

Annual Notice to students, parents, and staff members: Timpanogos Academy is committed to maintaining a school climate that is free of harassment and discrimination.

Safe Schools Policy

Policy TA5180

Approved 6-18-19

Amended: 8-17-23

1. SAFE SCHOOLS

1.1. Timpanogos Academy Safe Schools Policy prohibits disruptive acts regardless of the legal status of a student; dangerous weapons; hazing/harassment; abetting; gangs, secret societies, and hate groups; bullying, cyber-bullying, retaliation, and the other prohibited acts as defined and described in these rules and regulations and according to Utah Code 53G-9-604-605. Discipline shall not be administered solely on the basis of an anonymous report of inappropriate behavior. No part of this policy is meant to infringe upon the right of a school employee or student to exercise their right of free speech.

1.2. Definitions:

1.2.1. Abusive Conduct. Verbal, nonverbal, or physical conduct that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

1.2.2. Disruptive Acts. Acts that disrupt the daily operation of the school include, but are not limited to, physical or sexual assault, intimidation, aggression, possessing or displaying a dangerous weapon.

1.2.3. Dangerous Weapons. Any item capable of causing death or serious bodily injury, or a facsimile or representation of the item. Dangerous weapons as defined by these rules shall include, but not be limited to, firearms, knives, metal knuckles, straight razors, explosives, poisons, drugs, and noxious, irritating or poisonous gases.

1.2.4. Hazing/Harassment. Intimidation of a student or staff member or any act that injures, degrades, or disgraces a student or staff member.

1.2.5. Abetting. The act of supporting, encouraging, and/or assisting activities which violate the safe schools policy.

1.2.6. Gang/Secret Societies/Hate Groups. A group of two or more people who form an allegiance and engage in a range of disruptive behaviors that may include violent or unlawful activity or which advocate hatred or discrimination on the basis of race, religion, sex, national origin or disability.

1.2.7. Discrimination. Treating someone different based on race, creed, color, national origin, religion, age, gender, or handicap.

1.2.8. Bullying. Intentionally aggressive behavior that can take many forms (verbal, physical, social/relational/emotional, or cyber-bullying – or any combination of these); it involves an imbalance of power, and is often repeated over a period of time. The bullying is generally unprovoked and can consist of one child bullying another, a group of children ganging up against one lone child, or one group of kids targeting another group.

1.2.9. Cyber-bullying. The use of cell phones, instant messaging, e-mail, chat rooms or social networking sites to harass, threaten or intimidate someone.

1.2.10. Other Prohibited Acts. Students may not:

1.2.10.1. Wear, possess, use, distribute, display or sell clothing, jewelry, emblems badges, symbols, signs or other things which are evidence of membership or affiliation in any gangs, secret societies and hate groups.

1.2.10.2. Commit acts, or use speech, either verbal or non-verbal (gestures handshakes, etc.) showing membership of affiliation in gangs, secret societies and hate group.

1.2.10.3. Use speech or commit any acts or omissions in furtherance of the interest of the gang, group or society, including, but not limited to: 1) soliciting others for membership, 2) requesting persons to pay for protection or otherwise intimidating or threatening any person, 3) committing other illegal acts or other violations of school district policies, 4) inciting other students to act with physical violence upon any other person, and 5) defacing school property (ie: books, desks, walls, etc.)

1.3. Students who participate in the prohibited activities described above in 1.2 Definitions, shall be dealt with in accordance with the procedures outlined in Rules and Regulations TA5180.

2. RULES and REGULATIONS TA5180

2.1. Timpanogos Academy's philosophy and goals emphasize an educational program, which helps students to act competently, and responsibly. Students are expected to accept responsibility for their own decisions, actions, and habits. Furthermore, students are to respect the rights and property of others and to act on the belief that each individual has value as a human being.

