

02-108—Safe School Policy

It is the intention of Pacific Heritage Academy's Board of Trustees, Executive Director and Directors (School Administrators), to create an orderly and safe place for each student to learn. This means that Pacific Heritage Academy will have a positive learning environment, free of violence, intimidation, drug use, or harm from individuals, groups, gangs or anything related to criminal or gang-type behavior, attitude or activity, or any other type of behavior or activity that seriously disrupts the orderly and safe operation of the school. This policy provides guidance for the appropriate handling of any situation that (1) could place students, staff, or patrons, at risk of harm or in imminent danger and (2) will foster a positive, orderly learning environment. The Board recognizes that student discipline is essential to further the educational process and provide an environment conducive to learning.

The Board authorizes the administration to take appropriate action to protect and preserve order among the students and staff and to uphold school policy. Acts of violence, use or possession of a weapon or facsimile, criminal behavior, and gang activity in or about Pacific Heritage Academy/Schools, property, transportation, or activities shall be dealt with in accordance with Board/school policy and the law.

The Executive Director and Directors (School Administrators) will enforce policies with the aim to make students and their parents/guardians understand that unacceptable behavior will not be tolerated and will be dealt with in accordance with the Board's/school's discipline policies.

The Board of Trustees delegates to the Executive Director and Directors (School Administrators) of Pacific Heritage Academy the authority to suspend students up to 10 days. The Board also delegates to the Executive Director and Directors (School Administrators) the authority to suspend students up to one year.

1. PROHIBITED SERIOUS OFFENSES

The following behavior shall result in a student being suspended or expelled. These actions will result in an automatic and immediate 10-day suspension from school for secondary students (grades 6-8) and 5-day suspension for elementary students (grades K-5) during which time there will be an appropriate investigation. The initial suspension time may be reduced or extended when sufficient information is available to warrant such an action.

1.1. Weapons

1.1.1. Real Weapons, Explosives and Noxious or Flammable Material Possession (regardless of intent), control, use, sale, or attempt to possess, use or sell any firearm, knife, explosive device, noxious or flammable material, firework, chemical weapon, martial arts weapon, other instruments that eject a dangerous projectile or substance of any kind, and any item that in its manner of use or intended use is capable of causing death or serious bodily injury.

1.1.2. Look-alike or Pretend Weapons, Explosive Devices and Noxious or Flammable Material. The actual or threatened use of a look-alike or pretend weapon, explosive devices, and noxious or flammable material with intent to intimidate another person or to disrupt normal school activities.

1.2. Serious Assault

1.2.1. Aggravated

1.2.2. Sexual

1.2.3. 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.

1.3. Drug Offenses - The sale, control, or distribution of a drug or controlled substances defined in Utah Code Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3.

1.4. Arson - The intentional damaging of any property by means of fire or explosives as defined by Utah Code Section 76-6-102.

A violation of prohibited serious offenses may result in the student being suspended or expelled from school for a period of not less than one year subject to the following:

- Within 45 days after the action, the student and the student's parent or legal guardian is entitled to appear before The Executive Director and Directors (School Administrators) and it shall be determined.

- o What conditions must be met by the student and the student's parents for the student to return to school.

- o If the student should be placed on probation in a regular or alternative setting and what conditions must be met by the student in order to ensure the safety of students and staff at the school the student is placed in; and

- o If it would be in the best interest of both Pacific Heritage Academy/Schools and the student to modify the action term to less than a year, conditioned on approval by the Board and giving highest priority to providing a safe school environment for all students.

Students participating in Prohibited Serious Offenses shall be immediately referred to the appropriate law enforcement agency with notice to parents and/or guardians. If law enforcement removes the student from the school, parents will be notified as soon as is reasonably practical.

2. OTHER PROHIBITED ACTIONS

The following behavior will result in a student being suspended for 3 to 10 days for secondary students (grades 6-8) and 2 to 5 days for elementary students (grades K-5) during which time there will be an appropriate investigation. The actual discipline will depend on the circumstances, severity of the incident, and the student's prior violations and may result in suspension for up to but not more than 45 days.

2.1. Possession of an alcoholic or tobacco product.

2.2. Acting or being under the influence of a drug or controlled substance, or of an alcoholic beverage.

2.3. Willful mischief, destruction or defacing of property (including school, public, and private property) on school grounds; vandalism.

