



Discipline and Safe Schools Policy

Policy Number: 3204

I. Policy

The Summit Academy Board of Trustees recognizes that a safe, positive environment is essential to further the educational process. It is the intent of the Board to provide every student with the opportunity to learn in an environment that is conducive to the learning process and free from unnecessary disruption or distraction. Students are expected to conduct themselves in a manner that reflects positively on themselves, their parents/guardians, and Summit Academy. It is expected that respect and cooperation will be the basis of interactions with faculty and fellow students. Activities such as pranks, jokes, games, or hoaxes are not permitted if they disrupt the educational process, damage school property, or violate the law. In addition, student acts of criminal behavior that place any person in imminent danger are prohibited at the school, on school grounds, traveling to and from school, at school sanctioned activities, or when students are being transported in school vehicles. actions may be taken with students whose conduct in locations other than those mentioned, threatens, or does harm to the school, school property, or persons associated with the school.

II. Definitions

- A. Corporal Punishment: Any punishment that involves the intentional infliction of physical pain upon the body of a student as a disciplinary measure.
- B. Dangerous Weapon: (Utah Code 76-1-601) A firearm or another object that in the manner of the object's use or intended use is capable of causing death or serious bodily injury to an individual. Dangerous weapons include, but are not limited to:
 - a. Firearms
 - b. Knives
 - c. Explosives
 - d. Fireworks
 - e. Chemical devices
 - f. Martial arts weapons
- C. Facsimile or representation of the item is also considered a dangerous weapon if:
 - a. the actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or
 - b. the actor represents to the victim verbally or in any other manner that he is in control of such an item.
- D. Discipline: The rules and strategies applied in school to manage student behavior and practices used to encourage self-discipline.
- E. Disciplinary Board: The Disciplinary Board consists of the following personnel:
 - a. Executive Director
 - b. Principal from another campus
 - c. School counselor or social worker
 - d. Director of Special Education (if the student has a documented IEP or 504)

- e. Director of Safety (if the incident is considered a Safe Schools Violation)
- F. Distribution: The sale, manufacture, exchange, or transfer of ownership of an illegal or controlled substance.
- G. Emergency Safety Intervention (ESI): The use of seclusion or physical restraint when a student presents an immediate danger to self or others.
- H. Gang: A group or association of three or more persons whose members:
 - a. individually or collectively engage in a pattern of criminal activity;
 - b. have as one of their primary objectives or activities the commission of one or more underlying crimes including acts by juveniles that would be underlying crimes if committed by adults; and
 - c. have in common an overt or covert organizational or command structure.
- I. Gang-related Activity: The commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying criminal acts by a juvenile that would be an underlying crime if committed by an adult.
- J. Imminent Danger: The appearance of threatened and impending injury which would lead a reasonable person to attempt an instant defense.
- K. Physical Escort: A temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.
- L. Physical Restraint: A personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.
- M. Probationary Plan: A plan created to address the individual academic and behavioral needs of a student. This plan lists specific expectations and/or requirements a student needs to meet within the set probationary period. The plan should also include any consequences should the student fail to comply with the plan, which may include additional disciplinary action or expulsion. The plan must be signed by an administrator, the student, and the student's parent or guardian.
- N. School Safety Violation: Behavior which includes, but is not limited to;
 - a. any action which creates imminent danger.
 - b. the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material.
 - c. the possession, distribution, or selling of illegal or controlled substances.
 - d. acts of gang behavior
- O. Seclusion: Seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including:
 - a. Placing a student in a locked room; or
 - b. Placing a student in a room where the door is blocked by furniture or held closed by staff.

III. Administrative Guidelines

The principal, or designee, should focus on fairness and consistency when determining the appropriate disciplinary action in the most effective manner. The principal, or designee, has a responsibility to protect the health and welfare of all students, employees, or visitors. The principal, or designee, must take into consideration all factors present in a particular situation, including, but not limited to, the intent, degree of actual or potential endangerment or damage, degree of intimidation or fear, repeated infraction, and the age of the student. Whenever possible, the principal, or designee, will:

IV. Disciplinary Actions

Summit Academy administration may utilize, but is not limited to, one or more of the following disciplinary actions.

