

Discipline and Behavior Policy R10/30/19

Purpose

The Governing Board of The Center for Creativity, Innovation and Discovery (“CCID”) recognizes that discipline primarily concerns itself with learning, whether that learning be intellectual, social, interpersonal, emotional, or physical, and that the school and classroom settings provide a unique forum for opportunities and challenges to students. CCID’s discipline policy and procedures aim to support students in their efforts to become productive, innovative, cooperative, and high-achieving students.

CCID seeks to create an environment in which students are willing to test intellectual, physical, and other boundaries in the process of discovery. Such an environment requires that all students be physically safe and free from harassment. The school anticipates that students will, at times, make mistakes and poor decisions in the course of their educational experiences.

CCID recognizes that these mistakes are opportunities for learning and that both discipline and behavior interventions can act to support the correction of these behaviors. CCID also acknowledges that some behaviors require the school to dismiss a student temporarily or permanently from the school community.

Objectives and Assumptions

This discipline policy has four main objectives:

- The creation and maintenance of a safe, healthy, and nurturing environment;
- The support of productive teaching and learning;
- The teaching and reinforcement of appropriate conduct;
- The development of students’ self-discipline and self-management.

The discipline policy makes the following assumptions about student behavior:

- Each student has the responsibility to manage his/her own academic and social behavior.
- Each student must acknowledge personal responsibility for his/her words and deeds.
- Each student has the responsibility to develop the motivation to learn and to realize goals through effort and reflection.
- Each student has the responsibility to develop and utilize organizational, interpersonal, and intellectual skills to solve, resolve or manage academic, social, and personal problems.
- Each student has the responsibility to contribute positively to the safety and ethos of the school community.
- Each student must respect others by acknowledging his/her own and others’ dignity.
- The Administration, teachers, and staff at CCID have a responsibility to give significant support to help students achieve their academic and behavioral goals, and to cultivate the safety and ethos of CCID community.
- The Administration has the responsibility to provide training for its teachers, staff, and volunteers specific to the disciplinary policies and procedures of CCID.
- The Administration has the responsibility to provide training for its teachers, staff, and

volunteers related to overtly aggressive student behavior, bullying, hazing, harassment, the development of students' social skills, and constructive interventions and strategies.

- The Administration has the responsibility to instruct teachers, staff, and volunteers on the reporting and documentation of disciplinary incidents and on the discipline or actions that may result if teachers, staff, and volunteers fail to do so.
- Parents have a responsibility to teach students appropriate conduct and to support the disciplinary measures of the school.

Authority to Suspend, Rusticate, Expel or Change Placement

- The Governing Board has delegated to the Administration the authority to suspend a regular education student for up to ten (10) school days per incident, to rusticate students for up to one school year, and to suspend or expel students for an indeterminate period of time or permanently, as per this Discipline Policy.
- The Governing Board has delegated to the Administration the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days for any violation of school rules, and to impose additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as these removals do not constitute a pattern resulting in a change of placement. CCID has the option not to provide services during these periods of removal if services are not provided to a student without disabilities who has been similarly removed.
- The Governing Board has delegated to the Administration the authority to take long-term disciplinary actions or to change the placement of students receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA but only after prior written notice to parents/guardians regarding their procedural due process rights (as outlined in the State of Utah Special Education Rules).
- The Governing Board will review yearly CCID's Discipline policy and may choose to review the suspensions, rustications, expulsions, and the general disciplinary philosophy, policies, and procedures of the school.

Discipline Policy Compliance

CCID prohibits discrimination and provides equal educational opportunities for all individuals. In accordance with Federal law and the requirements of the U.S. Department of Agriculture, with whom CCID is affiliated, the school does not discriminate on the basis of race, ethnicity, color, national origin, ancestry, gender, age, disability, religion, familial status, sexual orientation, socioeconomic status, marital status, immigration status, language, genetic information, pregnancy, breastfeeding, medical conditions related to pregnancy or breastfeeding, and reprisal. Complaints of discrimination or unfair application of this discipline policy should be filed promptly with the Administration.

