

Article VIII.B.12. Student Code of Conduct and Discipline of Students

A. Statement of Purpose

The Granite School District (District) Board of Education (Board) recognizes that a safe, positive learning environment in all schools is the District’s highest priority. The District employs a framework of Multi-Tiered Systems of Support (MTSS) to provide necessary interventions, reduce behavior problems, and increase long-term success for all students. The MTSS framework incorporates principles of student advocacy, positive behavior and intervention supports, and restorative practices with the intent of building positive, instructionally responsive, and equitable systems within the district and each school.

B. Definitions

1. “Disruptive student behavior” includes conduct that causes a material and substantial interference with the operation of the school or school programming as described in Utah Code §53G-8-209(2)(b).
2. “Emergency removal” or “change of placement” are synonymous and refer to a change in placement or a change of location based on a determination that the presence of a student poses a continuing danger or threat of danger to other persons or property and/or an ongoing threat of disrupting school programming or the academic process.
3. “Long-term suspension” means an out-of-school suspension of ten or more days.
4. “Multi-Tiered Systems of Support (MTSS)” has been adopted by Granite School District as the framework for providing targeted interventions and supports through a tiered approach to students who struggle to comply to behavior expectations, conduct policies, and/or criminal laws.
5. “Out-of-school suspension” means administrative exclusion from school program attendance for fewer than ten consecutive days.
6. “Parent” includes a custodial parent of a school-age child, a legal guardian of a school-age child, or any other person exercising parental or guardianship authority over the child.
7. “Qualifying minor” means a school-age child who is at least nine years old; or turns nine years old at any time during the school year.
8. “Restorative practices” are practices based on principles of restitution, rehabilitation, and reconciliation aimed at improving and repairing relationships

between students and with the school community after a student has violated behavior expectations, conduct polices, and/or criminal laws.

9. “School-age child” means a minor who is at least six years old but younger than 18 years old and is not emancipated.
10. “School year” means the dates designated by the Board as the school year.

C. Positive Behavior Expectations, Prevention, and Intervention

1. Students shall treat all teachers, administrators, staff members, and other students with respect and comport themselves in a manner that maintains a safe and positive learning environment in schools. Student code of conduct includes student behavior expectations stated in state laws, district policies and memoranda, school policies, and school-wide behavior plans. Failure to comply with any of the above may constitute a code of conduct violation.
2. School administrators shall work with school staff, patrons, and students to establish a school-wide behavior plan for students that includes a framework of school-wide positive behavior expectations and supports.
3. School staff are responsible to interact positively with students and appropriately correct behavior in a timely manner. Behavioral corrections should be done with the goal of increasing positive behavior outcomes and improving the student’s social and emotional well-being.
4. In circumstances where students violate the code of conduct, or behavior becomes disruptive to the learning environment, school administrators and staff shall engage in appropriate tiered interventions that serve to correct misconduct while maintaining and/or building healthy relationships.
5. Schools shall intervene at the lowest-possible, appropriate level according to the MTSS framework. Schools may engage in a variety of interventions, utilize restorative practices, and impose consequences that are consistent with school behavior plans and suitable to the needs of the parties (see section E below).
6. Any intervention shall be consistent with established rules and regulations. The District expressly prohibits corporal punishment, unnecessary or excessive use of force, physical and verbal aggression, cruel or abusive treatment toward students, and unreasonable use of physical restraint (see Administrative Memorandum No. 6 Prohibition of Corporal Punishment and Unreasonable Use of Physical Restraint).

7. Students in need of additional academic or behavior support shall be identified according to the Student Support Team (SST) referral process. School personnel shall review and consider a student's unique circumstances and student specific data to develop and implement interventions and supports. The school SST shall comply with Child Find obligations (see Administrative Memorandum No. 62 Students with Disabilities). The SST may request additional resources and support from the District to assist a student with behavioral issues.