- A. School Day Detention: This includes supervised detainment of a student during the school day outside of class time, such as lunch time, or any other non-academic time, and may include service work including cleanup work in the cafeteria, hallways, or other areas of the property. Students may also be required to complete assigned interventions based on academic or behavioral needs.
- B. After School Detention: This includes supervised detainment of a student after school hours and may include service work, including cleanup work in the cafeteria, hallways, or other areas of the property. Students may also be required to complete assigned interventions based on academic or behavioral needs.
- C. Saturday Detention: This includes supervised detainment of a student on a Saturday and may involve service work, including cleanup work around the property. Students may also be required to complete assigned interventions based on academic or behavioral needs.
- D. In-school Suspension: The student is removed from their assigned class or classroom and is placed in a supervised alternative location on campus. During this time, students should complete academic work missed in the classroom. Students may also be asked to perform service work including cleanup work in the cafeteria, hallways, or other areas of the property. Students may also be required to complete assigned interventions based on academic or behavioral needs.
- E. Out-of-school Suspension: The student is not permitted on campus to attend classes or activities. The student's parent or guardian is responsible to provide supervision of the student during this time. Students are encouraged to complete academic work missed while suspended from campus. Students may also be required to complete assigned interventions based on academic or behavioral needs. Days missed due to a suspension count as an unexcused absence for attendance purposes.
- F. Extracurricular Activities Suspension: The student may not participate in any school associated extracurricular activity, either as a participant or spectator, for the duration of the suspension. Extracurricular activities include athletics, school clubs, student council, and any other program which falls outside of the required curriculum.
- G. Probation: The student may be placed on an individualized probationary plan. If a student, or their parent or guardian refuses to sign the plan within five (5) school days, they agree to expulsion from Summit Academy.
- H. Expulsion: The student will be unenrolled from the school for a minimum of twelve (12) months. Prior to expulsion:
 - a. the school administrator will gather a school disciplinary board to review and approve the disciplinary action.
 - b. the principal, or their designee, will inform the student's parents or guardians by email and certified letter of the disciplinary action and the student's right to due process.

If a student is expelled from Summit Academy, the responsibility to enroll the student in an alternate educational program falls on the parent or legal guardian. (Utah Code 53A-11-907)

V. School Safety Violations, Compliance and Consequences

Certain student behavior and conduct creates an unsafe learning environment for themselves or others at Summit Academy. School safety violations vary in range of severity and danger. As such, many issues are best handled at the school level while more serious situations that pose imminent danger may need to be investigated by law enforcement. All real and perceived school safety violations should be taken seriously and investigated fully. Please refer to the Summit Academy Threats Policy (SA Policy 5106) for any behavior or conduct which involves a threat of violence towards another person.

Due to their nature and significance, some school safety violations have prescribed disciplinary actions, as outlined in Utah Code 53G-8-205.

- A. A student MAY be suspended or expelled from Summit Academy for any of the following reasons:
 - a. frequent or flagrant willful disobedience, defiance or proper authority or disruptive behavior including the use of foul profane, vulgar, or abusive language.
 - b. willful destruction or defacing of school property.
 - c. behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or the operation of the school.
 - d. behavior which threatens or does harm to the school or school property, to a person associated with the school or property associated with that person, regardless of where it occurs.
- B. A student SHALL be suspended or expelled from Summit Academy for any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity including:
 - a. possession, control, or actual or threatened use of a dangerous weapon, explosive, noxious, or flammable material.
 - b. the actual or threatened use of a look-alike weapon with the intent to intimidate another person or to disrupt normal school activities.
 - c. possession, use or control of an alcoholic beverage.
 - d. use and possession of commercial tobacco products, including e-cigarettes and similar products.
 - e. use and possession of vapes (nicotine or non-nicotine) and related devices.
 - f. use and possession of a drug or controlled substance, an imitation controlled substance, or drug paraphernalia.
 - g. the sale or distribution of any drug or controlled substance, an imitation controlled substance, drug paraphernalia, tobacco products (including e-cigarettes and similar products), alcohol, and vapes (nicotine or non-nicotine) and related services.
- C. A student SHALL be expelled from Summit Academy for any serious school safety violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
 - a. commission of any act involving the use of force or threatened use of force if committed by an adult would be a felony or a Class A misdemeanor.

VI. Special Education Law and Students with Qualified Disabilities

Whenever a student who is receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or who has been evaluated and identified as having a disability under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to discipline for a violation of this policy, the discipline due process procedures prescribed by applicable state and federal laws and regulation shall be followed.

Disciplinary action(s) involving consequences beyond 10 days suspension in a single school year is considered a “change of placement” under the IDEA and requires a manifestation determination as outlined in the Summit Academy Special Education Policy and Procedure Manual.