CCID complies with state and federal laws allowing or requiring suspension, rustication, or expulsion of students for specific infractions.

Definitions

- **Bullying:** Bullying in this policy is defined as per CCID's [*Bullying, Cyber-Bullying, Hazing and Retaliation Policy*](#).

- **Change of Placement for Students with Disabilities** (under IDEA and Section 504): A change of placement for a student with a disability is defined as a removal of more than ten (10) consecutive school days, or an accumulated pattern of removal of more than ten (10) school days in a school year constituting a pattern of removal as defined by the Administration. Note: Any “Change of Placement” requires compliance with the procedures governing “Change of Placement for Students with Disabilities.”
- **Expulsion:** Expulsion is a long-term or permanent removal of a student from the school and/or the denial of meaningful services to a student.
- **Expelled Student Status:** In cases of a student’s expulsion from CCID, the legal obligation of complying with state compulsory education laws becomes the sole responsibility of the student’s parents or legal guardians.
- **Firearm, Explosive, Noxious or Flammable Material:** The terms “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, matches, and lighters.
- **Gangs:** A gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, 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 to a class, activity, program, or other function of a school.
- **Gang Activity:** Gang activities include, but are not limited to, any of the following:
 - Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other things that are evidence of membership in or affiliation with any gang;
 - Committing any act or omission or using any speech, either verbal or nonverbal (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or an affiliations with a gang;
 - Soliciting others for membership in a gang;
 - Requesting any person to pay for “protection,” the claiming of “turf,” or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;
 - Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;
 - Committing any illegal act;
 - Encouraging or inciting another person to act with physical violence upon any other person;
 - The causing of damage to property.
- **Indefinite Suspension:** An interruption of school services for an as yet undetermined period of time.
- **Minor Infractions:** Minor infractions can include disrespectful behavior, non-compliance, minor altercations between students, dress code violations, infrequent tardiness, and the like. The Administration will determine whether an action constitutes a minor or major infraction when the action does not fall neatly into defined categories or when no specific legal or policy

definition seems applicable.

- **Rustication:** Rustication is the temporary removal of a student from the school for a period of longer than ten (10) consecutive school days, including a removal of an indeterminate period. Rustication is a form of expulsion.
- **Rusticated Student Status:** During the period of rustication, the school will work with parents to provide alternative educational placement and programs for the student when such support is appropriate and feasible. However, the Administration retains the authority to exclude a student from all programs or activities for the period of rustication.
- **Suspension:** Suspension is a temporary interruption of school services and activities (usually 10 days or fewer).
- **Suspended Student Status:** A suspended student may, at the discretion of the Administration, 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.

General Grounds for Suspension, Rustication, Expulsion, or Change of Placement

A student may be suspended, rusticated, or expelled from school for any of the following reasons that are considered major violations or infractions of school rules:

- Frequent, flagrant, or willful disobedience;
- Frequent, flagrant, or willful defiance of proper authority;
- 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;
- Willful destruction or defacing of school property;
- 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;
- Physical, verbal, or sexual harassment that is intended to physically harm a student or to create an intimidating or threatening educational environment;
- Any sexually aggressive action or the coercion of any student to engage in sexual activity;
- Possession, distribution, control, use, sale or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. 32A-1-105;
- Bullying or a pattern of bullying;
- Possession, distribution, control use, sale, or arranging the sale of cigars, cigarettes, e-cigarettes or tobacco, as defined by Utah Code Ann. 76-10-101;
- Possession, distribution, control, use, sale, or arranging 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 may cause substantial disruption to school operations;
- Inappropriate use of an electronic device to access pornographic, obscene, or inappropriate sites or to access any site that interrupts and/or disrupts the educational environment—whether or not such devices have been provided by CCID or are a student's own device (appropriate use of electronic devices, cellular phones, etc., is defined each year