D. Administrative Investigations

1. School administrators shall initiate investigations into all reported code of conduct violations.
2. All investigations shall be prompt and thorough and meet the due process requirements based on the severity of the infraction and/or the particular type of misconduct reported (*e.g.*, *Goss v. Lopez* and Title IX sexual harassment due process requirements).
  - a. After an initial, preliminary investigation, if school officials suspect criminal conduct, they shall report immediately to law enforcement.
  - b. After an initial, preliminary investigation, if school officials suspect sexual harassment as defined under Title IX, they shall report immediately to the District Title IX Coordinator.
3. At a minimum, a thorough investigation includes interviewing all parties or obtaining written statements, gathering all other relevant evidence, allowing the student(s) accused of code of conduct violations an appropriate opportunity to respond to the allegations, drawing conclusions based on the evidence, and documenting the outcome of the investigation.
4. Where code of conduct violations involve criminal conduct, sexual misconduct, bullying, cyberbully, hazing, harassment, discrimination, students with disabilities, or other aggravating and complicating factors, school administrators shall communicate with School Leadership and Improvement directors and make collaborative determinations with other appropriate departments: Prevention and Student Placement, Educational Equity, Special Education, Granite Police, and Policy and Legal Services.
5. Formal Title IX sexual harassment investigations (as opposed to sexual misconduct) have heightened procedures due process requirements under 34 CFR Part 106. Administrators shall work with Educational Equity and Policy and

Legal Services to complete all requirements for formal Title IX sexual harassment investigations.

6. If a student has a qualifying disability under the Individuals with Disabilities Education Improvement Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504), separate procedures for handling student misconduct may apply based on procedural safeguards in federal law. School administrators shall work with the Special Education department to ensure compliance with federal law.
7. Administrators shall gather evidence regarding aggravating and mitigating factors to help determine the level of response that is appropriate. Aggravating factors may require higher levels of intervention and more serious consequences, while mitigating factors may reduce the level of intervention necessary.

E. Suspension, Alternatives to Suspension, and Restorative Practices

1. Restorative practices focus on rehabilitation of a student and reparation of the harm done. This process affords students an opportunity to participate in activities that help make restitution or correct the impacts of the misconduct. Wherever possible, administrators shall allow students the option of engaging in restorative practices as an alternative or in tandem with student discipline.
2. Restorative practices or alternatives to suspension should not be used in circumstances where it will increase emotional distress of a victim, escalate conflict, or pose an ongoing threat.
3. After conducting a thorough investigation and considering alternatives to suspension, if a school administrator determines to suspend a student, a parent shall be contacted as soon as possible and provided the following information:
  - a. Notice of the suspension
  - b. Grounds for the suspension
  - c. Duration and dates of the suspension
  - d. Suitable times for informal conferences with student and parent
  - e. Determination of the best way to transfer custody of the student to the parent or other authorized individual
4. Schools have the discretion to suspend students for code of conduct violations for up to three days without further approval. Suspensions of more than three days, and up to ten days, require approval from Prevention and Student Placement. The decision to suspend a student shall be made on a case-by-case basis considering

the pattern of conduct, severity of violation, threat to safety, disruption to the orderly function of school, impact of the conduct on other students or school personnel, and any other aggravating or mitigating circumstances.

5. A student receiving an out-of-school suspension shall immediately leave school campus. During a suspension, a student is not allowed to come onto school property, participate in extracurricular activities, or attend school-sponsored events. A student may be considered trespassing if he or she comes onto school grounds while suspended.
6. Out-of-school suspensions are excused absences. The school shall ensure that a suspended student is able to obtain homework, and upon the student's return, provide the student an opportunity to make up any learning assessments due during the period of suspension.
7. Suspensions up to ten school days:
  - a. A school administrator has authority to suspend a student for up to three consecutive school days.
  - b. Before a student is suspended for a time period less than ten days, the student must first be provided notice of the grounds for suspension and an explanation of the evidence. The student shall then be afforded an opportunity to explain and/or refute the grounds for suspension (*Goss v. Lopez* due process).
  - c. If an administrator intends to suspend a student for more than three days but less than ten days, the administrator shall obtain permission from Prevention and Student Placement.
  - d. If a student is suspended multiple times during the school year, and the cumulative number of days suspended within the school year will exceed ten days, administrators shall first seek permission and guidance from Prevention and Student Placement.
8. Suspensions beyond ten school days:
  - a. A school administrator does not have authority to suspend a student for more than ten days or impose a sanction that results in removal from an assigned classroom or alternative placement. Long-term suspensions, alternative placements, and emergency removals are imposed by Prevention and Student Placement only.

