

# SAFE SCHOOL POLICY

**Purpose:** The purpose of this policy is to comply with the requirements of Utah Administrative Code R277-483. The WSU Charter Academy 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 WSU Charter Academy classrooms, on school grounds, at school sanctioned activities or when students are being transported in school 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.

**Policy:** This policy is to address issues governing inappropriate conduct, safety and welfare of WSU Charter Academy students, WSU pre-service teachers, faculty/staff, parents/guardians, and patrons.

WSU Charter Academy adopts the definition adopted 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.

## **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 921
- 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

### **School Guidelines**

Behaviors and conduct engaged in by students that are in violation of the Safe School 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, will be investigated by law enforcement.

A. Violation Screening --- Administrators will:

- adhere to School policy
- afford due process procedures
- provide a thorough investigation and documentation of the details of the incident
- 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:

- contact WSU policy department immediately

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, parent conference, 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

WSU Charter Academy Student Consequences for a Safe School Violation may include, but are not limited to the following:

A. Suspension:

- student may be suspended for up to ten days

B. 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

C. 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*

### **WSU Charter Academy 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)

### **State And Federal Legal Provisions**

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

### **"Parental Notification" and "Students' Right to Transfer and Continued Attendance"**

WSU Charter Academy will follow all "Parental Notification" and "Students' Right to Transfer and

Continued Attendance” as outlined in Utah Administrative Code R277-483-5 and Utah Administrative Code R277-483-6.

**R277-483-5. Parental Notification.**

If a school is designated by the Board as persistently dangerous, parents of all students attending the school shall be notified by the local board of available transfer schools in a reasonable manner by no later than August 15 of the school year of designation.

**R277-483-6 Students' Right to Transfer to and Continued Attendance.**

A. Parents receiving notification of persistently dangerous school status may choose to transfer and shall indicate desire to transfer and school of preference to the local board within 30 calendar days of the date of the notification letter. Schools or local school boards shall provide by written policy a window of at least 30 school days for student transfers. Students shall be assigned to a non-dangerous school within 30 days of written parent request for transfer.

B. Parents of students moving into a persistently dangerous school community following the transfer window shall be notified immediately of the school's persistently dangerous status and shall have 30 calendar days following registration to request transfer from the local board and indicate school preference. The local board shall have 30 calendar days to assign a school. Parents shall make a decision within 10 days following notification to accept the school assignment as offered by the local board or have their children remain in the resident school.

C. The local board shall designate available transfer schools within the district. The local board shall develop criteria for transfer schools and shall not designate other persistently dangerous schools or schools that failed to make adequate yearly progress (Section 1111 of the NCLB Act 1116 NCLB) as transfer schools.

D. Students attending alternative schools that have been designated as persistently dangerous shall be offered choices consistent with district policies for alternative school placement. If a local board determines that the only appropriate placement for a student is an alternative school, the local board shall offer homebound/hospitalized services, under R277-419, or other home or non-school based programs as an option to the alternative school.

E. Students who have been disciplined for any of the violations identified in this rule forfeit the right to transfer from a persistently dangerous school.

F. Students shall be eligible to participate in all extracurricular activities immediately in their new schools of residence if they transfer consistent with this rule.

G. A student shall have a right to continued attendance at a school selected under this rule or a local board may require, by local board policy, a student to return to the student's resident school upon change of school safety designation, under R277-483-5.