

SAFE AND ORDERLY SCHOOL POLICIES

(Student Discipline)

Venture Academy

All students, school employees, and volunteers have a right to participate in school activities in a safe and positive environment. When discipline is necessary, the goal is to restore the safe, respectful, and productive learning environment and to help the misbehaving student accept responsibility, be accountable, and develop better self-discipline. The same behavior standard will be expected of students and staff whether they are at school, at school sponsored activities, on fieldwork, or engaged in school endorsed extra-curricular activities.

Proactive Behavior Measures and General Training

Venture Academy expects high standards of conduct and seeks to instill these standards through explicit teaching of appropriate behavior, community building, and exhibiting empathy in and out of the classroom. Students are taught how to appropriately advocate for themselves and others. These skills and traits are modeled and taught within all curriculum but explicitly addressed through an organized structure and process we call crew. Crew is defined as a group of students that works for multi-year periods with one faculty member to create a strong bond of support between students and teachers. Instructional goals related but not limited to personal behavior, responsibility and accountability will be addressed through Crew. Conflict resolution and proper behavior will be explicitly taught with the positive outcome in mind. School culture is developed so students, parents, teachers, and staff feel safe in notifying the appropriate persons in authority if concerns arise. Venture Academy devotes significant time, effort, and resources to create this positive school culture.

Discipline

In all cases where discipline is required, it will be administered without regard to race, color, religion, sex, national or ethnic origin, legal status or special needs as explained in the Individuals with Disabilities Education Act (IDEA) and Section 504. Behavioral expectations will be the same for all students at the school unless the behavior is a manifestation of a student's disability, does not compromise the safety of other students, or special considerations relative to it have been addressed in the student's IEP or 504 plan.

I. Misconduct

Definitions

The School reserves the right to judge the severity of any single infraction or the persistence of patterns of behavior that are disruptive to the learning environment. Student misconduct (i.e., "disruptive student behavior," U.C.A. 53A-11-910) can be divided into two general types: major and minor. All minor and major misconduct described below is prohibited for students and staff and applies to situations involving student to student, staff to student, student to staff, or staff to staff.

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Minor misconduct is defined as a situation where physical, emotional, or social safety of students or staff is not seriously threatened but where there is a problem to be resolved, such as disputes between students, leaving messes, name calling, yelling, and class disruptions.

Major misconduct is defined as the willful and wanton acts of disrespect toward School staff members, students, or property. Examples of major misconduct include, but are not limited to, fighting; acts of defiance, insubordination, or disrespect; harassment/bullying; possession, distribution, or accessing of pornography (printed, electronic, or otherwise); blatant use of profane language; willful destruction of School property; possession or use of alcohol, drugs, or weapons; and where persistent disobedience in minor misconduct areas become chronic (such cases may, in sum, become classified as major misconduct).

Abusive conduct means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress; or exploits an employee's known physical or psychological disability and results in substantial physical or psychological harm.

A single act may not constitute abusive conduct, unless it is an especially severe and egregious act.

Harassment is defined as repeated communication to another individual in a demeaning or disparaging manner that create a hostile learning environment. Harassment includes, but is not limited to:

- *Sexual Harassment.* Sexually motivated actions that intimidate, humiliate or otherwise interfere with a student's life at school.
- *Ethnic Harassment.* Slurs, verbal references, gestures and other behavior, which tends to demean, humiliate, intimidate and/or threaten others on the basis of race, ethnic group or nationality.
- *Religious Harassment.* Slurs, verbal references, gestures, or other behavior which tends to demean, humiliate, intimidate and/or threaten others on the basis of creed or religious affiliation.
- *Sexual Identity and/or Orientation Harassment.* Slurs, verbal references, gestures, or other behavior which tends to demean, humiliate, intimidate and/or threaten others on the basis of sexual identity or sexual orientation.

Bullying is defined as intentional, aggressive verbal or physical behavior toward another person that:

- involves a real or perceived power imbalance;

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- is intended to create harm (physical or otherwise), or a fear of potential harm;
- is often intended to force the person targeted to do something against his/her will or desires; and
- is repeated or has the potential to be repeated over time.

Cyber-Bullying is bullying or harassing behavior that takes place through electronic communication.

