

2020-2021

# BEHAVIORAL POLICY



WALDEN  
School of Liberal Arts

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BELIEFS,  
EXPECTATIONS,  
& DEFINITIONS



Walden is committed to protecting the safety, health, and well-being of its students, employees, and all people who participate in the programs of the school. The objective of the school behavioral policy is to establish procedures that promote positive, supportive relationships and help create learning environments that are physically and emotionally safe for everyone. All of us make mistakes. At times, student behavior may present an immediate danger requiring emergency safety interventions. Behavioral interventions for students should promote and facilitate their safety and dignity. This policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students.<sup>1</sup>

The ability of Walden's employees, students, and families to create a culture consistent with the school's mission, charter, and core values requires that behaviors and behavioral consequences align. The School Parent-Student Compact is one of the first documents encountered upon enrollment to set expectations in this regard. This document specifies the following expectations and responsibilities.

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<sup>1</sup> This most recent version (9/8/2020) includes updates that address amended Utah Administrative Rule R277-609 regarding restraint and seclusion of students and the establishment of an Emergency Safety Intervention (ESI) committee.



# STUDENT RESPONSIBILITIES

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Students agree to the following behaviors when enrolling at Walden. We believe that these attitudes and behaviors provide the foundation for success in school and beyond.

- 1 Attend school regularly and on time.
- 2 Complete assignments, homework and reading assignments on time and to the best of my ability.
- 3 See possibilities and make meaningful choices.
- 4 Be willing to engage in authentic research and project work.
- 5 Through my own actions and choices, help create a school environment of tolerance and peace.
- 6 Explore my own creativity and individuality in socially positive ways.
- 7 Strive to become a self-motivated learner who makes positive contributions to the school and society.
- 8 Refrain from the abuse of any harmful or illegal substance, on or off campus, and submit to testing if abuse is suspected. I understand abuse is cause for expulsion. I will adhere to all behavioral, attendance and academic policies.





# PARENT/GUARDIAN RESPONSIBILITIES

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Parents and guardians agree to the following behaviors when enrolling a student at Walden. Education and student behavior is supported with parents, students, and the school staff all work together in support of students. • Make certain my child attends school regularly and on time.

- 1 Provide support for my child as they engage in authentic research and project work.
- 2 Maintain an open dialogue with my child's teacher(s) and Walden staff and work together to provide the best possible education for my child.
- 3 Support the school by volunteering my time in the classroom, as a fieldtrip driver and through involvement with the PCC (Parent Community Council) as my schedule permits.
- 4 Attend parent meetings and parent education nights and when necessary ask for further explanation of school curriculum, policies and programs. • Support school curriculum by providing a home environment where children can learn and develop their creativity and individuality.
- 5 Work as a partner with the school. When I see room for improvement, provide feedback and support in a positive and encouraging manner.



# FACULTY AND STAFF RESPONSIBILITIES

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When Walden accepts a student, we Take on the following obligations:

- 1 Treat each student with respect and dignity.
- 2 Support and mentor each individual child so that he/she can progress academically at a rate that is most beneficial for him/her.
- 3 Provide a classroom environment where students are allowed to make meaningful choices.
- 4 Strive to create a school and classroom environment where peace and tolerance are paramount.
- 5 Provide students with opportunities for authentic research and project work.
- 6 Communicate with parents about their child's academic, social, and emotional progress on a regular basis.
- 7 Provide academic rigor.
- 8 Give parents the opportunity to volunteer in a meaningful way.
- 9 Encourage students to explore their creativity and foster their own individuality.



# PHILOSOPHY AND PROCEDURES

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Walden recognizes the importance of establishing a behavioral procedural philosophy consistent with the above collaborative principles. 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 allowing for the greatest degree of dignity and respect to be afforded to each person involved in any difficult situation:

**When students are involved in conflicts with other students, they will be encouraged and supported to:**

- 1 Work together to resolve the conflict; and
- 2 Work to repair the relationship and build trust.

Students who exhibit unsafe behaviors during and beyond the conflict will be subject to additional consequences.

**When a student feels treated unfairly by a member of the staff or a volunteer, they are encouraged to:**

Report their concerns to their parent, a teacher, an administrator or counselor, who will schedule a conference with the student (if appropriate), the parent (if appropriate), an administrator or counselor, and the adult involved (as appropriate) to resolve the conflict and restore the relationships.

**When a student flagrantly disregards the safety of others, shows blatant disrespect to others, or consistently behaves in a disrespectful or unsafe way:**

The student will be subjected to consequences and positive behavior supports designed to restore the environment



and/or relationships and to prevent future occurrences of the misbehavior. Consequences might include:

- 1 In-School Suspension
- 2 Out of School Suspension
- 3 Expulsion
- 4 Restitution
  - a) Repayment for damages
  - b) Service to restore the trust of the school community by actions such as:
    - o Genuine apology to injured or effected parties
  - c) Demonstration of appropriate behaviors following the incident
  - d) 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 assure that rights are protected through the process. If parents feel their student has not been treated fairly, they may request a hearing with the School's Director, Superintendent, or Board of Trustees (the "Board").