- 2.2. Rules of discipline exist to help ensure orderly, healthy, and productive environments in schools and classrooms and are designed and administered so that they promote self-discipline, civility, and respect for self and others.
- 2.3. State and Federal laws will be followed.
- 2.4. School climate data will be reviewed each year for information regarding the need for parental outreach and education on providing a discrimination and harassment free environment to promote positive engagement between staff, students, and parents.
- 2.5. Timpanogos Academy will submit all discipline data as required by Board Rule R277-609.
- 2.6. Training: Timpanogos Academy staff, volunteers who spend significant time interacting directly with students, and students (using age appropriate material) will receive training on corporal punishment prohibition, bullying, cyber-bullying, hazing, harassment and retaliation, the consequences of such behavior, investigating allegations, reporting violations and will include the following topics:
 - 2.6.1. Overt aggression: fighting, punching, shoving, kicking, verbal threats, name calling, and physical or verbal aggression or threatening behavior;
 - 2.6.2. Relational aggression or indirect, covert, or social aggression, including: spreading rumors, intimidation, enlisting a friend to assault, or social isolation;
 - 2.6.3. Sexual aggression or acts of a sexual nature, or with sexual overtones;
 - 2.6.4. Cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging, or any other electronic means for aggression inside or outside of school; ~~and~~
 - 2.6.5. Civil rights Act of 1964, including discrimination on the basis of race, color, or national origin;
 - 2.6.6. Title IX of the Education Amendments of 1972, including on the basis of sex;
 - 2.6.7. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability.
 - 2.6.8. Other violations, appropriate reporting and investigative procedures. This includes including bullying, cyber-bullying, hazing, abusive conduct and harassment;
 - 2.6.9. Discrimination on the basis of sexual orientation, religion, gender identity, or other physical or mental attributes;

2.6.10. Retaliation based upon the students' or employees' actual or perceived characteristics;

2.6.11. Retaliation based upon conforming or failure to conform with stereotypes.

2.7. Discipline Plan

2.7.1. Annual Signatures and Notifications – Employees will be required to sign an annual statement annually acknowledging receipt of this policy and that violations may result in employment discipline.

2.7.2. Parents/Guardians of enrolled students will be required to sign a statement annually indicating that the individual signing the statement has received the LEA governing board's policy.

2.7.3. Students who are 8 years or older will sign an annual statement after being trained on age appropriate material covering the required items in this policy.

2.7.4. Student athletes and club members are annually informed of prohibited activities under this policy and notified of potential consequences for violation of the law.

2.7.5. Coaches, colleagues, parents, and volunteers are expected to act consistently with professional standards of R277-515 in all responsibilities and activities of their assignments or volunteer service. Assignments or services may be cancelled if violations occur.

2.7.6. A copy of the policy shall be included in the employee handbook, parent/student handbook, and posted on the school website.

2.7.7. Intervention – Educators and administrators are to make available various intervention strategies to assist students in improving their conduct and developing self-discipline. They are also to assist harassed students and their parents in reporting subsequent problems and new incidents. 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 stay in school. Corporal punishment is prohibited under any circumstances. (53G-8-3, R277-608)

2.7.7.1. Corporal Punishment

2.7.7.1.1.1. The director or designee shall investigate all reports of corporal punishment committed by school employees. Both complainants and respondents may put in writing the details of the incident reported. An investigation may include information from

students, information from employee's supervisor(s), and information from parent(s).

2.7.7.1.1.2. If a violation is confirmed, the School Director shall take prompt action to ensure against a repetition of the violation. These actions may include in-Service training, Verbal warning against any repetition, a written warning against any repetition with a copy placed in the personnel file of the employee. If, in the judgment of the Director, the violation is of a flagrant or persistent nature, the incident shall be reported to the Board of Directors. Under the guidance of the Board of Directors the School Director shall take prompt and appropriate action that may include probationary status, suspension with or without pay pending an investigation into the incident, and/or termination for cause.

2.7.7.1.1.3. Appeal Procedure- If either party in a corporal punishment violation incident is dissatisfied with the action taken, a written request for reconsideration may be submitted to the school board within 20 days of the action taken.

