

- The use, possession sale, or distribution of alcoholic beverages;
- The use, possession, sale, or distribution of tobacco products;
- The use, possession, sale, or distribution of any real or facsimile (look-alike) firearm, weapon, knife, explosive device, chemical device, noxious or flammable material, martial arts weapon, or other dangerous objects;
- The actual or threatened use of a real or facsimile (look-alike) firearm, weapon, knife, explosive device, noxious or flammable material, martial arts weapon, or other dangerous objects with intent to intimidate another person or to disrupt normal school operations;
- Arson;
- Misuse of computers email, or the Internet;
- Truancy or attendance violations;
- Violations of dress and grooming standards, including, but not limited to wearing anything signifying gang affiliation; wearing anything concerning tobacco, alcohol, drugs, or illegal activities; wearing anything that is immodest; indecent exposure; or wearing anything that materially disrupts, or is reasonably anticipated to materially disrupt, the educational environment;
- Any other serious violation affecting another student or school personnel, or which occurs in a school building, on school property, or in conjunction with any school activity or event;
- The commission of any act which would constitute a crime under federal, state, or local law;
- Engaging in any of the foregoing types of conduct outside of school or school related activities and events, or before or after school hours, which substantially and materially disrupt, or is reasonably anticipated to substantially and materially disrupt, the educational environment; and/or
- School property theft or damage: Students being disciplined for the theft, willful destruction, or defacing of school property will be required to pay for the damages or make arrangements to work off the cost of the damages. Failure to do so shall result in the withholding of official written grades, diploma, and transcripts. The student's parents are also liable for damages as provided in Utah Code. If the student and the student's parents are unable to pay for the damages, or if it is determined by the school in consultation with the student's parents that the student's interest would not be served if the parents were to pay for the damages, then the school shall provide for a program of voluntary work for the student in lieu of the payment.

Disciplinary Action

It is the responsibility of school employees to report prohibited behavior to a school administrator or an appropriate supervisor. Any student who engages in conduct in violation of this policy or any other policy concerning student behavior and conduct shall be subject to disciplinary action. Consequences shall be firm and fair and correspond to the severity of the infraction. A continuum of consequences should be utilized if appropriate under the circumstances. Disciplinary action may include, but is not limited to before or after school detention, in-school suspension, short-term suspension, long-term

suspension, expulsion, exclusion from or loss of extracurricular activities, probation, and /or alternative educational placement. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account.

Section 3 - Continuum of Consequences

A. Discipline Levels and Consequences

Level 1

Level 1 acts of misconduct include, but are not limited to, the following:

- 1-1 Loitering
- 1-2 Profane, obscene, racist, indecent, immoral, or seriously offensive language, gestures, indecent propositions, or exhibitions
- 1-3 Wearing/displaying of gang apparel, signs or paraphernalia
- 1-4 Displaying any behavior that is disruptive
- 1-5 Failing to provide proper identification or information upon request by school authorities
- 1-6 Insubordination and/or defiance
- 1-7 Fighting – two people, no injuries
- 1-8 Sexual harassment I
- 1-9 Possession of an incendiary device
- 1-10 Use of an interfering device
- 1-11 Vandalism I (damage under \$200.00)
- 1-12 Harassment I
- 1-13 Dress or grooming violation
- 1-14 Bullying I: Taunting, teasing, name-calling, spreading rumors, threatening or obscene gestures, excluding others from a group or manipulation of friendship.
- 1-15 Cyber bullying
- 1-16 Theft I (less than \$299.00)

Disciplinary Action

Minimum: Student/Administrator conference and/or suspension up to 10 school days

Maximum: Suspension and referral to the District Disciplinary Committee for alternative placement or suspension up to 90 school days

Level 2

Level 2 acts of misconduct include, but are not limited to, the following:

- 2-1 Criminal activity
- 2-2 Theft (\$300.00-\$999.00)
- 2-3 Possession of a weapon (real, look alike, or pretend)
- 2-4 Assault
- 2-5 Fighting – with injury or injuries or involving more than two people
- 2-6 Trespassing
- 2-7 Harassment II
- 2-8 Indecent exposure
- 2-9 Use of an incendiary device
- 2-10 Vandalism II (damage of \$200.00 or more, but less than \$1000)
- 2-11 Sexual harassment II