Hazing is defined as demeaning, humiliating, or physically dangerous tasks or activities that are required as part of an initiation process into a school organization, club, program, etc.

Civil rights violation is defined as harassment, bullying, cyber-bullying, or hazing that is targeted at a student or employee upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:

- Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
- Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
- 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

The conduct described above as harassment, bullying, cyber-bullying, hazing, abusive conduct or a civil rights violation constitutes serious misconduct whether or not the person against whom the conduct is committed, under duress, consented to, or acquiesced to the conduct.

Gang Misconduct

Venture Academy prohibits any gang related activity. Gang activity is defined by actions taken by an organized group of three (3) or more persons that participate in delinquent activities that disrupt, deface or harm people or property related to the school. Venture Academy teachers and staff will be trained on gang identification and prevention. The school reserves the right to judge the threat to student and property safety and to apply disciplinary action up to and including suspension and expulsion. All known criminal gang activity will be reported to the police.

II. Prohibitions

Neither minor nor major misconduct are permissible at Venture Academy. Harassment, bullying, cyber-bullying, and hazing of any kind and for any reason by any student or school employee is forbidden. In addition, **retaliation** upon those that report bullying is forbidden and considered to be major misconduct and will be subject to disciplinary measures up to and including suspension

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and expulsion. False reporting of bullying or other misconduct will not be tolerated and will be subject to disciplinary measures.

Students who engage in misconduct while at school, at any school function, in connection to or with any school sponsored activity or event, are subject to disciplinary action, up to and including suspension or expulsion. Law enforcement officials shall be notified of such incidents as required by law.

In such cases where misconduct takes place outside of school or school sponsored events, but are reported to school officials, the report will be turned over to the proper authorities (e.g., parent/guardians, or if unlawful behavior is suspected, law enforcement officials.) The school reserves the right to judge the threat to student safety that any of these outside of school situations present, and to apply disciplinary action up to and including suspension and expulsion.

If the any of the major misconduct described in this section is known to be perpetrated against an individual as a means of targeting the victim as a member of a federally protected class, the misconduct may also constitute a civil rights violation and will be reported to the office for civil rights.

Illegal Drugs and Controlled Substances

Students, staff, volunteers and visitors are prohibited from possession or use of alcohol, tobacco (in any form including but not limited to cigarettes, chew, as well as e-cigarettes), illegal drugs, other controlled substances or affiliated paraphernalia on school property. This prohibition extends to all school sponsored activities and while transporting or acting as a student chaperone. Student violation of this policy may include disciplinary action up to and including suspension and expulsion. Staff and volunteers are subject to disciplinary measures for violations up to and including termination of employment/service.

III. Reporting & Investigation

Reporting of Incidents to School Officials

Students should report any misconduct or any other wrongdoing or injury they experience to their teacher, or other available staff or administration. Incidents may be reported anonymously, but disciplinary action will not be taken based solely on an anonymous report. Parents and volunteers should report any misconduct to their student's teacher as soon as possible. Teachers and staff should report incidents of misconduct or other wrongdoing against themselves or other staff members to administration. A confidential record that includes name of complainant, alleged offender, date and location, description of the incident, and notes on status will be kept of all

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reported incidents that involve harassment, bullying, cyber-bullying, hazing, or other serious misconduct such as assault.

Freedom of Expression

Students have the right to express themselves openly on school premises about matters of social, political, and religious importance. However, students may not express themselves in a way that causes a disruption of, or interference with, the orderly conduct of school activities or is inconsistent with the school's basic educational mission. Teachers and administrators may also edit the style and content of student speech at school assemblies, in the school newspaper, in school theatrical productions, and in other school-sponsored activities, where teachers and administrators have legitimate educational concerns.

Investigations

Venture Academy will promptly and reasonably investigate allegations of wrongdoing. Investigations are conducted under the direction of the school principals and their designees. Investigations shall include interviews of all parties involved and any witnesses as well as all other available evidence. Investigation procedures will include retaining names of people involved, names of any witnesses, date and location of incidents, and a statement of what is claimed to have happened, and the results of the investigation. A confidential report will be created and retained in school records. In the case of serious misconduct, both the offender and the victim's parent or legal guardian will be notified of the results of the investigation.