- 2.4. Bullying/Cyber Bulling or any willful act causing or resulting in direct or indirect physical or emotional injury to another person.
- 2.5. Confirmed willful disobedience or open and persistent defiance of proper authority.
- 2.6. Harassment, including sexual harassment and hazing; the perception of harassment.
- 2.7. Inappropriate use of cell phones or other electronic devices that disrupt the classroom or school routine, facilitate cheating, or threaten, intimidate or harass others.
- 2.8. The possession of or behavior alluding to pornography.
- 2.9. Assault.
- 2.10. Larceny, burglary, theft, or stealing.
- 2.11. Gang related activity.
- 2.12. Abetting.
- 2.13. Chronic use of abusive and/or foul language.
- 2.14. Trespassing.
- 2.15. Use of look-alike weapons, explosive devices and noxious or flammable material with no intent to intimidate or threaten.
- 2.16. The unintentional damaging of any property by means of fire or explosives; threatening or intimidating by means of fire or explosives.
- 2.17. Behavior, threatened behavior, or perceived 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.
- 2.18. Behavior proscribed under Prohibited Serious Offenses 1.1.1 above, which threatens harm or does harm to a person associated with the school, or property associated with any such person, regardless of where it occurs.
- 2.19. Any illegal activities covered by Utah Code but not previously addressed.

A student who is representing their school in any capacity whether elected or appointed may be released from that responsibility or privilege for the remainder of the school year if found guilty of one or more of the above actions. Students participating in Other Prohibited Actions may be referred to the appropriate law enforcement agency with notice to parents and/or guardians. If law enforcement removes the student from the school, parents will be notified immediately.

3. DUE PROCESS PROCEDURES AND DISCIPLINARY ACTIONS

Due process is an administrative procedure followed when actions of a student are in question. Fairness and reasonableness in disciplinary actions are to be maintained in all proceedings.

- 3.1. For violations involving terms contained in Section 1

3.1.1. The Executive Director and Directors (School Administrators) will immediately investigate the incident and if warranted, immediately suspend the student from school. The suspended student shall immediately leave the school grounds following a determination by the school of the best way to transfer custody of the student to the parent(s) or guardian or other person authorized by the parent or applicable law to accept custody of the student.

3.1.2. As soon as possible following the incident, but within the 10-day suspension period, the Executive Director shall investigate further and schedule a conference with the student and the parent(s)/guardian.

3.1.3. Pacific Heritage Academy Board Level Hearing and Appeals Committee Chair shall be notified of the violation and, if appropriate, schedule a review of the school investigation and the student response by the committee.

3.1.3.1. The hearing shall be conducted under the procedures outlined in this policy.

3.1.3.2. The parent(s)/guardian shall be notified of the right to appeal the decision of the hearing to the Board.

3.1.4. The student shall be disciplined as provided in Section 1.1.1-1.1.4 as deemed appropriate by the Board Chair and/or the Executive Director and Directors (School Administrators).

3.1.5. The student's parent(s)/guardian shall be notified, in writing, of the student's right to a due process hearing which shall be conducted according to the procedures outlined in this policy.

3.1.6. The Board Chair and/or the Executive Director and Directors (School Administrators) shall review all one-year expulsions or suspensions and prepare a report for the Board.

3.2. Other violations:

3.2.1. As soon as possible following the incident, Executive Director and Directors (School Administrators) shall investigate and document the charges and schedule a conference with the student involved. At this conference, the student may be suspended pending the formal parent conference.

3.2.2. If the issue cannot be immediately resolved or if school suspension is warranted, the Executive Director and Directors (School Administrators) shall invite the parent(s)/guardian to an informal conference where information can be presented on behalf of the student.

3.2.2.1. This informal conference shall take place at the first reasonable opportunity. In most instances, this conference should take place within three school days of the incident.

3.2.2.2. At the informal conference, the charges shall be explained and supporting evidence reviewed.

3.2.3. Following the informal conference, appropriate disciplinary action and parent notification in writing, shall be taken which may include, but is not limited to, one or more of the following:

3.2.3.1. Detention or In-school suspension

3.2.3.2. Behavior contract 3.2.3.3. Community service

3.2.3.4. Restitution for damages/harm

3.2.3.5. Parent/guardian attending class with student (requires teacher permission)

3.2.3.6. Referral for counseling (in and/or out of school)

3.2.3.7. Enrollment in anger control group

3.2.3.8. Referral to a behavior unit

3.2.3.9. Other alternative agreed upon by Executive Director and Directors (School Administrators), and parent(s)/guardian

3.2.3.10. Out-of-school suspension

3.2.3.11. Referral to other agencies

3.2.3.12. Expulsion

3.3. If the Executive Director and Directors (School Administrators) determines that the student should be suspended, the Executive Director and/or Directors (School Administrators) shall notify the parent(s)/guardian, in writing, of the right to a Board-level hearing for the student.

3.3.1. If a Board-level hearing is requested, the Executive Director and/or Directors (School Administrators) shall promptly notify the Director of Student, Family and Community Services.

3.3.2. If requested, the hearing shall be conducted under the procedures outlined in this policy.

3.3.3. The parents(s)/guardian shall be notified of the right to appeal the decision of the hearing to the Board.

3.4. A security or police officer may be invited to a due process hearing or any other phase of the student disciplinary action.