2.7.8. The Issuance of an Incident Report – If a student has not responded to warnings issued by a supervising adult, this student may be issued an “Incident Report” for an incident that reflects poor or unacceptable behavior. This form will state what happened and the action taken by the teacher or adult supervisor. The parent or legal guardian must sign the form and return the form with a note as to the action they took in the matter. An in-school detention can be assigned for the misbehavior. Three “Incident Reports” in reference to similar misbehavior will result in a “Disciplinary Referral.”

2.7.9. The Issuance of a Disciplinary Referral – A “Disciplinary Referral” may be issued at any time for disobedient behavior, fighting, bad language, poor attitude, rebellion, disregard for school rules or property, or similar incidents. The parent or legal guardian will be contacted by the principal and in most cases a conference will ensue. In-school detention will be assigned.

2.7.10. Disciplinary Probation – If a student receives three “Disciplinary Referrals” within a grading period, the student will be put on disciplinary/attitude probation. A student may also be placed on disciplinary probation if the administration determines the behavioral pattern and records indicate the student is not abiding by the rules of the school. During this time, some privileges may be denied, and the student will be observed carefully to see if any real effort is being made to improve attitudes and/or behaviors. Administration reserves the right to say whether a student will be retained at the end of the probationary period.

2.7.11. Suspension

- 2.7.11.1. If a student receives three “Disciplinary Referrals” within a grading period, the student will be put on disciplinary/attitude probation. If a student receives more than three disciplinary referrals within a grading period, he/she may be suspended from school for one to five days.
- 2.7.11.2. The Principal has the authority and option to suspend a student from school. For example, if a student uses bad language or willfully starts or engages in a fight, that student most likely will be suspended immediately. The Principal/administrative designee may suspend students from school if behavior is in conflict with the best interest of fellow students, teachers and/or the administration and staff of Timpanogos Academy.
- 2.7.11.3. In-School Suspension – Students under an in-school suspension shall be removed from their regular classes and excluded from school activities. Adult supervision shall be provided.
- 2.7.11.4. Out-of-School Suspension – Students under out-of-school suspension shall not be allowed on any school grounds or allowed to participate in school-sponsored activities. It shall be expected that the parent/legal guardian provide adult supervision while the student is under suspension.
- 2.7.11.5. Causes for Suspension – The following acts committed by a student while under the jurisdiction of the school may constitute good cause for suspension and may also be reported to law enforcement:
 - 2.7.11.6. Steals or attempts to steal school or private property;
 - 2.7.11.7. Causes or attempts to cause damage to private property;
 - 2.7.11.8. Causes, attempts to cause, or threatens to cause harm to the school or school property, to another person, to a person associated with the school, or property associated with any such person, regardless of where it occurs (53A-11-904);
 - 2.7.11.9. Possesses, sells, or otherwise furnishes or threatens the use of any real, look alike, or pretend weapon (firearm, knife, explosive, etc.) or incendiary devices (matches, cigarette lighters, etc.) or other dangerous object;
 - 2.7.11.10. Possesses, uses, sells, or otherwise furnishes, or is under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind;
 - 2.7.11.11. Possesses or uses tobacco, electronic cigarette products, or other items of harmful trends;