- by the Administration and subject to the discretion of the Administration);
- Retaliation or reprisal aimed toward a student who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted by the school;
- Criminal activity or other serious violation involving weapons, drugs, or the use of force 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 or when it occurs;
- The repetition of minor infractions over a period of time.
- A student may be expelled or rusticated for any violations or major infractions for which a student may be suspended;
- A student is more likely to be expelled or rusticated for violations or major infractions that are repeated or persistent;
- A single, egregious act or major infraction may result in expulsion or rustication regardless of a student's prior record of appropriate behavior;
- A student who possesses, controls, uses, or threatens use of a real weapon, explosive, noxious or flammable material, or a student who uses or threatens to use a look-alike or pretend weapon with the intent to intimidate another person or to disrupt normal school activities may be expelled or rusticated from all school programs and activities for a period of not less than one year.
- The Administration will determine if it would be in the best interest of both the school and the student to modify the expulsion or rustication to a term less than a year. The Administration will give the highest priority to providing a safe school environment for all students.

Grounds for Expulsion

CCID may suspend and contemplate expulsion a student from the school for major, serious infraction, including safe school violations, such as, but not limited to, the following:

- 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 activity;
- The possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
- The actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or,
- The sale, control, or distribution of a drug or controlled substance, an imitation controlled substance, or drug paraphernalia; or,
- 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.

Additional Grounds for Suspension, Rustication, or Expulsion

A student will be suspended or expelled from CCID for the following reasons:

- Use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (including alcohol), an imitation of a controlled substance, drug paraphernalia in a school building, in a school vehicle, on school property, or in conjunction with any school activity;
- Misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function;

- Misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies (a student may possess and use over-the-counter remedies at school only in amounts and not to exceed the recommended daily dose including, but not limited to, aspirin, ibuprofen, Tylenol/acetaminophen, cough drops, allergy medication, cough syrup, and mouthwash);
- Any student that is reasonably suspected of violating the above controlled substance code may be subject to a drug test for cause, arranged and paid for by CCID, as well as independent or drug counseling and education programs, paid for by the parents, as a condition of readmission to CCID. Students who refuse to submit to required drug testing and counseling or education programs, or who refuse to cooperate with the Administration with respect to the sharing of appropriate information, may be expelled from CCID.
- Any student who is suspended or expelled for violating the above controlled substance code 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 at the discretion of the Administration.
- Students that engage in any form of gang activity on or about school property, or at any school activity may be suspended, rusticated, or expelled under the terms of this policy.

Suspensions and Expulsions for Students with Disabilities

- Students with disabilities under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act that engage in the illegal use of drugs or alcohol will 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 activity.
- Students receiving special education and related services under IDEA that knowingly possess or use illegal drugs or that sell or solicit the sale of a controlled substance while at school or a school function will be governed by the procedures outlined in the “Change of Placement for Students with Disabilities” Section.
- Students with disabilities under IDEA and Section 504 who have carried a weapon to school or to a school function will be governed by the procedures outlined in the “Change of Placement for Students with Disabilities” Section.

Consequences for Minor Infractions

- CCID Administration may impose any number of consequences for minor infractions or repeated minor infractions as defined by the Administration.
- Consequences for minor infractions may include but are not limited to admonishment, work projects, classroom or administrative detentions, temporary removal from the classroom, in-school half or full-day suspensions, community enrichment, etc.
- Consequences for minor infractions or repeated minor infractions may also include mandatory meetings between students and Administrators, mandatory meetings between students, parents, and Administrators, as well as the establishment of a contract of behavior whose content will be that deemed appropriate by the Administration.

Discretionary Privilege of the Administrators and Faculty of CCID

In the interest of their students’ development and growth, the Administration and Faculty of CCID retain the privilege and acknowledge the obligation to determine disciplinary consequences based on

the following factors related to student infractions:

- The age of the child or children involved;
- The degree of harm inflicted;
- The surrounding circumstances;
- The nature and severity of the behavior/s;
- The relationship between the parties involved;
- The context in which the alleged incident/s occurred;
- The pattern of behavior demonstrated by an individual student.