Parents will be notified when students are involved in situations that are deemed to be serious.

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.

# ASSURANCES AND PROHIBITIONS

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## **Safe School Environment**

It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in the classroom, on school grounds, in school vehicles, and during school-sponsored activities. Criminal acts or disruptive behavior of that causes safety concerns or acts of discrimination will not be tolerated. Any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

## **Discrimination Prohibited**

It is the School's policy to provide equal educational and employment opportunities for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted to a school director or to the board of trustees.



## DEFINITIONS

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### **Suspension**

For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, 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. During suspension, the School need not provide services.

### **Expulsion**

For purposes of this policy, 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 School 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.

### **Gangs**

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.

### **Bullying**

"Bullying" means intentionally or knowingly committing an act that:



- 1 endangers the physical health or safety of a school employee or student. This may include overt aggression (such as physical fighting or assault including punching, shoving, kicking, biting); verbal or social behavior (such as name calling, rumor spreading, intimidation, encouraging assault or intimidation); and sexual aggression or acts of a sexual nature or with sexual overtones.
- 2 involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- 3 involves consumption of any food, liquor, drug, or other substance;
- 4 involves other physical activity that endangers the physical health and safety of a school employee or student; or
- 5 involves physically obstructing a school employee's or student's freedom to move; and
- 6 is done for the purpose of placing a school employee or student in fear of:
  - a) physical harm to the school employee or student; or
  - b) harm to property of the school employee or student

#### Abusive Conduct

"Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:

- 1 is intended to cause intimidation, humiliation, or unwarranted distress;
- 2 results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted



distress; or

- 3 exploits a known physical or psychological disability
- 4 A single act does not constitute abusive conduct, unless it is an especially severe and egregious act.

### **Civil Rights Violations**

"Civil Rights Violations" means bullying (including cyberbullying), harassing, or hazing that is targeted at a federally protected class

### **Cyberbullying**

"Cyberbullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

### **Federally protected class**

"Federally protected class" means any group protected from discrimination under federal law:

- 1 Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.
- 2 Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
- 3 Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability.
- 4 Other areas included under these acts include religion, gender identity, and sexual orientation.





## Harassment

“Harassment” means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.

## Hazing

“Hazing” means intentionally or knowingly committing an act that:

- 1 endangers the physical health or safety of a school employee or student;
- 2 involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- 3 involves consumption of any food, liquor, drug, or other substance;
- 4 involves other physical activity that endangers the physical health and safety of a school employee or student; or
- 5 involves physically obstructing a school employee's or student's freedom to move; and
- 6 is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
- 7 if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.



“Retaliation” means an act of communication intended:

- 1 as retribution against a person for reporting bullying, cyberbullying, harassing, or hazing; or
- 2 to improperly influence the investigation of, or the response to, a report of bullying or hazing.

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

For purpose of the removal of a student with a disability from the student's current educational placement, a “change of placement” occurs if

- 1 the removal is for more than ten (10) consecutive school days or
- 2 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 in the special education requirements and disability law.

### **Disruptive Student Behavior**

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

### **Parent**

For purposes of this policy, “parent” means

- 1 a custodial parent of a school-age minor;
- 2 a legally appointed guardian of a school-age minor;  
or



- 3 any other person purporting to exercise any authority over the minor which could be exercised by a person described above.

### **Qualifying Minor**

For purposes of this policy, “qualifying minor” means a school-age minor who:

- 1 is at least nine years old; or
- 2 turns nine years old at any time during the school year.

### **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.

### **Mobile Crisis Outreach Team**

“Mobile crisis outreach team” means a crisis intervention service for minors or families of minors experiencing behavioral health or psychiatric emergencies.

### **Restorative Justice Program**

“Restorative justice program” means a school-based program that is designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

### **Youth Court**

“Youth court” is defined in § 78A-6-1203 as a diversion program that provides an alternative disposition for cases involving juvenile offenders in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges

### **Emergency Safety Intervention**

An “ESI” is the use of seclusionary time out or physical

restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An ESI is not for disciplinary purposes.

### **Physical Restraint**

“Physical restraint” means a personal restriction that immobilizes or significantly reduces the ability of a student to move his or her arms, legs, body, or head freely.

### **Physical Escort**

“Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

### **Seclusionary Time Out**

“Seclusionary time out” means that a student is placed in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he or she will be prevented from leaving the area. The safe enclosed area must meet the fire and public safety requirements described in R392-200 and R710-4.



SUSPENSION



## “MAY BE”<sup>2</sup>

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A student **may be** suspended from School for any of the following reasons:

- 1 frequent or flagrant 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;
- 2 willful destruction or defacing of School property;
- 3 behavior or threatened 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; or behavior that threatens harm or does harm to the school, school property, to a person associated with the school, or property associated with that person, regardless of where it occurs;
- 4 possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah law;
- 5 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;
- 6 possession, distribution, control, use, sale, or arranging

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<sup>2</sup> *Extracurricular Activities*. Participation in school clubs, 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.