- 2.7.11.12. Commits an obscene act or engages in habitual profanity or vulgarity;
- 2.7.11.13. Disrupts school activities, the instructional program or other aspects of the school day;
- 2.7.11.14. Commits 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;
- 2.7.11.15. This is defined as aggravated assault (use of weapon) or assault against a school employee or volunteer (76-5-102.3/103);
- 2.7.11.16. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior;
- 2.7.11.17. Is truant from school;
- 2.7.11.18. Engages in promiscuous sexual activity;
- 2.7.11.19. Commits an act of sexual harassment against another student;
- 2.7.11.20. Possesses or uses, sells or threatens the use of, or otherwise furnishes poisons, noxious, irritating, or poisonous gases;
- 2.7.11.21. Initiates or participates in a bomb threat;
- 2.7.11.22. Wears, possesses, uses, distributes, displays, or sells any clothing, jewelry, emblems, badges, symbols, signs or other items which are evidence of membership or affiliation in any gangs, secret societies and/or hate groups;
- 2.7.11.23. Bullying or cyber-bullying;
- 2.7.11.24. To harass or discriminate against any person or to retaliate against any person who makes a complaint;
- 2.7.11.25. Making a false report of bullying, cyber-bullying, harassment, hazing, or retaliation.
- 2.7.11.26. Whenever a student is suspended from school, threatens to commit suicide, is involved, alleged to be involved, or is a victim in an incident of cyber-bullying, bullying, hazing, harassment, or retaliation, or makes a false report of such, the parent, legal guardian or designated adult shall be contacted within 24 hours of the incident by the principal or designee by phone, email, or other agreed upon format. In the event of suspension, if personal contact or other arrangements are not possible, the student must be detained until the end of the school day, unless removed by an official of another agency. If suspension is to be in effect the following school day, the principal or designee shall inform

the parent, legal guardian or designated adult by telephone, email, or a home visit. All records of the notification shall be kept as part of the student information system. Notifications will be maintained until the student is no longer enrolled, at which time they will be deleted or shredded.

2.7.11.27. The annual survey will include assessing the prevalence of bullying, cyber-bullying, hazing, and harassment to identify areas where additional supervision may be required.

2.7.11.28. A teacher has the authority to suspend students from their classroom.

2.7.11.29. The principal/administrative designee must be notified at the time of suspension by the teacher.

2.7.11.30. Reasonable care shall be exercised to ensure the student is transferred to the principal/designee.

2.7.11.31. The teacher shall be responsible for completing the Discipline Referral Form, and for holding a conference, within reasonable time lines, with the student's parent/legal guardian or designated adult. The teacher shall "reduce to writing" the conference and submit it to the principal.

2.7.12. Appeal procedures

2.7.12.1. The parent, legal guardian or designated adult shall have the right to appeal the suspension.

2.7.12.2. The parent, legal guardian or designated adult shall prepare a written statement and submit it to the principal.

2.7.12.3. The principal shall attach the parent statement to the Discipline Referral.

2.7.12.4. After reviewing the case, the principal shall inform the parent, legal guardian or designated adult of the decision.

2.7.12.5. Expulsion – Expulsion is dismissal from school attendance by action of the Board of Directors. The Timpanogos Academy Board of Directors may expel a student for a fixed or indefinite period. Expulsion may be used as a last resort when efforts to effect satisfactory adjustments have failed or due to the nature of the violation. Reinstatement procedures can be developed, taking into consideration the best interests of the school and the student. Expelled students are prohibited from entering the school grounds or attending school functions.

- 2.7.12.6. Principal/administrative designees have authority to suspend a student up to 10 school days pending the outcome of investigation and recommendation to expel.
- 2.7.12.7. A student may be expelled if they have been suspended three times in a school year.
- 2.7.12.8. Upon expulsion, Timpanogos Academy assumes no responsibility or obligation in assisting the expelled student in finishing academic work or in helping the student to make arrangements to get into another school program, other than the normal transfer of academic records.
- 2.7.12.9. Causes for Expulsion - The following acts may constitute good cause for expulsion:
- 2.7.12.10. Steals or attempts to steal school or private property;
- 2.7.12.11. Causes or attempts to cause damage to private property;
- 2.7.12.12. Causes, attempts to cause, or threatens to cause harm to the school or school property, to another person, to a person associated with the school, or property associated with any such person, regardless of where it occurs (53A-11-904);
- 2.7.12.13. Possesses, sells, or otherwise furnishes or threatens the use of any real, look alike, or pretend weapon (firearm, knife, explosive, etc.) or incendiary devices (matches, cigarette lighters, etc.) or other dangerous object;
- 2.7.12.14. Possesses, uses, sells, or otherwise furnishes, or is under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind;
- 2.7.12.15. Frequent or flagrant willful disobedience, defiance of proper authority or disruptive behavior;
- 2.7.12.16. Commits an obscene act or engages in habitual profanity or vulgarity;
- 2.7.12.17. Is truant from school;
- 2.7.12.18. Engages in promiscuous sexual activity;
- 2.7.12.19. Commits an act of sexual harassment against another student;
- 2.7.12.20. Possesses or uses, sells or threatens the use of, or otherwise furnishes poisons, noxious, irritating, or poisonous gases;