- 2-12 Hazing
- 2-13 Gang Involvement II (any Level 1 violation committed while involved in any gang activity)
- 2-14 Bullying II – Hitting, kicking, physical harm, destruction of property, enlisting someone to assault someone for you.
- 2-15 Cyber bullying

Disciplinary Action

Minimum: Student/Parent/Administrator conference and/or suspension up to 10 school days

Maximum: Suspension and referral to the District Disciplinary Committee for alternative placement or suspension up to 180 school days

Level 3

Level 3 acts of misconduct include, but are not limited to, the following:

- 3-1 Possession of a firearm
- 3-2 Use of a weapon (real*, look alike, or pretend)
- 3-3 Aggravated assault
- 3-4 Arson
- 3-5 Extortion
- 3-6 Sexual battery
- 3-7 Placing any person in imminent danger
- 3-8 Assault upon any school personnel
- 3-9 Vandalism III (damage over \$1,000)
- 3-10 Gang Involvement III (any Level 2 violation committed while involved in any gang activity)
- 3-11 Theft III (more than \$1,000.00, which is a felony)

Disciplinary Action

Any Level 3 Violation

Parent(s)/guardian(s) and police will be notified and the student suspended for up to ten school days during which time the student will be referred to the District Disciplinary Committee for alternative placement, suspension, or expulsion

B. Drug and Alcohol Explanation and Consequence

Disciplinary Action: Use or Possession of Alcohol, Drugs, Drug Paraphernalia, or other Controlled Substances.

First Violation

A student may be suspended from school for up to 10 school days and referred to the District Disciplinary Committee for alternative placement or suspension up to 90 school days. Students may be permitted to continue in school if student enrolls in and attends a district-approved intervention program with parent.

1. The principal or designee, during the suspension period, shall:
 - a. Notify the appropriate law enforcement agency and give them all confiscated evidence and information;
 - b. Notify the parent(s)/guardian(s);

- c. Schedule a parent conference during the suspension period; review with the student and parent(s)/guardian(s) the Provo City School District Policies and Procedures on Attendance, Orderly Conduct, Safe Schools and Substance Abuse; and
 - d. Refer the student and parent(s)/guardian(s) to the school's designated student assistance program and/or to an approved prevention program.
2. The student shall:
 - a. Reveal the source of material associated with this violation;
 - b. Attend with parent an approved prevention program, the cost of which will be assumed by the parent(s)/guardian(s); and
 - c. Not participate in school- or district-sponsored activities until any suspension has been removed or ended.

Failure of the student to comply with any of the above will result in a referral to the District Disciplinary Committee for alternative placement or suspension, for up to 90 school days.

Second Violation

A student shall be suspended from school for 10 days, during which time the student will be referred to the District Disciplinary Committee for suspension up to 90 school days.

1. The principal or designee shall:
 - a. Notify the appropriate law enforcement agency and provide the agency with all confiscated evidence and information; and
 - b. Notify the parent(s)/guardian(s) and schedule a conference.
2. The student shall:
 - a. Explore education options available during the suspension period; and
 - b. Not participate in school- or district-sponsored activities or programs until he/she has been reinstated by the District Disciplinary Committee.

3. Reinstatement

If a student desires to return to school during the suspension period, he/she must petition the District Disciplinary Committee and show evidence that he/she has done all of the following:

- a. Participated in a formal drug assessment, with the cost of the assessment assumed by the parent(s)/guardian(s);
- b. Follow all assessment requirements;
- c. Show evidence of having completed the most appropriate level of intervention program based on the assessment by a licensed individual or agency, with the cost of the intervention program assumed by the parent(s)/guardian(s); and
- d. Show evidence that he/she has personally revealed to school administration the source of the alcohol or controlled substance associated with the violation.

Failure of the student to comply with any of the above will result in a referral to the District Disciplinary Committee for alternative placement or suspension, for up to 90 school days.