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;

- 7 inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;
- 8 any criminal activity;
- 9 any serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 4.1.2 below, 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
- 10 bullying or hazing as defined in Utah Code Ann. § 53A-11a-102 and/or the School's Bullying and Hazing Policy.



## “SHALL BE”<sup>3</sup>

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- A student **shall be** suspended or expelled from School for
- 1 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:
    - a) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
    - b) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or
    - c) 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
  - 2 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.

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<sup>3</sup>A student may be expelled from School for any violation listed previously in this policy if the violation is serious or persistent.





## EXPULSION<sup>4</sup>



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<sup>4</sup> Participation in school clubs, 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.

# WEAPONS – MANDATORY 1 YEAR EXPULSION<sup>5</sup>

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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:

- 1 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, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and
- 2 The CMT shall determine:
  - a) what conditions must be met by the student and the student's parent for the student to return to School;
  - b) 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
  - c) 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.
- 3 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,

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<sup>5</sup> Utah Code Ann. § 53a-11- 904(2)(b); 20 U.S.C. § 7151



matches, and lighters.<sup>6</sup>

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<sup>6</sup> 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 above must be followed.



# DRUGS AND CONTROLLED SUBSTANCES<sup>7</sup>

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## Criteria

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

- 1 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; or
- 2 misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity.

## Drug Testing

- 1 Any student who is reasonably suspected of violating the Drugs and Controlled Substances policy described in this document 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 the Drugs and Controlled Substances policy described in this document 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 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

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<sup>7</sup> Utah Code Ann. § 53A-11-904(2)(a)



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 the Drugs and Controlled Substances policy described in this document 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.<sup>8</sup>

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<sup>8</sup> 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 or sale 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-sponsored activity.



## **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 an 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, abusing, or harassing any person;
- 5 Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;
- 6 Committing any illegal act; or
- 7 Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

## **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.

### **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.



## BULLY, CYBER-BULLYING, HARASSMENT, AND HAZING<sup>9</sup>

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Walden School is committed to creating a school environment in which peace, harmony, social justice, and acceptance are key ingredients. Bullying is counter to this commitment and disruptive to all aspects of academic, social, and emotional development. School faculty and administration will regard any incident of bullying with seriousness by investigating and responding with utmost concern and seriousness and by providing immediate protection and support for any victim of bullying.

Bullying, cyberbullying, harassment, and hazing of students and employees are against federal, state and local policy, and are not tolerated by Walden School. Walden School is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, Walden School has in place policies, procedures, and practices that are designed to reduce and eliminate bullying, cyberbullying, harassment and hazing—including but not limited to civil rights violations—as well as processes and procedures to deal with such incidents. Bullying, cyberbullying, harassment, and hazing of students and/or employees by students and/or employees will not be tolerated at Walden.

School officials have the authority to discipline students for off-campus speech that causes or threatens a substantial disruption on campus, including school activities, violent altercations, or a significant interference with a student's educational performance and involvement in school activities. If after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and

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<sup>9</sup> Additional information regarding these issues are contained in the School's **Bullying, Cyber-bullying, Harassment, and Hazing Policy**, which is available on the School's website.





expulsion, pursuant to Utah Code Ann. 53A-11-904 and or in accordance with the U.S. Department of Education Office for Civil Rights. If after an investigation, a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.<sup>10</sup>

## Prohibitions

- 1 No school employee or student may engage in bullying or harassing a school employee or student:
  - a) on school property;
  - b) at a school-related or sponsored event; or
  - c) while the school employee or student is traveling to or from a location or event described above
  
- 2 No school employee or student may engage in hazing or cyberbullying a school employee or student at any time or in any location.
  
- 3 No school employee or student may engage in retaliation against:
  - a) a school employee;
  - b) a student;
  - c) a friend or family member of a student; or
  - d) an investigator for, or witness of, an alleged incident of bullying, harassing, cyberbullying, hazing, or retaliation.
  
- 4 No school employee or student may make a false allegation of bullying, harassing, cyberbullying, hazing, or retaliation against a school employee or student.
  
- 5 Any bullying, harassing, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and

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<sup>10</sup> This policy is subject to further development with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, (6) law enforcement agencies, and subject to change based on local, state, and federal legislation.



is subject to compliance regulations from the Office for Civil Rights.

## **Actions Required if Prohibited Acts are Reported**

- 1 Each reported complaint shall include:
  - a) name of complaining party;
  - b) name of offender (if known);
  - c) date and location of incident(s);
  - d) a statement describing the incident(s), including names of witnesses (if known).
  
- 2 Each reported violation of the prohibitions noted previously shall be promptly investigated by a school administrator or an individual designated by a school administrator. Formal disciplinary action is prohibited based solely on an anonymous report of bullying, hazing, or retaliation.
  
- 3 Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
  - a) student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
  - b) student suspension or expulsion from school or lesser disciplinary action;
  - c) employee suspension or termination for cause or lesser disciplinary action;
  - d) employee reassignment; or
  - e) other actions against student or employee as appropriate.
  
