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To: The Board of Education
From: Doug Larson
Re: Policy Reading
Date: April 27, 2022

Policy and Legal Services will present two First Readings during the next Board of Education meeting. A description of the policies under consideration is provided below.

Article V.C.14. Employee Code of Conduct

USBE narrowed the educator standards Rule. The district relied on language in that rule that was removed. To preserve those expectations for its employees, and to ensure educators act as role models to students, the district is revising its Employee Code of Conduct policy to recapture the language that USBE eliminated.

Article V.C.7. Disruptive and/or Unlawful Acts and Trespass

PLS is recommending modifications to the district's existing policy to provide clarity on how the district responds to disruptions. The modifications include definitions and more comprehensive expectations for civil and respectful conduct. The modifications also broaden and strengthen prohibitions against unlawful and disruptive behavior and trespass.

Article V.C.7. Disruptive and/or Unlawful Acts and in or about Schools and School Trespass

A. Purpose

As a legal entity, the Board of Education ~~owns and manages property~~ has a compelling interest in maintaining safety and orderly operations of District schools and other physical environments, events, and programs.- The Board of Education has the right, and recognizes the need, to ~~manage its property to safeguard students, employees, students, parents, and patrons, and staff~~ in addition to protecting Granite School District property. ~~This policy cites applicable statutory references and provides guidelines for the safe and orderly operation of District property.~~

B. Authority Definitions

1. “Abusive conduct” means written, verbal, nonverbal, or physical conduct of a parent or student directed toward an employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine it:
 - a. is intended to cause intimidation, humiliation, or unwarranted distress,
 - b. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress, or
 - c. exploits an employee’s known physical or psychological disability
2. “Assault” means
 - a. an attempt, with unlawful force or violence, to do bodily injury to another; or
 - b. an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another.
3. "Communication" means the conveyance of a message, whether verbal, written, or electronic.
4. “Disruption” means conduct that causes a material and/or substantial interference with the orderly operation of District functions or operation of schools and programs, including behavior detrimental to the welfare or safety of others.
5. “Employee” includes schoolteachers, school staff, school administrators, and all other individuals employed or authorized as contractors and volunteers by a school or by the District.
6. “Parent” means a student’s parent or guardian.
7. “Patron” means an individual who lives within the District boundaries, has a student who attends a District school, or an individual who otherwise conducts business with the District.

C. Utah Laws and Local Ordinances

Utah laws and ordinances provide authority for maintaining orderly operation of schools, including the following.

1. Salt Lake County Ordinance 10.32. Unlawful Acts in or about Schools, Colleges or Universities reads:

- A. It is unlawful for any person to annoy, disturb or otherwise prevent the orderly conduct of the activities, administration or classes of any school . . .
- B. It is unlawful for any person to annoy, disturb, assault or molest any student or employee of any school . . . while in or on such school . . . building, or on the grounds thereof.
- C. It is unlawful for any person to loiter, idle, wander, stroll or play in, about, or on any school . . . grounds or building, either on foot or in or on any vehicle, without having some lawful business therein or thereabout, or in connection with such school . . . or the employees thereof.
- D. It is unlawful for any person to conduct him or herself in a lewd, wanton or lascivious manner in speech or behavior in, about or on any school . . . buildings or grounds.
- E. It is unlawful for any person to park or move a vehicle in the immediate vicinity of or on the grounds of any school . . . for the purpose of annoying or molesting the students or employees thereof, or in an effort to induce, entice or invite students or employees into or on the vehicle for immoral purposes.
- F. Violation of these sections shall be punished as a Class B misdemeanor.

2. Utah Code §76-9-106, Disrupting the Operation of a School reads:

- (1) A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function. . . . of a public or private school.
- (2) For the purposes of this section, “school property” includes property being used by a public . . . school for a school function.