Disciplinary Procedures

General Procedures

- CCID seeks first to address academic and behavioral issues with a student by inviting the student to collaborate on solutions related to academic or behavioral struggles.
- CCID implements reasonable supports and strategies to help students whose behavior in school falls short of expectations and rules prior to any suspension, rustication, or expulsion unless the behavior is extreme, violent, or constitutes a major infraction (Utah Code Ann. 53A-11-906).
- A remedial discipline plan may include, but is not limited to, any of the following actions:
 - Meetings and discussions between Administrators and students;
 - Meetings and discussions between Administrators, teachers, and students;
 - Meetings and discussions between Administrators and parents;
 - Meetings and discussions between Administrators, parents, and students;
 - Phone conversations with parents or legal guardians;
 - Evaluation of behavior by qualified individuals;
 - Behavioral contracts;
 - After-school or in-school detention;
 - In-school suspensions (ISS);
 - Suspensions out of school;
 - Rustication (temporary expulsion);
 - Relevant education programs;
 - Counseling;
 - Home study;
 - Alternative programs;
 - Law enforcement or state assistance, as appropriate.
- Administrators and teachers contact parents at scheduled and formal times throughout the year, but do not contact parents about each minor infraction or failure.
- Parents are contacted about any serious infraction of the disciplinary code or when a student's progress shows sign of stagnation.
- Administrators and teachers implement specific and appropriate supports for students experiencing unique difficulties.
- Administrators and teachers use a combination of discussion and consequences to help a student understand the type of community CCID seeks to become, and to help students understand how they can contribute to the making of that community.
- Administrators and teachers measure a student's progress regularly and by a consideration of a student's overall progress, along with the student's own evaluation of his/her progress.
- Parents may contact Administrators or teachers with any concerns, questions, needs, or recommendations.

- Parents are solely responsible for the alternative education of a student due to a student's suspension, rustication, or expulsion beyond education services that the school can reasonably provide.
- The Administration shall contact the parent/guardian of students who have been rusticated or temporarily expelled on a monthly basis to determine the student's progress.
- The parent/guardian and designated officials may enlist the cooperation of the Division of Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the education needs of a student.
- 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 occurs.

Specific Procedures: Search and Seizures

- Students are subject to search and seizure provisions of this policy. The Administration and its designees may search for and confiscate gang paraphernalia, apparel, weapons, contraband, illegal substances, etc. at any time that they judge such searches and seizures to be reasonable and required to maintain a safe school environment.
- The Administration and its designees will not perform unreasonable or excessive searches and seizures.
- School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding illicit activity on campus.

Authority for Suspensions and Expulsions

- As allowed in Utah Code 53G-8-206, CCID's Governing Board delegates to the Executive Director the power to suspend a student at CCID for up to 10 school days for each infraction.
- The Governing Board also herein delegates to the Executive Director the power to suspend a student for up to one school year.
- The Governing Board has the authority to expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the Executive Director and the conclusions reported to the governing board at least once each year.

Suspension Procedures

If a student is suspended, a designated school officer shall notify the parent of the student 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 to meet with a designated school official to review the suspension.

A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.

Except as otherwise provided by law, a suspended student may not be readmitted to a public school until:

- The student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or,
- At the discretion of the Executive Director, the parent of a suspended student and the student have agreed to participate in such a meeting.

