

ADMINISTRATIVE REGULATIONS

Student Suspension

- I. Prohibited Conduct Resulting in Suspension
- a. A student **may** be suspended from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, in conjunction with any school sponsored activity, at school related activities, in school dispatched or funded transportation, or threatens harm or does harm to the school, school property, another student, a school employee, or a person associated with the school or such person's property, or poses an immediate and direct impact on the discipline or safety of the school, regardless of where or when the conduct occurs:
- i. Frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior;
 - ii. Willful destruction, injury or defacing of school property;
 - iii. Behavior, or threatened behavior, which 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 or which substantially interferes with another student's or educator's educational process. Without limitation, this provision is intended to specifically include harassment, discrimination, hazing, intimidation, and threats;
 - iv. The possession or control of a drug or controlled substance, an imitation controlled substance, drug paraphernalia, (see UCA 58-37 et. Seq.) an alcoholic beverage, or a tobacco product;
 - v. Acting or being under the influence of a drug or controlled substance, or of an alcoholic beverage;
 - vi. The sale, or distribution of an tobacco product;
 - vii. Possession (regardless of intent) of a weapon. Weapon as contemplated here shall include fireworks, knives with blades less than 3", or any other instrument which can be used to inflict or threaten serious bodily harm or any replica or facsimile of the above, whether functional or non-functional, whether designed for use as a weapon or for some other use; except weapon as defined here shall not include those items described in paragraph b.i. below.
 - viii. Possession of materials that include instructions on how to produce and manufacture weapons.
- b. A student **shall** be suspended from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, in conjunction with any school sponsored activity, at school related activities, in school dispatched or funded transportation, or threatens harm or does harm to the

school, school property, another student, a school employee, or a person associated with the school or such person's property, or poses an immediate and direct impact on the discipline or safety of the school, regardless of where or when the conduct occurs:

- i. Possession (regardless of intent) of a weapon. Weapon as defined in this section (b.i.) is to include, without limitation, explosives, flammable materials, any firearm, knife (3" blade or longer), martial arts instrument, destructive devices, chains, or any replica or facsimile of the above, whether functional or non-functional, whether designed for use as a weapon or for some other use. Student participation in this type of conduct shall be referred to an appropriate law enforcement agency;
- ii. The sale, or distribution of a drug or controlled substance defined in UCA 58-37-2;
- iii. The sale or distribution of an imitation controlled substance as defined in UCA 58-37b-2;
- iv. The sale or distribution of drug paraphernalia as defined in UCA 58-37a-3;
- v. The sale or distribution of any alcoholic beverage as defined in UCA 32A-1-105;
- vi. Commission of an act involving the use of force or the threatened use of force which interferes with the educational process in the school, for another student, or for a member of the school faculty or staff;
- vii. Aggravated assault, arson or extortion.

II. Procedures for Suspension

- a. When a student engages in conduct for which suspension is possible or required under these Guidelines, the following procedures shall occur:
 - i. For the first offense:
 1. If the conduct is described in section I.a of this policy, the principal or designee, at his/her discretion, shall suspend the student for a minimum of five consecutive school days and may suspend the student for up to ten consecutive school days, and in addition may recommend that the school director suspend the student for up to an entire school year (180 school days), or its equivalent imposed over consecutive portions of two school year calendars.
 2. If the conduct is described in section I.b.i. of this policy, the principal or designee shall suspend the student for ten consecutive school days and in addition shall refer the student to the school director for suspension for at least an entire school year (180 school days), or its equivalent imposed over consecutive portions

of two school year calendars. One year suspension is mandatory for a violation of section I.b.i.