3. Utah Code §76-9-102, Disorderly Conduct reads:

- (2) A person is guilty of disorderly conduct if [that person]:
 - (a) refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or
 - (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, [that person]:
 - (i) engages in fighting or in violent, tumultuous, or threatening behavior;
 - (ii) makes unreasonable noises in a public place;

- (iii) makes unreasonable noises in a private place which can be heard in a public place; or
- (iv) obstructs vehicular or pedestrian traffic.

4. Utah Code §53G-8-603, Criminal Trespass upon School Property reads:

(1) A person is guilty of criminal trespass upon school property if the person does the following:

- (a) enters or remains unlawfully upon school property, and:
 - (i) intends to cause annoyance or injury to a person or damage to property on the school property;
 - (ii) intends to commit a crime; or
 - (iii) is reckless as to whether the person's presence will cause fear for the safety of another; or
- (b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:
 - (i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;
 - (ii) the posting of signs reasonably likely to come to the attention of trespassers;
 - (iii) fencing or other enclosure obviously designed to exclude trespassers; or
 - (iv) a current order of suspension or expulsion.

5. Utah Code §76-9-107, Unauthorized Entry of School Bus reads:

(2) A person is guilty of a class B misdemeanor if the person:

- (a) enters a school bus with the intent to commit a criminal offense;
- (b) enters a school bus and disrupts or interferes with the driver; or
- (c) enters a school bus and refuses to leave the bus after being ordered to leave by the driver and the person:
 - (i) is not a peace officer acting within the scope of his or her authority as a peace officer;
 - (ii) is not authorized by the school district to board the bus as a student or as an individual employed by the school district or volunteering as a participant in a school activity;
 - (iii) causes or attempts to cause a disruption or an annoyance to any passenger on the bus; or
 - (iv) is reckless as to whether the person's presence or behavior will cause fear on the part of any passenger on the bus.

6. Utah Code §76-5-102.3, Assault against school employees reads:

(1) Any person who commits an assault or commits a threat of violence against an employee of a public or private school, with knowledge that the

individual is an employee, and when the employee is acting within the scope of his authority as an employee, is guilty of a class A misdemeanor.

(2) As used in this section, "employee" includes a volunteer.

DC. Statement of Policy

Schools are places where core values of civility and respect are taught and modeled for students and the greater community. All members of the school and district community, including employees, students, parents, and patrons are expected to act consistently with these values. Failure to comply with this policy which causes disruption to the school environment or District programming may lead to exclusion from District property and involvement of law enforcement.

1. Under the direction of District administration, the building principal or principal's designee is authorized to secure, manage, and control school buildings, grounds, and other District property, including school busses, to promote safety and orderly operation. This authority includes the discretion to evaluate the conduct of individuals in light of the forgoing statutes and ordinances as well as other factors the principals or principals' designee reasonably believes to be relevant.
2. Employees, students, parents, and patrons shall not cause disruption to a district or school, event, or program. This policy does not limit the speech rights or freedom of movement of individuals unless and until conduct or communications are threatening, unlawful, constitute trespass, disrupts an event or program, or otherwise disrupt the orderly operation of schools.
3. Upon concluding that an individual's presence or conduct either threatens the safe and/or orderly operation of a school or school activity or poses an unreasonable or substantial risk of disruption, the principal is authorized to take appropriate action to prevent and eliminate the disruption and to restore maintain a safe and orderly environment. Reasonable action includes, but is not limited to:
 - a. ordering unsafe, disruptive, or disorderly conduct to cease;
 - b. directing individuals to leave District property or any school function or activity and/or revoking permission for the individual to remain on district property; and
 - c. removing or transferring a student from a class, activity, or program.
4. Law enforcement may be called upon prevent and/or to eliminate disruptions and restore orderly operations. Law enforcement may also impose criminal penalties or pursue criminal sanctions consistent with the law.
5. The superintendent or designees shall designate individuals to serve as building administrators in nonschool, District facilities to exercise the same authority and discretion as principals.

6. Upon request, and pursuant to written notice, the superintendent may restrict an individual's access to any or all or portions of District property and/or to employees and students.