A suspension may not extend beyond 10 school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Expulsion Procedures

A student who commits a violation involving a real or look alike weapon, explosive, or flammable material, or the threat of using such, shall be expelled from school for a period of not less than one year subject to the following:

- Within 45 days after the expulsion the student shall appear before CCID's Governing Board, Executive Director, the Executive Director's designee, accompanied by a parent or legal guardian.
- The Executive Director or designee shall determine:
 - What conditions must be met by the student and the student's parent for the student to return to school;
 - If the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208; and,
 - What conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and,
 - If it would be in the best interest of CCID and the student to modify the expulsion term to less than a year, conditioned on approval by CCID's Governing Board giving highest priority to providing a safe school environment for all students and staff.
- A student who has been recommended for expulsion by the Executive Director has the right to due process prior to the implementation of the expulsion by means of the following:
 - Notice of a hearing opportunity;
 - The right to have an attorney;
 - The right to have evidence presented and discussed;
 - The right to have the hearing recorded;
 - The right to have access to written findings;
 - The right to be heard on appeal by a Hearing Officer, and committee including the Executive Director, members of CCID's Administration, and board members appointed by the Board Chair.
- When the Administration recommends rustication or expulsion of a student, the Administration will send a written notice by certified mail, return receipt requested, to the student's parent/guardian that includes the following:
 - A description of the alleged violations or reasons for disciplinary action, the penalty imposed;
 - A notice that a due process hearing may be requested in writing within ten (10) working days of the receipt of the notice;

- A statement that describes the Board's authority to appoint an impartial Hearing Officer or Officers, who may be employees of the school, to review the recommendation;
 - A statement that the expulsion will take effect immediately and will continue for the stated period unless a hearing is requested in a timely manner and the unless the Hearing Officer determines otherwise;
 - The mailing date of the notice;
 - A statement explaining that, in the absence of a written request for a hearing, CCID's recommendation will become a final decision and the parent's right for an additional hearing waived.
- The Governing Board shall determine hearing procedures that will include but not be limited to the following:
 - A written notice of the Hearing Officer chosen, the date, place, and time of the hearing;
 - The issues and evidence to be discussed at the hearing, and the rights of all parties to examine relevant records.
 - Formal rules of evidence do not apply to the hearing, no discovery is permitted, and hearings shall be closed to the press and public.
 - The Hearing Officer may also suspend or terminate a hearing if persons involved are abusive or disorderly.
 - Any decision of the Hearing Officer is subject to the final approval of the Board Chair.
 - Such approval constitutes a final decision.

Alternatives to Suspension or Expulsion

Prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior, which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and,

Alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the school's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

If the parent does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district of the school.

The parent of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.

Responsibility of Parents for Suspended or Expelled Students

- If a student is suspended or expelled from a public school under this policy for more than 10 school days, the parent is 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 shall work with designated school officials to determine how parents' responsibilities might best be met through private education, an alternative program offered by

or through a district or charter school, or other alternative which will reasonably meet the educational needs of the student.

- The parent and designated school official may enlist the cooperation of the Division of Child and Family Services, 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 charter school are the responsibility of the student's parents.
- CCID shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.
- CCID will contact the parent of each suspended or expelled student under the age of 16 at least once a month to determine the student's progress.
- This policy also applies to students with disabilities to the extent permissible under applicable law or regulation. If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the Executive Director or designee shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of applicable law.

Notifications

- The Executive Director will report to the Governing Board yearly concerning expulsions, rustications, and suspensions.
- The Administration will notify the custodial parent or guardian of any student facing suspension of ten (10) school days or fewer, without delay, regarding the suspension, the grounds for the suspension, the duration of the suspension, and the time and place for a meeting between the Administration and the parent/guardian in order to review the suspension.
- The Administration may also notify the non-custodial parent, if requested in writing, of the suspension of his/her student unless the release of such information is prohibited by a court order (in such cases, the custodial parent must provide a certified copy of such an order to the school).
- The Administration will notify the custodial parent or guardian of any student facing rustication or expulsion regarding the charges against the student and the proposed discipline.
- The Administration may also notify the non-custodial parent of potential rustication or expulsion of his/her student, if requested in writing, unless the release of such information is prohibited by a court order (in such cases, the custodial parent must provide a certified copy of such an order to the school).
- The Administration shall document the charges, evidence, and action taken relative to any suspension, rustication, or expulsion of a student.
- In any meeting between the Administration and a student from which disciplinary action may reasonably follow, a designated advocate for the student, such as a teacher or advisor, will

attend and ensure that the student has been provided an explanation of the evidence and an opportunity to respond, rebut, or to explain the evidence.