- 2.7.12.21. Commits 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;
 - 2.7.12.22. This is defined as aggravated assault (use of weapon) or assault against a school employee or volunteer (76-5-102.3/103);
 - 2.7.12.23. Initiates or participates in a bomb threat;
 - 2.7.12.24. Wears, possesses, uses, distributes, displays, or sells any clothing, jewelry, emblems, badges, symbols, signs or other items which are evidence of membership or affiliation in any gangs, secret societies and/or hate groups;
 - 2.7.12.25. Bullying or cyber-bullying;
 - 2.7.12.26. To harass or discriminate against any person or to retaliate against any person who makes a complaint;
 - 2.7.12.27. Making a false report of bullying, cyber-bullying, harassment, hazing, or retaliation.
- 2.7.13. Due Process – Due process, under provisions of the law, shall be accorded to students who are suspended or expelled from Timpanogos Academy as follows:
- 2.7.13.1. In cases of suspension or expulsion, the student shall be informed of the reason for the suspension/expulsion have the opportunity to present his/her version of the infraction, and have a right to a review within reasonable time lines.
 - 2.7.13.2. The school authority (educator, principal/designee) who initiates suspension/expulsion procedures shall assume responsibility to assure that the student receives due process.
 - 2.7.13.3. Employee Grievances – In order to express concerns, the following procedures should be followed:
 - 2.7.13.3.1. Speak with the principal about the concern.
 - 2.7.13.3.2. If an acceptable resolution cannot be reached, submit your grievance in writing to the board chair. After receiving a response from the board chair, if you are still not satisfied, a hearing may be requested.

Physical Restraint and exclusionary Time Out

In accordance with Board Rule R277-609, in the event a physical restraint is used, the following guidelines will be followed:

(1) When used consistently with an LEA plan under Subsection R277-609-4(1):

- (a) a physical restraint must be immediately terminated when:
 - (i) a student is no longer an immediate danger to self or others; or
 - (ii) a student is in severe distress; and
 - (b) the use of physical restraint shall be for the minimum time necessary to ensure safety and a release criteria, as outlined in LEA policies, must be implemented.
- (2) If a public education employee physically restrains a student, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school as described in Section R277-609-10 to the student's parent.
- (3) A public education employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:
- (a) the amount of time described in the LEA's emergency intervention training program;
 - (b) 30 minutes; or
 - (c) when law enforcement arrives.
- (4) A public education employee may not use physical restraint as a means of discipline or punishment.
- (5) If a public education employee uses seclusionary time out, the public education employee shall:
- (a) use the minimum time necessary to ensure safety;
 - (b) use release criteria as outlined in LEA policies;
 - (c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;
 - (d) maintain the student within line of sight of the public education employee;
 - (e) use the seclusionary time out consistent with the LEA's plan described in Section R277-609-4; and
 - (f) ensure that the enclosed area meets the fire and public safety requirements described in Rules R392-200 and R710-4.
- (6) If a student is placed in seclusionary time out, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school to:
- (a) the student's parent; and
 - (b) school administration.
- (7) A public education employee may not place a student in a seclusionary time out for more than 30 minutes.
- (8) In addition to the notice described in Subsection (7), if a public education employee places a student in seclusionary time out for more than 15 minutes, the school or the public education employee shall immediately provide notice to:
- (a) the student's parent or guardian; and
 - (b) school administration.
- (9) Seclusionary time out may only be used for maintaining safety.
- (10) A public education employee may not use seclusionary time out as a means of discipline or punishment.