3. If the conduct described in section I.b.ii through I.b.vii of this policy, the principal or designee shall suspend the student for ten consecutive school days and in addition shall refer the student to the school director for suspension for up to an entire school year (180 school days), or its equivalent imposed over two school calendars. Principals may also recommend a suspension for an indefinite period of time.
 - ii. For subsequent offenses:
 1. When the conduct is described in section I.a of this policy, the principal or designee shall suspend the student for ten days and in addition shall refer the student to the school director for suspension of an entire school year (180 school days), or its equivalent imposed over consecutive portions of two school year calendars.
 2. Subsequent conduct described in section I.b shall result in suspension greater than one school year.
- b. If a student is suspended for a period of time less than or equal to ten days, the principal or assistant principal shall, without delay, provide notice to the student's parent or guardian. Notice shall, if possible, be given by telephone and be followed up with written notification. For purposes of this policy, written notification may be via electronic email. The notice, whether verbal or written, shall include the following:
 - i. That the student has been suspended;
 - ii. The grounds for the suspension;
 - iii. The period of time for which the student is suspended;
 - iv. The date, time, and place for the parent or guardian to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable.
 - v. If the principal or assistant principal has recommended that the school director suspend the student for a period longer than ten days, the fact shall be included in the notice to the parent or guardian. The student shall also attend the meeting.
- c. At the meeting with the student, parent or guardian, and the principal or assistant principal, the student shall be informed of the charges and evidence against him. If the student denies the charges, he/she shall be given an opportunity to present his version of the facts. If the parent or guardian and/or the student fails or refuses to attend the meeting at the scheduled date, time, and place, and reasonable efforts to contact them are unsuccessful, the principal or assistant

principal shall mail a notification to the parent or guardian describing the charges and evidence against the student.

- d. Upon conclusion of the meeting or upon a determination that the parent or guardian has not appeared for the meeting, the principal or assistant principal shall take one of the following actions:
 - i. If the reported conduct is a safe schools violation or described in section I.a and is a first time offense:
 1. No further disciplinary action is imposed beyond the previously stated period of suspension;
 2. An increase in the time of suspension up to a total of ten (10) school days.
 3. An increase in the time of suspension up to a total of ten (10) school days, with a recommendation to the school director that the student be suspended for a period of time greater than ten days up to an entire school year (180 school days) or its equivalent imposed over consecutive portions of two school year calendars;
 4. Recision of the suspension previously imposed and return the student to classes or impose other disciplinary actions not including suspension.
 - ii. If the reported conduct is described in section I.b:
 1. Suspension for a total of ten days with a recommendation to the school director that the student be suspended for at least one school year or longer; or its equivalent imposed over consecutive portions of two school year calendars;
 2. Recision of the suspension previously imposed and return the student to classes or impose other disciplinary actions not including suspension.
- e. If the principal or assistant principal recommends suspension for a period greater than ten days, he/she shall notify the school director of that recommendation as soon as practical. The school director or designee shall then schedule a hearing to be held with the student's parent or guardian, the student, and the school director or designee. The student, parent, or guardian should notify the school director immediately if they choose to waive the right to appeal and accept the disciplinary action recommended by the principal or assistant principal. If a hearing is requested, it shall be scheduled to take place prior to the tenth school day of the student's suspension unless otherwise agreed to by the parties.
 - i. The school director or designee shall provide written notice of the date, time and place of the hearing to the student and parent or guardian. The notice shall include a statement of the charges against the student, that suspension has been recommended beyond the ten day suspension

imposed by the principal or assistant principal, and the period of time for the recommended suspension.

- ii. The school director or designee shall preside at and conduct the hearing at the appointed time and place. The school and the student may each be represented by a person of their choosing. Each side may present witnesses, cross-examine witnesses, and make relevant and appropriate arguments.
- iii. The school director or designee shall make a final determination of the matter, and shall state, if a determination has been made, the determination to those attending the hearing. The determination, when made, shall be placed in writing and mailed to the student and the parent or guardian.
 1. If the reported conduct is a safe schools violation or described in section I.a and is a first time offense:
 - a. No further disciplinary action is imposed beyond the previously stated period of suspension;
 - b. Recision of the suspension previously imposed and a return of the student to classes;
 - c. An increase in the time of suspension for a period up to an entire school year (180 school days) or its equivalent imposed over consecutive portions of two school year calendars;
 - d. An increase in the time of suspension for a period up to an entire school year, with a recommendation to the Board of Trustees that the suspension be extended for a period greater than one year.
 2. If the reported conduct is described in section I.b 2 through 7, or a second offense, the determination shall be one of the following:
 - a. Recision of the suspension previously imposed and a return of the student to classes;
 - b. Concur with the referral to suspend the student for a period up to an entire school year, imposed as necessary over consecutive portions of two school year calendars.
 - c. In increase in the time of suspension for a period up to an entire school year, with a recommendation to the Board of Trustees that suspension be extended for a period greater than one year.
 3. If the conduct is described in section I.b.1, suspension shall be for at least one school year (180 school days) or its equivalent over two consecutive school years.