- In the case of the rustication or expulsion of a student, the Administration will attempt in good faith to hold a meeting with a parent/guardian of the student in which written statements, evidence produced in informal and formal meetings, decisions of the Administration, and parental recommendations and concerns are produced and discussed.

Change of Placement for Students with Disabilities

- Functional behavioral assessments and behavioral intervention plans will precede any disciplinary actions for students with disabilities. Such plans are subject to review and modifications in the face of inappropriate behavior and in an effort to address specific behavioral issues.
- The Administration will follow procedures outlined in the Utah State Board of Education Special Education Rules when a student who is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA is facing a long-term disciplinary action or a change of placement. These include a prior written notice to a parent/guardian regarding his/her procedural due process rights.
- When the conduct of a 504 or ADA student has been determined not to be a manifestation of the student's disability, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from CCID without educational services.
- CCID need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his/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/her current placement for more than ten (10) school days in the same school year, the school will provide services to the extent necessary for the remainder of the removals for the student to progress in the general curriculum in order to achieve the goals set out in the student's IEP.
- Under the above circumstances of removal, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and to achieve the goals set out in the student's IEP.
- The Administration, in consultation with a student's teacher, 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 under the following circumstances:
 - The student carries a weapon to school or to a school function;
 - The student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function;
 - The student has been shown by substantial evidence to pose likely injury to himself/herself or others should he/she remain in his/her current placement;

- The current placement has been demonstrated to be inappropriate after reasonable efforts have been made to minimize the risk of harm in the student's current placement (including the use of supplementary aids and services, as needed);
 - The interim alternative educational setting recommended by school officials has been selected to enable a student to continue to progress in the general curriculum, although in another setting, and to receive services and modifications as described in the student's current IEP that enable the student to meet the goals set out in that IEP, as long as services and modifications designed to address the behavior issues have been put in place so that such behavior does not recur.
- The Administration must notify parents of students with a disability as soon as possible about a decision to remove a student with a disability from his/her current placement for more than ten (10) school days according to all procedural safeguards outlined by law and CCID Policy.
 - The Administration must review with qualified personnel and within ten (10) school days the relationship between the student's disability and the behavior subject to disciplinary action; the Administration and qualified personnel must use all available and relevant information in reviewing this relationship.
 - 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, 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.
 - In the above case, a free and appropriate public education must still be made available to the student with a disability even if the student is suspended or expelled from school.
 - Parents may request a due process hearing to challenge the interim alternative education setting or the manifestation determination. The student will remain in the alternative educational setting 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, and while a challenge to the proposed change in placement is pending, the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), unless the school officials succeed in getting an order through an expedited hearing.

Safe School Measures

- CCID is a closed campus: students may not leave school grounds during the school day except for specific school programs or with explicit authorization from the Administration or its designees.
- A CCID employee may, when acting within the scope of employment, use and apply physical restraint or force as may be reasonable and necessary under the following circumstances, as per Seclusion and Restraint guidelines elaborated below:
 - To protect any person from physical injury;