3.5. Suspended or expelled students shall be required to leave the school campus as soon as the Executive Director and Directors (School Administrators) can transfer custody to the parent(s)/guardian or other authorized individual.

3.5.1. Suspended or expelled students may not return to the school until stipulated by the Executive Director and Directors (School Administrators).

3.5.2. Suspended or expelled students may not attend school functions until stipulated by the administrator.

3.6. Any student who has been expelled from a public or private school within the preceding 12-month period may be denied enrollment in Pacific Heritage Academy/Schools.

3.7. The policy for student disciplinary action and due process shall apply to students with disabilities only to the extent permissible under the law.

4. PACIFIC HERITAGE ACADEMY BOARD LEVEL HEARINGS AND RIGHT OF APPEAL

4.1. The Board Chair shall appoint an administrator to conduct the hearing.

4.2. The administrator shall schedule the hearing with the school, the student and the parent(s)/guardian prior to the tenth day of the student suspension.

4.3. The administrator, with the assistance of two other designated staff members, shall conduct the hearing at the appointed time and place. Pacific Heritage Academy and the student may be represented by a person of their choice.

4.4. At the hearing, each side may make statements and present evidence relevant to the issues.

4.5. The hearing shall result in one of the following determinations:

4.5.1. Any disciplinary action already imposed is rescinded and the student is returned to school.

4.5.2. The appropriateness of the school's disciplinary action is affirmed.

4.5.3. The student is suspended for a total of 10 days and returned to school thereafter.

4.5.4. The student is suspended for more than 10 days from all Pacific Heritage Academy/Schools and is transferred to home instruction.

4.5.5. The hearing officer recommends to the Board that the student be expelled from Pacific Heritage Academy/Schools for one or more semesters with no instruction provided by Pacific Heritage Academy.

4.6. The determination of the hearing shall be mailed to the student's parent(s)/guardian within five working days following the hearing.

4.7. The parent(s)/guardian shall be notified of the right to appeal the decision of the hearing to the Board. If the hearing officer recommends that the student be expelled, the matter will automatically be appealed to the Board.

4.8. A record of all expelled students shall be kept and a notation of the expulsion attached to the individual student's grade transcript.

5. APPEALS TO PACIFIC HERITAGE ACADEMY BOARD OF TRUSTEES

5.1. The final determination may be appealed to the Board of Trustees.

5.2. A written appeal must be submitted to the Board Chair within 10 days of the day the determination of the hearing is mailed to the student.

5.3. The Board shall review the determination and the evidence presented at the hearing. (An additional hearing may be held and the student and/or parent may present their evidence).

5.4. The Board may affirm the determination, amend the determination, or affirm or amend the determination in part.

5.5. The Board's written decision shall be issued within 21 working days of the receipt of the student's written appeal.

6. DISSEMINATION AND COMMUNICATION OF THE SAFE SCHOOLS POLICY

The Safe Schools Policy will be disseminated and communicated to the students, parents, and community in the following ways:

55 6.1. Shared with all school staff, both professional and non-professional, through a written memorandum or other formal document.

6.2. Portions of the policy that directly affect students shall be included in the student handbook.

6.3. Special rules for participation on school teams or in school programs will be stated in writing, given to students, and reiterated orally by the coach or program advisor.

6.4. (Initially) Parents will be informed by mailing a copy of the policy with a letter of explanation directly to parents and will be posted online at the school's website (www.phlearning.org), or at PTFO meetings, and published in the school newsletters.

6.5. The Safe Schools Policy shall be disseminated and/or communicated to the students, parents, and community on an annual basis.

Definitions:

- **Abetting:** The act of supporting, encouraging, and/or assisting activities that violate the Safe Schools Policy.
- **Abusive/Foul Language:** Threats, and/or use of obscene, profane, or scurrilous language.
- **Aggravated Assault:** Assault committed with the intention of committing an additional offense; aggravated assault includes assault with intent to kill or to inflict serious bodily injury, whether or not a dangerous weapon is used.
- **Arson:** Defined by Utah Code 76-6-102. The intentional damaging of any property by means of fire or explosives.
- **Assault:** Defined by Utah Code 76-1-60(3), 76-5-102:
 1. An attempt, with unlawful force or violence, to do bodily injury to another.
 2. A threat, accompanied by show of immediate force or violence, to do bodily injury to another.
 3. An act, committed with unlawful force or violence, to do bodily injury to another. Threats to physical well-being of a student or staff and his/her family, both on and off school grounds, is also included. This definition is to include any activities that would be categorized as hazing.
- **Battery:** The unlawful and intentional touching or striking of another person against his or her will.
- **Behavior Contract:** A written plan developed by the school, in consultation with the student to be disciplined and the parent(s)/guardian, which may include a variety of interventions meant to reduce or eliminate specific behaviors
- **Board:** Pacific Heritage Academy Board of Trustees
- **Bullying:** Hurting others through words, actions, or social exclusion. Bullying may be done by one person or by a group. It is an unfair match since the bully is either physically, verbally, or socially stronger than the victim.