Third Violation

The student shall be suspended from school for 10 days during which time the student will be referred to the District Disciplinary Committee for alternative placement or suspension, for up to one school year, or to the Board for expulsion from the school.

1. The principal or designee shall:
 - a. Notify the appropriate law enforcement agency;
 - b. Provide the agency with all confiscated evidence and information; and
 - c. Notify the parent(s)/guardian(s) and schedule a conference.

Disciplinary Action: Sale or Distribution of Alcohol, Drugs, Drug Paraphernalia, or other Controlled Substances.

The student shall be suspended and referred to the District Disciplinary Committee for alternative placement or suspension, for up to one school year, or to the Board for expulsion.

1. The principal or designee shall:
 - a. Notify the appropriate law enforcement agency;
 - b. Provide the agency with all confiscated evidence and information; and
 - c. Notify the parent.
2. If a student desires to return to school, he/she must petition the District Disciplinary Committee and the Board in writing and show evidence that he/she has done the following:
 - a. Participated in a formal alcohol and/or controlled substance abuse assessment, with the cost of the assessment assumed by the parent(s)/guardian(s);
 - b. Follow all assessment requirements;
 - c. Successfully completed the most appropriate level of intervention program based on assessment from a licensed individual or agency, with the cost of the intervention program assumed by the parent(s)/guardian(s); and
 - d. Personally revealed the source of materials associated with the violation to the school administrator.

C. Tobacco Explanation and Consequences

Statement on Tobacco Use

Provo City School District prohibits any student use, possession, sale or distribution of tobacco/tobacco products.

Disciplinary action, independent of any court action, will be taken by the school district for any violation of the foregoing statement. All contraband will be confiscated.

Disciplinary Action for Tobacco Use

First Violation

The principal or designee shall:

- a. Issue a citation; and
- b. Notify the parent(s)/guardian(s)

Second and Following Violations

1. The principal or designee shall:
 - a. Issue a citation;
 - b. Notify parent(s)/guardian(s); and

- c. Refer the student and paren(s)/guardian(s) to an approved assessment and/or approved intervention program, with the cost of the program assumed by the parent(s)/guardian(s).
2. The student shall:
 - a. Participate, with parent(s)/guardian(s), in approved assessment and/or intervention program(s).
 - b. Show evidence of having successfully completed the most appropriate level of intervention program based on the initial assessment, with the cost of the program assumed by the parent(s)/guardian(s).

Failure of a student to comply with or complete the requirements of the referral will result in administrative action.

Section 4 - Disciplinary Due Process Procedures

A. Regular Education Students: Whenever a regular education student is subject to discipline for a violation of District policy, the discipline due process procedures of this policy shall be followed.

Short-Term Suspensions – Ten (10) consecutive school days or less.

School Administrator:

Upon being apprised of a student incident in violation of District or school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident.

Minimal due process is required. The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.

The school administrator shall notify the custodial parent(s) or legal guardian(s) verbally or in writing of the student of the following: (a) that the student has been suspended for ten (10) school days or less; (b) the grounds for the suspension; (c) any conditions of the suspension; and (d) the time and place for the parents to meet with the school administrator to review the suspension.

The school administrator shall also notify the non-custodial parent/guardian of the student suspension, if requested in writing.

The school administrator shall determine the best way to transfer custody of the suspended student to the parent(s)/guardian(s). The school administrator shall then assure that the student is either released directly to the custody of the parent(s)/guardian(s) or has obtained permission from the parent(s)/guardian(s) for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds. If parent(s)/guardian(s) cannot be reached it is the responsibility of the school to maintain the student for the remainder of the day.

Disagreement between the parents and the school in regards to short-term suspension will be handled in meetings between parent(s)/guardian(s), school administrators, and the student, if appropriate.