- b. School administrators may recommend a long-term suspension or alternative placement only after the administrator has conducted a thorough investigation and has submitted an Incident and Offense Reporting Form and supporting evidence to the Conduct or Safe School Committee chairperson at Prevention and Student Placement.<sup>1</sup>
9. A student with disabilities receiving services under IDEA or Section 504 shall not be suspended for more than ten (10) cumulative days during a school year without holding a manifestation determination hearing.

F. Referrals to District Conduct and Safe School Committees

- 1. Persistent and/or flagrant student misconduct may be referred to the District Conduct Committee (Conduct Committee). Examples of conduct that may be referred to the Conduct Committee include the following:
  - a. Frequent or flagrant willful disobedience; defiance of proper authority; refusal to attend school (truancy); or disruptive behavior, including the use of improperly prejudiced, profane, vulgar, obscene, or abusive language or language that incites violence
  - b. Behavior that may pose a risk to the safety and welfare of other students or school personnel or the school's operation, including but not limited to fighting and excessive roughhousing
  - c. Willful destruction or defacing of property, behavior that threatens harm or actually causes harm to property, and theft of property
  - d. Behavior that can be considered sexual misconduct (sexual misconduct short of sexual harassment as defined under Title IX)
  - e. Persistent gang related conduct that disrupts school operations or poses a risk to physical safety
  - f. Persistent or egregious bullying, cyberbullying, hazing, or retaliation (see Article VIII.B.9. Prohibition of Bullying, Cyberbullying, Hazing, and Retaliation)
  - g. Persistent or egregious discrimination, harassment, or retaliation based on race, color, sex, pregnancy, religion, national origin, marital status, disability, sexual orientation, gender identity, or any other legally

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<sup>1</sup> The Conduct Committee and Safe School Committee draw from school and district administrators (including social workers, psychologists, and counselors) and Granite Police officers.

protected classification (see Article V.C.1. Prohibition of Discrimination, Harassment, and Retaliation)

- h. Persistent or egregious misuse of computers, cell phones, or other electronic communication devices (see Article VIII.A.24. Electronic Devices and Acceptable Use of Technology)
2. Serious and dangerous misconduct is considered a safe school violation and shall be referred to the District Safe School Committee (Safe School Committee). Examples of conduct that may be referred to the Safe School Committee include the following:
- a. Sexual harassment as defined under Title IX
  - b. Conduct that violates criminal law including offenses against a person, such as: Assault, Aggravated Assault, Aggravated Burglary, Arson, Bodily Injury, Burglary, Criminal Mischief, Gang Activity, Harassment, and Hazing (Utah Code 76-1-601 and 76-9-902)
  - c. Intentional or reckless conduct that causes significant bodily harm or threatens imminent danger of significant bodily harm
  - d. Serious threats of violence toward an individual or class of individuals
  - e. Possession, sale, use, distribution, or being under the influence of illegal substances
  - f. Possession, control, brandishing, use, or threatened use of a dangerous weapon, explosive, or some other dangerous material
  - g. Conduct that creates a substantial disruption to the school or community
3. A referral to the District Conduct (or Safe School) Committee shall be accompanied by an Incident and Offense Reporting Form; a complete investigation; descriptions of prior interventions; and a recommendation for an out-of-school suspension, long-term suspension (ten or more days), change of placement, or an emergency removal consistent with principles of due process under federal and state law. Aggravating or mitigating factors should be noted in the referral.
4. Administrators shall provide a copy of the misconduct report and a written explanation of a referral to District Conduct (or Safe School) Committee to the student's parent. An intake officer in Prevention and Student Placement shall meet with the parent thereafter.