Administration shall direct school employees in developing strategies and protocols for protecting victims from further incidents and possible retaliation based on the circumstances of the individual case.

Search of Person or Property

The school has the responsibility to protect the health, safety and welfare of its students. In carrying out this responsibility, student lockers or other areas for storing personal items may be searched without the permission of the student involved (Act 451, Section 380.1306.)

- All searches of student property by school personnel shall be witnessed by a third party (such as another administrator, teacher, or police officer). All contraband discovered in a search by school officials shall be immediately confiscated and shall be turned over to law enforcement officers.
- When reasonable suspicion leads to a search of a person, school officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband, but under no circumstances may school officials require students to remove any other items of clothing or touch students in any

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way during the search. If such a search is required, school officials will contact law enforcement. School personnel shall document the details of any search conducted of a student's property or person. School personnel shall respect the privacy of pupils regarding any items discovered that are not illegal or against school policy or rules.

In compliance with state and federal law, students have a limited expectation of privacy on the school's network and internet system resources. Routine monitoring or maintenance may lead to discovery that a user has violated school policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a use has violated policy or law. Personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.

Personal Property

Personal property not related to the school's educational program or a specific learning activity, should not be brought to school.

Personal Electronic Devices

Personal electronic devices are defined as smart phones, smart or electronic watches, tablets, chromebooks, laptops, virtual reality devices, etc. Electronic devices should be used appropriately and in conjunction with the rules and guidelines established by the school administration and the school's Internet Safety and Technology Acceptable Use Policy.

Parent Notification

The principal or designee will notify a parent/legal guardian, by in-person conversation, phone or email if the parent's child threatens to commit suicide, or if the student is involved in a serious incident including, but not limited to, harassment, bullying, cyber-bullying, hazing, or retaliation (whether perpetrator, victim, or undetermined). The school will produce and maintain a secure, confidential permanent record that verifies that the parent was notified of the incident or threat. The school will not disclose the record to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law.

Confidentiality

Venture Academy will comply with the Family Educational Rights and Privacy Act (FERPA). School officials shall strictly protect student confidentiality in matters of discipline and take all reasonable measures to keep information dissemination on a need to know basis.

IV. Consequences

Consequences for misconduct will bear a reasonable relationship to the severity and

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nature of the misconduct and will be progressive in nature, i.e., generally speaking, first time offenses will be treated less severely than repeated misconduct. Good faith efforts will be made to implement a remedial discipline plan that allows the student to remain in school (U.C.A. 53A-11-906). Alternatives to suspension including in-school suspension will be considered first.

Suspension and Expulsion

Students who are unable to meet the behavioral expectations of the School may be suspended or expelled. “Suspension” shall be exclusion from the regular School program for a definite period of time. A long-term suspension is suspension for more than ten (10) days. “Expulsion” shall be the permanent exclusion of a student from this School. Students suspended three or more times during an academic year may be subject to expulsion.

A teacher may independently suspend a student for up to one day if the building principal is not available and the situation warrants suspension. The decision to suspend a student for any number of days from more than one (1) to ten (10) is made by the building principal in consultation with the teacher involved in the incident and the student’s primary teacher or advisor.

The decision to suspend a student for any number of days more than ten (10) or to expel a student is made by the Principal in consultation with the Director. This decision may be reviewed in a formal hearing if the parents/guardians choose (see due process section). Students will be expelled for behavior that is unlawful and/or that seriously threatens the health, safety and welfare of the student and/or others. In addition, students will be expelled in those situations where the same is required by law. Students subject to long-term suspension or expulsion, who qualify under the Individuals with Disabilities Education Act (IDEA) or Section 504, will have their suspensions and expulsions administered under the requirements of the respective act(s).