- 4 Compliance with the Office for Civil Rights when Civil Rights Violations are Reported:
  - a) Once the school knows or reasonably should know of possible student-on-student bullying, cyber-bullying, harassment or hazing, the school must take immediate and appropriate action to investigate or otherwise determine



what occurred.

- b) If it is determined that the bullying, cyber-bullying, harassment or hazing did occur as a result of the student-victim's membership in a protected class, the school shall take prompt and effective steps reasonably calculated to:
  - i) end the bullying, cyber-bullying, harassment, or hazing,
  - ii) eliminate any hostile environment, and
  - iii) prevent its recurrence.

5 These duties are the school's responsibilities even if the misconduct also is covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the bullying, cyberbullying, harassment or hazing as a form of discrimination.

- 6 Actions must also include, as appropriate:
- a) procedures for protecting the victim and other involved individuals from being subjected to:
    - i) further bullying or hazing, and
    - ii) retaliation for reporting the bullying or hazing;
  - b) prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity;
  - c) prompt reporting to the Office for Civil Rights (OCR) of all acts of bullying, hazing, retaliation that may be violations of student(s)' or employee(s)' civil rights;
  - d) prompt reporting to parents or guardians of students involved except when counter indicated by policy;
  - e) procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline;
  - f) procedures for providing due process rights under Section 53A-8-102 (licensed staff), local employee discipline policies or Section



53A-11-903 and local policies (students) prior to long term (more than 10 day) student discipline or employee discipline;

- g) procedures for developing discipline or behavioral plans that are clearly written and consistently enforced and that include input from administration, staff, and appropriate students or parents;
- h) procedures for addressing false accusations. The school will consider the totality of the circumstances surrounding individuals who falsely accuse others. Decisions about consequences and appropriate remedial actions should be consistent with existing local, state, and federal statute and policy.
- i) Note: In implementing this policy the school shall not require a victim or an alleged victim to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct as described in this policy. If the victim or alleged victim is asked to participate in a restorative justice practice, the school shall notify the victim's parent of the restorative justice practice and obtain consent before including the victim in the process.

## Investigations<sup>11</sup>

- 1 The School will promptly and reasonably investigate allegations of bullying, cyberbullying, harassment and/or hazing. The School Investigators including the school principal and/or designee will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, harassment, or hazing per state and federal law and according to this policy.

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<sup>11</sup> All information received in a complaint, names of complainants shall be treated with the utmost confidence to the extent possible. Administrators shall notify the complainant before revealing the identity.



- 2 It is the School's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the school's Internet system, and routine monitoring or maintenance may lead to discovery that a user has violated district policy of law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.
- 3 Walden faculty and administration will work in concert with each other, with parents, and with the peers of the involved students to maintain and to restore the environment to a safe and supportive learning and social setting for all.
- 4 All attempts will be made to resolve any behavioral concern that involves bullying with respect for all parties involved. If the attempts of the school faculty and administration are unsuccessful in resolving a problem, the school board of trustees, local law enforcement, or other external mediators may be called on to support the school's efforts.
- 5 A person who faces consequences or penalties shall have the right to defend or appeal the decision to the Walden School Board of Trustees, but may be removed from all school academic and non-academic activity for up to 10 days while the appeal is pending.

## **Training**

- 1 The training of school employees and volunteers shall include training regarding bullying, cyberbullying, harassment, hazing, and retaliation.
- 2 The training will include training on civil rights violations and compliance when civil rights violations are reported.



- 3 To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, and retaliation will be implemented.
  - a) Such programs will provide for student assessment of the prevalence of bullying, cyberbully, hazing, harassment, and prevention of self-harm.
  - b) Programs will include the building of positive social skills training for students and staff, including aides, custodians, kitchen and lunchroom workers, office personnel, paraprofessionals, and club advisors.
  
- 4 In addition to training for all students and school employees and volunteers, those involved in extracurricular activities shall:
  - a) participate in bullying and hazing prevention training prior to participation;
  - b) repeat bullying and hazing prevention training at least every three years;
  - c) be informed annually of the prohibited activities list provided previously in this policy and the potential consequences for violation of this Policy.

## **Notifications**

- 1 The school principal and directors are ultimately responsible for receiving notifications of bullying, and to respond in a timely manner to such notices. However, all school employees are responsible for identifying and reporting any observations of bullying (and related actions) and receiving any information from students and/or family members, or any other individuals.
  
- 2 The school will notify the parents of any student involved in an incident of bullying, cyber-bullying, harassment, hazing, or retaliation, of the incident involving a student (either as an alleged victim or



perpetrator) as soon as possible.

- a) The notification will happen as soon as possible even if not all details are known.
- b) The notification will happen through means designed to reach parents rapidly. In person, by phone, through email, and, if other options fail, by certified postal mail.
- c) The notification will be made by the school principal or the principal's designee.