- To take possession of a weapon, other dangerous objects, and/or controlled substances in the possession of a student; and,
 - To restrain or remove a student from a situation in which that student is violent or disruptive, or is a danger to himself/herself or others.
- Any employee exercising physical restraint on a student will notify the Administration and parents in accordance with the Seclusion and Restraint guidelines below.
 - CCID employees may not inflict or cause the infliction of corporal punishment upon a student.
 - The Administration and teachers will make reasonable attempts to notify a parent/guardian before detaining a student after school. If such detention is necessary for the student's health or safety, the school will make an exception to the requirement of notice.
 - A student may be denied admission to CCID if he/she has been previously rusticated or expelled from CCID or another school during the preceding twelve (12) months.
 - The Administration has the authority to conduct reasonable searches of students and student property in order to preserve a safe environment for all students and staff. Such searches may include, but are not limited to, lockers, contents within the locker, and personal property.
 - Under no conditions may CCID faculty or staff require students to remove any items of clothing other than a hat, coat, shoes and socks. Faculty or staff may request that pockets be turned inside out or that sleeves be rolled up. Students may not be touched during searches.
 - Law enforcement may be summoned to conduct further searches when a reasonable suspicion of hidden contraband or weapons exists.
 - The Administration shall document all searches conducted of a student's property or person. Such documentation shall include the time, date, and place of the search, the reasonable suspicion giving rise to the search, the name/s and title/s of those conducting the search, any evidence found or not found as a result of the search, the official who took possession of any contraband, and notification or attempts to notify parents about the search.
 - The Administration will proceed with investigations whenever school rules or policies have been broken. Whenever the Administration believes that laws have been broken or that child abuse has occurred, however, the Administration shall request the appropriate authorities to conduct the investigation.
 - The Administration may invite law enforcement officials and other state officials to CCID to conduct investigations of alleged criminal conduct on the school premises or during a school-sponsored activity or to investigate other criminal activity.
 - CCID Administration and other employees shall cooperate with law enforcement authorities managing official duties.
 - CCID Administration may not release students to law enforcement authorities unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.

- CCID will make every reasonable effort to contact a student's parent/guardian immediately when a student has been removed from school for any reason by law enforcement authorities with the exception of cases of child abuse and neglect.
- The Administration, faculty, and staff at CCID will immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Family Services should any administrator, teacher, or employee have reason to believe that a child has been subject to incest, molestation, sexual exploitation, sexual abuse, physical abuse, neglect, or conditions or circumstances that would reasonably result in such abuse or neglect.
- The Administration will document all activity by law enforcement authorities and other state officials on CCID's Campus. All such activity will be reported to the Governing Board.
- The Governing Board will review annually CCID's safe school measures, make recommendations as needed based on school data and school actions, and ensure the training of school personnel on safe school measures.

Discipline Records

- The Administration may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that poses a significant risk to the safety or well-being of that student, other students, or the school community.
- The Administration may disclose student discipline information as 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.
- The Administration shall not release personal and identifiable discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order, or unless the student's parent/guardian has authorized such disclosure.

Seclusion and Restraint

CCID recognizes that every student should have the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. 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 section of the policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students.

Definitions for Seclusion and Restraint

- **Discipline** includes imposed discipline and self-discipline.
- **Disruptive Student Behavior** includes the grounds for suspension or expulsion described in Utah Code Ann., Section 53A- 11-904 and the conduct described in Utah Code Ann., Subsection 53A-11-908(2)(b).
- **Emergency Safety Intervention** means the use of seclusion or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.
- **Immediate Danger** means the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm.

- **Mechanical Restraint** means the use of a device as a means of restricting a student's freedom of movement.
- **Physical Restraint** means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.
- **School** means The Center for Creativity, Innovation and Discovery ("CCID").
- **School Employee** means a School teacher, a School staff member, a School administrators, or any other person employed, directly or indirectly, by CCID.
- **Seclusion** means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion is not timeout as that term is defined in this policy.
- In addition to the foregoing, and consistent with Utah Administrative Code R277- 609, **Seclusion** means the following:
 - that a student is placed in a safe enclosed area by School personnel and in accordance with the requirements of Utah Administrative Code R392- 200, which provides requirements for the design, construction, operation, sanitation, and safety of schools, and in accordance with R710-4-3, which provides fire safety requirements;
 - that a student is purposefully isolated from adults and peers and prevented from leaving, or reasonably considered to be prevented from leaving the enclosed area.
- **Timeout** means a behavior management technique that may be part of an approved treatment plan involving the separation of the student from the group, in a non-locked setting, for the purpose of calming. Timeout is not seclusion.

Training for Emergency Safety Intervention (ESI)

Appropriate School personnel will receive ongoing training in the following:

- Crisis intervention;
- Professional development for Emergency Safety Intervention;
- Policies related to emergency safety interventions consistent with evidence-based practices.

