

FH Morgan School District

Student Discipline

Purpose of the Policy

To establish policy and practices regarding the discipline of students in situations that may not be regulated by the Safe School Policy and to follow Utah State Code relating to corporal punishment, suspension and expulsion.

Relation of School Discipline Rules to Other Policies.

Rules and procedures shall restrict corporal punishment and the use of reasonable and necessary physical restraint or force as set forth in these policies and pursuant to Utah Code Ann. S 53A-11-802. Policies shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law, including 53A-11-904 et seq. Moreover, all rules and procedures shall be consistent with all other policies of the Board, and all state statutes and federal laws governing school discipline, including 53A-11-902, 53A-11-903 and §504 of the Rehabilitation Act of 1974 (29 U.S.C. 794(a)).

Utah Code Ann. § 53A-11-902

Adoption/Revising of Discipline Rules.

In adopting or revising the District's rules and regulations, the school board shall solicit input from various interest groups at the school and in the community, including district employees, parents and guardians of students, and students.

Utah Code Ann. § 53A-11-901

Teacher's Authority

A teacher may intervene with a student who has been documented to

1. Repeatedly interfere with the teacher's ability to communicate effectively with the students in the class.
2. Behave in a manner which threatens the welfare or safety of him/herself or others.

The teacher shall notify the parent or guardian and convene a conference to be attended by the teacher, parent or guardian and student. The teacher may take any of the following actions:

1. Determine that the problem can be resolved without further action.
2. Establish an agreement for proper behavior with the student and parent or guardian.
3. Restriction of privileges.
4. Refer the student to the principal.

Principal's Authority

If the interference continues, a teacher may refer the student to the principal. The Principal may take any of the following actions:

1. Schedule a conference to be attended by the principal or designee and parent or guardian. The hearing may include other people deemed necessary by the principal.
2. Determine that the problem can be resolved without further action.
3. Establish an agreement for proper behavior with the student and parent (guardian) and place the student back in the class.
4. Detention, restriction of privileges.
5. Suspend the student for a period not to exceed 10 school days.
6. Place a secondary student in an alternative education program.
7. Refer the student to the superintendent if more than a 10 day suspension is recommended.

Superintendent's Authority

When a student is referred to the superintendent by the principal, the Superintendent or designee shall schedule a hearing to be attended by the student and the student's parent or guardian. The superintendent shall:

1. Determine if the student has been given due process.
2. Determine if the student has been given an opportunity for remediation.
3. Determine if extenuating circumstances were considered and reasonable accommodations provided?

If it is determined that the student has been given due process, opportunities for remediation, and reasonable accommodation, the Superintendent shall impose appropriate consequences which may include referral to the Morgan Board of Education for expulsion.

Board's Authority

If a particular type of conduct has the effect of disrupting the learning atmosphere, it should be subject to regulation. The Board possesses discretion in promulgating regulations for the proper conduct of students.

Utah Code Ann. § 53A-1-402(1)(b)(v)
Utah Admin. R. 277-609-3

Emergency Situations

A teacher may remove a student from class in emergency situations resulting from issues regarding discipline, health, safety, and/or welfare. The student should be escorted to the school office, if possible, where a temporary course of action will be determined by school administration. If the student is unable or unwilling to leave the classroom, assistance from administration, law enforcement and medical personnel may be warranted. If it is deemed necessary to remove the student from school, the student shall be released to the student's

parent or guardian, the parent's or guardian's representative, or other proper authority, including, but not limited to, law enforcement officers and medical personnel. The District shall make reasonable efforts to notify the parent or guardian prior to removing a student from school premises for emergency reasons. If the parent or guardian cannot be notified prior to the removal, the parent shall be notified as soon as possible after the removal and the reasons for it.

Limitation for Handicapped Students

Removal of a student with disabilities from school or any class shall only be used in emergency situations and shall be temporary and in consultation with the special education teacher. Removal of a student with disabilities for disciplinary, health, safety, or welfare reasons for more than 10 days constitutes a change in placement and shall not occur without the convening of the student's I.E.P. Team. Those charged with the education and supervision of students with disabilities shall adhere to other policies of the Board, and all state statutes and federal laws governing school discipline.

This policy does not restrict the use of corporal punishment which is considered to be reasonable discipline for purposes of behavior reduction intervention and which is also in compliance with state regulations and District policies adopted pursuant to Utah Code Ann. 53a-15-301 regarding provision of education for handicapped students.

Utah Code Ann. §§ 53a-11-704, 53a-11-705

Utah Code Ann. § 53a-11-401

Corporal Punishment

A school employee may not inflict or cause the infliction of corporal punishment upon a child who is receiving service from the school. The term "corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure. The term "child" means a person under the age of eighteen (18) or under the age of twenty-three (23) if the person is receiving educational services as an individual with a disability.

Utah Admin R 277-608

Utah Code Ann. § 53A-11-802

Utah Code Ann. § 53A-11-801

Appropriate Conduct

This policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to:

- 1) obtain possession of a weapon or other dangerous object in the possession or under the control of a child;
- 2) protect the child or another person from physical injury;
- 3) remove from a situation a child who is violent or disruptive; or
- 4) protect property from being damaged.

Utah Code Ann. § 53A-11-802

An employee of the District may not be subjected to any sanction for failure or refusal to commit an act prohibited by this policy.

Utah Code Ann. § 53A-11-802

Policy FDD regarding Child Abuse Reporting and Investigation shall apply to complaints made to the District regarding improper or unauthorized use of corporal punishment.

Utah Code Ann. § 53A-11-803

Disciplinary Record

Disciplinary records shall be made available to parents/legal guardians or the student, whichever is appropriate, pursuant to the District's student records policy.

Notice of Rules.

A copy of the rules and procedures shall be made available to all students at the time of their enrollment in the school. If a school makes significant changes to its discipline rules and procedures, written notice of the adopted and revised discipline rules and procedures shall be distributed to all new and continuing students. In the case of all new, continuing or transfer students, a copy of the rules and procedures shall be mailed to the student's parents or legal guardian.

Utah Code Ann. § 53A-11-903

Board Review of School Discipline Rules.

Each school shall file a copy of its school discipline rules and procedures with the Board within thirty days after adoption of the rules and procedures. The Board shall review the rules and procedures filed by each school and may require the school to modify any rule or procedure that is not consistent with Board policy or state statutes on discipline in the public schools.

Utah Code Ann. § 53A-11-901, 902.