If a student with a disability commits a school safety violation, regardless of whether the misconduct is a manifestation of the student’s disability, Summit Academy may remove the student to an interim alternative educational setting for up to forty-five (45) days. Students with disabilities eligible under the IDEA are not subject to expulsion as a disciplinary measure.

VII. Prohibition on Corporal Punishment (Utah Code 53G-8-302, USBE R277-217-2, USBE R277-608)

- A. A Summit Academy employee or volunteer shall not inflict or cause the infliction of corporal punishment upon a child who is receiving services from the school. This does not prohibit the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate action to the circumstances to:
 - a. obtain possession of a weapon or other dangerous object in the possession or under the control of a student.
 - b. protect the student or another person from physical injury.
 - c. remove from a situation a child who is violent.
- B. Any employee or volunteer who violates the prohibition on corporal punishment shall face disciplinary action up to and including termination.
 - a. Procedures for appealing employee disciplinary action may be found in the Grievance Policy.

VIII. Emergency Safety Intervention (ESI) (Utah Code 53G-8-301)

- A. A school employee shall first use the least restrictive intervention available to the school employee, including a physical escort, to address circumstances described in Section B and C below.
- B. For a student in grade 1 or higher, a school may use seclusion as an emergency safety intervention only when:
 - a. a student poses an immediate and significant threat to the student or others;
 - b. less restrictive interventions have failed;
 - c. a school employee who is familiar to the student is actively supervising the student for the duration of the seclusion;
 - d. seclusion use is time-limited to a maximum time of 30 minutes and monitored;
 - e. any door remains unlocked consistent with the fire and public safety requirements described in Utah Admin. Code R392-200 and R710-4.
- C. A trained school employee may use reasonable and necessary physical restraint only:
 - a. in self-defense;
 - b. to obtain possession of a weapon or other dangerous object in the possession or under the control of a student;

- c. to protect a student or another individual from physical injury;
- d. to remove from a situation a student who is violent; or
- e. to protect property from being damaged, when physical safety is at risk.

D. ESI Procedures:

- a. Seclusionary timeout and physical restraint shall be consistent with evidence- and research-based practices. Practices include:
 - i. continual observation of the student by school employees who have received the comprehensive ESI training, when using seclusionary timeout;
 - ii. release criteria;
 - The school employee must immediately terminate physical restraint or seclusion when the student is no longer an immediate danger to self or others or if the student is in severe distress. The use of physical restraint shall be for the minimum time necessary and never for more than 30 minutes.
 - iii. proper documentation of ESI pursuant to the comprehensive ESI training;
 - If seclusion was used, the school employee shall document the reason for its use, duration, and any alternative strategies attempted.
 - iv. notification to the student's parent or guardian and school administration immediately, and not to exceed 15 minutes after the use of any ESI used on the student, including seclusion or physical restraint;
 - Notification to parent/guardian shall be consistent with Section VII of this policy;
 - v. debrief of witnesses;
 - vi. reporting to state student information system and required surveys; and
 - vii. post-ESI assessment and monitoring of students.

E. Students with disabilities

- a. Emergency safety interventions are written into a student's Individualized Education Program (IEP), as a planned intervention, unless:
 - i. school personnel, family, and the IEP team agree less restrictive means have been attempted;
 - ii. a Functional Behavior Assessment (FBA) has been conducted, and
 - iii. a positive behavior intervention, (BIP) based on data analysis has been written into the plan and implemented.
- b. Use of ESI as a planned intervention under this section requires approval from the Director of Special Education after consultation with a District-level behavior specialist.

IX. Alternatives to Out-of-school Suspension and Expulsion (Utah Code 53G-8-207)

Prior to expelling or suspending a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not a safe school violation or of an extreme nature that would require immediate removal, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school.

X. Readmission and Admissions of Students Who Have Been Suspended or Expelled (Utah Code 53G-8-206)

If a student is removed from school, the student must meet with the parent or guardian and school officials to make a probationary plan to correct the behavior(s) and complete any conditions imposed. Readmission depends upon satisfactory evidence that the student will not be a danger to self, others, or school property.

Summit Academy retains the right to deny admission to any student who has been expelled from any school in the last twelve (12) months. All students who seek enrollment outside of the open enrollment application period must disclose all suspensions or expulsions from the previous twelve (12) months.