Prohibited Practices

Emergency Safety Interventions should not include the following:

- Physical restraint, except when a student presents a danger of serious physical harm to self or others;
- Physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;
- Prone, or face-down, physical restraint;
- Supine, or face-up, physical restraint;
- Mechanical restraint, except those that are protective, stabilizing or required by law; devices used by a law enforcement officer in carrying out law enforcement duties; seat belts, car seats; or any other safety equipment when used to secure students during transportation, including bus harnesses;
- Use of a bus harness should be approved by the Director of Special Education and written into a student's Behavior Intervention Plan (BIP);
- Chemical restraint, except as prescribed by a licensed physician, or other qualified health

professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition, and administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;

- Seclusion, except when a student presents an immediate danger of serious physical harm to self or others.

Prohibited and Allowed Practices for Students with Disabilities

- For a student with a disability, emergency safety interventions written into a student's Individualized Education Program (IEP), as a planned intervention, **are prohibited unless** School personnel, the family, and the IEP team agree less restrictive means which meet circumstances described in Utah Admin. Code R277-608-4 have been attempted, a Functional Behavior Assessment (FBA) has been conducted, and a (BIP) based on data analysis has been written into the plan and implemented.
- **Use of ESI as a planned intervention under this paragraph requires approval** from the Director of Special Education after consultation with CCID Administration and Behavioral Specialist.

Physical Restraint and Seclusion

If an employee physically restrains a student or puts a student in seclusion:

- The employee shall notify CCID's Administration and the Administration or employee shall notify the student's parent or guardian consistent with CCID's [Parent Notification Policy](#) and state law.
- The employee must immediately terminate physical restraint or seclusion when the student is no longer an immediate danger or if the student is in severe distress.
- The use of restraint should be for the minimum time necessary and never for more than 30 minutes.
- CCID shall use a release criteria.
- CCID shall ensure that any door remains unlocked.
- CCID shall maintain the student within line of sight of the employee.
- CCID will not use physical restraint or seclusion as a means of discipline or punishment.

Emergency Safety Intervention (ESI) Committee

The School shall establish and maintain an Emergency Safety Intervention (ESI) Committee. The ESI Committee shall include at least two administrators, at least one parent or guardian of a student enrolled in the School, and at least two certified educational professionals with behavior training and knowledge in both state rules and CCID's discipline policy. The School's ESI Committee shall meet often enough to monitor the use of emergency safety intervention at CCID and determine and recommend professional development needs.

Parent/Guardian Notification for ESI

- When ESI is used, CCID shall notify the student's parent or guardian immediately or demonstrate every effort to do so.
- The notice shall be documented within CCID's student information systems records.
- CCID shall provide a parent or guardian with a copy of the notes and documentation taken during the use of ESI upon request of the parent or guardian.
- Within 24 hours of the use of ESI, CCID shall notify a parent or guardian that the parent or

- guardian may request a copy of the notes and documentation taken during the use of ESI.
- A parent or guardian may request a time to meet with CCID staff and Administration to discuss the incident that required use of ESI.
 - In addition, CCID shall provide notice to parents and information about resources available to assist a parent in resolving the student's disruptive behavior, provide for notices of disruptive behavior to be issued by the School to qualifying minor(s) and parent(s) consistent with the following:
 - Numbers of disruptions and timelines in accordance with Utah Administrative Code Section 53A-11-910;
 - School resources available; and,
 - Cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

Allowable Use

Consistent with Utah Code Ann. Section 53A-11-802, nothing in this policy shall prohibit an employee from using reasonable and necessary physical restraint or force in self-defense or otherwise appropriate for the following:

- To obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- To protect a student or another person from physical injury; or,
- To remove a student who is violent or threatening from a situation or area.

Initial Adoption: June 5th, 2017

Updated Policy Adoption: October 30th, 2019 - Streamline ease of read, update UCA codes