- Burglary and Aggravated Burglary: Defined by Utah Code 76-6-202,203.

- o Burglary is unlawfully entering a building or any portion of a building with intention to commit a felony or theft or commit an assault on any person.

- o Aggravated Burglary is when a person involved in a burglary causes injury to any person, or threatens the immediate use of a dangerous weapon against another person or possesses or attempts to use any explosive or dangerous weapon.

- Chemical Weapon: Any device or weapon that may be noxious to a person's health.
- Controlled Substance: Any substance that requires a physician's prescription or which is illegal for students to possess.
- Criminal Mischief/Vandalism: Defined by Utah Code 76-6-106 (1)(c). 56 o Any action that intentionally damages, defaces, or destroys the property of another, including the use of graffiti
- Cyber bullying: Cruelty to others by sending or posting harmful material using the Internet or cell phone. Cyber bullying differs from the more traditional forms of bullying in that it can occur at any time, its messages and images can be distributed instantaneously to a wide audience.
- Detention: Time spent outside of regular school hours, in a controlled situation, to make up for time lost or wasted during the school day. Also used as a negative consequence for improper behavior.
- Due Process: That process provided for by law that allows an accused student an opportunity to be heard.
- Explosive Devices: Any explosive, incendiary, bomb, or other device designed to shatter with great force and break up into potentially destructive pieces.
- Expulsion: To exclude a student for more than 10 days from all classes, to cease all provision of educational services and prohibit participation in all school sponsored activities; removal from school by the Board.
- Extortion: Obtaining money, information, or personal property from another person by coercion or intimidation.
- Facsimile: A copy of something designed to look like the original.
- Felonies/Class A Misdemeanor: See Utah Code Sections 76-3-103 through 105.
- Fighting: Physical conflict between two or more individuals (See Assault).
- Gang Behavior: A group of two or more people who form an allegiance and engage in a range of disruptive behaviors that may include violent and unlawful activity or which advocate hatred or discrimination on the basis of race, religion, sex, national origin, or disability
- Hearings:
 - o **Informal:** Meeting between school administrator, student, and parent(s)/guardian to discuss areas of concern and formulate a course of action.

o **Formal:** Scheduled meeting with school administrator(s), student, and parent(s)/guardian where either side may be represented by a person of their choice including legal counsel and where the parties may present evidence.

• Harassment/Hazing: Defined by Utah Code 76-5-106 and 76-5-107.5. Intimidation of a student or staff member or any act that injures, degrades, or disgraces a student or staff member

• Imminent Danger: The appearance of threatened or impending injury which would lead a reasonable person to attempt an instant defense, something which is threatening to happen at once, something close at hand, something which is close, although not yet touching, or on the point of happening.

• Intimidation: Engaging in behavior that prevents or discourages another student from exercising his/her right to education. Such prohibited behavior includes the use of threats, coercion, or force.

• Larceny /Stealing/Theft: The intentional unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another.

• Noxious Material: Substance that may be injurious or harmful to a person's health or damaging to property.

• Perception: The critical factor in situations involving two or more people. It is not the intent of the person performing the act that is of importance, but rather the feeling of the recipient as to what was intended. 57

• Pornography: Material (writing or pictures) or behavior that depict acts in a sensational manner so as to arouse a quick intense emotional reaction. Refer to Utah Code 76-10-1203.

• Possession: Having items on one's own person or having direct control over those items, such as having those items in one's book bag, automobile, etc.

• Projectile: Any object that is thrown, tossed, shot, spit, or otherwise launched at another person, group, or thing.

• Sexual Assault/Battery: As defined in Utah Code 76-9-702.

o An attempt, threat, or act of intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female, and that person knows or should know that his or her behavior will likely cause affront or alarm to the person touched.

• Student: Anyone who is currently enrolled in public or private school.

• Suspension:

o **In-school:** Confinement, at school, to a certain classroom or area of the school for the purpose of monitoring one's behavior and/or school work.

o **Out-of-school:** Exclusion from the student's regularly assigned school and school activities. School work will be provided for suspensions, upon request. An assignment to another school is not a suspension.

• Trespass: To enter or remain unlawfully on property.

- Willful Disobedience: Defined by Utah Code 53A-11-904(2)(B)(i and ii).

- o Any student that causes repeated disruptions, whose behavior is willful and overt and requires the attention of school personnel to deal with the disruption.