XI. Due Process (Utah Codes 53G-8-204, 53G-8-206, 53G-8-212)

- A. Written Notice: Summit Academy will provide written notice of this policy in various formats, such as on the school website and student handbook.
- B. On-going Review: Summit Academy will review portions of this policy throughout the school year with students and their parents or guardians. This review will include classroom presentations and discussions, newsletters, and posted notices in prominent locations in the school.
- C. New Student Enrollment: Summit Academy will provide safety information to new students and their parents or guardians upon enrollment. Summit Academy will also request the disciplinary records of any student enrolling outside of the open enrollment application period.
- D. Understanding Policy: Summit Academy will assist students and their parents or guardians to better understand this policy in the following ways:
 - a. An administrator will review and facilitate understanding of this policy with a student, parent, or guardian, if requested.
 - b. Summit Academy will provide an interpreter if language or hearing impairment is a concern.
- E. Procedures Following an Alleged Violation:
 - a. All students receiving disciplinary action under this policy will be provided with the right to advocate for themselves. This includes making the student aware of any allegation made against him or her which may lead to disciplinary action. The privacy of any witness or accuser should remain confidential during this process and only be disclosed with their permission.
 - b. Law enforcement may be contacted if the alleged violation warrants such an action.
 - c. The parents or guardians of the student will be notified of any disciplinary action, as soon as reasonable, involving suspension or the removal of the student from the classroom.
 - d. Any suspension requires a written notification to the parent or guardian outlining the reasons for suspension and the expectations of the student upon the student's return.
 - e. If the chosen disciplinary action involves the removal of the student for more than ten (10) school days, the parent or guardian of the student may send a written request for a hearing with a Disciplinary Board. This request must be fulfilled within ten (10) days following the receipt of the request. At this hearing, the parent or guardian of the student may request a review and revision of the disciplinary action, including a request to rescind the suspension or revise the number of days a student is suspended. The Director of Summit Academy shall provide written notice of the Disciplinary Board's decision to the parent or guardian within five (5) school days of the hearing. The decision of the Disciplinary Board is final.
 - f. Refer to Section VI of this policy for additional due process students with a qualified disability.

XII. Additional References and Authorities

Utah Code 53E-3-509 – Gang Prevention and Intervention Policies

Utah Code 53E-3-516 – School Disciplinary and Law Enforcement Action Report – Rulemaking Authority

Utah Code 53E-3-522 – Substance Abuse Prevention in Public School Programs

Utah Code 53G-6-202 – Public School Discipline Policies – Bases of the Policies – Enforcement

Utah Code 53G-6-208 – Student Suspended or Expelled – Responsibility of Parent – Application for Students with Disabilities

Utah Code 53G-8-210 – Disruptive Student Behavior

Utah Code 53G-8-211 – Responses to School-based Behavior

Utah Code 53G-8-301 - Emergency Safety Interventions – Appropriate Uses – Penalties

Utah Code 53G-8-506 – Reporting of Prohibited Acts Affecting a School – Confidentiality

Utah Code 53G-9-604 – Parental Notification of Certain Incidents and Threats Required

USB E R277-400 – School Facility Emergency and Safety

USB E R277-436 – Gang prevention and Intervention Programs in the Schools

USB E R277-607 – Truancy Prevention

USB E R277-608 – Prohibition of Corporal Punishment in Utah’s Public Schools

USB E R277-609 – Standards for LEA Discipline Plans and Emergency Safety Interventions

USB E R277-613 – LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training

USB E R277-736 – Juvenile Court or Law Enforcement Notice and Information Dissemination

USB E R277-910 – Underage Drinking Prevention Program R. USB E R277-912 – Law Enforcement Related Incident Reporting

XIII. Attachments

N/A

XIV. Revision History and approval Date

Version 1: October 2023: Consolidation and comprehensive revision of the following policies:

- A. Discipline Policy (No assigned number)
- B. Safe School Policy (5201)
- C. Alternatives to Suspension or Expulsion Policy (No assigned number)
- D. Corporal Punishment Prohibition Policy (No assigned number)

Version 2: Approved April 24, 2025: Added “Activities such as pranks, jokes, games, or hoaxes are not permitted if they disrupt the educational process, damage school property, or violate the law” into section 1 Policy

Version 3: Approved: October 16, 2025: Added section 8 “Emergency Safety Intervention (ESI) (Utah Code 53G-8-301)” and Update to formatting. Added links to all Utah State Codes.