- 3 The school will notify a parent of any student who threatens to commit suicide.
- 4 If the school notifies a parent of an incident or threat described above, the school will create and maintain a record that verifies that the parent was notified of the incident or threat.
  - a) The record will be maintained in accordance with requirements of state student data protection regulations;
  - b) Federal Family Educational Rights and Privacy Act; and
  - c) 34 C.F.R Part 99
- 5 At the request of a parent, the school may provide information and make recommendations related to an incident or threat described above.
- 6 The school shall:
  - a) Provide a student a copy of the record maintained in accordance with the section above that relates to the student if the student requests a copy of the record; and
  - b) Expunge a record maintained in accordance with this section that relates to the student if the student:
    - i) has graduated from high school; and
    - ii) requests that the record be expunged.
  - c) The school shall develop a procedure by which it will collect a signed statement annually, indicating that the individual signing the statement has received the LEA governing



board's policy, from each:

- i) school employee;
- ii) Student who is at least eight years old;  
and
- iii) Parent of an enrolled student

## **Resources and Support**

- 1 School staff, including but not limited to, faculty, staff, admin, and counselors will monitor student interaction in classrooms and other areas including playgrounds, hallways, bathrooms, lunch rooms, etc. to maintain appropriate social interactions.
- 2 Any bullying, cyberbullying, hazing, harassment, or indications of actual or potential self-harm will be reported immediately to the school principal or designee for timely action.

## **Additional Considerations for Extracurricular Activities**

- 1 Collaboration will exist with the Utah High School Activities Association, The Boys and Girls Clubs, and the Utah After-School Network to develop and provide training for related programs.
- 2 Student athletes and club members are informed of prohibited activities under this policy and notified of potential consequences for violation of the prohibitions herein.
- 3 Training outlines, schedules, and participants are maintained in school records and can be accessed by USBE upon request.
- 4 All coaches and club mentors or sponsors act consistently with professional standards in all responsibilities and activities related to the school and its sponsored or related activities.
- 5 Disciplinary action is established by school administration when a coach, mentor, or volunteer





fails to act consistently with expected standards of behavior toward students, colleagues and parents which may result in termination of employment or service.



DUE PROCESS  
FOR SUSPENSION  
AND EXPULSION



# AUTHORITY TO SUSPEND OR EXPEL

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## **Authority to Suspend for Ten 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's age, disability, academic status and disciplinary record, parental capabilities, and community resources.

## **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, or 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 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 suspended.

## **Authority to Suspend for Longer than Ten 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.



## **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.



# DUE PROCESS FOR SUSPENSIONS AND EXPULSIONS

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## **For suspensions of ten days or less**

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

- 1 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.
- 2 The Director shall also notify the non-custodial parent, if requested in writing, of the suspension unless such notification would disclose any information protected under a court order. The custodial parent is responsible to provide the School a certified copy of any court order that would limit disclosure to the non-custodial parent.
- 3 The Director shall document the charges, evidence, and action taken.
- 4 The student may 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.
- 5 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.
- 6 In general, the notice and informal conference shall precede the student's removal from the School. 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.

### **For expulsions and suspensions of more than ten days**

If the Director believes that a student should be expelled or should be suspended for more than ten (10) days, 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 above.

### **Notice to Student and Parent/Guardian**

During the meeting described above, 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 though less than a



quorum, 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; and
- 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.

## 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 recording of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;
  - 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.

## 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 School'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.





## PARENTAL RESPONSIBILITY

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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 or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services are the responsibility of the student's parent or guardian.

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

The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School 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.



## READMISSION OR DENIAL OF READMISSION BASED<sup>12</sup>

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A student who is expelled from the School can only be readmitted 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.

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<sup>12</sup> Utah Code Ann. §53A-11-904(3)



CHANGE OF  
PLACEMENT



## REQUIRED SERVICES

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### **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 pursuant to Section 10.5, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School. The School will provide education services in accordance with guidelines established by the Utah State Office of Education.

### **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.



# CHANGE OF PLACEMENT CRITERIA

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## **Change of Placement for Weapons, Drugs, or Serious Bodily Injury**

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:

- 1 The student carries a weapon to or possesses a weapon at School, on School premises, or to or at a School-sponsored activity; or
- 2 The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School, on School premises, or at a School-sponsored activity; or
- 3 The student has inflicted serious bodily injury upon another person while at School, on School premises, or at a School-sponsored activity.

## **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:

- 1 Determines that School 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;
- 2 Considers the appropriateness of the student's current



placement;

- 3 Considers whether School 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
- 4 Determines that the interim alternative educational setting being recommended by School officials
  - a) 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
  - b) includes services and modifications designed to address the behavior at issue so that it does not recur.



## DUE PROCESS

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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.

### **Parental Notice**

As soon as a decision is made by School 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.

### **IEP Meetings for Manifestation Determination**

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.

The manifestation review must be conducted by the student's IEP team and other qualified School personnel. 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 School's failure to implement the student's IEP.

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.

*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.

*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.

## **Meetings for Functional Behavioral Assessments**

*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.





*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.

### **Placement During Appeals and Stay Put**

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.

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 in this policy.



DISRUPTIVE  
STUDENT  
BEHAVIOR<sup>13</sup>



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<sup>13</sup> Utah Code Ann. § 53A-11-910

The School will provide a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student's disruptive behavior problem.