The procedures for due process are designed to protect the rights of students when a disciplinary problem arises. The process is administrative, not judicial. Notification will be given to the student and the parent of the time and place for a hearing and a statement of the alleged act(s) of misconduct. The notice of offenses or charges shall state with reasonable particularity the offense or charge, shall be based upon the information known at the time the notice is issued,

and may be subject to amendment upon further investigation or evidence. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Procedures for hearings and appeals of disciplinary decisions by a parent(s)/guardian(s) are as follows:

- (1) Discuss the grievance with the teacher or person at the school with whom the disagreement occurred.
- (2) If agreement is not reached, the parent(s)/guardian(s) may meet with the principal.
- (3) If agreement is not reached, the parent(s)/guardian(s) may request an informal hearing through the Office of Student Services. The request shall be in writing and within ten (10) calendar days of the school decision and addressed to the Provo City School District, Assistant Superintendent of Student Services. The appeal shall be heard within ten (10) school days.
- (4) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within ten (10) calendar days of the decision and request for a hearing before the Independent Disciplinary Hearing Officer. The appeal shall be heard within ten (10) calendar days and the decision shall be in writing.
- (5) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within fifteen (15) calendar days of the Independent Disciplinary Hearing Officer's decision a request for a hearing before the District Board of Education. If the Board grants a hearing, it shall be in executive session. Following the hearing, the Board shall give its decision in writing.

At each stage of the proceedings, the hearing officer(s) shall conduct a de novo review, and shall hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered. Hearing officer(s) may receive and consider new documents, information, and witness testimony. However, upon appeal to the Board, the Board shall only consider the documents, information, and witness testimony presented at the hearing conducted by the Independent Disciplinary Hearing Officer.

Failure to appeal to the next step in the appeals process within the time limits specified shall be deemed a withdrawal and final disposition of the matter.

Once the aggrieved party has exhausted all of the administrative remedies herein he or she may appeal to a court of law.

Long-Term Suspension and Expulsions. More than ten (10) consecutive school days.

School Administrator:

Upon being apprised of a student incident in violation of District or school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident.

The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.

Suspension or expulsion may not extend beyond ten (10) school days unless the student and the student's parent(s)/guardian(s) have been given notice and a reasonable opportunity to meet with the school administrator and/or District officials and respond to the allegations and proposed disciplinary action.

The school administrator shall notify in writing the custodial parent(s) or legal guardian(s) of the student of the following: (a) that the student has been suspended for ten (10) school days; (b) the grounds for the suspension; (c) any conditions of the suspension; and (d) that the matter has been referred to the District Disciplinary Committee for further disciplinary action. A copy of this written notification shall be sent to the Assistant Superintendent of Student Services.

The school administrator shall determine the best way to transfer custody of the suspended student to the parent(s)/guardian(s). The school administrator shall then assure that the student is either released directly to the custody of the parent(s)/guardian(s) or has obtained permission from them for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds. If parent(s)/guardian(s) cannot be reached it is the responsibility of the school to maintain the student for the remainder of the day.

The school administrator shall notify the District's Assistant Superintendent of Student Services of the incident and provide him/her with all relevant and necessary information and documentation. If appropriate, the school administrator shall also notify law enforcement and/or the Division of Child and Family Services (DCFS) of the incident.

The procedures for due process are designed to protect the rights of students when a disciplinary problem arises. The process is administrative, not judicial. Notification will be given to the student and the parent(s)/guardian(s) of the time and place for a hearing and a statement of the alleged act(s) of misconduct. The notice of offenses or charges shall state with reasonable particularity the offense or charge, shall be based upon the information known at the time the notice is issued, and may be subject to amendment upon further investigation or evidence. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Procedures for hearings and appeals of disciplinary decisions by a parent(s)/guardian(s) are as follows:

- (1) Discuss the grievance with the teacher or person at the school with whom the disagreement occurred.
- (2) If agreement is not reached, the parent(s)/guardian(s) may meet with the principal.
- (3) If agreement is not reached, the parent(s)/guardian(s) may request an informal hearing through the Office of Student Services. The request shall be in writing and within ten (10) calendar days of the school decision and addressed to the Provo City School District, Assistant Superintendent of Student Services. The appeal shall be heard within ten (10) school days.
- (4) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within ten (10) calendar days of the decision and request for a hearing before the Independent Disciplinary Hearing Officer. The appeal shall be heard within ten (10) calendar days and the decision shall be in writing.
- (5) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within fifteen (15) calendar days of the Independent Disciplinary Hearing Officer's decision a request for a hearing before the District Board of Education. If the Board grants a hearing, it shall be in executive session. Following the hearing, the Board shall give its decision in writing.

