SUMMIT ACADEMY

Safe School Policy
Policy Number: 5201

I. Policy
The Summit Academy Board of Trustees recognizes that a safe, positive environment is essential to further the educational process. It is the intent of the Board to provide every student with the opportunity to learn in an environment that is conducive to the learning process and free from unnecessary disruption or distraction. Student acts of criminal behavior that place any person in imminent danger are prohibited at the school, on school grounds, to and from school, at school sanctioned activities or when students are being transported in school or private vehicles. Disciplinary actions may be taken with students whose conduct, in locations other than those mentioned, threatens or does harm to the school, school property or persons associated with the school.

II. Definitions
a. Aggravated Assault: Utah Code 76-5-103 Assault plus an act which:
   i. intentionally causes serious bodily injury to another
   ii. involves use of a dangerous weapon as defined in Utah Code 76-1-601 or other means of force likely to produce death or serious bodily injury
b. Aggravated Burglary: Utah Code 76-6-203 If in attempting, committing, or fleeing from a burglary the actor/participant in the crime:
   i. causes bodily injury to a person not involved in the crime
   ii. threatens the immediate use of a dangerous weapon against another person
   iii. possesses or attempts to use any explosive or dangerous weapons
c. Arson: Utah Code 76-6-102 Unlawful and intentional damaging of any property by means of fire or explosives
d. Assault: Utah Code 76-5-102
   i. an attempt, with unlawful force or violence, to do bodily injury to another
   ii. a threat, accompanied by show of immediate force or violence, to do bodily injury to another
   iii. an act, committed with unlawful force or violence, that causes or creates substantial risk of bodily injury to another
e. Bodily Injury: Utah Code 76-1-601(3) Physical pain, illness or any impairment of physical condition
f. Burglary: Utah Code 76-6-106 Unlawful entry of a building or any portion of a building with intent to commit a felony or theft or commit an assault on any person
g. Criminal Mischief: Utah Code 76-6-106 Action that intentionally damages, defaces, or destroys the property of another, including the use of graffiti
h. Expulsion: Administrative exclusion from school attendance, without placement in an alternative setting for ten or more consecutive school days
i. Gang Behavior—Behavior exhibited by an individual or a group of individuals who:
   i. form an allegiance and engage in criminal, violent or antisocial behavior
   ii. encourage or create an unreasonable and substantial disruption or risk or disruption of a class, activity or program, or other function of a school
   iii. may have a name, turf, colors, symbols, distinct dress
   iv. exhibit any combination of the preceding characteristics
j. Graffiti: Utah Code 76-6-107 Unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used
k. Harassment: Utah Code 76-5-106 Intentionally frightening or harassing another person through a written or recorded threat to commit any violent felony
l. Hazing: Utah Code 76-5-107.5
   i. Any action or situation that intentionally, knowingly, or recklessly endangers the mental or physical health or safety of any person
   ii. forced conduct that would result in extreme embarrassment or mental stress and affects the dignity of the individual
   iii. involvement of any brutality of a physical nature
m. Imminent Danger: (Black’s Law Dictionary) Appearance of threatened and impending injury which would lead a reasonable person to attempt an instant defense
n. Out-of-School Suspension: Administrative exclusion from school attendance for fewer than ten consecutive days
o. Dangerous weapon or firearm: Utah Code 76-1-601, 76-10-505.5, US Code Title 18 Section 921 Includes, but is not limited to firearms, knives, explosives, fireworks, chemical devices, martial arts weapons
   i. creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ
   ii. creates a substantial risk of death
q. School Safety Violation: Behavior which includes, but is not limited to:
   i. any action which creates imminent danger
   ii. possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material
   iii. possession or selling illegal substances
   iv. acts of gang behavior
r. Student: anyone who is currently enrolled in public or private school

Administrative Guidelines and Procedures
Behaviors and conduct engaged in by students that are in violation of the Summit Academy Safe School Policy vary in range of severity and danger. As such, many issues are best handled at the school level while more serious situations that pose imminent danger, and have been investigated by law enforcement, are referred to school administration as a School Safety Violation.

a. Violation Screening---Administrators will:
   i. adhere to School policy
   ii. afford due process procedures (as per Section VI-e)
   iii. provide thorough investigation and documentation of the details of the incident
   iv. determine if the incident did or did not create imminent danger
   v. determine if the incident displays frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior
b. If imminent danger is a factor: a.
   i. complete the Safe and Drug-Free Schools Incident and Offense Reporting Form
   ii. include an appropriate law enforcement referral and case number
   iii. suspend student as appropriate
   iv. submit all required information to the Executive Director within one school day
c. If imminent danger is not a factor:
   i. provide appropriate consequences according to school disciplinary procedures
   ii. implement interventions to assist the student in conforming to school expectations
      (examples include but are not limited to: in-school suspension, behavior contract,
      parent conference, detention or other interventions deemed appropriate by the school
      administrator.

d. If acts of frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
   behavior occur:
   i. make good faith efforts to implement a remedial discipline plan that will allow a
      student to remain in school prior to sanctions being imposed on the student for
      repeated acts which are not deemed of imminent danger
   ii. a variety of alternatives to out-of-school suspension should be included in the school
       disciplinary procedures

