under no circumstances may school officials require students to remove any other items of clothing or touch students in any way during the search.

(v) If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

(D) Documentation of Searches – School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

(i) The time, place and date of the search;

(ii) The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

(iii) The name and title of individuals conducting and observing the search;

(iv) A statement about evidence that was found or not found as a result of the search;

(v) A statement about who took possession of contraband (i.e., police, school, etc.);

(vi) Information regarding the attempts of School officials to notify parents about the search.

10. Training

(A) 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 WSU Charter Academy’s commitment to a safe and orderly school environment.

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

(C) The Director 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.