At each stage of the proceedings, the hearing officer(s) shall conduct a de novo review, and shall

hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered. Hearing officer(s) may receive and consider new documents, information, and witness testimony. However, upon appeal to the Board, the Board shall only consider the documents, information, and witness testimony presented at the hearing conducted by the Independent Disciplinary Hearing Officer.

Failure to appeal to the next step in the appeals process within the time limits specified shall be deemed a withdrawal and final disposition of the matter.

Once the aggrieved party has exhausted all of the administrative remedies herein he or she may appeal to a court of law.

Student Progress: The Assistant Superintendent of Student Services or his/her designee shall have contact with the parent(s)/guardian(s) of each suspended or expelled student under the age of sixteen (16) at least once each month to determine the student's progress.

Readmission to School: A suspended or expelled student may not be readmitted to school until: (a) the student and the parent(s)/guardian(s) have met with the Assistant Superintendent of Student Services to review the suspension; (b) all conditions of the suspension have been satisfied; and (c) the Assistant Superintendent of Student Services, student, and parent(s)/guardian(s) have agreed upon a plan to avoid recurrence of the problem.

Investigations and Documentation: The investigation and documentation of student incidents by the school administrator should include the following: (a) conduct interviews of students and others who were involved in or witnessed the incident(s); (b) obtain statement from students and other who were involved in or witnessed the incident(s); (c) obtain and secure any relevant evidence; (d) prepare any necessary forms and other documentation; (e) involve District personnel, local law enforcement personnel, and/or DCFS, as applicable; and (f) perform any other tasks necessary to properly investigate and document the student incident(s).

Hearings: Student Disciplinary due process hearings are not as formal as court hearings. Strict adherence to court rules of procedure and evident are not required. However, certain rights of the student must be observed. The hearing must be impartial, the student is entitled to representation by legal counsel, the student is to be made aware of the general nature of the evidence to be used against him/her, and substantial evidence must be provided.

Right to Counsel: Although a student is entitled to be represented by legal counsel at a hearing, the District is not responsible to provide counsel or pay for the student's expenses in obtaining counsel.

Evidentiary Rules: Testimony in a student disciplinary due process hearing is not subject to the strict adherence to court rules of evidence. In fact, hearsay testimony is admissible. However, the District's evidence supporting the disciplinary action must meet the test of "substantial evidence."

Responsibility of Parent(s)/Guardian(s): If a student is suspended or expelled for more than ten (10) school days, the parent(s)/guardian(s) are responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion. The parent(s)/guardian(s) can work with designated school personnel to determine how that responsibility might best be met through an alternative educational placement or program offered by or through the District, private education, or other alternative which will satisfy the legal and educational needs of the student. The parent(s)/guardian(s) and school personnel may enlist the cooperation of the Division of Child and Family Services (DCFS), the juvenile court, or other appropriate state agencies to meet the student's educational needs. Costs for educational services which are not provided by the District are the responsibility of the student's parent(s)/guardian(s).

B. Student Discipline Procedures for Students with Disabilities (IDEA and 504)

Short-Term Suspensions – Ten (10) consecutive school days or less.

School Administrator: In every situation where an eligible student with a disability under the IDEA or Section 504 is subject to discipline for a violation of District or school policy, the school administrator must first ascertain whether the student has been previously suspended during the current school year. If yes, determine whether the total suspensions cumulate to more than ten (10) school days in the current school year. If the total suspensions do not cumulate to more than ten (10) school days, then proceed with the suspension. If the total suspensions do cumulate to more than ten (10) school days, then the school administrator and staff must determine if the student has been subject to a series of suspensions that constitute a pattern. A “pattern” occurs when: (a) the series of suspensions total more than ten (10) school days in a school year; (b) the student’s behavior is substantially similar to previous incidents that resulted in the series of suspensions; and (c) there are other factors suggesting a pattern, such as the length of each suspension, the total amount of time the student has been suspended, and the proximity in time of those suspensions (i.e., the longer the total number days and the closer they are in proximity, the more likely it would constitute a pattern). If there is a pattern this constitutes a ‘change of placement’ under the IDEA. The school IEP team should conduct a Manifestation Determination.