III. School Due Process
a. Written Notice:
   i. provide written notice of Summit Academy Safe School Policy in formats such as on
      the school website or handbooks
b. On-going review:
   i. review portions of the Safe School Policy throughout the year with students and
      parents/legal guardians through activities such as: classroom teacher presentations,
      newsletters, copies of the policy posted in prominent locations in the school, etc.
c. New student enrollment: Provide school safety information to new students/parents/legal
   guardians upon enrollment in the school
d. Understanding the policy:
   i. review the policy with parents/legal guardians to facilitate understanding if requested
   ii. provide an interpreter if language or hearing impairment is of concern
e. Procedures following the alleged violation:
   i. advise student of the allegations against him/her which may be the basis for
      suspension
   ii. provide an opportunity for the student to respond to the accusation
   iii. involve law enforcement if warranted d. provide parents/legal guardians prompt
      verbal or written notice of the suspension and the reason for the action
   iv. complete a Manifest of Determination for a student with a 504 plan if there is reason
      to believe the behavior may be related to a student’s disability
   v. provide special education students additional due process described in Section VII

IV. School Special Education Due Process Procedures
a. Contact the Special Education Coordinator to facilitate the Special Education Safety process
b. In addition to previous requirements listed under Due Process, if the student is receiving
   Special Education services or is suspecting of having a disability:
   i. provide a copy of Procedural Safeguards for Children with Disabilities and Their
      Parents Under the Individuals with Disabilities Education Act (July 2002)
   ii. provide written Prior Notice to the parents informing them that the following actions
      are being considered: new IEP; new evaluation and/or a change of placement
   iii. convene the student’s IEP team for a Manifestation Determination to ascertain
      whether the student’s behavior was related to his/her disability
iv. document the findings
v. include a copy of the documentation in the referral
vi. submit required information to the Special Education Coordinator for processing

V. Special Education Procedures
   a. Special Education Incident Review Representative of Special Education will:
      i. facilitate an IEP meeting to discuss any school safety violation
      ii. review the Safe and Drug-Free Schools Incident & Offense Reporting Form
      iii. interview student accompanied by parent/legal guardian for the purpose of clarification
      iv. provide recommendations to the students IEP Team.

VI. Safe School Violation Consequences for a School Safety Violation may include, but are not limited to the following:
   a. Contract: a. student may be placed on a behavior contract
   b. Suspension:
      i. student may be suspended for up to ten days
   c. Alternative Placement-Student may be removed from his/her home school and placed in an alternative school program.
      i. length of this placement will be determined by the seriousness of the situation and circumstances (a few days up to and including one full school year)
      ii. evaluation of student’s progress will occur throughout the prescribed time period
      iii. successful completion of student goals may result in the student returning to their home school
      iv. failure to complete assigned goals may result in continued placement in the alternative program until objectives are met
   d. Expulsion may occur for:
      i. violations that are intentional and life threatening
      ii. possession of a firearm Note: If a student is expelled from school, the responsibility to enroll the student in an Educational program falls on the parent/legal guardian.
         Utah Code 53A-11-907
   e. Involvement in School Activities: Students in violation of the Summit Academy Safe School Policy:
      i. are suspended from all school services and activities
      ii. are ineligible to participate or represent the school in any student held office, athletic program or extra-curricular activity while suspended or in an alternative program
      iii. are not allowed on any school campus or school activity without permission of the school administration
      iv. may be charged with trespassing if found on school property without express written permission of the administration
   f. School Safety Exit: Student and parent/legal guardian will attend and complete an exit interview with administration

VII. Special Education Consequences
Consequences beyond 10 days of suspension, will be tailored to the student’s Individualized Education Plan in accordance with the Individuals with Disabilities Act (IDEA 97)
VIII. State and Federal Legal Provisions

a. Grounds for Suspension or Expulsion from a Public School

Utah Code 53A-11-904 provides guidance regarding suspension and expulsion of students from public school:

i. A student MAY be suspended or expelled from a public school for any of the following reasons:
   a. frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior including the use of foul, profane, vulgar, or abusive language
   b. willful destruction or defacing of school property
   c. behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or the operation of the school
   d. possession, use or control of an alcoholic beverage
   e. behavior which threatens or does harm to the school or school property, to a person associated with the school or property associated with that person, regardless of where it occurs

ii. A student SHALL be suspended or expelled from a public school for any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity including:
   a. possession, control, or actual or threatened use of a real weapon, explosive, noxious, or flammable material
   b. the actual or threatened use of a look-alike weapon with the intent to intimidate another person or to disrupt normal school activities
   c. sale, control or distribution of a drug or controlled substance, an imitation controlled substance, an imitation controlled substance, or drug paraphernalia
   d. commission of any act involving the use of force or the threatened use of force which if committed by an adult would be a felony or Class A misdemeanor

b. Persistently Dangerous Schools

Each state receiving funds under the Every Student Succeeds Act (ESSA) program, Elementary and Secondary Education Act (ESEA), Section 8532 shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in Consultation with a representative sample of local educational agencies, or who become a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local education agency, including a public charter school.

IX. References

a. Utah Code 76-5-103
b. Utah Code 76-1-601
c. Utah Code 76-6-203
d. Utah Code 76-6-102
e. Utah Code 76-5-102
f. Utah Code 76-1-601(3) (10)
g. Utah Code 76-6-106
h. Utah Code 76-6-107
i. Utah Code 76-5-106
j. Utah Code 76-5-107.5
k. Black’s Law Dictionary
l. Utah Code 76-10-505.5
m. US Code Title 18 Section 921
n. Utah Code 53A-11-907
o. Individuals with Disabilities Act (IDEA 97)
p. Every Student Succeeds Act (ESSA) program, Elementary and Secondary Education Act (ESEA), Section 8532

X. Attachments
None Applicable

XI. Revision History and Approval Date
Version 1: November 2011: Original Date of Approval
Version 2: November 2015
Version 3: July 16, 2020: Updated format and updated Persistently Dangerous Schools section.