The Director, or a teacher or counselor designated by the Director, will work with students who engage in disruptive student behavior according to the procedures identified below, in an attempt to help the student's behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented.



## STUDENT EXPRESSION<sup>14</sup>

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Walden School of Liberal Arts strives to create a learning environment in which students feel safe to develop their views and express themselves. At Walden, students have a right to say what they think, even if their views may be offensive to the sensibilities of their peers and teachers (*Tinker v. Des Moines Indep. Community Sch. Dist.*).

However, free speech is not itself an absolute right. The United States Supreme Court has upheld, from time to time, limitations and regulations on speech as to time, place, and manner of speech.

When determining whether to limit student expression, Walden uses basic considerations identified by the Supreme Court:

- 1 The extent to which the student's speech-in-question poses a substantial threat of disruption (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*).
- 2 Whether the speech is sexually vulgar or obscene (*Bethel School District v. Fraser*).
- 3 Whether the speech, if allowed as part of a school activity or function, would be contrary to the basic educational mission of the school (*Hazelwood v. Kuhlmeier*).
- 4 School officials may also regulate speech that appears to promote illegal or harmful activity (*Morse v. Frederick*).

Hate speech, and its related symbols or iconography, that targets groups or individuals of a particular race, national origin, color, gender, sexual orientation, familial status, religion, nationality, age, or disability will not be tolerated on

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<sup>14</sup> Taken from Walden's **Student Expression Policy**.

Walden campus and may subject the student to disciplinary action.



**WALDEN**  
School of Liberal Arts

# NOTICE OF DISRUPTIVE STUDENT BEHAVIOR

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## Authorization

The Director is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

## Criteria for Issuing Notice

The Director will issue a “notice of disruptive student behavior” to a qualifying minor who:

- 1
- 2 engages in “disruptive student behavior” that does not result in suspension or expulsion three times during the school year; or
- 3 engages in disruptive student behavior that results in suspension or expulsion once during the school year.

## Contents of Notice

The notice of disruptive student behavior will:

- 1 require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to (i) meet with School authorities to discuss the qualifying minor's disruptive student behavior; and (ii) cooperate with the Director and the Board in correcting the student's disruptive student behavior; and
- 2 be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

## Contesting Notice

A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student's behavior, the basis of the parent's concerns with or objections to the



issuance of the notice, and efforts that have been made to address the behavior problems.



# HABITUAL DISRUPTIVE STUDENT BEHAVIOR NOTICE

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## Criteria for Issuing Notice

The Director may issue a “habitual disruptive student behavior notice” to a qualifying minor who:

- 1 engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year;
  - a) engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year; and
  - b) engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or
- 2 engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

## Notice to Parents

Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Director shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative described below.





# RESPONSES TO SCHOOL-BASED BEHAVIOR

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## **Alternative School-Related Interventions**

The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53A-11-911.

## **Referrals of Minors**

A qualifying minor to whom a habitual disruptive student behavior notice is issued under Section 6.3.1 may not be referred to the juvenile court. The School will follow § 53A-11-911 with respect to referring a minor who is alleged to have committed an offense on school property or that is truant, in accordance with § 53A 11-911:

- 1 if the alleged offense is a class C misdemeanor, an infraction, a status offense on School property, or truancy, the minor may not be referred to law enforcement or court but may be referred to alternative school-related interventions, including:
  - a) a mobile crisis outreach team;
  - b) a receiving center operated by the Division of Juvenile Justice Services in accordance with § 62A-7-104; and
  - c) a youth court or comparable restorative justice program.
  
- 2 if the alleged offense is a class B misdemeanor or a nonperson class A misdemeanor, the minor may be referred directly to the juvenile court by the Director or the Director's designee, or the minor may be referred to the alternative interventions described above.



## **Alternatives to suspension or expulsion for frequent or flagrant disruptive behavior<sup>15</sup>**

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 School.

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:

- 1 Talking with the student;
- 2 Class schedule adjustment;
- 3 Phone contact with the parent or legal guardian;
- 4 Informal parent/student conferences;
- 5 Behavioral contracts;
- 6 After-school make-up time;
- 7 Short-term in-school suspension (ISS);
- 8 Short-term at-home suspensions;
- 9 Appropriate evaluation;
- 10 Home study;
- 11 Alternative programs; or

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<sup>15</sup> Utah Code Ann. § 53A-11-906



12 Law enforcement assistance as appropriate.

### **Parental Attendance with Student<sup>16</sup>**

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.