Manifestation Determination: Within ten (10) school days of any decision to “change the placement” of a student with a disability because of a violation of District or school policy, a determination must be made by the school administrator, parents, and relevant members of the student’s Individual Education Plan (IEP) Team of whether the behavior is a manifestation of the student’s disability by answering the following questions: (1) Was the conduct in question caused by, or had a direct and substantial relationship to, the student’s disability? (2) Was the conduct in question the direct result of the school’s failure to implement the IEP?

If the answer to both of these questions is “no,” then the behavior is not a manifestation of the student’s disability. In such event, the student shall be disciplined as any other student for a similar offense; provided, however, that the student must continue to receive educational services during any period of suspension to assure that the student is receiving a Free and Appropriate Public Education (FAPE). The IEP Team will determine educational services and the Interim Alternative Educational Setting (IAES) where the student will receive educational services. Educational services should target the student’s behavior to limit its recurrence, enable the student to participate in the general education curriculum, and progress towards meeting the student’s IEP goals. In the event the parents of the student challenges the manifestation or placement decision through an expedited due process hearing, the student shall be kept in the IAES pending any such challenge until a final decision is issued.

If the answer to either of these two questions is “yes,” then the behavior is a manifestation of the student’s disability. In such event, the IEP Team must conduct and /or review a Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP) for the student. The IEP Team must return the student to his/her prior educational placement, unless the parent and school personnel agree to a “change of placement” as part of the BIP. Notwithstanding the manifestation determination, in the event that school personnel believe that the student’s behavior is substantially likely to result in injury to the student or others, the District may seek an expedited due process hearing to prevent the student from returning to his/her prior educational placement. In such event, the student shall be placed in an IAES pending the hearing until a final decision is issued.

If a regular education short-term suspension is warranted based on following the processes for a special education student the school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.

The school administrator shall notify the custodial parent(s) or legal guardian(s) of the student of the following: (a) that the student has been suspended for ten (10) school days or less; (b) the grounds for the suspension; (c) any conditions of the suspension; and (d) the time and place for the parent(s)/guardian(s) to meet with the school administrator to review the suspension.

The school administrator shall also notify a non-custodial parent(s)/guardian(s) of the student suspension, if requested in writing.

The school administrator shall determine the best way to transfer custody of the suspended student to the parent(s)/guardian(s). The school administrator shall then assure that the student is either released directly to the custody of the parent(s)/guardian(s) or has obtained permission from them for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds. If the parent(s)/guardian(s) cannot be reached the student will be maintained within the school until the end of the day.

Disagreements between the parent(s)/guardian(s) and the school in regards to regular education short-term suspensions should be handled in meetings between parent(s)/guardian(s), school administrators, and the student, if appropriate. If necessary the appeal process listed below will be followed to allow for due process.

The procedures for due process are designed to protect the rights of students when a disciplinary problem arises. The process is administrative, not judicial. Notification will be given to the student and the parent(s)/guardian(s) of the time and place for a hearing and a statement of the alleged act(s) of misconduct. The notice of offenses or charges shall state with reasonable particularity the offense or charge, shall be based upon the information known at the time the notice is issued, and may be subject to amendment upon further investigation or evidence. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Procedures for hearings and appeals of disciplinary decisions by a parent(s)/guardian(s) are as follows:

- (1) Discuss the grievance with the teacher or person at the school with whom the disagreement occurred.
- (2) If agreement is not reached, the parent(s)/guardian(s) may meet with the principal.
- (3) If agreement is not reached, the parent/guardian may request an informal hearing through the Office of Student Services. The request shall be in writing and within ten (10) calendar days of the school decision and addressed to the Provo City School District, Assistant Superintendent of Student Services. The appeal shall be heard within ten (10) school days.
- (4) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within ten (10) calendar days of the decision and request for a hearing before the Independent Disciplinary Hearing Officer. The appeal shall be heard within ten (10) calendar days and the decision shall be in writing.
- (5) If agreement is not reached, the parent/guardian may submit in writing within fifteen (15) calendar days of the Independent Disciplinary Hearing Officer's decision a request for a hearing before the District Board of Education. If the Board grants a hearing, it shall be in executive session.