G. Hearing Procedures

1. Hearings shall only be held in matters in which a long-term suspension, alternative placement, or emergency removal has been recommended by administration.
2. Prevention and Student Placement shall send notice of the date, time, and place of the hearing to parents and/or interested parties. The student's parents are strongly encouraged but not required to attend. The student may be represented by an attorney at the hearing, although the District may also invite an attorney at its discretion.
3. A school administrator shall present evidence of the student's misconduct, including evidence and information gathered during the investigation. Witness statements or summaries may be offered, but care shall be taken to keep witnesses' names confidential to the extent possible.
4. Student(s) and parents shall be given an opportunity to present and/or refute evidence and respond to all allegations.
5. Following the hearing, the Safe School Committee shall weigh the evidence presented and determine if a long-term suspension, alternative placement, emergency removal, or other action is warranted. The Safe School Committee shall communicate its determination with the student and parents.
6. The determination shall include disciplinary measures and a plan for the student's return to school. The determination may also prescribe restorative practice measures in lieu of, or in combination with, other disciplinary or remedial measures.

H. Appeal Procedures

1. A student's parents may appeal the determination of the District Conduct (or Safe School) Committee to the director of Prevention and Student Placement by submitting a written request for an appeal.
2. The director of Prevention and Student Placement and at least two other district officials will meet to consider:
  - a. new evidence that was not available during the investigation;
  - b. evidence that an investigation was inadequate or the administrative procedures outlined in this policy were not followed; or
  - c. evidence of bias on the part of the Safe School Committee.



3. If the grievance offers no evidence described above, the grievance shall be denied without further investigation. Simply disagreeing with the outcome of a hearing or with a Safe School Committee's decision is insufficient grounds for a grievance.

I. Reinstatement

Prior to reinstatement, parents (or representative) shall meet with designated school officials to review causes of the suspension, a behavior plan and any behavior contracts, and restorative practice conditions. Behavior plans and contracts and restorative practices shall take into consideration the needs of students previously harmed or victimized by the violations of behavior expectations, conduct policies, and/or criminal laws. Before suspended students return to school, administrators, parents, and/or the SST shall collaborate and put in place appropriate supports and protections reasonably calculated to prevent recurrence of similar harmful conduct, retaliation, and/or future victimization.

REFERENCES

Code of Federal Regulations Title 34, Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance  
Utah Code §53G-8-302 Prohibition of Corporal Punishment – Use of Reasonable and Necessary Physical Restraint  
Utah Code §53G-8-205 Grounds for Suspension or Expulsion  
Utah Code §53G-8-209(2)(b) Extracurricular Activities - Prohibited Conduct  
Utah Code §53G-8-206 Delegation of Authority to Suspend or Expel a Student – Procedure for Suspension – Readmission  
Utah Code §76-1-601 General Provisions Definitions  
Utah Code §76-9-902 Prohibition of Gang Activity  
Utah Admin. Code Rule R277-609 Standards for LEA Discipline Plans and Emergency Safety Interventions  
Utah Admin. Code Rule R277-613 LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct  
Article V.C.1. Prohibition of Discrimination, Harassment, and Retaliation  
Article VIII.A.24. Electronic Devices and Acceptable Use of Technology  
Article VIII.B.9. Prohibition of Bullying, Cyberbullying, Hazing, and Retaliation  
Administrative Memorandum Number 6, Prohibition of Corporal Punishment and Unreasonable Use of Physical Restraint  
Administrative Memorandum Number 17, Student Services Procedures  
Administrative Memorandum Number 62, Students with Disabilities  
Administrative Memorandum Number 95, Prohibited Substances  
Administrative Memorandum Number 106, Safe Schools Policy