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<sup>16</sup> Utah Code Ann. § 53A-11-906(1)-(2)



STUDENT  
CONDUCT &  
DISCIPLINE PLAN



## ELEMENTS OF PLAN

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The Director—with input from administration, instruction and support staff, students, parents, and other community members—will develop a Student Conduct and Discipline Plan. The plan shall be comprehensive, clearly written, consistently enforced, and include the following elements:

- 1 written standards for student behavior expectations, including school and classroom management;
- 2 effective instructional practices for teaching student expectations, including:
  - a) self-discipline;
  - b) citizenship;
  - c) civic skills; and
  - d) social skills;
- 3 systematic methods for reinforcement of expected behaviors;
- 4 uniform methods for correction of student behavior;
- 5 uniform methods for at least annual data-based evaluations of efficiency and effectiveness;
- 6 an ongoing staff development program related to development of:
  - a) student behavior expectations;
  - b) effective instructional practices for teaching and reinforcing behavior expectations;
  - c) effective intervention strategies; and
  - d) effective strategies for evaluation of the efficiency and effectiveness of interventions;
- 7 procedures for ongoing training of appropriate School personnel in:
  - a) crisis intervention training;
  - b) emergency safety intervention professional development; and



- c) School policies related to emergency safety interventions consistent with evidence-based practice;
- 8 policies and procedures relating to the use and abuse of alcohol and controlled substances by students;
- 9 policies and procedures, consistent with requirements of Rule R277-613 and the School's Bullying and Hazing Policy, related to:
  - a) bullying;
  - b) cyber-bullying;
  - c) hazing;
  - d) retaliation; and
  - e) abusive conduct;
- 10 direction for dealing with bullying and disruptive students;
- 11 direction regarding the range of behaviors and the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive or unsafe students;
- 12 notice to employees that violation of this rule may result in employee discipline or action;
- 13 gang prevention and intervention provisions in accordance with Subsection 53A 15-603(1); and
- 14 provisions that account for the School's unique needs or circumstances, including:
  - a) the role of law enforcement; and
  - b) emergency medical services; and
  - c) a provision for publication of notice to parents and school employees of policies by reasonable means;
- 15 procedures for responding to reports received through the School Safety and Crisis Line under Subsection 53A-11-1503(3).



## **Plan Consistent with the Behavioral Policy**

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth herein.

# INVESTIGATIONS





# GUIDELINES FOR THE SCHOOL DIRECTOR

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Whenever the Director has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Director believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

The Director has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Director shall conduct investigations according to the following general guidelines:

- 1 The Director shall conduct investigations in a way that does not unduly interfere with School activities.
- 2 The Director may separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible.
- 3 The Director shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.
- 4 Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected.
- 5 When questioning students as part of an investigation, School staff should have another adult present whenever possible.



- 6 The Director shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.
- 7 All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.
- 8 When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.



# COORDINATION WITH LAW ENFORCEMENT

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The Director has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

The School administration may invite law enforcement officials to the School to:

- 1 conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;
- 2 maintain a safe and orderly educational environment; or
- 3 maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

## **Investigation of Criminal Conduct**

During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Director, law enforcement should be notified, the following procedure should be followed:

- 1 The Director shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.
- 2 The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.



- 3 Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.
- 4 Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities unless law enforcement authorities dictate otherwise.
- 5 The Director shall document the contact or attempted contact with the student's parents or legal guardian. If the Director cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Director shall be present and document generally what occurs during the interview.
- 6 The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.
- 7 If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

### **Investigation Initiated by Law Enforcement Authorities**

School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.

- 1 When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.
- 2 Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight



from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:

- a) The officers shall be required to get prior approval of the Director or other designated person before beginning an investigation on School premises.
- b) The Director shall document the circumstances warranting the investigation as soon as practical.
- c) Alleged criminal behavior related to the School environment brought to the Director's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.
- d) Law enforcement officials (investigating School-related or student related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from parent or guardian.
- e) Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

## **Release of Student to Law Enforcement Official**

- 1 Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.
- 2 When students are removed from School for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.
- 3 The Director shall immediately notify the Board of the removal of a student from School by law



enforcement authorities.

- 4 Where it is necessary to take a student into custody on School premises, the law enforcement officer shall contact the Director and relate the circumstances necessitating such action.
- 5 Whenever the need arises to make arrests or take students into custody on School premises, the Director shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.
- 6 When possible, the Director shall have the student summoned to the Director's office before the student is taken into custody.
- 7 When a student has been taken into custody or arrested on School premises without prior notification to the Director, the School staff present shall encourage the law enforcement officers to tell the Director of the circumstances as quickly as possible. If the officers decline to tell the Director, the School staff members present shall immediately notify the Director.

### **Quelling Disturbances of School Environment**

Law enforcement officers may be requested to assist in controlling disturbances of the School environment that a Director has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by a Director's directive to leave the premises.

### **INVESTIGATION OF CHILD ABUSE AND NEGLECT**

Utah law requires that whenever any person, including any School employee, has reason to believe that a child has

been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect.

If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.

When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Director, for all reported cases of suspected child abuse or neglect.

The child abuse-neglect reporting form shall not be placed in the student's personal file.

It is not the responsibility of the Director or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.

Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.

Interviews with the child or suspected abuser shall not be



conducted by the Director or School employees.

Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

The Director, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

- 1 The Director or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.
- 2 School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

### **Board and Director Notification by Juvenile Court and Law Enforcement Agencies<sup>17</sup>**

- 1 Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Director.

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<sup>17</sup> 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53A-11-1001-1004





- 2 Upon receipt of the information, the Director shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Director shall notify staff members who should know of the adjudication, arrest or detention.
  