Suspension. Offenses that may result in suspension include, but are not limited to:

- Fighting (fist or otherwise) with the intent to do bodily harm to another person
- Assault, i.e., intentionally hurting another person
- Verbally abusing others
- Not following directions outside the building, or off school property
- Defying the valid authority of a teacher, administrator, or other adult at the school
- Harassment, bullying, cyber-bullying, or otherwise threatening another’s physical or emotional safety
- false report of fire/explosion
- racial or sexual harassment
- possession, distribution, or accessing of pornography (printed, electronic, or otherwise), etc.
- use of alcohol or drugs

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- Stealing or attempting to steal school or private property
- Defacing school property or property of others
- Unauthorized use of equipment
- Inappropriate use of the internet
- Committing an obscene act or engaging in habitual profanity or vulgarity

Expulsion. Offenses that may result in expulsion include, but are not limited to:

- Causing serious injury to another person--assault.
- Possession of, use, sale of, or furnishing any firearm, knife, explosive, or other dangerous object
- Unlawful possession of, use or sale of any controlled substance
- Distribution of, or facilitating access to, pornography (printed, electronic, or otherwise), etc.
- Robbery or extortion
- Offering, furnishing, or selling drug paraphernalia
- Criminal behavior
- Three or more suspension in one year.

Qualifying Minors

“Qualifying minors” (i.e., a student who is at least nine years of age, or turns nine during the school year, the time during which school is in session for a given year), may be subject to the juvenile court as stipulated in U.C.A. 53A-11-910.

Information about Juvenile Offenders (R277-714). The director, principal, school secretary, and teachers of students have authority to receive private information about students who are designated juvenile offenders if the offense poses a potential future threat to the welfare of the offender, other students, or staff members. Such information will be disseminated by the Director or his/her designee. Violent crimes and drug related crimes are examples of offenses that pose possible future threats. Petty theft is an example of an offense that would be left to the discretion of the Director. The School reserves the right to judge the potential threats of any juvenile offender and to act in good faith to preserve the safety of the staff and students, while respecting the privacy of the offender.

Corporal Punishment & Least Restrictive Interventions

Venture employees or volunteers may not inflict or cause the infliction of physical pain upon the body of a minor child as a discipline measure. Corporal punishment is defined as the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure. Employees who use corporal punishment are subject to grave disciplinary measures up to and including termination of employment and criminal

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charges. This policy does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstance to:

1. Obtain possession of a weapon, other dangerous objects, or controlled substance in the possession or under the control of a child.
2. Protect the child or another person from physical injury.
3. Remove from a situation a child who is violent.
4. Protect property from being damaged.

The Director shall establish emergency procedures and guidelines to be used in crisis situations including the use of redirection, physical restraint, manual restraint, contacting appropriate emergency personnel, etc.

In the event that emergency procedures are utilized, staff will document all periods of emergency behavior control. A parent or guardian will be contacted as soon as possible.

Due Process

The right to due process in disciplinary proceedings is applicable in all instances where the behavior of the student is being evaluated for suspension or expulsion. The student and his/her parents ("Parent" includes: (i) a custodial parent of a school-age minor; (ii) a legally appointed guardian of a school-age minor U.C.A 53A-11-910) has a right to be fully informed about his/her alleged breach of behavior and must be provided with an opportunity to respond to such charges.

The school Director shall develop due process guidelines and procedures that include written notification, informal hearings, formal hearings, and appeals. All applicable requirements of state and federal law and constitutional due process will be adhered to.

When requested by parents/guardians, a formal hearing shall be held as a part of the due process procedure for long-term suspensions (more than 10 days) and for expulsions. The formal hearing shall consist of a panel of at least three (3) school officials that will be given authority to decide the issue. Board members shall be notified of all long-term suspensions and expulsions.

Appeals of a formal hearing decision to the Board of Directors must be received by the school Director, in writing, within five (5) business days of the formal hearing panel's decision.

V. Training

School administration shall develop proactive guidelines and approaches that will decrease the likelihood of misconduct incidents in accordance with school philosophy of respect, personal responsibility and accountability, school values and EL Education core practices.

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Teachers and staff will receive annual training from a qualified professional on how to effectively recognize and intervene in acts including but not limited to overt aggression, social aggression, sexual aggression, any type of bullying, or civil rights violations when such are witnessed by them or brought to their attention. This will include training in how to provide students with an opportunity to provide feedback on how we are doing on our safe school goals. Staff, students and volunteers will receive training on how and to whom to report misconduct incidents. Students will be trained on awareness and intervention by acting with empathy (i.e. recognizing and helping those in need) and acting with personal accountability for one's own actions. Training will also be provided for teachers (53a-1-603) on suicide prevention. Parent education will be provided annually by the school district in which the student resides (53a-15-1302).

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