

Morgan County School District

Board Policy with Guidelines

Subject: Safe Schools Policy - Revision

Effective Date: May 9, 2000

Revision - August 10, 2004

Revision – January 8, 2010

This policy is adopted by the Morgan County Board of Education pursuant to UCA 53A-11-901 through 907. It is the intent of the Board to provide every student in the district with the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. The Board also has the responsibility to deter inappropriate conduct as well as preserving the physical facilities of the school district. This policy is adopted on the principle that every student is expected to follow rules of conduct, to show respect for self, others, and property, and to obey persons in authority.

Students should be aware that certain behavior, outlined herein and in other policies of the district, is unacceptable and will result in disciplinary action. The superintendent and his designees will enforce district policies with the aim to help students and their parents or guardians understand that unacceptable behavior will not be tolerated and will be dealt with in accordance with appropriate policy and procedures.

It is also hereby noted that violations of the law will be referred to the appropriate criminal justice agency for investigation and resolution through due process of law. The district's Board and/or administration reserve the right to delegate authority to the school resource officer with regards to the investigation of alleged violations of the Safe Schools Policy. The district participates in a program where information regarding the conduct of students is shared with county and city officials including, but not limited to, law enforcement, county attorney's office, and juvenile probation.

The following areas are considered to be under district control and thus are subject to periodic inspection by school authorities for any reason or at any time where such inspection is necessary to maintain school order, discipline, or to enforce school or district policy and/or state law:

- School lockers
- Student/staff desks
- School/district computers
- Information/data entered or received on the district's Internet or e-mail system
- District parking lots and vehicles parked in those lots
- District owned vehicles
- Rooms assigned to students – whether on or off campus
- Backpacks carried by students

Inspections and/or searches can be conducted without the students or their parents/guardians being present.

The district reserves the right to control traffic flow in and out of school facilities as well as controlling any

vehicle that is parked on school facilities. The district also reserves the right to control the use of cell phones on district property, during school activities, or while individuals are being transported by school vehicles.

A copy of this policy shall be available in the administrative office of each school in the district. An abridged version or synopsis of this policy shall be given annually, once to each student currently enrolled and to each transfer student upon entering the elementary, middle or high school.

Prohibited Conduct - The following conduct is prohibited. The district will take appropriate action against students for participation in any of the following conduct when it occurs on school grounds, in school facilities, at school-related activities, in school dispatched or funded transportation, or when it occurs in the presence of, or is directed at/or against another student or district employee:

Level I

1. Loitering
2. Profane, obscene, indecent, immoral or seriously offensive language, and/or gestures.
3. Wearing, possessing, or displaying clothing, apparel, bandannas, head gear, or jewelry bearing the insignia, initials, name symbols, or any other emblem or writings that are gang related, or represent gang affiliation.
4. Wearing or possessing non-sanctioned or non-school registered communication devices such as pagers, cell phones, etc.
5. Use or display of gang signs
6. Gambling
7. Trespassing
8. Participation in gang related activity
9. Possession of pornographic materials

Level II

1. Indecent propositions or exhibitions
2. Failing to provide proper identification upon request by school officials, resource officer, or teachers.
3. **Bullying including but not limited to hazing**, intimidation and/or threats of violence.
4. Any conduct or statements that disrupt the orderly educational processes

5. Confirmed willful disobedience or open and persistent defiance of proper authority
6. Incidents that violate the district's harassment policy that cannot be resolved between those individuals that are involved through initial intervention at the lowest levels
7. Fighting between students (unless deemed to be an assault)
8. Destruction, damage, or defacing (through graffiti or other actions) any part of a school building, grounds, or property (unless the seriousness of the destruction places the action at a Level III)
9. Theft of either school property or property belonging to individuals associated with the school (unless the amount stolen would classify as a felony)
10. Possession, sale, or distribution of either an alcoholic beverage or a tobacco product.
11. Accessing pornography while utilizing the district's computer hardware, software, Internet access, or e-mail capabilities
12. Reckless operation of a motor vehicle that threatens either the safety of persons or property
13. Possession of a knife with a blade of three inches or less
14. Three or more Level I offenses during any given academic year

Level III

1. Assault or Aggravated Assault on a student and/or employee
2. Extortion
3. Arson
4. Theft of either school property or property belonging to individuals associated with school in an amount that is considered to be a felony by state law
5. Behavior, or threatened behavior, which poses an immediate and significant threat to the welfare and/or safety of other students, school personnel, or the operation of the school
6. The possession or control of a drug or controlled substance as defined in UCA 58-37-2, an imitation controlled substance as defined in UCA 58-37b-3, drug paraphernalia as defined in UCA 58-37a-3.
7. Being under the influence of a drug, controlled substance, or alcoholic beverage.
8. Possession of a weapon and/or materials that include instructions on how to produce and manufacture weapons (Weapons include, but are not limited to, explosives, flammable materials,

firearms, ammunition, martial arts instruments, and knives with blades that exceed three inches or knives used to threaten or commit violence)