- 3 Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.



## SEARCHES OF PERSON OR PROPERTY

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Given the School's custodial and instructional responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

### **Student Lockers and Individual Storage Spaces**

Should the school provide lockers or other space for use by individual students, students have no right or expectation of privacy in such spaces. While lockers/storage spaces are under the joint control of students and the School, they are solely School property and may be searched at any time by School officials with or without cause. Once a locker/storage space is opened for search, any search of student belongings contained within the space must comply with the guidelines for searches of personal belongings stated herein.

### **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 School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive considering 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.



## **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 could conceal 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.

## **Searches of Person**

School officials shall make sure the search meets the following guidelines:

- 1 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;
- 2 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);
- 3 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;
- 4 Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.
- 5 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.

- 6 In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in this policy.

### **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:

- 1 The time, place and date of the search;
- 2 The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);
- 3 The name and title of individuals conducting and observing the search;
- 4 A statement about evidence that was found or not found because of the search;
- 5 A statement about who took possession of contraband (i.e., police, school, etc.);
- 6 Information regarding the attempts of School officials to notify parents about the search.



# STUDENT DISCIPLINE EDUCATION RECORDS

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School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the 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.

### Disclosure of Discipline Records to Other Educators

School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

### Disclosure of Discipline Records to Other Agencies

School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), or unless the student's parent or guardian has authorized disclosure.

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# EMERGENCY SAFETY INTERVENTIONS

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A School employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention ("ESI") in compliance with this Section.

## General Procedures

Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

An ESI shall:

- 1 be applied for the minimum time necessary to ensure safety;
- 2 implement an appropriate release criteria;
- 3 be discontinued as soon as imminent danger of physical harm to self or others has dissipated;
- 4 be discontinued if the student is in severe distress;
- 5 never be used as punishment or discipline;
- 6 be applied consistent with the School's administrative Student Conduct and Discipline Plan; and
- 7 in no instance be imposed for more than 30 minutes.

## Students with Disabilities Receiving Special Education Services

Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including Least Restrictive Behavioral Interventions (LRBI) policies and procedures for special education/504 programs.



Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means which meet the circumstances described in R277-608-5 have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

## **Physical Restraint**

A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self-defense or as may be reasonable and necessary under the following circumstances:

- 1 to protect the student or another person from serious physical harm;
- 2 to remove from a situation a student who is violent;
- 3 to take possession of a weapon or other dangerous object in the possession or under the control of a student; or
- 4 to protect property from being destroyed, when physical safety is at risk.

When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

- 1 prone, or face-down;
- 2 supine, or face-up;
- 3 restraint which obstructs the airway or adversely affects the student's primary mode of communication;
- 4 mechanical restraint, except for seat belts or safety



equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or

- 5 chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in this section.

### **Seclusionary Time Out**

A School employee may, in accordance with the section and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

- 1 the student presents an immediate danger of serious physical harm to self or others;
- 2 any door remains unlocked; and
- 3 the student is within line sight of the employee at all times.

### **Notification**

If an ESI is used, the School or employee shall immediately notify the student's parent/guardian and School administration.

In addition to providing the notice described herein, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

Parent notifications made under this Section shall be documented in the student information system as required by R277-609-8(3)(d)).





Within 24 hours of using ESI, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.

Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.

A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

### **ESI Committee**

The School shall establish an ESI committee that includes:

- 1 at least two administrators (if there are at least two administrators employed by the School);
- 2 at least one parent of a student enrolled in the School, appointed by the School's Director; and
- 3 at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

The ESI committee shall:

- 1 meet often enough to monitor the use of ESI within the School;
- 2 determine and recommend professional development needs;
- 3 develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and
- 4 create and communicate methods for evaluation of the efficiency and effectiveness of the Schools' rules and standards.

The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in the School.

The School shall annually provide documentation of any School use of ESI to the State Superintendent of Schools.

### **Corporal Punishment**

School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination.





## TRAINING

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

Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in the policy shall receive annual training on this policy and related legal developments.

The Director shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

## POLICY AND PLAN DISSEMINATION AND REVIEW

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The School shall compile an annual report of all out-of-school 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.

A summary of this policy and the Student Conduct and Discipline Plan shall be available in the School, and the policy and plan will be posted on the School's website. The policy or a summary of the policy and the plan or summary of the plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board. This policy represents the School approach to discipline for



all students. Except in the case of special circumstances involving weapons, drugs, or serious bodily injury, students with disabilities have additional protections after ten (10) cumulative and/or consecutive days of removal (including partial days). When a student with disabilities is removed for more than ten (10) days, the School will follow the steps outlined in the Special Education Policies, Procedures, and Practices manual.

This policy and the plan shall be reviewed as necessary with appropriate revisions recommended to the Board. It may be revised at any time under the authorization of the school board of trustees.

The policy has been reviewed and approved by Walden School of Liberal Arts Board of Trustees on \_\_/\_\_/\_\_.





# WALDEN

School of Liberal Arts

2020-2021