Following the hearing, the Board shall give its decision in writing.

At each stage of the proceedings, the hearing officer(s) shall conduct a de novo review, and shall hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered. Hearing officer(s) may receive and consider new documents, information, and witness testimony. However, upon appeal to the Board, the Board shall only consider the documents, information, and witness testimony presented at the hearing conducted by the Independent Disciplinary Hearing Officer.

Failure to appeal to the next step in the appeals process within the time limits specified shall be deemed a withdrawal and final disposition of the matter.

Once the aggrieved party has exhausted all of the administrative remedies herein he or she may appeal to a court of law.

Long-term Suspensions. More than ten (10) consecutive school days constitutes a “change of placement” under the IDEA. More than ten (10) cumulative school days in a school year constitutes a “change of placement” under the IDEA if a pattern is established.

School Administrator: Upon being apprised of a student incident in violation of District or school policy that may lead to disciplinary action, a school administrator shall promptly and thoroughly investigate and document the incident. The school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student’s removal from school. On the date of the decision to remove the student from school the school administrator shall provide the parents with notice of the suspension (“change of placement”) and a copy of the IDEA or Section 504 procedural safeguards notice.

Manifestation Determination: Within ten (10) school days of any decision to “change the placement” of a student with a disability because of a violation of District or school policy, a determination must be made by the school administrator, parents, and relevant members of the student’s Individual Education Plan (IEP) Team of whether the behavior is a manifestation of the student’s disability by answering the following questions: (1) Was the conduct in question caused by, or had a direct and substantial relationship to the student’s disability? (2) Was the conduct in question the direct result of the school’s failure to implement the IEP?

If the answer to both of these questions is “no,” then the behavior is not a manifestation of the student’s disability. In such event, the student shall be disciplined as any other student for a similar offense; provided, however, that the student must continue to receive educational services during any period of suspension to assure that the student is receiving a Free and Appropriate Public Education (FAPE). The IEP Team will determine educational services and the Interim Alternative Educational Setting (IAES) where the student will receive educational services. Educational services should target the student’s behavior to limit its recurrence, enable the student to participate in the general education curriculum, and progress towards meeting the student’s IEP goals. In the event the parent(s)/guardian(s) of the student challenges the manifestation or placement decision through an expedited due process hearing, the student shall be kept in the IAES pending any such challenge until a final decision is issued.

If the answer to either of these two questions is “yes,” then the behavior is a manifestation of the student’s disability. In such event, the IEP Team must conduct and /or review a Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP) for the student. The IEP Team must return

the student to his/her prior educational placement, unless the parent and school personnel agree to a "change of placement" as part of the BIP. Notwithstanding the manifestation determination, in the event that school personnel believe that the student's behavior is substantially likely to result in injury to the student or others, the District may seek an expedited due process hearing to prevent the student from returning to his/her prior educational placement. In such event, the student shall be placed in an IAES pending the hearing until a final decision is issued.

If a regular education long-term suspension is warranted based on following the processes for a special education student the school administrator shall give the student verbal or written notice of the violation, evidence of the accusation, and the opportunity to present their side of the story. Generally, the notice and informal hearing shall precede the student's removal from school.

The school administrator shall notify the custodial parent(s) or legal guardian(s) of the student of the following: (a) that the student has been suspended for ten (10) school days or less; (b) the grounds for the suspension; (c) any conditions of the suspension; and (d) the time and place for the parent(s)/guardian(s) to meet with the school administrator to review the suspension.

The school administrator shall also notify a non-custodial parent/guardian of the student of the suspension, if requested in writing.