9. Assessing information regarding the manufacturing of or use of an explosive device while utilizing the district's computer hardware, software, Internet access or e-mail capabilities
10. Intentional destruction, damage, or defacing (same as #8)
11. Two or more Level II offenses during any given academic year

Consequences of Misconduct - There are consequences to each type of behavior listed under the Safe Schools Policy. In establishing consequences, consideration must be given with regards to the age and maturity of the individuals involved, and the nature of the specific misconduct. The goal is to guarantee a safe learning environment while helping students to develop acceptable behavior patterns.

Level I Offenses - The objective is to correct the misconduct and modify behavior to prevent future misbehavior. The administrator has both the authority and responsibility to accomplish this in a way that is reasonable. Repeat offenses should be dealt with in a way that reflects an increase in the seriousness of the situation.

Level II Offenses - The objective is to correct misconduct, prevent future misbehavior and send a clear indication to both the student and the rest of the school community that this type of behavior will not be tolerated. Consequences include, but are not limited to, the following:

Short-term suspension from two to ten days. Short-term suspensions may be either in-school or out-of-school

Referral to juvenile court when both the administrator and the resource officer agrees or when the incident violates state or local laws

Restitution when appropriate

Consequences as outlined in other policies, rules, or procedures of the school district and/or the school in which the student attends

Level III Offenses - The objective is to separate the offender from the rest of the student body for an appropriate period of time to protect the educational climate as well as the individuals that function within that environment. A second objective is to communicate to those involved, the rest of the school community, and the community in general that this type of behavior will not be tolerated, and punitive action will be taken. Consequences include, but are not limited to, the following:

Automatic referral to the appropriate law enforcement agency

Automatic suspension for a minimum of five days with a referral to the

Superintendent for consideration with regards to a possible expulsion

Restitution when appropriate

Consequences as outlined in other policies, rules, or procedures of the school district and/or the school in which the student attends

Procedural Due Process - Short Term Suspension (10 days or less)

If a student is suspended for 10 days or less, these due process procedures are to be followed:

1. The student will be told the reasons for the suspension and given a chance to share his/her side of the story. This conference will take place as soon as possible after the incident has occurred.
2. The administrator who has suspended the student will be responsible for notifying the parents/guardians prior to sending the student home if the student is leaving before the end of the school day. If the student is being suspended after the end of the day, notification should come as soon as possible but prior to the beginning of school the next day.
3. Initial contact should be by phone or in person. Written notification indicating the reasons for the suspension, duration, and terms for readmission must follow the initial contact.
4. A short-term suspension may be appealed to the superintendent of schools.

Procedural Due Process - Long Term Suspension (More than 10 days)

The superintendent of schools has the authority to extend a 10-day suspension and/or to impose an initial suspension of over 10 days. The following due process procedures are to be followed:

1. The student shall be provided an opportunity to hear the reasons for the suspension and to provide his/her side of the story.
2. The superintendent shall be responsible for notifying the parents/guardians prior to extending a suspension beyond 10 days or, in cases when the initial suspension is greater than 10 days, prior to sending the student home if the student is leaving before the end of the school day. If the student is being suspended after the end of the day, notification should come as soon as possible but prior to the beginning of school the next day.
3. Written notification indicating the reasons for the suspension, duration, process for a formal hearing, right to an appeal, and terms for readmission must follow the initial contact within 48 hours.

4. A long-term suspension may be appealed to the Board of Education.

Procedural Due Process - Expulsion

The board of education has the authority to expel a student from school. Expulsion is the elimination of a student's opportunity to attend school in the Morgan County School District. Expulsion is extremely serious and is reserved for situations where the health and safety of the students or staff is in question. In cases where the Board is considering expulsion, the following procedures will be followed:

1. The student and his/her parents or guardians will be given written notification of the reason(s) for the expulsion. The notification will also include the time and date of the hearing, the student's right to an advocate, as well as their right to provide witnesses and their ability to question the witnesses being provided by the district.
2. The hearing may be either open or closed, the decision being made by the student and their parents/guardians.
3. The hearing shall be scheduled at the earliest possible date agreeable to both the student and the board but no later than 10 days following the initial contact unless mutually agreed upon by both parties.