The school administrator shall determine the best way to transfer custody of the suspended student to the parents. The school administrator shall then assure that the student is either released directly to the custody of the parent(s)/guardian(s) or has obtained permission from them for the student to leave school and go home. A suspended student shall immediately leave the school building and grounds. If the parent cannot be reached the student will be maintained within the school until the end of the day.

The procedures for due process are designed to protect the rights of students when a disciplinary problem arises. The process is administrative, not judicial. Notification will be given to the student and the parent of the time and place for a hearing and a statement of the alleged act(s) of misconduct. The notice of offenses or charges shall state with reasonable particularity the offense or charge, shall be based upon the information known at the time the notice is issued, and may be subject to amendment upon further investigation or evidence. Due process includes the right to a hearing, the right to counsel, and the right to appeal.

Procedures for hearings and appeals of disciplinary decisions by a parent(s)/guardian(s) are as follows:

- (1) Discuss the grievance with the teacher or person at the school with whom the disagreement occurred.
- (2) If agreement is not reached, the parent(s)/guardian(s) may meet with the principal.
- (3) If agreement is not reached, the parent(s)/guardian(s) may request an informal hearing through the Office of Student Services. The request shall be in writing and within ten (10) calendar days of the school decision and addressed to the Provo City School District, Assistant Superintendent of Student Services. The appeal shall be heard within ten (10) school days.
- (4) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within ten (10) calendar days of the decision and request for a hearing before the Independent Disciplinary Hearing Officer. The appeal shall be heard within ten (10) calendar days and the decision shall be in writing.

(5) If agreement is not reached, the parent(s)/guardian(s) may submit in writing within fifteen (15) calendar days of the Independent Disciplinary Hearing Officer's decision a request for a hearing before the District Board of Education. If the Board grants a hearing, it shall be in executive session. Following the hearing, the Board shall give its decision in writing.

At each stage of the proceedings, the hearing officer(s) shall conduct a de novo review, and shall hear the matter anew the same as if it had not been heard before and as if no decision had been previously rendered. Hearing officer(s) may receive and consider new documents, information, and witness testimony. However, upon appeal to the Board, the Board shall only consider the documents, information, and witness testimony presented at the hearing conducted by the Independent Disciplinary Hearing Officer.

Failure to appeal to the next step in the appeals process within the time limits specified shall be deemed a withdrawal and final disposition of the matter. Once the aggrieved party has exhausted all of the administrative remedies herein he or she may appeal to a court of law.

Responsibility of Parent(s)/Guardian(s): If a student is suspended or expelled for more than ten (10) school days, the parent(s)/guardian(s) are responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion. The parent(s)/guardian(s) can work with designated school personnel to determine how that responsibility might best be met through an alternative educational placement or program offered by or through the District, private education, or other alternative which will satisfy the legal and educational needs of the student. The parent(s)/guardian(s) and school personnel may enlist the cooperation of the Division of Child and Family Services (DCFS), the juvenile court, or other appropriate state agencies to meet the student's educational needs. Costs for educational services which are not provided by the District are the responsibility of the student's parents.

Weapons, Drugs, or Serious Bodily Injury: Regardless of whether the misconduct is a manifestation of the student's disability, school personnel may remove a student with a disability for up to forty-five (45) days to an IAES if the student's misconduct involved: (a) possessing or using a weapon at school, on school premises, or at a school function: OR (c) inflicting serious bodily injury upon another person while at school, on school premises, or at a school function. For purposes of this section, the term "weapon" is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length. For purposes of this section, the terms "illegal drugs" or "controlled substances" have definitions contained in federal law, but do not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under federal law. For purposes of this section, words "serious bodily injury" is defined as bodily injury which involves: (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; and/or (d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Expulsions. Board of Education removal of a student from school for a fixed (more than ten (10) consecutive school days) or indefinite period of time. The expelled student will not receive any educational services from the District during the period of expulsion. Students with disabilities eligible under the IDEA are not subject to expulsion as a disciplinary measure. For a serious violation committed by an IDEA student, proceed with a long-term suspension.

Adopted: January 26, 2015